

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

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

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

Supervisor Chiu
BOARD OF SUPERVISORS

1 Section 1. Findings.

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

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

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

16
17 Section 2. The San Francisco Planning Code is hereby amended by repealing Section
18 158 (Major Parking Garages in C-3 Districts) in its entirety.

19
20 Section 3. The San Francisco Planning Code is hereby amended by amending the
21 following sections or specific subsections: Sections 102.9, 135, 138, 138.1, 140, 141, 151,
22 151.1, 155, 156, 157.1, 158.1, 161, 163, 182, 184, 204.3, 204.2, 204.5, 206.3, 223, 239, 243,
23 249.25, 307, 309, 714, 722, 810, 811 and 812, to read as follows:

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

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

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

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

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

18 (2) Elevator shafts, stairwells, exit enclosures and smokeproof enclosures, at each
19 floor;

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

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

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

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

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

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

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

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

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

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

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

18 (4) Mechanical equipment, appurtenances and areas, necessary to the operation or
19 maintenance of the building itself (i) if located at an intermediate story of the building and
20 forming a complete floor level; or (ii) in C-3 Districts, if located on a number of intermediate
21 stories occupying less than a full floor level, provided that the mechanical equipment,
22 appurtenances and areas are permanently separated from occupied floor areas and in
23 aggregate area do not exceed the area of an average floor as determined by the Zoning
24 Administrator;

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

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

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

10 (8) (7) Bicycle parking which meets the standards of Sections 155.1 through 155.5 of
11 this Code;

12 (9) (8) Arcades, plazas, walkways, porches, breezeways, porticos and similar features
13 (whether roofed or not), at or near street level, accessible to the general public and not
14 substantially enclosed by exterior walls; and accessways to public transit lines, if open for use
15 by the general public; all exclusive of areas devoted to sales, service, display, and other
16 activities other than movement of persons;

17 (10) (9) Balconies, porches, roof decks, terraces, courts and similar features, except
18 those used for primary access as described in Paragraph (a)(6) above, provided that:

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

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

13 (C) If, however, 70 percent or less of the perimeter of such an area is enclosed by
14 building walls (exclusive of a railing or parapet not more than three feet eight inches high) or
15 by such walls and interior lot lines, and the open side or sides face on a yard, street or court
16 whose dimensions satisfy the requirements of this Code and all other applicable codes for
17 instances in which required windows face upon such yard, street or court, the area may be
18 roofed to the extent permitted by such codes in instances in which required windows are
19 involved;

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

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

1 ~~(12)~~ (13) Ground floor area in the C-3-0, C-3-O(SD), C-3-S, C-3-S(SU) and C-3-G
2 Districts devoted to building or pedestrian circulation and building service;

3 ~~(13)~~ (14) In the C-3-0, C-3-O(SD), C-3-S, C-3-S(SU) and C-3-G Districts, space
4 devoted to personal services, restaurants, and retail sales of goods intended to meet the
5 convenience shopping and service needs of downtown workers and residents, not to exceed
6 5,000 occupied square feet per use and, in total, not to exceed 75 percent of the area of the
7 ground floor of the building plus the ground level, on-site open space. Said uses shall be
8 located on the ground floor, except that, in order to facilitate the creation of more spacious
9 ground floor interior spaces, a portion of the said uses, in an amount to be determined
10 pursuant to the provisions of Section 309, may be located on a mezzanine level;

11 ~~(14)~~ (15) An interior space provided as an open space feature in accordance with the
12 requirements of Section 138;

13 ~~(15)~~ (16) Floor area in C-3, South of Market Mixed Use Districts, and Eastern
14 Neighborhoods Mixed Use Districts devoted to child care facilities provided that:

15 (A) Allowable indoor space is no less than 3,000 square feet and no more than
16 6,000 square feet, and

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

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

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

1 ~~(17) (16)~~ Floor area in C-3, South of Market Mixed Use Districts, and Eastern
2 Neighborhoods Mixed Use Districts permanently devoted to cultural, educational, recreational,
3 religious or social service facilities available to the general public at no cost or at a fee
4 covering actual operating expenses, provided that such facilities are:

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

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

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

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

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

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

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

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

4 ~~(18)~~ ~~(20)~~ In the C-3-0(SD) District, space devoted to personal services, eating and
5 drinking uses, or retail sales of goods and that is located on the same level as the rooftop park
6 on the Transbay Transit Center and directly accessible thereto by a direct publicly-accessible
7 pedestrian connection meeting the standards of Section 138(j)(1); ~~and~~.

8 ~~(19)~~ ~~(24)~~ In the C-3-0(SD) District, publicly-accessible space on any story above a
9 height of 600 feet devoted to public accommodation that offers extensive views, including
10 observation decks, sky lobbies, restaurants, bars, or other retail uses, as well as any elevators
11 or other vertical circulation dedicated exclusively to accessing or servicing such space. The
12 space must be open to the general public during normal business hours throughout the year,
13 and may charge a nominal fee for access.

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

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

20 In Neighborhood Commercial Districts, the amount of usable open space to be
21 provided shall be the amount required in the nearest Residential District, but the minimum
22 amount of open space required shall be in no case greater than the amount set forth in Table
23 135A for the district in which the building is located. The distance to each Residential District
24 shall be measured from the midpoint of the front lot line or from a point directly across the
25 street there from, whichever requires less open space.

1 (1) For dwellings other than those specified in Paragraphs (d)(2) through (d)(5)
2 below, the minimum amount of usable open space to be provided for use by each dwelling
3 unit shall be as specified in the second column of Table 135A if such usable open space is all
4 private. Where common usable open space is used to satisfy all or part of the requirement for
5 a dwelling unit, such common usable open space shall be provided in an amount equal to
6 1.33 square feet for each one square foot of private usable open space specified in the
7 second column of Table 135A. In such cases, the balance of the required usable open space
8 may be provided as private usable open space, with full credit for each square foot of private
9 usable open space so provided.

10 (2) For group housing structures and SRO units, the minimum amount of usable
11 open space provided for use by each bedroom or SRO unit shall be ~~4/3~~ one-third the amount
12 required for a dwelling unit as specified in Paragraphs (d)(1) above and (d)(4) and (d)(5);
13 below. For purposes of these calculations, the number of bedrooms on a lot shall in no case
14 be considered to be less than one bedroom for each two beds. Where the actual number of
15 beds exceeds an average of two beds for each bedroom, each two beds shall be considered
16 equivalent to one bedroom.

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

22 (4) **DTR Districts.** For all residential uses, 75 square feet of open space is required
23 per dwelling unit. All residential open space must meet the provisions described in this
24 Section unless otherwise established in this subsection or in Section 825 or a Section
25 governing an individual DTR District. Open space requirements may be met with the following

1 types of open space: "private usable open space" as defined in Section 135(a) of this Code,
 2 "common usable open space" as defined in Section 135(a) of this Code, and "publicly
 3 accessible open space" as defined in subsection (h) below. At least 40 percent of the
 4 residential open space is required to be common to all residential units. Common usable open
 5 space is not required to be publicly-accessible. Publicly-accessible open space, including off-
 6 site open space permitted by subsection (i) below and by Section 827(a)(9), meeting the
 7 standards of subsection (h) may be considered as common usable open space. For
 8 residential units with direct access from the street, building setback areas that meet the
 9 standards of Section 145.1 and the Ground Floor Residential Design Guidelines may be
 10 counted toward the open space requirement as private non-common open space.

11 (5) **Eastern Neighborhoods Mixed Use Districts.** The minimum amount of usable
 12 open space to be provided for use by each dwelling unit shall be as specified in Table 135B.
 13 For group housing structures and SRO units, the minimum amount of usable open space
 14 provided for use by each bedroom shall be $\frac{4}{3}$ one-third the amount required for a dwelling
 15 unit as specified in Table 135B.

16 TABLE 135A 17 MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING 18 OUTSIDE THE EASTERN NEIGHBORHOODS MIXED USE DISTRICT		
19 District	20 Square Feet Of Usable Open Space Required For Each Dwelling Unit If All Private	21 Ratio of Common Usable Open Space That May Be Substituted for Private
22 RH-1(D), RH-1	23 300	24 1.33
25 RH-1(S)	300 for first unit; 100 for minor second unit	1.33
RH-2	125	1.33

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

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

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

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

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

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

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

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

(3) **Use of Solariums.** The area of a totally or partially enclosed solarium may be credited as common usable open space if the space is not less than 15 feet in every horizontal dimension and 300 square feet in area; and if such area is exposed to the sun through openings or clear glazing on not less than 30 percent of its perimeter and 30 percent of its overhead area.

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

4 (1) **Type.** Open space shall be of one or more of the following types:

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

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

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

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

18 (2) **Standards.** Open space shall meet the following standards:

19 (A) Be in such locations and provide such ingress and egress as will make the area
20 convenient, safe, secure and easily accessible to the general public;

21 (B) Be appropriately landscaped;

22 (C) Be protected from uncomfortable winds;

23 (D) Incorporate ample seating. Any seating which is provided shall be available for
24 public use and may not be exclusively reserved or dedicated for any food or beverage
25 services located within the open space;

1 (E) Be well signed and accessible to the public during daylight hours;

2 (F) Be well lit if the area is of the type requiring artificial illumination;

3 (G) Be designed to enhance user safety and security;

4 (H) Be of sufficient size to be attractive and practical for its intended use; and

5 (I) Have access to drinking water and toilets if feasible and appropriate.

6 (3) **Maintenance:** Open spaces shall be maintained at no public expense. The
7 owner of the property on which the open space is located shall maintain it by keeping the area
8 clean and free of litter and keeping in a healthy state any plant material that is provided.
9 Conditions intended to assure continued maintenance of the open space for the actual lifetime
10 of the building giving rise to the open space requirement may be imposed by the Commission
11 or Department pursuant to applicable procedures in this Code.

12 (4) **Informational Plaque:** Prior to issuance of a permit of occupancy, a plaque
13 shall be placed in a publicly conspicuous location outside the building at street level, or at the
14 site of any publicly-accessible open space. The plaque shall identify said open space feature
15 and its location, stating the right of the public to use the space and the hours of use,
16 describing its principal required features (e.g., number of seats or other defining features) and
17 stating the name, telephone number, and address of the owner or owner's agent responsible
18 for maintenance. The plaque shall be of no less than 24 inches by 36 inches in size unless
19 specifically reduced by the Zoning Administrator in cases where the nature, size, or other
20 constraints of the open space would make the proscribed dimensions inappropriate.

21 (5) **Hold Harmless.** Property owners providing open space under this section will
22 hold harmless the City and County of San Francisco, its officers, agents and employees, from
23 any damage or injury caused by the design, construction, use, or maintenance of open space.
24 Property owners are solely liable for any damage or loss occasioned by any act or negligence
25 in respect to the design, construction, use, or maintenance of the open space.

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

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

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

18 (A) **On Site.** At least 36 square feet per residential unit of required open space must
19 be provided on-site. Pursuant to the procedures of Section 309.1, the Planning Commission
20 may reduce the minimum on-site provision of required residential open space to not less than
21 18 square feet per unit in order to both create additional publicly-accessible open space
22 serving the district and to foster superior architectural design on constrained sites.

23 (B) **Open Space Provider.** The open space required by this Section may be
24 provided individually by the project sponsor or jointly by the project sponsor and other project
25 sponsors, provided that each square foot of jointly developed open space may count toward

1 only one sponsor's requirement. With the approval of the Planning Commission, a public or
2 private agency may develop and maintain the open space, provided that (i) the project
3 sponsor or sponsors pay for the cost of development of the number of square feet the project
4 sponsor is required to provide, (ii) provision satisfactory to the Commission is made for the
5 continued maintenance of the open space for the actual lifetime of the building giving rise to
6 the open space requirement, and (iii) the Commission finds that there is reasonable
7 assurance that the open space to be developed by such agency will be developed and open
8 for use by the time the building, the open space requirement of which is being met by the
9 payment, is ready for occupancy.

10 (3) **Ocean Avenue NCT.** In the Ocean Avenue NCT District, the provision of off-
11 site publicly accessible open space may be credited toward the residential usable open space
12 requirement subject to the procedures of Section 303. Any such open space shall meet the
13 publicly accessible open space standards set forth in Section 135(h) and be provided within
14 800 feet of the project. No more than 50 percent of a project's usable open space requirement
15 may be satisfied off-site. The publicly accessible off-site usable open space shall be
16 constructed, completed, and ready for use no later than the project itself, and shall receive its
17 certificate of final completion from the Department of Building Inspection prior to the issuance
18 of any certificate of final completion or temporary certificate of occupancy for the project itself.

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

24 **SEC. 138. OPEN SPACE REQUIREMENTS IN C-3 DISTRICTS.**

1 (b) **Amount Required.** Except in the C-3-0(SD) District, open space shall be
 2 provided in the amounts specified below for all uses except (i) residential uses, which shall be
 3 governed by Section 135 of this Code; and (ii) institutional uses; ~~and (iii) uses in a predominantly~~
 4 ~~retail building. For the purposes of this section, a "predominantly retail building" is one in which 2/3~~
 5 ~~or more of the occupied floor area is in retail use.~~ In the C-3-0(SD) District, open space shall be
 6 provided in the amounts below for all non-residential uses.

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

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

- 25 (1) Be of adequate size;

- 1 (2) Be situated in such locations and provide such ingress and egress as will make
2 the area easily accessible to the general public;
- 3 (3) Be well-designed, and where appropriate, be landscaped;
- 4 (4) Be protected from uncomfortable wind;
- 5 (5) Incorporate various features, including ample seating and, if appropriate, access
6 to food service, which will enhance public use of the area;
- 7 (6) Have adequate access to sunlight if sunlight access is appropriate to the type of
8 area;
- 9 (7) Be well-lighted if the area is of the type requiring artificial illumination;
- 10 (8) Be open to the public at times when it is reasonable to expect substantial public
11 use;
- 12 (9) Be designed to enhance user safety and security;
- 13 (10) If the open space is on private property, provide toilet facilities open to the
14 public;
- 15 (11) Have at least 75 percent of the total open space approved be open to the public
16 during all daylight hours.

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

22 The Commission may, by resolution, declare certain types of open space ineligible
23 throughout C-3 Districts, or in certain defined areas, if it determines that a disproportionate
24 number of certain types of open space, or that an insufficient number of parks and plazas, is
25 being provided in order to meet the public need for open space and recreational uses. Such

1 resolution may exempt from its application projects whose permit applications are on file with
2 the ~~Department of City~~ Planning Department. Over time, no more than 20 percent of the space
3 provided under this Section shall be indoor space and at least 80 percent shall be outdoor
4 space. Once an indoor space has been approved, another such feature may not be approved
5 until the total square footage of outdoor open space features approved under this Section
6 exceeds 80 percent of the total square footage of all open spaces approved under this
7 Section.

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

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

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

24 (1) **Street trees.**

25

1 (i) **Application.** In any District, street trees shall be required under the following
2 conditions: construction of a new building; relocation of a building; the addition of gross floor
3 area equal to 20 percent or more of the gross floor area of an existing building; the addition of
4 a new dwelling unit, a garage, or additional parking; or paving or repaving more than 200
5 square feet of the front setback.

6 (ii) **Standards.**

7 (A) **All districts.** In any district, street trees shall:

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

9 (bb) Be suitable for the site;

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

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

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

20 (B) **DTR, RC, C, NC and Mixed-Use Districts, and Planned Unit Developments.**

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

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

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

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

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

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

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

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

20 (iii) **Approvals, and waivers, and modifications.**

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

1 (B) Determination of infeasibility or undesirability. Required street trees may be
2 found to be infeasible or undesirable under the following circumstances:

3 (aa) Technical infeasibility. ~~The In any case in which the Department of Public~~
4 ~~Works may determine that one or more cannot grant approval for installation of a trees~~ in the
5 public right-of-way cannot be planted or cannot meet all the requirements of subsections
6 (ii)(A) – (C), on the basis of inadequate sidewalk width, interference with utilities or other
7 reasons regarding the public welfare, ~~and where installation of such tree on the lot itself is~~
8 ~~impractical, the tree planting requirements of this Section 138.1(c)(1) may be modified or~~
9 ~~waived by the Zoning Administrator as described herein:~~

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

14 (C) Waiver or modification. In any case in which a street tree is determined to be
15 infeasible or undesirable under subsections (aa) or (bb), the Zoning Administrator may waive
16 or modify the street tree requirement as follows:

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

19 (bb) ~~When a pre-existing site constraint prevents the installation of a street tree, as~~
20 As an alternative to payment of any portion of the in-lieu fee, the Zoning Administrator may
21 modify the requirements of this section to allow the installation of alternative landscaping,
22 including: sidewalk landscaping that is compliant with applicable water use requirements of
23 Chapter 63 of the Administrative Code, to satisfy the requirements of Section 138.1(c)(1),
24 subject to permit approval from the Department of Public Works in accordance with Public
25 Works Code Section 810B, planter boxes, tubs, or similar above-ground landscaping, street

1 trees that do not meet all of the requirements of subsections (ii)(A) – (C), or street trees
2 planted in a required front setback area on the subject property.

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

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

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

16 (i) **Application.**

17 (A) In any district, streetscape and pedestrian elements in conformance with the
18 Better Streets Plan shall be required, if all the following conditions are present: (1) the project
19 is on a lot that (a) is greater than ½-one-half acre in total area, (b) contains 250 feet of total lot
20 frontage on one or more publicly-accessible rights-of-way, or (c) the frontage encompasses
21 the entire block face between the nearest two intersections with any other publicly-accessible
22 rights-of-way, and (2) the project includes (a) new construction; or (b) addition of 20% or more
23 of gross floor area to an ~~existing~~ existing building; ~~or (c) alteration to greater than 50% of the~~
24 ~~existing square footage of a building.~~

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

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

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

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

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

21 (B) **Sidewalk widening.** The Planning Department in consultation with other
22 agencies shall evaluate whether sufficient roadway space is available for sidewalk widening
23 for the entirety or a portion of the fronting public right-of-way in order to meet or exceed the
24 recommended sidewalk widths for the appropriate street type per Table 2 and the Better
25 Streets Plan and/or to provide additional space for pedestrian and streetscape amenities. If it

1 is found that sidewalk widening is feasible and desirable, the Planning Department shall
 2 require the owner or developer to install such sidewalk widening as a condition of approval,
 3 including all associated utility re-location, drainage, and street and sidewalk paving.

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

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

	Street Type (per Better Streets Plan)	Recommended Sidewalk Width (Minimum required for new streets)
Commercial	Downtown commercial	See Downtown Streetscape Plan
	Commercial throughway	15'
	Neighborhood commercial	15'
Residential	Downtown residential	15'
	Residential throughway	15'
	Neighborhood residential	12'
Industrial/Mixed-Use	Industrial	10'
	Mixed-use	15'
Special	Parkway	17'
	Park edge (multi-use path)	25'
	Multi-way boulevard	15'

	Ceremonial	varies
Small	Alley	9'
	Shared public way	n/a
	Paseo	varies

(iii) **Review and approvals.**

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

(B) Final approval by the affected agencies and construction of such streetscape improvements shall be completed prior to the issuance of the first Certificate of Occupancy or temporary Certificate of Occupancy for the project, unless otherwise extended by the Zoning Administrator. Should conditions, policies, or determinations by other City agencies require a change to the streetscape plan after approval of the streetscape plan but prior to commencement of construction of the streetscape improvements, the Planning Department shall have the authority to require revision to such streetscape plan. In such case, the Zoning Administrator shall extend the timeframe for completion of such improvements by an appropriate duration as necessary.

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

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

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

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

1 (A) Any new construction;

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

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

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

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

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

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

20 (i) In the Rincon Hill Downtown Residential Mixed Use (RH-DTR) and Folsom and
21 Main Residential/Commercial Special Use Districts, the boundaries of which are shown in
22 Section Map No. 1 of the Zoning Map, for all frontages abutting a public sidewalk, the project
23 sponsor is required to install sidewalk widening, street trees, lighting, decorative paving,
24 seating and landscaping in accordance with the Streetscape Plan of the Rincon Hill Area
25 Plan, developed by the Planning Department and approved by the Board of Supervisors for:

1 (A) any new construction; or (B) the addition of floor area equal to 20 percent or more of an
2 existing building; ~~or (C) alteration to greater than 50% of the existing square footage of a~~
3 ~~building.~~

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

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

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

11 (A) **construct new buildings;**

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

14 (C) **change uses involving half or more of the building floor area, or more than**
15 **40,000 square feet;**

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (a) In R, ~~SPD, RSD,~~ NC, C, M, ~~MUG, MUO, MUR, UMU, SLR, SLI~~ and Mixed Use SSO
10 Districts, rooftop mechanical equipment and appurtenances to be used in the operation or
11 maintenance of a building shall be arranged so as not to be visible from any point at or below
12 the roof level of the subject building. This requirement shall apply in construction of new
13 buildings, and in any alteration of mechanical systems of existing buildings that results in
14 significant changes in such rooftop equipment and appurtenances. The features so regulated
15 shall in all cases be either enclosed by outer building walls or parapets, or grouped and
16 screened in a suitable manner, or designed in themselves so that they are balanced and
17 integrated with respect to the design of the building. Minor features not exceeding one foot in
18 height shall be exempted from this regulation.

19 (b) In C-3 Districts, whenever the enclosure or screening of the features listed in
20 Section 260(b)(1)(A) and (B), will be visually prominent, modifications may, in accordance with
21 provisions of Section 309, be required in order to insure that: (1) the enclosure or screening is
22 designed as a logical extension of the building form and an integral part of the overall building
23 design; (2) its cladding and detailing is comparable in quality to that of the rest of the building;
24 (3) if enclosed or screened by additional volume, as authorized by Section 260(b), the rooftop
25 form is appropriate to the nature and proportions of the building, and is designed to obscure

1 the rooftop equipment and appurtenances and to provide a more balanced and graceful
2 silhouette for the top of the building or structure; and (4) the additional building volume is not
3 distributed in a manner which simply extends vertically the walls of the building.

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

14 (d) Off-street parking or freight loading spaces shall only be permitted on
15 unenclosed rooftops when the parking area is screened with fencing, trellises and/or
16 landscaped screening features such that parked vehicles cannot be easily viewed from
17 adjacent buildings, elevated freeways or public vista points.

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

19 (a) **Applicability.** Off-street parking spaces shall be provided in the minimum
20 quantities specified in Table 151, except as otherwise provided in Section 151.1 and Section
21 161 of this Code. Where the building or lot contains uses in more than one of the categories
22 listed, parking requirements shall be calculated in the manner provided in Section 153 of this
23 Code. Where off-street parking is provided which exceeds certain amounts in relation to the
24 quantities specified in Table 151, as set forth in subsection (c) Section 204.5 of this Code, such
25 parking shall be classified not as accessory parking but as either a principal or a conditional

1 use, depending upon the use provisions applicable to the district in which the parking is
 2 located. In considering an application for a conditional use for any such parking, due to the
 3 amount being provided, the City Planning Commission shall consider the criteria set forth in
 4 Section 157 of this Code.

5
 6
 7 (b) **Minimum parking required.**

8 **Table 151**
 9 **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.
<i>Dwelling, in the Broadway and North Beach Neighborhood Commercial Districts and the Chinatown Mixed Use Districts</i>	<i>P up to one car for each two dwelling units; C up to .75 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(g); NP above 0.75 cars for each dwelling unit.</i>
Dwelling, in the Telegraph Hill – North Beach Residential Special Use District	<u>None required.</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(g); NP above one car for each dwelling unit.
Dwelling, RC-4, except in the Van Ness Special Use District	One for each four dwelling units.

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<p>Dwelling, specifically designed for and occupied by senior citizens as defined in Section 102.6.1 of this Code, or persons with physical disabilities</p>	<p>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.</p>
<p>Dwelling, in an affordable housing project as defined by Section 401 of this Code.</p>	<p>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.</p>
<p>Group housing of any kind</p>	<p>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</p>

1		spaces required.
2	Hotel, inn or hostel in NC Districts	0.8 for each guest bedroom.
3	Hotel, inn or hostel in districts other than NC	One for each 16 guest bedrooms where the
4		number of guest bedrooms exceeds 23, plus
5		one for the manager's dwelling unit, if any.
6	Motel	One for each guest unit, plus one for the
7		manager's dwelling unit, if any.
8	Mobile home park	One for each vehicle or structure in such
9		park, plus one for the manager's dwelling unit
10		if any.
11	Hospital or other inpatient medical institution	One for each 8 beds excluding bassinets or
12		for each 2,400 square feet of gross floor area
13		devoted to sleeping rooms, whichever results
14		in the greater requirement, provided that
15		these requirements shall not apply if the
16		calculated number of spaces is no more than
17		two.
18	Residential care facility	None in districts other than RH-1 and RH-2,
19		except for purposes of determining spaces
20		required by this Code in Section 204.5. In
21		RH-1 and RH-2 Districts, one for each 10
22		residents, where the number of residents
23		exceeds nine.
24	Child care facility	One for each 25 children to be
25		accommodated at any one time, where the

1		number of such children exceeds 24.
2	Elementary school	One for each six classrooms.
3	Secondary school	One for each two classrooms.
4	Post-secondary educational institution	One for each two classrooms.
5	Church or other religious institutions	One for each 20 seats by which the number of seats in the main auditorium exceeds 200.
6		
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		
9		
10	Stadium or sports arena	One for each 15 seats.
11	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.
12		
13		
14	Offices or studios of architects, engineers, interior designers and other design professionals and studios of graphic artists	One for each 1,000 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.
15		
16		
17	Other business office	One for each 500 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.
18		
19		
20	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.
21		
22		
23		
24	Retail space devoted to the handling of bulky merchandise such as motor vehicles,	One for each 1,000 square feet of occupied floor area, where the occupied floor area
25		

1	machinery or furniture	exceeds 5,000 square feet.
2	Greenhouse or plant nursery	One for each 4,000 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.
3		
4		
5	Other retail space	One for each 500 square feet of occupied floor area up to 20,000 where the occupied floor area exceeds 5,000 square feet, plus one for each 250 square feet of occupied floor area in excess of 20,000.
6		
7		
8		
9		
10	Service, repair or wholesale sales	One for each 1,000 square feet of occupied floor space, including personal, home or area, where the occupied floor area exceeds 5,000 square feet.
11		
12		
13		
14	Mortuary	Five
15	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.
16		
17		
18	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.
19		
20		
21	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.
22		
23		
24	Live/work units	One for each 2,000 square feet of occupied floor area, where the occupied floor area
25		

	exceeds 7,500 square feet, except in RH or RM Districts, within which the requirement shall be one space for each live/work unit.
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(c) Maximum parking permitted as accessory. Except as specified in subsection (b) above, accessory Accessory parking principally permitted under this Section shall include only those facilities which do not exceed the following amounts for a structure, lot, or development:

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

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

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

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

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

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

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

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

Table 151.1

OFF-STREET PARKING PERMITTED AS ACCESSORY

Use or Activity	Space Devoted to Off-Street Car Parking
------------------------	--

	or Number of Off-Street Car Parking Spaces Permitted
Dwelling units in RH-DTR Districts	P up to one car for each two dwelling units; up to one car for each dwelling unit, subject to the criteria and procedures of Section 151.1(e); NP above one space per unit.
Dwelling units in C-3 and SB-DTR ₇ Districts except as specified below	P up to one car for each four dwelling units; up to 0.75 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); NP above 0.75 cars for each dwelling unit.
Dwelling units in C-3 and SB-DTR ₇ Districts with at least 2 bedrooms and at least 1,000 square feet of occupied floor area	P up to one car for each four dwelling units; up to one car for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); NP above one car for each dwelling unit.
<u>Dwelling Units in C-3 Districts</u>	<u>P up to one car for each two dwelling units; C up to three cars for each four dwelling units, subject to the criteria and procedures of Section 151.1(f). NP above three cars for each four dwelling units.</u>
Dwelling units in C-3 Districts and in the Van Ness and Market Downtown Residential Special Use District	P up to one car for each four dwelling units; C up to .5 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); NP above two cars for each four dwelling units.

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

1	Dwelling units in UMU District with at least 2	P up to 1 car for each dwelling unit and
2	bedrooms and at least 1,000 square feet of	subject to the conditions of 151.1(g); NP
3	occupied floor area	above.
4	Group housing of any kind	P up to one car for each three bedrooms or
5		for each six beds, whichever results in the
6		greater requirement, plus one for the
7		manager's dwelling unit if any. NP above.
8	All non-residential uses in C-3 and C-M	Not to exceed 7% of gross floor area of such
9	Districts	uses, except not to exceed 3.5% of gross
10		floor area in the C-3-0(SD) District. See
11		requirements in Section 204.5.
12	Hotel, inn, or hostel	P up to one for each 16 guest bedrooms, plus
13		one for the manager's dwelling unit, if any.
14	Motel	P up to one for each guest unit, plus one for
15		the manager's dwelling unit, if any.
16	Hospital or other inpatient medical institution	P up to one for each 8 guest beds excluding
17		bassinets or for each 2,400 square feet of
18		gross floor area devoted to sleeping rooms,
19		whichever results in the lesser requirement.
20	Residential care facility	P up to one for each 10 residents.
21	Child care facility	P up to one for each 25 children to be
22		accommodated at any one time.
23	Elementary school	P up to one for each six classrooms.
24	Secondary school	P up to one for each two classrooms.
25	Post-secondary educational institution	P up to one for each two classrooms.

1	Church or other religious institutions	P up to one for each 20 seats.
2	Theater or auditorium	P up to one for each eight seats up to 1,000
3		seats, plus one for each 10 seats in excess of
4		1,000.
5	Stadium or sports arena	P up to one for each 15 seats.
6	Medical or dental office or outpatient clinic	P up to one for each 300 square feet of
7		occupied floor area.
8	All office uses in C-3, DTR, C-M, SLR SSO,	P up to seven percent of the gross floor area
9	SPD, MUG, MUR, and MUO Districts	of such uses and subject to the pricing
10		conditions of Section 155 (g); NP above.
11		
12	<i>All office uses in Chinatown Mixed Use Districts</i>	<i>P up to seven percent of the gross floor area of</i>
13		<i>such uses; NP above.</i>
14	Office uses in M-1, UMU, PDR-1-D, and	P up to one car per 1,000 square feet of
15	PDR-1-G Districts, except as specified below	gross floor area and subject to the pricing
16		conditions of Section 155 (g); NP above.
17	Office uses in M-1, UMU, PDR-1-D, and	P up to one car per 500 square feet of gross
18	PDR-1-G Districts where the entire parcel is	floor area; NP above.
19	greater than ¼-mile from Market, Mission, 3rd	
20	and 4th Street north of Berry Street	
21	<u>Limited Corner Commercial Uses</u> Non-	None permitted.
22	residential uses in RTO and RM districts	
23	permitted under Section 231.	
24	All non-residential uses in NCT, RSD, and	For uses in Table 151 that are described as a
25	SLR districts <u>and the Broadway, North Beach,</u>	ratio of occupied floor area, P up to 1 space

<p>1 <u>and</u> Upper Market NCD_s, except for retail 2 grocery stores with over 20,000 gross square 3 feet as specified below 4 5</p>	<p>per 1,500 square feet of occupied floor area or the quantity specified in Table 151, whichever is less, and subject to the conditions and criteria of Section 151.1(g). NP above.</p>
<p>6 Retail grocery store uses in NCT, RSD, and 7 SLR districts and the <u>Broadway, North Beach,</u> 8 <u>and</u> Upper Market NCD_s with over 20,000 9 square feet of occupied floor area 10 11 12</p>	<p>P up 1 space per 500 square feet of occupied floor area, and subject to the conditions and criteria of Section 151.1(g). C up to 1 space per 250 square feet of occupied floor area for that area in excess of 20,000 square feet, subject to the conditions and criteria of Section 151.1(g). NP above.</p>
<p>13 All retail in the Eastern Neighborhoods Mixed 14 Use Districts where any portion of the parcel 15 is less than ¼ mile from Market, Mission, 3rd 16 and 4th Streets north of Berry Street, except 17 grocery stores of over 20,000 gross square 18 feet.</p>	<p>P up to one for each 1,500 square feet of gross floor area.</p>
<p>19 With the exception of Eastern Neighborhoods 20 Mixed Use Districts as set forth above, all 21 other restaurant, bar, nightclub, pool hall, 22 dance hall, bowling alley or other similar 23 enterprise</p>	<p>P up to one for each 200 square feet of occupied floor area. In South of Market Mixed Use Districts, participation in transportation programs may be required per Section 151.1(i).</p>
<p>24 With the exception of Eastern Neighborhoods 25 Mixed Use Districts as set forth above, all</p>	<p>P up to one for each 1,000 square feet of occupied floor area.</p>

1	other retail space devoted to the handling of	
2	bulky merchandise such as motor vehicles,	
3	machinery or furniture	
4	With the exception of Eastern Neighborhoods	P up to one for each 4,000 square feet of
5	Mixed Use Districts as set forth above, all	occupied floor area.
6	other greenhouse or plant nursery	
7	With the exception of Eastern Neighborhoods	P up to one for each 500 square feet of gross
8	Mixed Use Districts as set forth above, all	floor area up to 20,000 square feet, plus one
9	other retail space	for each 250 square feet of gross floor area in
10		excess of 20,000.
11	Service, repair or wholesale sales space,	P up to one for each 1,000 square feet of
12	including personal, home or business service	occupied floor area.
13	space in South of Market <u>Mixed Use</u> Districts	
14	Mortuary	P up to five.
15	Storage or warehouse space, and space	P up to one for each 2,000 square feet of
16	devoted to any use first permitted in an M-2	occupied floor area.
17	District	
18	Arts activities and spaces except theater or	P up to one for each 2,000 square feet of
19	auditorium spaces	occupied floor area. In South of Market Mixed
20		Use Districts, participation in transportation
21		programs may be required per Section
22		151.1(i).
23	Laboratory	P up to one for each 1,500 square feet of
24		occupied floor area.
25	Small Enterprise Workspace Building	P up to one for each 1,500 square feet of

1		occupied floor area.
2	Integrated PDR	P up to one for each 1,500 square feet of
3		occupied floor area.
4	Other manufacturing and industrial uses	P up to one for each 1,500 square feet of
5		occupied floor area.

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

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

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

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

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

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

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

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

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

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

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

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

18 (A) For projects with 50 units or more, all residential accessory parking in excess of
19 0.5 parking spaces for each dwelling unit shall be stored and accessed by mechanical
20 stackers or lifts, valet, or other space-efficient means that allows more space above-ground
21 for housing, maximizes space efficiency and discourages use of vehicles for commuting or
22 daily errands. The Planning Commission may authorize the request for additional parking
23 notwithstanding that the project sponsor cannot fully satisfy this requirement provided that the
24 project sponsor demonstrates hardship or practical infeasibility (such as for retrofit of existing
25 buildings) in the use of space-efficient parking given the configuration of the parking floors

1 within the building and the number of independently accessible spaces above 0.5 spaces per
2 unit is de minimus and subsequent valet operation or other form of parking space
3 management could not significantly increase the capacity of the parking space above the
4 maximums in Table 151.1;

5 (B) — ~~For any project with residential accessory parking in excess of 0.375 parking~~
6 ~~spaces for each dwelling unit, the project complies with the housing requirements of Sections~~
7 ~~415 through 415.9 of this Code except as follows: the inclusionary housing requirements that~~
8 ~~apply to projects seeking conditional use authorization as designated in Section 415.3(a)(2)~~
9 ~~shall apply to the project.~~

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

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

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

20 (g) **RTO, RC, NCT, C-M, and Mixed Use Districts, and the Broadway, North Beach, and**
21 **Upper Market Neighborhood Commercial Districts, and the Van Ness Special Use District.** In
22 RTO, RC, and NCT, C-M and ~~South of Market~~ Mixed Use Districts, and the Broadway, North
23 Beach, and Upper Market NCDs, any request for accessory parking in excess of what is
24 principally permitted in Table 151.1, but which does not exceed the maximum amount stated
25 in Table 151.1, shall be reviewed by the Planning Commission as a Conditional Use. In MUG,

1 MUR, MUO, and SPD Districts, any project subject to Section 329 and that requests
2 residential accessory parking in excess of that which is principally permitted in Table 151.1,
3 but which does not exceed the maximum amount stated in Table 151.1, shall be reviewed by
4 the Planning Commission according to the procedures of Section 329. Projects that are not
5 subject to Section 329 shall be reviewed under the procedures detailed in subsection (h),
6 below.

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

11 (A) **Parking for all uses**

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

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

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

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

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

23 (i) For projects with 50 dwelling units or more, all residential accessory parking in
24 excess of 0.5 spaces per unit shall be stored and accessed by mechanical stackers or lifts,
25

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

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

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

11 (ii) Retail uses larger than 20,000 square feet, including but not limited to grocery,
12 hardware, furniture, consumer electronics, greenhouse or nursery, and appliance stores,
13 which sell merchandise that is bulky or difficult to carry by hand or by public transit, shall offer,
14 at minimal or no charge to its customers, door-to-door delivery service and/or shuttle service.
15 This is encouraged, but not required, for retail uses less than 20,000 square feet.

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

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

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

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

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

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

11 (3) where more than ten spaces are proposed at least half of them, rounded down
12 to the nearest whole number, are stored and accessed by mechanical stackers or lifts, valet,
13 or other space-efficient means that reduces space used for parking and maneuvering, and
14 maximizes other uses.

15 (i) **Transportation programs in South of Market Mixed Use Districts.** Within
16 the South of Market Mixed Use Districts, upon approval by the Zoning Administrator pursuant
17 to Section 307(g), bars, restaurants, arts, nighttime entertainment, and pool halls greater than
18 10,000 square feet may be required to participate in a Transportation Management Program
19 approved by the Zoning Administrator which may include, but need not be limited to,
20 participation in a coordinated off-site satellite parking facilities program, shuttle service,
21 bicycle parking, projects and programs to improve parking management, specified signage,
22 and designated advertising procedures.

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

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

10 (d) All off-street freight loading and service vehicle spaces in the C-3, C-M, DTR,
11 MUO, MUG, MUR, and South of Market Mixed Use Districts shall be completely enclosed and
12 access from a public street or alley shall be provided by means of a private service driveway,
13 which is totally contained within the structure. Such a private service driveway shall include
14 adequate space to maneuver trucks and service vehicles into and out of all provided spaces,
15 and shall be designed so as to facilitate access to the subject property while minimizing
16 interference with street and sidewalk circulation. Any such private service driveway shall be of
17 adequate width to accommodate drive-in movement from the adjacent curb or inside traffic
18 lane but shall in no case exceed 30 feet. Notwithstanding the foregoing, if an adjacent street
19 or alley is determined by the Zoning Administrator to be primarily used for building service, up
20 to four off-street freight or loading spaces may be allowed to be individually accessible directly
21 from such a street or alley, pursuant to the provisions of Section 309 in a C-3 District, the
22 provisions of Section 307(g) in a South of Market Mixed Use District, the provisions of Section
23 309.1 in a DTR District, the provisions of Section 329 for projects subject to Section 329 in a
24 MUO, MUG, or MUR District, or by administrative decision of the Zoning Administrator for
25 projects that are not subject to Section 329 in a MUO, MUG, or MUR District.

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

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

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

13 (2) Not permitted:

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

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

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

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

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

21 (F) Embarcadero in the DTR Districts,

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

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

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

- 1 (J) 24th Street for the entirety of the 24th Street-Mission NCT,
 2 (K) 16th Street between Guerrero and Capp Streets within the Valencia Street NCT
 3 and Mission Street NCT Districts,
 4 (L) 16th Street between Kansas and Mississippi Streets in the UMU and PDR-1-D
 5 Districts,
 6 (M) 6th Street for its entirety within the SoMa NCT District,
 7 (N) 3rd Street, in the UMU districts for 100 feet north and south of Mariposa and 100
 8 feet north and south of 20th Streets, and 4th Street between Bryant and Townsend in the SLI
 9 and MUO District,
 10 (O) Ocean Avenue within the Ocean Avenue NCT District,
 11 (P) Geneva Avenue from I-280 to San Jose Avenue within the NCT-2 District,
 12 (Q) Columbus Avenue between Washington and North Point Streets.,
 13 (R) Broadway from the Embarcadero on the east to Mason Street on the west, and
 14 (S) All alleyways in the Chinatown Mixed Use Districts,
 15 (T) Natoma Street from 300 feet westerly of 1st Street to 2nd Street,
 16 (U) Ecker Alley in its entirety,
 17 (V) Shaw Alley in its entirety,
 18 (W) 2nd Street from Market to Folsom Streets,
 19 ~~(T)~~ (X) Diamond Street within the Glen Park NCT District,
 20 ~~(U)~~ (Y) Chenery Street within the Glen Park NCT District,
 21 ~~(T)~~ (Z) *Destination Alleyways, as designated in the Downtown Streetscape Plan.*
 22 ~~(U)~~ (AA) *The western (inland) side of the Embarcadero between Townsend and Jefferson*
 23 *Streets.*
 24 (3) Not permitted except with a Conditional Use authorization, except that in the C-
 25 3-0(SD) District, the Planning Commission may grant such permission as an exception

1 pursuant to Section 309 in lieu of a Conditional Use authorization where the amount of
2 parking proposed does not exceed the amounts permitted as accessory according to Section
3 151.1:

4 (A) The entire portion of California Street,

5 (B) ~~The Embarcadero~~, Folsom Street, Geary Street, Mission Street, Powell Street and
6 Stockton Street in the C-3 Districts,

7 ~~(B)~~ (C) Grant Avenue from Market Street to Bush Street,

8 ~~(C)~~ (D) Montgomery Street from Market Street to Columbus Avenue,

9 ~~(D)~~ (E) Haight Street from Market Street to Webster Street,

10 ~~(E)~~ (F) Church Street and 16th Street in the RTO District,

11 ~~(F)~~ (G) Duboce Street from Noe Street to Market Street,

12 ~~(G) Duboce Street from Noe Street to Market Street, and~~

13 (H) Octavia Street from Fell Street to Market Street,

14 (I) 1st, Fremont and Beale Streets from Market to Folsom Streets, and

15 (J) The eastern (water) side of The Embarcadero between Townsend and Taylor Streets.

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

1 Element of the General Plan or official City bicycle lane or bicycle route, may be allowed on
2 streets not listed in subsection (2) above as an exception in the manner provided in Section
3 309 for C-3 Districts and in Section 303 for NCT and RTO Districts in cases where it can be
4 clearly demonstrated that the final design of the parking access minimizes negative impacts to
5 transit movement and to the safety of pedestrians and bicyclists to the fullest extent feasible.

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

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

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

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

21 (B) Parking located at or above ground-level shall conform to the street frontage
22 requirements of Section 145.1(c), and shall be lined with active uses, as defined by Section
23 145.4(e), to a depth of at least 25 feet along all ground-level street frontages, except for space
24 allowed for parking and loading access, building egress, and access to mechanical systems.

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

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

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

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

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

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

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

17 ~~(B) — As~~ a conditional use in accordance with the criteria set forth in Section 303,
18 provided the site contains an existing non-accessory off-street surface parking lot with valid
19 permits for such parking as of the effective date of the ordinance enacting this subsection and
20 the site is located in the following Mid-Market area: Assessor's Block 0341, Lots 4 through 9
21 and 13; Block 0342, Lots 1, 2, 4, 7, 11, 12 and 13; Block 0350, Lots 1 through 4; Block 0355,
22 Lots 3 through 12 and 15; Block 3507, Lot 39; Block 3508, Lots 1, 13, 18, 19, 22, 24 through
23 27, 39 and 40; Block 3509, Lots 18, 19, 36, 37 and 40 through 43; Block 3510, Lot 1; Block
24 3701, Lots 5, 8, 10, 11, 12, 20 through 24, 53, 59, 60, 63 and 64; Block 3702, Lots 1, 2, 37,
25 38, 39, 44, 44A, 45, 46, 47, 48, 48A, 51, 52, 53, 54, 56; Block 3703, Lots 1, 2, 3, 7, 10, 11, 12,

1 25, 26, 33, 40, 41, 50, 53, 56 through 68, 70, 74, 75, 76, 78 through 81, 84, 85 and 86; Block
2 3704, Lots 1, 3, 6, 9 through 13, 15, 17 through 22, 24, 35, 38, 39, 42, 43, 45, 62 and 67
3 through 79, Block 3725, Lot 78, 82, 86 through 91 and 93; Block 3727, Lot 1, 91, 94, 96, 97,
4 109, 117, 118, 120, 134, 168 and 173; Block 3728, Lot 1, 72, 75, 76, 81, 82, 83, 89, 103 and
5 105; and Block 0351, Lots 1, 22, 32, 33, 37, 39, 41, 43, 46, 47, 49, 50 and 51 This subsection
6 155(s)(3)(B) shall sunset on July 22, 2014.

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

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

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

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

21 (t) **Garage additions in the North Beach Neighborhood Commercial District, North**
22 **Beach-Telegraph Hill Special Use District, and Chinatown Mixed Use Districts.** *Notwithstanding*
23 *any other provision of this Code to the contrary, a mandatory discretionary review hearing by the*
24 *Planning Commission is required in order to install a garage in an existing structure of four units or*
25

1 more in the North Beach NCD, the North Beach-Telegraph Hill SUD, and the Chinatown Mixed Use
2 Districts; Section 311 notice is required for a building of less than four units.

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

14 **SEC. 156. PARKING LOTS.**

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

20 (b) Conditional Use.

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

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

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

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

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

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

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

21 (f) ~~(h)~~ No permanent parking lot shall be permitted in C-3-O, C-3-0(SD), C-3-R, C-3-G
22 and NCT Districts; temporary parking lots may be approved as conditional uses, except in the
23 C-3-0(SD) ~~d~~District, pursuant to the provisions of Section 303 for a period not to exceed five
24 ~~two~~ years from the date of approval; ~~permanent parking lots in C-3-S Districts shall be permitted~~
25 ~~only as a conditional use.~~ No new parking lots may be approved in the C-3-0(SD) ~~d~~District,

1 however conditional use approval for a two-year extension of existing parking lots in the C-3-
2 0(SD) ~~d~~District may be approved pursuant to this ~~S~~subsection provided that they meet the
3 requirements of subsection (i) ~~(h)~~.

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

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

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

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

19 ~~(h)~~ (i) The conditions of approval for the extension of an existing parking lot in the C-3-
20 0(SD) ~~d~~District shall include the following:

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

23 ~~(B)~~ (2) a minimum of two Class 2 bicycle parking spaces for every 50 linear feet of
24 frontage in a highly visible area on the property adjacent to a public sidewalk or shall attain
25

1 approval from the appropriate City agencies to install such bicycle parking on a public
2 sidewalk on the same block;

3 ~~(G)~~ (3) interior landscaping compliant with the requirements in subsection ~~(j)~~ (h) above,
4 provided that if a site permit has been approved by the Planning Department for construction
5 of a building on the subject lot that would replace the parking lot in less than ~~2~~ two years, the
6 trees may be planted in movable planters and the lot need not provide permeable surfaces
7 described in subsection ~~(j)~~ (h).

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

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

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

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

- 20 (1) The rate structure of Section 155(g) shall apply.
- 21 (2) Non-accessory parking facilities shall be permitted in new construction only if the
22 ratio between the amount of occupied floor area of principally or conditionally-permitted non-
23 parking uses to the amount of occupied floor area of parking is at least two to one.

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

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

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

12 (6) The proposed facility shall dedicate no less than 5% of its spaces for short-term,
13 transient use by car share vehicles as defined in Section 166, vanpool, rideshare, or other co-
14 operative auto programs, and shall locate these vehicles in a convenient and priority location.
15 These spaces shall not be used for long-term storage nor satisfy the requirement of Section
16 166, but rather are intended for use by short-term visitors and customers.

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

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

24 (2) The City has demonstrated that all major institutions (cultural, educational,
25 government) and employers in the area intended to be served by the proposed facility have

1 Transportation Demand Management programs in place to encourage and facilitate use of
2 public transit, carpooling, car sharing, bicycling, walking, and taxis.

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

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

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

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

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

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

24 (b) **Loading across very wide sidewalks.** No off-street loading shall be required
25 where access to the lot cannot be provided other than by means of a driveway across a

1 sidewalk 25 feet or more in width from the curb to the front lot line which would cause serious
2 disruption to pedestrian traffic.

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

9 ~~(d) **Uses other than dwellings in the CCB District and Washington-Broadway**~~
10 ~~**SUDs Special Use District.**~~ In recognition of the small scale of development, the desirability of
11 retention and conversion of many existing buildings of established character, the need to
12 relieve congestion, and the provision of public parking facilities on an organized basis at
13 specific locations, no off-street parking shall be required for any use ~~other than dwellings~~ in the
14 Washington Broadway Special Use District ~~Numbers 1 and 2~~ as described in Section 239 of this
15 Code ~~and in the Chinatown Community Business District, where the size of the lot does not exceed~~
16 ~~20,000 square feet.~~

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

22 ~~(f) **(d) Waterfront Special Use Districts SUDs.**~~ In recognition of the policies set forth in
23 the Northeastern Waterfront Plan, a part of the General Plan, the unique nature of the area
24 and the difficulty of providing vehicular access thereto, the Zoning Administrator or Planning
25 Commission in specific cases may determine an appropriate reduction in off-street parking

1 requirements in Waterfront Special Use Districts ~~Numbers 1 and 3~~ as described in Sections
2 240.1, 240.2, and 240.3 of this Code, in authorizing any principal or conditional use,
3 respectively, under those sections. In considering any such reduction, the Zoning
4 Administrator for principal uses, and the Planning Commission for conditional uses, shall
5 consider the criteria set forth in Section 307(i) of this Code.

6 ~~(g)~~ (e) **Public parking in lieu of required parking in NC districts.** In instances in
7 which all public agencies involved have certified by resolution that the requirements of this
8 Code (i) will be satisfied in whole or in part by public off-street parking facilities constructed or
9 authorized to be constructed for a special assessment district or upon any other basis, or (ii)
10 in NC Districts will be satisfied by a requirement of a cash contribution in an amount deemed
11 sufficient to provide for the future construction of the required number of parking stalls, or by
12 projects and programs which improve the management of on-street parking in the vicinity or
13 which reduce demand for parking, off-street parking required for individual buildings and uses
14 may be correspondingly reduced if the total off-street parking supply in the area will
15 nevertheless meet the requirements of this Code for all buildings and uses in the area.

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

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

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

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

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

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

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

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

23 (l) ~~**Dwellings in Chinatown Mixed-Use Districts.** With respect to dwelling units in the~~
24 ~~Chinatown Mixed Use Districts, the parking requirement may be reduced to not less than one space for~~
25 ~~each four dwelling units, if the Zoning Administrator determines pursuant to Section 307(g) that the~~

1 ~~reduced parking requirement is sufficient to serve the reasonably anticipated auto ownership by~~
2 ~~residents of and auto usage by visitors to the project.~~

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

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

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

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

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

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

24 ~~(p)~~ ~~—~~ ~~**Garage additions in the North Beach NCD, North Beach-Telegraph Hill Special Use**~~
25 ~~**District, and Chinatown Mixed-Use Districts. Notwithstanding any other provision of this Code to the**~~

1 ~~contrary, a mandatory discretionary hearing by the Planning Commission is required in order to install~~
2 ~~a garage in an existing residential structure of four units or more in the North Beach NCD, the North~~
3 ~~Beach Telegraph Hill Special Use District, and the Chinatown Mixed Use Districts; Section 311 notice~~
4 ~~is required for a building of less than four units.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (3) (2) A nonconforming use in a Neighborhood Commercial District may be changed to
12 another use as provided in Subsections (c) and (d) below or as provided in Section 186.1 of
13 this Code.

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

17 (5) (3) A nonconforming use in any South of Market Mixed Use District may not be
18 changed to an office, retail, bar, restaurant, nighttime entertainment, adult entertainment,
19 hotel, motel, inn, hostel, or movie theater use in any district where such use is otherwise not
20 permitted or conditional, except as provided in Subsection (g) below.

21 (c) A nonconforming use may be changed to a use listed ~~in Articles 2 or 7 of this~~
22 ~~Code~~ as a conditional use for the district in which the property is located, only upon approval of
23 a conditional use application pursuant to the provisions of Article 3 of this Code, subject to the other
24 applicable provisions of this Code, without the necessity of specific authorization by the City Planning
25 Commission except where major work on a structure is involved, and the new use may thereafter

1 be continued as a permitted conditional use, subject to the limitation of Section 178(b) of this
2 Code.

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

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

18 (g) Once a nonconforming use has been changed to a principal or conditional use
19 permitted in the district in which the property is located, or brought closer in any other manner
20 to conformity with the use limitations of this Code, the use of the property may not thereafter
21 be returned to its former nonconforming status, except that:

22 (1) ~~Any area which is used as a live/work unit shall be allowed to return to its former~~
23 ~~nonconforming status.~~

24 (2) ~~W~~Within any South of Market Mixed Use District, any area occupied by a
25 nonconforming office use which is changed to an arts, home and/or business service use

1 falling within zoning categories 102.2 or 816.42 through 816.47 or a wholesale, storage or
2 light manufacturing use falling within zoning categories 816.64 through 816.67 shall be
3 allowed to return to its former nonconforming office use.

4 ~~(3)~~ Upon restoration of a previous nonconforming use as permitted ~~by Subsection (1)~~
5 ~~or (2)~~ above, any modification, enlargement, extension, or change of use, from circumstances
6 which last lawfully existed prior to the ~~creation of the live/work unit, or prior to the~~ change from
7 office use, shall be subject to the provisions of this Article, and the restored nonconforming
8 use shall be considered to have existed continuously since its original establishment, prior to
9 the live/work unit or change to office use, for purposes of this Article.

10
11 **SEC. 184. SHORT-TERM CONTINUANCE OF CERTAIN NONCONFORMING USES.**

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

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

23 (b) Any use of a type first permitted as a principal or conditional use in an NC, C or
24 M District or in a Residential-Commercial ~~Combined~~ District, when occupying a building in an R
25 District other than a Residential-Commercial ~~Combined~~ District that has an assessed valuation

1 not in excess of \$500 on the effective date of this Code or such later date as the use becomes
2 nonconforming, with the following exceptions:

3 (1) Any lawful use in this category in a building having an assessed valuation of
4 \$250 or more on the effective date of this Code, or such later date as the use becomes
5 nonconforming, shall have a period of permitted continuance of 10 years from the date at
6 which the property was placed in a residential zoning classification, if such a period of
7 continuance produces an expiration date which is later than the expiration date stated above;
8 or

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

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

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

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

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

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

3 ~~(4) (1) The use of more than $\frac{1}{4}$ one-third of the total floor area occupied by such use~~
4 ~~and the principal or conditional use to which it is accessory, except in the case of accessory~~
5 ~~off-street parking or loading; or~~

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

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

8 ~~(b) — No use shall be permitted as an accessory use to a lawful principal or conditional use in~~
9 ~~any C-3 District which involves or requires the use of any single machine of more than five~~
10 ~~horsepower; or the use of more than $\frac{1}{4}$ one-third of the total floor area occupied by such use and the~~
11 ~~principal or conditional use to which it is accessory, except in the case of accessory off-street parking~~
12 ~~and loading. These limitations shall not apply to equipment or machines pertaining integrally to the~~
13 ~~lawful principal use itself.~~

14 ~~(c) — Notwithstanding the provisions of Sections 227(h) and (i) and 260(b)(2)(l) and (M) of~~
15 ~~this Code, an accessory use to a lawful principal or conditional use in any C or M District which~~
16 ~~involves or requires the installation of a tower or antenna solely for the reception of radio and~~
17 ~~television broadcasts for the exclusive benefit of the residents or occupants in the building on which the~~
18 ~~antenna is placed shall be permitted without regard to the height of such tower or antenna and without~~
19 ~~regard to the proximity of such tower or antenna to any R District.~~

20 ~~(d) (b) **PDR and M Districts.** No use shall be permitted as an accessory use to a~~
21 ~~lawful principal or conditional use in any PDR or M District which involves or requires the use~~
22 ~~of more than one-third (1/3) of the total floor area occupied by such use and the principal or~~
23 ~~conditional use to which it is accessory, except in the case of accessory off-street parking and~~
24 ~~loading.~~

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

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

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

6 (b) Unless rented on a monthly basis to serve a dwelling unit within 1,250-feet
7 pursuant to Section 204.5(b)(1), below, accessory parking facilities for any dwelling in any R
8 District shall be limited, further, to storage of private passenger automobiles, private
9 automobile trailers and boats, and trucks of a rated capacity not exceeding $\frac{3}{4}$ *three-quarters of*
10 a ton. Notwithstanding any provision of this Code to the contrary, the following shall be
11 permitted as an accessory use:

12 (1) Lease, for term of no less than one month, of a lawfully existing off-street
13 parking space that is required or permitted to serve a dwelling unit on the same lot, for use by
14 any resident of a dwelling unit located on a different lot within 1,250 feet of such parking
15 space.

16 (c) Accessory parking facilities shall include only those facilities which do not
17 exceed the ~~following amounts permitted by Section 151(c) for a structure, lot or development: three~~
18 ~~spaces where one space is required by this Code; four spaces where two spaces are required by this~~
19 ~~Code; 150 percent of the required number of spaces where three or more spaces are required by this~~
20 ~~Code; and, in all districts other than NC, 15 spaces or seven percent of the total gross floor area of the~~
21 ~~structure or development, whichever is greater, or in NC Districts, three spaces, where no off-street~~
22 ~~parking spaces are required by this Code. For purposes of calculation under the last provision just~~
23 ~~stated, gross floor area shall be as defined by this Code, and the area considered to be devoted to~~
24 ~~parking shall be only the parking spaces and aisles, excluding entrance and exit driveways and ramps.~~

25 Off-street parking facilities which exceed the amounts stated in ~~this Subsection~~ Section 151(c)

1 shall be classified as either a principal or a conditional use, depending upon the use
2 provisions applicable to the district in which such facilities are located. This subsection (c)
3 does not apply to districts subject to Section 151.1, which establishes maximum amounts of
4 accessory parking for all uses in those districts.

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

6 These districts are intended to recognize, protect, conserve and enhance areas
7 characterized by structures combining residential uses with neighborhood-serving commercial
8 uses. The predominant residential uses are preserved, while provision is made for supporting
9 uses, usually in or below the ground story, which meet the frequent needs of nearby residents
10 without generating excessive vehicular traffic. The compact, walkable, transit-oriented, and mixed-
11 use nature of these districts is recognized by ~~no minimum~~ certain reductions in off-street parking
12 requirements. The RC Districts are composed of two separate districts, as follows:

13 **RC-1 Districts: Low Density.** These districts are no longer in use.

14 **RC-2 Districts: Moderate Density.** These districts are no longer in use.

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

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

25 **SEC. 223. AUTOMOTIVE.**

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

5	C	C-	C-	C-	C-	C-	C-	M-	M-	PDR-	PD	PDR-1-	PDR	
6	-2	3-	3-	3-	3-	3-	M	1	2	1-G	R-	B	-2	
7		O	O	(R	G	S					1-			
8			S	D)							D			
9														
10														
11														SEC. 223. AUTOMOTIVE.
12														
13	P	P	P	P	P	P	P	P	P	P	P	P	P	(a) <u>Automobile</u> Sale or
14														Rental , as defined in Section 890.13
15														of new or used automobiles, when
16														conducted entirely within an
17														enclosed building.
18	P				P	P	P	P	P	P	P	P	P	(b) Sale or rental of new or
19														used trucks, when conducted entirely
20														within an enclosed building.
21														
22	€				€	€	P	P	P	P		P	P	(e) (b) <u>Automobile</u> Lot for sSale
23	*													or Rental , as defined in Section
24														890.13, when conducted on an open
25														

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

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*													<u>Section 890.11.</u>	
<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>(i) Public Parking Garage, as defined in Section 890.12.</u>	
<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	NA	NA	<u>P</u>	<u>NA</u>	<u>P</u>	<u>P</u>	<u>NA</u>	(g) <u>(j)</u> Parcel delivery service, limited to facilities for the unloading, sorting and reloading of local retail merchandise for home deliveries, where the operation is conducted entirely within a completely enclosed building; including garage facilities for local delivery trucks, but excluding repair shop facilities.
					<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	(r) <u>(k)</u> Parcel delivery service, not subject to the above limitations.	
<u>C</u>			<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	(s) <u>(l)</u> Ambulance s <u>Service, as defined in Section 890.2.</u>	
							<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>(m) Motor Vehicle Tow Service, as defined in Section 890.19.</u>	

1					€	<u>C</u>	<u>C</u>	P	P	P	P		P	(t) (<u>n</u>) Storage garage for commercial passenger vehicles and light delivery trucks.
2						<u>P</u>	<u>P</u>							
3														
4						€	<u>P</u>	P	P	P	P		P	(tt) (<u>o</u>) Storage yard for commercial vehicles or trucks, if conducted within an area completely enclosed by a wall or concealing fence not less than six feet high.
5							<u>C</u>							
6														
7														
8														
9														
10														
11								C	<u>P</u>	P	P		P	(v) (<u>p</u>) Truck terminal facility, if located not less than 200 feet from any R District.
12									<u>€</u>					
13														
14														

SEC. 239. WASHINGTON-BROADWAY SPECIAL USE DISTRICTS.

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

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

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

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

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

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

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

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

18 (b) **Purposes.** In order to implement the objectives and policies of the Van Ness
19 Avenue Area Plan, a part of the General Plan, which includes (i) creation of a mix of
20 residential and commercial uses on the boulevard, (ii) preservation and enhancement of the
21 pedestrian environment, (iii) encouragement of the retention and appropriate alteration of
22 architecturally and historically significant and contributory buildings, (iv) conservation of the
23 existing housing stock, and (v) enhancement of the visual and urban design quality of the
24 street, the following controls are imposed in the Van Ness Special Use District.

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

3 (1) **Basic Floor Area Ratio.** The basic floor area ratio limit shall be 7.0 to 1 in the
4 130-foot height district and 4.8:1 in the 80-foot height district. These limits shall apply to
5 dwellings notwithstanding Section 124(b) of this Code, including floor space used for
6 nonaccessory off-street parking, driveways, and maneuvering areas. For definitions of floor
7 area ratio and gross floor area, see Sections 102.11 and 102.9, respectively. The provisions
8 allowing a floor area premium set forth in Section 125(a) shall not apply in the Van Ness
9 Special Use District.

10 (2) **Housing Density.** The restrictions on density set forth in Sections 207, 207.1,
11 208, 209.1 and 209.2 of this Code shall not apply.

12 (3) **Height and Bulk Restrictions.** See Height and Bulk Map No. HT02 2H. See
13 Section 270 of this Code for bulk limits.

14 ~~(4) — Awnings, canopies and marquees. Awnings, canopies and marquees, as~~
15 ~~defined in Sections 790.20, 790.26 and 790.58 of this Code, and further regulated by the~~
16 ~~Building Code and Sections 243(c)(5), 136.2 and 607.3 of this Code, are permitted.~~

17 ~~(5) — Signs.~~

18 ~~(A) — Signs located within the Van Ness Special Use District, with the exception of the Civic~~
19 ~~Center Special Sign District as described in Section 608.3 of this Code and as shown in Sectional Map~~
20 ~~SSD, shall be regulated as provided in Article 6, including Section 607.3 which governs signs located~~
21 ~~in the Van Ness Special Sign District.~~

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

1 ~~(6)~~ **(4) Rear Yards.** The requirements of this Code applicable to rear yards may be
2 modified or waived by the Zoning Administrator pursuant to Section 307(g) if all of the
3 following conditions are met:

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

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

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

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

12 ~~(7)~~ **(5) Required Setbacks.** Setbacks for buildings exceeding a height of 50 feet shall
13 be regulated as provided in Section 253.2 of this Code.

14 ~~(8)~~ **(6) Limitation of Nonresidential Uses.**

15 (A) **Residential Uses; Ratio Established.** In newly constructed structures,
16 nonresidential uses shall only be permitted if the ratio between the amount of net additional
17 occupied floor area for residential uses, as defined in this paragraph below, to the amount of
18 occupied floor area for nonresidential uses in excess of the occupied floor area of structures
19 existing on the site at the time the project is approved is 3 to 1 or greater. In additions to
20 existing structures which exceed 20 percent of the gross floor area of the existing structure,
21 nonresidential uses shall be permitted in the addition in excess of 20 percent only if the ratio
22 between the amount of occupied floor area for residential use, as defined in this paragraph
23 below, to the area of occupied floor area for nonresidential use is 3 to 1 or greater. This
24 residential use ratio shall not apply to development sites in the Van Ness Special Use District
25 which have less than 60 feet of street frontage on Van Ness Avenue and have no street

1 activity and utilization of Section 243(c)(8)(B). Based on an evaluation of this report, the
2 Planning Commission may initiate a modification or deletion of Section 243(c)(8)(B).

3 The dollar amounts used in the calculation for Paragraphs (i) and (ii) of this Subsection
4 shall be subject to annual adjustments in accord with Section 413.6(1) of this Code.

5 Affordability shall be defined by rents or sale prices affordable by households with no more
6 than 80 percent of median income standards developed by HUD.

7 (iv) If the Commission finds that taking into consideration projects constructed since
8 the effective date of the Van Ness Special Use District and the housing development potential
9 remaining in the District the overall objective of adding a substantial increment of new housing
10 on Van Ness Avenue will not be significantly compromised, the Commission may by
11 conditional use modify the 3:1 housing ratio or may modify the rules regarding the timing and
12 location of linked projects if in addition to Section 303(c) standards of this Code it finds that:

13 (1) The project is to provide space for expansion of an established business from an
14 adjacent site (for this purpose two sites separated by an alley shall be deemed to be adjacent)
15 or,

16 (2) The project is to provide space for an institutional, hotel, medical, cultural or
17 social service use meeting an important public need which cannot reasonably be met
18 elsewhere in the area, and

19 (3) Housing cannot reasonably be included in the project referred to in (1) and (2)
20 above.

21 The Commission shall consider the feasibility of requiring the project to be constructed
22 in such a manner that it can support the addition of housing at some later time.

23 (C) **Off-Site Provision of Required Residential Space.** For the purpose of
24 calculating the 3 to 1 ratio between residential and nonresidential use, two or more projects
25 for new construction within the Van Ness Special Use District may be considered and

1 approved together as linked projects. The requirements of Paragraph (A) above may be
2 satisfied if the aggregate amount of occupied floor area for residential use in two or more
3 linked projects is at least three times greater than the aggregate amount of occupied floor
4 area for nonresidential use.

5 (i) Those building permit applicants who wish to link two or more projects for the
6 purpose of meeting the 3 to 1 residential to nonresidential ratio shall file with the Planning
7 Department a statement of intent identifying the applications covering the projects that are to
8 be considered and approved together;

9 (ii) When the Planning Department approves an application for a project containing
10 only nonresidential use and the project is linked to one or more other projects pursuant to the
11 statement of intent filed with the Department, it shall include as a condition of approval a
12 requirement prohibiting the project sponsor from commencing any work on the site until the
13 Zoning Administrator issues a written determination that such work may proceed. The Zoning
14 Administrator shall not issue such a determination until those permits authorizing the projects
15 containing residential use have been issued and foundations have been completed at each
16 such site;

17 (iii) If a permit for a project containing nonresidential use expires because of delays
18 in the completion of foundations for linked projects containing residential uses, new permits
19 may be approved for the nonresidential project within three years of such expiration without
20 regard to the 3 to 1 residential ratio requirement if a Temporary Certificate of Occupancy or a
21 Permit of Occupancy has been issued for each project containing residential use;

22 (iv) No building or portion of a building approved as a linked project that contains
23 residential use required to meet the 3 to 1 residential to nonresidential ratio requirement shall
24 be used for any nonresidential purposes; provided, however, that this restriction shall no
25 longer apply if 50 percent or more of the non-residential occupied floor area in the linked

1 projects has been converted to residential use, or has been demolished, or has been
2 destroyed by fire or other act of God;

3 (v) The Zoning Administrator shall impose as a condition of approval of a permit
4 authorizing the residential uses of linked projects the requirement that the owner record in the
5 land records of the property a notice of restrictions, approved as to form by the Zoning
6 Administrator, placed on the use of the property by this Section.

7 (D) **Nonconforming Uses.** A use which existed lawfully at the effective date of this
8 Section and which fails to conform to the use limitation of Section 243(c)(8)(A) above, shall be
9 considered a nonconforming use and subject to the provisions of Sections 180 through 188 of
10 this Code, including the provisions of Section 182 regarding change of use, except as follows:

11 (i) In calculating the cost of structural alterations pursuant to Section 181(b)(4), the
12 cost of reinforcing the building to meet the standards for seismic loads and forces of the 1975
13 Building Code shall not be included; and

14 (ii) Notwithstanding the provisions of Section 181(b), the structure occupied by the
15 nonconforming use may be enlarged by an amount equal to 20 percent of the gross floor area
16 of the existing structure.

17 (E) **Demolitions.** All demolitions of buildings containing residential use and all
18 conversions from residential uses to nonresidential uses above the ground floor shall be
19 permitted only if authorized as a conditional use under Section 303 of this Code, unless the
20 Director of the Department of Building Inspection or the Chief of the Bureau of Fire Prevention
21 and Public Safety determines that the building is unsafe or dangerous and that demolition is
22 the only feasible means to secure the public safety. When considering whether to grant a
23 conditional use permit for the demolition or conversion, in lieu of the criteria set forth in
24 Planning Code Section 303, consideration shall be given to the adverse impact on the public
25 health, safety and general welfare of the loss of housing stock in the district and to any

1 unreasonable hardship to the applicant if the permit is denied. The definition of residential use
2 shall be as set forth in Section 243(c)(8)(A), but shall not include any guest room in a building
3 classified as a residential hotel subject to the Residential Hotel Unit Conversion and
4 Demolition Ordinance.

5 A conditional use permit shall not be required if the demolition permit is sought in order
6 to comply with a court order directing or permitting the owner to demolish a building because it
7 is unsafe. No person shall be permitted to construct anything on the site of a demolished
8 building subject to such an order for a period of two years unless (a) the proposal is for at
9 least the same number and size of dwelling units and guest rooms and the same amount of
10 nonresidential floor area as that which was demolished or (b) the applicant requests and is
11 granted an exemption from this requirement on the ground that the applicant has
12 demonstrated that (1) the need for demolition did not arise because of the deliberate or
13 unreasonable neglect of the maintenance of the building, or that (2) the restrictions would
14 cause undue hardship to the property owner or that (3) the restrictions would leave the
15 property without any substantial remaining market value or reasonable use.

16 (7) Parking. Projects with parking which exceeds the amount permitted in Section
17 151.1 for an RC District shall be permitted if:

18 (A) the project was approved prior to the effective date of this Ordinance No.
19 _____;

20 (B) the project builds no more parking than the amount approved; and

21 (C) the project proceeds to construction within three years of the effective date of
22 this Ordinance No. _____ . ~~the residential parking requirement shall be one space for each dwelling~~
23 ~~unit; provided, however, that the Zoning Administrator may reduce the parking requirement to not less~~
24 ~~than one space for each four dwelling units pursuant to the procedures and criteria of Sections 307(g)~~
25 ~~and (i) of this Code.~~

1 ~~(G)~~ **(8) Adult Entertainment Enterprises.** The uses described in Section 790.36 ~~221(k)~~
2 of this Code are not permitted.

3 ~~(H)~~ **(9) Other Entertainment Uses.** Other Entertainment Uses as defined in Section
4 790.38 of this Code shall require notification as set forth in Section 312 of this Code.

5 ~~(I)~~ **(10) Reduction of Ground Level Wind Currents.**

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

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

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

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

23 (C) For the purposes of this Section, the term "equivalent wind speed" shall mean
24 an hourly wind speed adjusted to incorporate the effects of gustiness or turbulence on
25 pedestrians.

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

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

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

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

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

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

20 (b) **Controls.**

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

1 (2) **Conditional Uses.**

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

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

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

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

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

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

18 In addition to those specified in Sections 302 through 306, and Sections 316 through
19 316.8 of this Code, the Zoning Administrator shall have the following powers and duties in
20 administration and enforcement of this Code. The duties described in this Section shall be
21 performed under the general supervision of the Director of Planning, who shall be kept
22 informed of the actions of the Zoning Administrator.

23 (g) **Exceptions from Certain Specific Code Standards through Administrative**
24 **Review in the Chinatown Mixed Use Districts and the South of Market Mixed Use**
25 **Districts.** The Zoning Administrator may allow complete or partial relief from parking, rear

1 yard, open space and wind and shadow standards as authorized in the applicable sections of
2 this Code, when modification of the standard would result in a project better fulfilling the
3 criteria set forth in the applicable section. The procedures and fee for such review shall be
4 the same as those which are applicable to variances, as set forth in Sections 306.1 through
5 306.5 and 308.2.

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

12 (1) **Applicability.**

13 (A) **Eastern Neighborhoods Mixed Use Districts.** For projects not subject to Section
14 329, relief may be provided for the following requirements: rear yard; non-residential open
15 space; off-street loading requirements; and off-street parking limits up to the maximum
16 quantities described in Section 151.1.

17 (B) **Dwelling Unit Exposure for Historic Buildings.** Relief may also be provided for
18 dwelling unit exposure requirements for buildings which are designated landmark buildings or
19 contributory buildings within designated historic districts per Article 10 of this Code, any
20 building designated Category I-IV per Article 11 of this Code, and/or buildings recorded with the
21 State Historic Preservation Office as eligible for the California Register, when the following
22 criteria are met: (i) literal enforcement of Section 140 would result in the material impairment
23 of the historic resource; and (ii) the project complies with the Secretary of the Interior's
24 Standards, (36 C.F.R. § 67.7 (2001)) and/or Section 1006 and any related Article 10
25

1 appendices of this Code. This administrative exception does not apply to new additions to historic
2 buildings.

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

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

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

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

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

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

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

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

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

13 (1) Exceptions to the setback and rear yard requirements as permitted in Sections
14 132.1 and 134(d);

15 (2) Exceptions to the ground-level wind current requirements as permitted in
16 Section 148;

17 (3) Exceptions to the sunlight to public sidewalk requirement as permitted in Section
18 146;

19 ~~(4) Exceptions to the limitation on residential accessory parking as permitted in~~
20 ~~Section 151.1(e);~~

21 (4) ~~(5)~~ Exceptions to the limitation on curb cuts for parking access as permitted in
22 Section 155(r);

23 (5) ~~(6)~~ Exceptions to the limitations on above-grade residential accessory parking as
24 permitted in Section 155(s);

1 (6) ~~(7)~~ Exceptions to the freight loading and service vehicle space requirements as
2 permitted in Section 161(f) ~~(h)~~;

3 (7) ~~(8)~~ Exceptions to the off-street tour bus loading space requirements as permitted in
4 Section 162;

5 (8) ~~(9)~~ Exceptions to the height limits for vertical extensions as permitted in Section
6 260(b)(1)(G) and for upper tower extensions as permitted in Section 263.9 ~~263.7~~;

7 (9) ~~(10)~~ Exceptions to the height limits in the 80-130F and 80-130X Height and Bulk
8 Districts as permitted in Section 263.8 ~~263.6~~ and in the 200-400S Height and Bulk District as
9 permitted in Section 263.10 ~~263.8~~;

10 (10) ~~(11)~~ Exceptions to the bulk requirements as permitted in Sections 270 and 272.

11 **SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT**

12 **ZONING CONTROL TABLE**

			Broadway
No.	Zoning Category	§ References	Controls
714.22	Off-Street Parking, Commercial/In stitutional	§§ 150, 153—157, 159—160, 204.5	Generally, n None required. <i>Limits set forth in § 151.1 if occupied floor area is less than 5,000 sq. ft.</i> §§ 151, 161(g)
714.94	Off-Street Parking, Residential	§§ 150, 151.1, 153—157, 159— 160, 204.5	<u>None required.</u> P up to 0.5 parking spaces for each one car for each two dwelling units; C up to .75 cars parking spaces for each dwelling unit, subject to the criteria and procedures of Section 151.1 (f); NP above 0.75 cars for each dwelling unit.

			<p>§§ 151.1, 166, 167, 145.1 161(a)(g)</p> <p># Mandatory discretionary review by the Planning Commission if installing a garage in an existing residential building of four or more units and Section 311 notice for a building of less than four units.</p>
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SPECIFIC PROVISIONS FOR THE BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
§ 714.65	§ 236	<u>GARMENT SHOP SPECIAL USE DISTRICT</u>
§ 714.68	§ 249.35	<p><u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD).</u></p> <p><u>Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the Broadway Neighborhood Commercial Districts.</u></p> <p><u>Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Section 259.35(c)(3).</u></p>
§ 714.722.94	§§ 150, 153-157, 159-160, 204.5	<p><u>BROADWAY OFF-STREET PARKING RESIDENTIAL</u></p> <p><u>Boundaries: Broadway NCD</u></p> <p><u>Controls: Installing a garage in an existing residential building of four or more units requires a mandatory discretionary review by the Planning Commission; Section 311 notice is required for a building of less than</u></p>

		<p><i>four units. In approving installation of the garage, the Commission shall find that:</i> (1) the proposed garage opening/addition of off-street parking will not cause the "removal" or "conversion of residential unit," as those terms are defined in Section 317 of this Code; (2) the proposed garage opening/addition of off-street parking will not substantially decrease the livability of a dwelling unit without increasing the floor area in a commensurate amount; (3) the building has not had two or more "no-fault" evictions, as defined in 37.9(a)(7)—(13) of the San Francisco Administrative Code, with each eviction associated with a separate unit(s) within the past ten years, (4) the garage would not front on a public right-of-way narrower than 41 feet, and (5) the proposed garage/addition of off-street parking installation is consistent with the Priority Policies of Section 101.1 of this Code.</p> <p>Boundaries: Applicable only for the portion of Broadway NCD as mapped on Sectional Map 1-SUa</p> <p>Controls: Garment shops are P at the 1st and 2nd stories</p>
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SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

			North Beach
No.	Zoning Category	§ References	Controls
722.22	Off-Street Parking, Commercial/Instit	§§ 150, 153— 157, 159—160, 204.5	Generally, n None required. <i>Limits set forth in if occupied floor area is less than 5,000 sq. ft.</i> §§ 151.1, 161(g)

	utional		
722.94	Off-Street Parking, Residential	§§ 150, 151.1, 153—157, 159— 160, 204.5	None required. -P up to 0.5 parking spaces one car for each two dwelling units; C up to .75 cars <u>parking spaces</u> for each dwelling unit, <i>subject to the criteria and procedures of</i> <i>Section 151.1(f); NP above 0.75 cars for each</i> <i>dwelling unit.</i> §§ 151.1, <u>166, 167, 145.1</u> 161(a)-(g) # if installing a garage in an existing residential building

SPECIFIC PROVISIONS FOR THE NORTH BEACH NEIGHBORHOOD

COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
§ 722.65	§ 236	GARMENT SHOP SPECIAL USE DISTRICT
§ 722.94	§§ 150, 153-157, 159-160, 204.5	NORTH BEACH OFF-STREET PARKING, RESIDENTIAL Boundaries: North Beach NCD A. Controls: Installing a garage in an existing residential building of four or more units requires a mandatory discretionary review by the Planning Commission; Section 311 notice is required for a building of less than four units. <i>In</i> <i>approving installation of the garage, the Commission shall find</i> <i>that:</i> (1) the proposed garage opening/addition of off-street parking will not cause the "removal" or "conversion of

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		<p>residential unit," as those terms are defined in Section 317 of this Code; (2) 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) the building has not had two or more "no-fault" evictions, as defined in 37.9(a)(7)—(13) of the San Francisco Administrative Code, with each eviction associated with a separate unit(s) within the past ten years, (4) the garage would not front on a public right-of-way narrower than 41 feet, and (5) the proposed garage/addition of off-street parking installation is consistent with the Priority Policies of Section 101.1 of this Code.</p> <p>B. Prior to the Planning Commission hearing, or prior to issuance of notification under Section 311(c)(2) of this Code, the Planning Department shall require a signed affidavit by the project sponsor attesting to (1), (2), and (3) above, which the Department shall independently verify. The Department shall also have made a determination that the project complies with (4) and (5) above.</p> <p>Boundaries: Applicable only for the portion of North Beach NCD as mapped on Sectional Map SU01a</p> <p>Controls: Garment shops are P at the 1st and 2nd stories</p>
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Table 810

CHINATOWN COMMUNITY BUSINESS DISTRICT ZONING CONTROL TABLE

SPECIFIC PROVISIONS FOR CHINATOWN COMMUNITY BUSINESS DISTRICT

Section		Zoning Controls
§ 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 SUa

Table 811

CHINATOWN VISITOR RETAIL DISTRICT ZONING CONTROL TABLE

SPECIFIC PROVISIONS FOR CHINATOWN VISITOR RETAIL DISTRICT

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

Table 812

CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

SPECIFIC PROVISIONS FOR RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT

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

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

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

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<u>Property Description</u>	<u>Washington-Broadway Special Use District</u>
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11 All C-2 zoned parcels on Blocks 0163,
12 0164, 0165, 0166, 0173, 0174, 0175,
13 0176, 0195, 0196, and 0197

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

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18 Section 6. This section is uncodified. In enacting this ordinance, the Board intends to
19 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,
20 punctuation, charts, diagrams, or any other constituent part of the Planning Code that are
21 explicitly shown in this legislation as additions, deletions, Board amendment additions, and
22 Board amendment deletions in accordance with the "Note" that appears under the official title
23 of the legislation.

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

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

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

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

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