

File No. 101053

Committee Item No. 2  
Board Item No. 19

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date March 21, 2011

Board of Supervisors Meeting Date March 29, 2011

#### Cmte Board

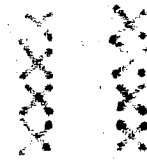
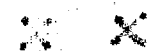
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| <input type="checkbox"/>            | <input type="checkbox"/>            | Youth Commission Report                      |
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| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Public Correspondence                        |

OTHER (Use back side if additional space is needed)

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Environmental Review Determination, dtd 9/20/10</u>       |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Small Business Commission Recommendation, dtd 12/1/10</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Planning Commission Resolution No. 18250</u>              |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Planning Commission Resolution No. 18235</u>              |
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Completed by: Alisa Somera Date March 18, 2011  
Completed by: Alisa Somera Date March 23, 2011

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



1 [Planning Code - Zoning - Establishing Consistent Setback, Street Frontage, Off-Street  
2 Parking, and Other Planning Code Requirements and Procedures Across Various Use  
3 Districts]

4 **Ordinance amending the San Francisco Planning Code by amending Sections 124,**  
5 **132.2, 136, 144, 145, 145.1, 145.5, 150, 151.1, 155, 161, 186, 206.3, 209.8, 210.3, 212, 231,**  
6 **243, 253, 253.2, and 307, and by repealing Sections 175.1, 175.2, 175.3, 175.4, 175.5,**  
7 **209.10, and 249.26 to: (1) create comprehensive and consistent street frontage controls**  
8 **for residential districts, (2) create consistent ground floor controls for industrial**  
9 **districts, (3) permit certain small corner commercial uses in RM-3 and RM-4 districts,**  
10 **(4) modify floor area ratio controls in the Van Ness Special Use District, (5) modify**  
11 **conditional use requirements for buildings over 40 feet in RM and RC districts, (6)**  
12 **amend the procedure for granting exceptions from off-street parking and loading**  
13 **requirements, (7) allow parking and loading exceptions to preserve historic buildings**  
14 **and landmark trees, (8) make certain Planning Code controls consistent across C-3**  
15 **Districts, and (9) streamline language and correct out-of-date Code references;**  
16 **adopting findings, including environmental findings, Section 302 findings, and findings**  
17 **of consistency with the General Plan and the Priority Policies of Planning Code Section**  
18 **101.1.**

19 NOTE: Additions are single-underline italics Times New Roman;  
20 deletions are ~~strike-through italics Times New Roman~~.  
21 Board amendment additions are double-underlined;  
22 Board amendment deletions are ~~strikethrough-normal~~.

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

24 Section 1. Findings.

25 (a) The Planning Department has determined that the actions contemplated in this ordinance are categorically exempt from environmental review under CEQA (the California

1 Environmental Quality Act, California Public Resources Code Section 21000 et seq.) and  
2 Section 15060(c)(2) of the CEQA Guidelines, and the Board concurs in that determination.  
3 Said determination is on file with the Clerk of the Board of Supervisors in File No. 10-1053  
4 and is incorporated herein by reference.

5 (b) Pursuant to Planning Code Section 302, the Board finds that these Planning  
6 Code amendments will serve the public necessity, convenience, and welfare for the reasons  
7 set forth in Planning Commission Resolution Nos. 18235 and 18250, and the Board hereby  
8 incorporates those reasons herein by reference. A copy of Planning Commission Resolution  
9 Nos. 18235 and 18250 are on file with the Clerk of the Board of Supervisors in File No. 10-  
10 1053.

11 (c) The Board finds that these Planning Code amendments are consistent with the  
12 General Plan and with the Priority Policies of Planning Code Section 101.1 for the reasons set  
13 forth in Planning Commission Resolution Nos. 18235 and 18250, and the Board hereby  
14 incorporates those reasons herein by reference.

15  
16 Section 2. The San Francisco Planning Code is hereby amended by amending Section  
17 124, to read as follows:

18 **SEC. 124. BASIC FLOOR AREA RATIO.**

19 (a) Except as provided in Subsections (b), (c) and (e) of this Section, the basic floor  
20 area ratio limits specified in the following table shall apply to each building or development in  
21 the districts indicated.

22 **TABLE 124  
BASIC FLOOR AREA RATIO LIMITS**

District	Basic Floor Area Ratio Limit
RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-1,	1.8 to 1

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RM-2, RTO, RTO-M	
RM-3	3.6 to 1
RM-4	4.8 to 1
RC-1, RC-2	1.8 to 1
RC-3	3.6 to 1
RC-4	4.8 to 1
RED	1.0 to 1
RSD, SPD	1.8 to 1
NC-1, NCT-1	1.8 to 1
NC-S	
Inner Clement	
Inner Sunset	
Outer Clement	
Haight	
North Beach	
Sacramento	
24th Street—Noe Valley	
West Portal	
NC-2, NCT-2, SoMa, Ocean Avenue	2.5 to 1
Broadway	
Upper Fillmore	
Polk	
Valencia	
24th Street-Mission	

1	Castro	3.0 to 1
2	Hayes-Gough	
3	Upper Market	
4	Union	
5	NC-3, NCT-3, Mission Street	3.6 to 1
6	Chinatown R/NC	1.0 to 1
7	Chinatown VR	2.0 to 1
8	Chinatown CB	2.8 to 1
9	C-1, C-2	3.6 to 1
10	C-2-C	4.8 to 1
11	C-3-C	6.0 to 1
12	C-3-O	9.0 to 1
13	C-3-R	6.0 to 1
14	C-3-G	6.0 to 1
15	C-3-S	5.0 to 1
16	C-3-O (SD)	6.0 to 1
17	C-3-S (SU)	7.5 to 1
18	C-M	9.0 to 1
19	M-1, M-2	5.0 to 1
20	SLR, SLI	2.5 to 1
21	SSO and in a 40 or 50 foot height district	3.0 to 1
22	SSO and in a 65 or 80 foot height district	4.0 to 1
23	SSO and in a 130 foot height district	4.5 to 1
24	MUG, MUO, MUR, UMU, PDR-1-B, PDR-1-D,	3.0 to 1
25		

1	PDR-1-G, and PDR-2 in a 40, 45, or 48 foot	
2	height district	
3	MUG, MUO, MUR, UMU, PDR-1-B, PDR-1-D,	4.0 to 1
4	PDR-1-G, and PDR-2 in a 50, 55, or 58 foot	
5	height district	
6	MUG, MUO, MUR, UMU, PDR-1-B, PDR-1-D,	5.0 to 1
7	PDR-1-G, and PDR-2 in a 65 or 68 foot height	
8	district	
9	MUG, MUO, MUR, UMU, PDR-1-B, PDR-1-D,	6.0 to 1
10	PDR-1-G, and PDR-2 in a 85 foot height	
11	district	
12	MUG, MUO, MUR, UMU, PDR-1-B, PDR-1-D,	7.5 to 1
13	PDR-1-G, and PDR-2 in a height district over	
14	85 feet	

15 (b) In R, NC, and Mixed Use Districts, the above floor area ratio limits shall not  
16 apply to dwellings or to other residential uses. *In NC Districts, the above floor area ratio limits*  
17 *shall also not apply to nonaccessory off street parking.* In Chinatown Mixed Use Districts, the  
18 above floor area ratio limits shall not apply to institutions, and mezzanine commercial space  
19 shall not be calculated as part of the floor area ratio.

20 (c) In a C-2 District the basic floor area ratio limit shall be 4.8 to 1 for a lot which is  
21 nearer to an RM-4 or RC-4 District than to any other R District, and 10.0 to 1 for a lot which is  
22 nearer to a C-3 District than to any R District. The distance to the nearest R District or C-3  
23 District shall be measured from the midpoint of the front line, or from a point directly across  
24 the street therefrom, whichever gives the greatest ratio.  
25

1 (d) In the Van Ness Special Use District, as described in Section 243 of this Code,  
2 the basic floor area ratio limit shall be 7.0 to 1 where the height limit is 130 feet and 4.85 to 1  
3 where the height limit is 80 feet.

4 (e) In the Waterfront Special Use Districts, as described in Sections 240 through  
5 240.3 of this Code, the basic floor area ratio limit in any C District shall be 5.0 to 1.

6 (f) For buildings in C-3-G and C-3-S Districts other than those designated as  
7 Significant or Contributory pursuant to Article 11 of this Code, additional square footage above  
8 that permitted by the base floor area ratio limits set forth above may be approved for  
9 construction of dwellings on the site of the building affordable for 20 years to households  
10 whose incomes are within 150 percent of the median income as defined herein, in accordance  
11 with the conditional use procedures and criteria as provided in Section 303 of this Code. For  
12 buildings in the C-3-G District designated as Significant or Contributory pursuant to Article 11  
13 of this Code, additional square footage above that permitted by the base floor area ratio limits  
14 set forth above up to the gross floor area of the existing building may be approved, in  
15 accordance with the conditional use procedures and criteria as provided in Section 303 of this  
16 Code, where: (i) TDRs (as defined by Section 128(a)(5)) were transferred from the lot  
17 containing the Significant or Contributory building prior to the effective date of the amendment  
18 to Section 124(f) adding this paragraph when the floor area transferred was occupied by a  
19 non-profit corporation or institution meeting the requirements for exclusion from gross floor  
20 area calculation under *Planning Code* Section 102.9(b)(15) *of this Code*; (ii) the additional  
21 square footage includes only the amount necessary to accommodate dwelling units and/or  
22 group housing units that are affordable for not less than 50 years to households whose  
23 incomes are within 60 percent of the median income as defined herein together with any  
24 social, educational, and health service space accessory to such units; and (iii) the proposed  
25 change in use to dwelling units and accessory space and any construction associated



1 therewith, if it requires any alternation to the exterior or other character defining features of the  
2 Significant or Contributory Building, is undertaken pursuant to the duly approved Permit to  
3 Alter, pursuant to Section 1110; provided, however, that the procedures otherwise required for  
4 a Major Alteration as set forth in sections 1111.2—1111.6 shall be deemed applicable to any  
5 such Permit to Alter.

6 (1) Any dwelling approved for construction under this provision shall be deemed a  
7 "designated unit" as defined below. Prior to the issuance by the Director of the Department of  
8 Building Inspection ("Director of Building Inspection") of a site or building permit to construct  
9 any designated unit subject to this Section, the permit applicant shall notify the Director of  
10 Planning and the Director of Property in writing whether the unit will be an owned or rental unit  
11 as defined in Section 401 313(a) of this Code.

12 (2) Within 60 days after the issuance by the Director of Building Inspection of a site  
13 or building permit for construction of any unit intended to be an owned unit, the Director of  
14 Planning shall notify the City Engineer in writing identifying the intended owned unit, and the  
15 Director of Property shall appraise the fair market value of such unit as of the date of the  
16 appraisal, applying accepted valuation methods, and deliver a written appraisal of the unit to  
17 the Director of Planning and the permit applicant. The permit applicant shall supply all  
18 information to the Director of Property necessary to appraise the unit, including all plans and  
19 specifications.

20 (3) Each designated unit shall be subject to the provisions of Section 313(i) 413 of  
21 this Code. For purposes of this Subsection and the application of Section 313(i) 413 of this  
22 Code to designated units constructed pursuant to this Subsection, the definitions set forth in  
23 Section 401 of this Code 313(a) shall apply, with the exception of the following definitions, which  
24 shall supersede the definitions of the terms set forth in Section 401 313(a):  
25

1 (A) "Base price" shall mean 3.25 times the median income for a family of four  
2 persons for the County of San Francisco as set forth in California Administrative Code Section  
3 6932 on the date on which a housing unit is sold.

4 (B) "Base rent" shall mean .45 times the median income for the County of San  
5 Francisco as set forth in California Administrative Code Section 6932 for a family of a size  
6 equivalent to the number of persons residing in a household renting a designated unit.

7 (C) "Designated unit" shall mean a housing unit identified and reported to the  
8 Director by the sponsor of an office development project subject to this Subsection as a unit  
9 that shall be affordable to households of low or moderate income for 20 years.

10 (D) "Household of low or moderate income" shall mean a household composed of  
11 one or more persons with a combined annual net income for all adult members which does  
12 not exceed 150 percent of the qualifying limit for a median income family of a size equivalent  
13 to the number of persons residing in such household, as set forth for the County of San  
14 Francisco in California Administrative Code Section 6932.

15 (E) "Sponsor" shall mean an applicant seeking approval for construction of a project  
16 subject to this Subsection and such applicants' successors and assigns.

17 (g) The allowable gross floor area on a lot which is the site of an unlawfully  
18 demolished building that is governed by the provisions of Article 11 shall be the gross floor  
19 area of the demolished building for the period of time set forth in, and in accordance with the  
20 provisions of, Section 1114 of this Code, but not to exceed the basic floor area permitted by  
21 this Section.

22 (h) In calculating the permitted floor area of a new structure in a C-3 District, the lot  
23 on which an existing structure is located may not be included unless the existing structure and  
24 the new structure are made part of a single development complex, the existing structure is or  
25 is made architecturally compatible with the new structure, and, if the existing structure is in a

1 Conservation District, the existing structure meets or is made to meet the standards of Section  
2 1109(c), and the existing structure meets or is reinforced to meet the standards for seismic  
3 loads and forces of the 1975 Building Code. Determinations under this Paragraph shall be  
4 made in accordance with the provisions of Section 309.

5 (i) In calculating allowable gross floor area on a preservation lot from which any  
6 TDRs have been transferred pursuant to Section 128, the amount allowed herein shall be  
7 decreased by the amount of gross floor area transferred.

8 (j) Within any RSD, SPD, SLR, SLI or SSO District, live/work units constructed  
9 above the floor area ratio limit pursuant to Section 102.9(b)(19) of this Code shall be subject  
10 to the following conditions and standards:

11 (1) Considering all dwelling units and all live/work units on the lot, existing and to be  
12 constructed, there shall be no more than one live/work unit and/or dwelling unit per 200  
13 square feet of lot area, except that, for projects in the RSD District which will exceed 40 feet in  
14 height, and therefore are required to obtain conditional use approval, the allowable density for  
15 dwelling units and live/work units shall be established as part of the conditional use  
16 determination; and

17 (2) The parking requirement for live/work units subject to this subsection shall be  
18 equal to that required for dwelling units within the subject district.

19  
20 Section 3. The San Francisco Planning Code is hereby amended by amending Section  
21 132.2, to read as follows:

22 **SEC. 132.2. SETBACKS: IN THE NORTH OF MARKET RESIDENTIAL SPECIAL USE**  
23 **DISTRICT.**

24 (a) **General.** In order to maintain the continuity of a predominant street wall along  
25 the street, setbacks of the upper portion of a building which abuts a public sidewalk may be

1 required of buildings located within the boundaries of the North of Market Residential Special  
2 Use District, as shown on Sectional Map 1Sub of the Zoning Map, as a condition of approval  
3 of conditional use authorization otherwise required by Section 253 of this Code for building in  
4 RC Districts which exceed ~~40~~ 50 feet in height.

5 (b) **Procedures.** A setback requirement may be imposed in accordance with the  
6 provisions set forth below pursuant to the procedures for conditional use authorization set  
7 forth in Section 303 of this Code.

8 (c) **Setback Requirement.** In order to maintain the continuity of the prevailing  
9 streetwall along a street *or alley*, a setback requirement may be imposed as a condition of  
10 approval of an application for conditional use authorization for a building in excess of ~~40~~50 feet  
11 in height, as required by Section 253 of this Code. ~~In no event shall the City Planning Commission~~  
12 ~~impose a setback requirement of more than 20 feet applicable to the portion of a building which~~  
13 ~~exceeds 50 feet in height.~~ If the applicant can demonstrate that the prevailing streetwall height  
14 on the block on which the proposed project is located, as established by existing cornice lines,  
15 is in excess of 50 feet, then the Commission may impose a maximum setback of up to 20 feet  
16 applicable to the portion of the building which exceeds the established prevailing streetwall  
17 height; provided, however, that if the applicant demonstrates that the prevailing streetwall  
18 height is in excess of 68 feet, the maximum setback requirement which may be imposed is 16  
19 feet. If the applicant can demonstrate that a building without a setback would not disrupt the  
20 continuity of the prevailing streetwall along the street, then the ~~City~~ Planning Commission may  
21 grant approval of the conditional use authorization without imposing a setback requirement as  
22 a condition thereof.

23  
24 Section 4. The San Francisco Planning Code is hereby amended by amending Section  
25 136, to read as follows:

**SEC. 136. OBSTRUCTIONS OVER STREETS AND ALLEYS AND IN REQUIRED SETBACKS, YARDS AND USABLE OPEN SPACE.**

Streets and Alleys	Setbacks	Yards	Usable Open Space	
				<p>(a) The following obstructions shall be permitted, in the manner specified, as indicated by the symbol "X" in the columns at the left, within the required open areas listed herein:</p>
				<p>(1) Projections from a building or structure extending over a street or alley as defined by this Code. Every portion of such projections over a street or alley shall provide a minimum of 7" feet of vertical clearance from the sidewalk or other surface above which it is situated, or such greater vertical clearance as may be required by the San Francisco Building Code, unless the contrary is stated below. The permit under which any such projection over a street or alley is erected over public property shall not be construed to create any perpetual right but is a revocable license;</p>
				<p>(2) Obstructions within legislated setback lines and front setback areas, as required by Sections 131 and 132 of this Code;</p>

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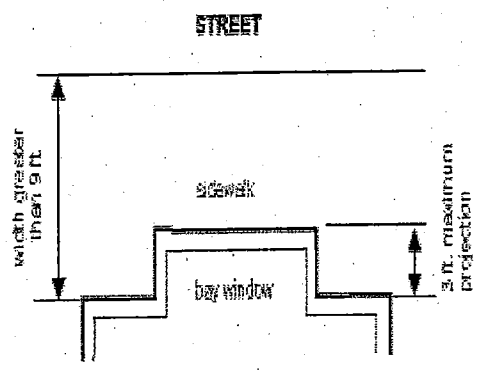
				(3) Obstructions within side yards and rear yards, as required by Sections 133 and 134 of this Code;
				(4) Obstructions within usable open space, as required by Section 135 of this Code.
				(b) No obstruction shall be constructed, placed or maintained in any such required open area except as specified in this Section.
				(c) The permitted obstructions shall be as follows:
x	x	x	x	(1) Overhead horizontal projections (leaving at least 7" feet of headroom) of a purely architectural or decorative character such as cornices, eaves, sills and belt courses, with a vertical dimension of no more than two feet six inches, not increasing the floor area or the volume of space enclosed by the building, and not projecting more than:
				(A) At roof level, three feet over streets and alleys and into setbacks, or to a perimeter in such required open areas parallel to and one foot outside the surfaces of bay windows immediately below such features, whichever is the greater projection,

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					or streets and alleys
				(C) Three feet into yards and usable open space, or 1/6 of the required minimum dimensions (when specified) of such open areas, whichever is less;	
x	x	x	x	(2) Bay (projecting) windows, balconies (other than balconies used for primary access to two or more dwelling units or two or more bedrooms in group housing), and similar features that increase either the floor area of the building or the volume of space enclosed by the building above grade, when limited as specified herein. With respect to obstructions within yards and usable open space, the bay windows and balconies specified in Paragraph (c)(3) below shall be permitted as an alternative to those specified in this Paragraph (c)(2).	
				(A) The minimum headroom shall be 7" feet.	

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(B) Projection into the required open area shall be limited to three feet, provided that projection over streets and alleys shall be further limited to two feet where the sidewalk width is nine feet or less, and the projection shall in no case be closer than eight feet to the centerline of any alley.

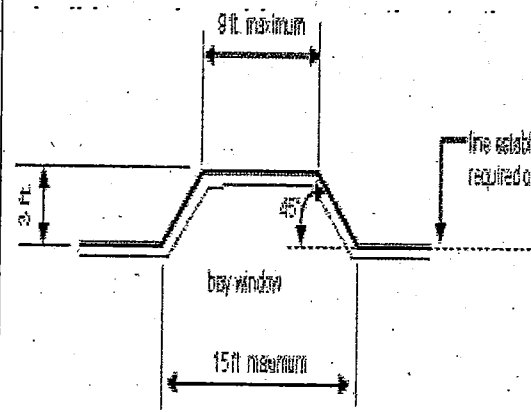


(C) The glass areas of each bay window, and the open portions of each balcony, shall be not less than 50 percent of the sum of the areas of the vertical surfaces of such bay window or balcony above the required open area. At least 1/3 of such required glass area of such bay window, and open portions of such balcony, shall be on one or more vertical surfaces situated at an angle of not less than 30 degrees to the line establishing the required open area. In addition, at least 1/3 of such required glass area or open portions shall be on the vertical surface parallel to, or most nearly parallel to, the line establishing each open area over which the bay window or balcony projects.

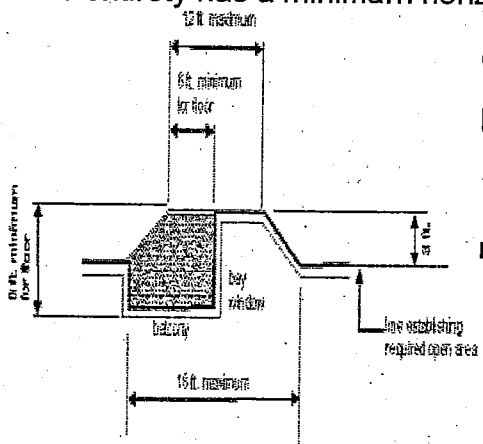


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(D) The maximum length of each bay window or balcony shall be 15 feet at the line establishing the required open area, and the distance from such line by 9 feet from the ends of such bay window or balcony shall be 9 feet along a line from the line establishing



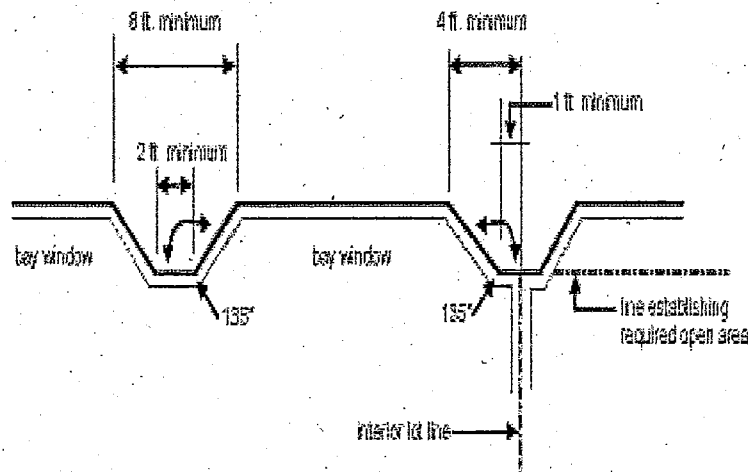
(E) Where a bay window and a balcony are located immediately adjacent to one another, and the floor of such balcony in its entirety has a minimum horizontal dimension of six feet, the distance from such line by 9 feet from the ends of such bay window or balcony shall be increased to a line establishing the required open area shall be 12 feet along a line parallel to and at a distance of 6 feet from the line establishing the required open area



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				<p>(F) The minimum horizontal separation between bay windows, between balconies, and between bay windows and balconies (except where a bay window and a balcony are located immediately adjacent to one another, as provided for in Subparagraph (c)(2)(E) above), shall be two feet at the line establishing the required open area, and shall be increased in proportion to the distance from such line by means of 135-degree angles drawn outward from the ends of such two-foot dimension, reaching a minimum of eight feet along a line parallel to and at a distance of three feet from the line establishing the required open area.</p>
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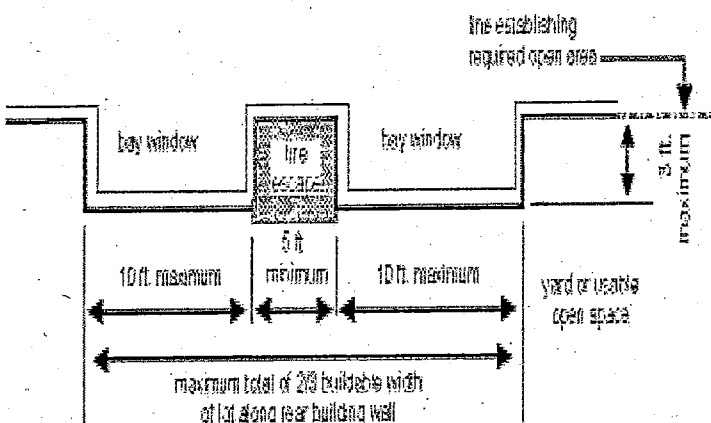
(G) Each bay window or balcony over a street or alley, setback or rear yard shall also be horizontally separated from interior lot lines (except where the wall of a building on the adjoining lot is flush to the interior lot line immediately adjacent to the projecting portions of such bay window or balcony) by not less than one foot at the line establishing the required open area, with



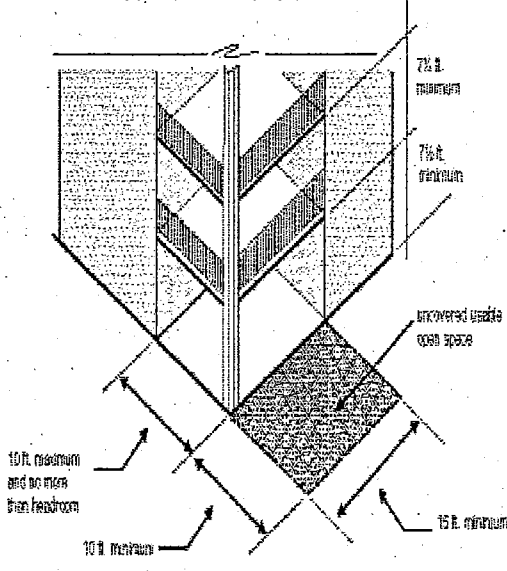
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(3) Bay (projecting) windows, balconies (other than balconies used for primary access to two or more dwelling units or two or more bedrooms in group housing), and similar features that increase either the floor area of the building or the volume of space enclosed by the building above grade, when limited as specified herein. With respect to obstructions within yards and usable open space, the bay windows and balconies specified in Paragraph (c)(2) above shall be permitted as an alternative to those specified in this Paragraph (c)(3).

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			<p>(A) The minimum headroom shall be 7" feet.</p>
			<p>(B) Projection into the required open area shall be limited to three feet, or 1/6 of the required minimum dimension (when specified) of the open area, whichever is less.</p>
			<p>(C) In the case of bay windows, the maximum length of each bay window shall be 10 feet, and the minimum horizontal separation between bay windows shall be five feet, above all parts of the required open area.</p>
			<p>(D) The aggregate length of all bay windows and balconies projecting into the required open area shall be no more than 2/3 the buildable width of the lot along a rear building wall, 2/3 the</p>  <p>the length of all side lot line; in shall apply to capes and</p>

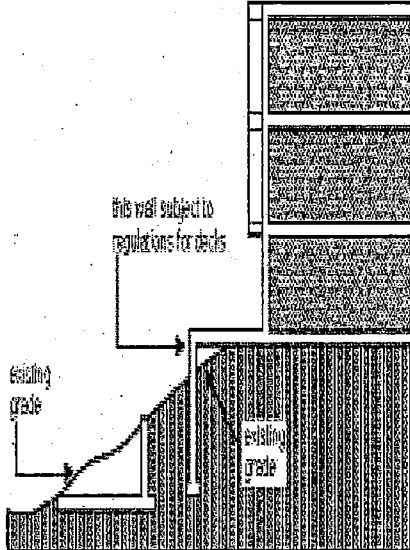
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x	x	x	x	<p>(4) Fire escapes, leaving at least 7" feet of headroom exclusive of drop ladders to grade, and not projecting more than necessary for safety or in any case more than four feet six inches into the required open area. In the case of yards, the aggregate length of all bay windows, balconies, fire escapes and chimneys that extend into the required open area shall be no more than 2/3 the buildable width of the lot along a rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the buildable length of an interior side lot line;</p>
			x	<p>(5) Overhead horizontal projections other than those listed above, leaving at least 7" feet y such projection is no greater no case is greater than 10 feet; nmon usable open space at the projection directly adjoins s at least 10 feet in depth and</p> 

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		x		(6) Chimneys not extending more than three feet into the required open area or 1/6 of the required minimum dimension (when specified) of the open area, whichever is less; provided, that the aggregate length of all bay windows, balconies, fire escapes and chimneys that extend into the required open area is no more than 2/3 the buildable width of the lot along a rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the buildable length of an interior side lot line;
x				(7) Temporary occupancy of street and alley areas during construction and alteration of buildings and structures, as regulated by the Building Code and other portions of the Municipal Code;
x				(8) Space below grade, as regulated by the Building Code and other portions of the Municipal Code;
x	x			(9) Building curbs and buffer blocks at ground level, not exceeding a height of nine inches above grade or extending more than nine inches into the required open area;
x	x			(10) Signs as regulated by Article 6 of this Code, at locations and to the extent permitted therein;
x	x			(11) Flagpoles for projecting flags permitted by Article 6 of this Code;

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x	x			<p>(12) Marquees, awnings and canopies in P, NC, C, M, MUG, MUO, MUR, UMU, RSD, SPD, SLR, SLI, DTR and SSO districts, <u>and for Limited Commercial Uses in Residential and RTO Districts</u>, as regulated by the Building Code, and as further limited in Section 136.1 and other provisions of this Code;</p>
	x	x	x	<p>(13) Retaining walls that are necessary to maintain approximately the grade existing at the time of construction of a building. Other retaining walls and the grade maintained by them shall be subject to the same regulations as decks (see Paragraphs (c)(24) and (c)(25) below);</p>  <p style="text-align: center;"><b>SECTION</b></p>

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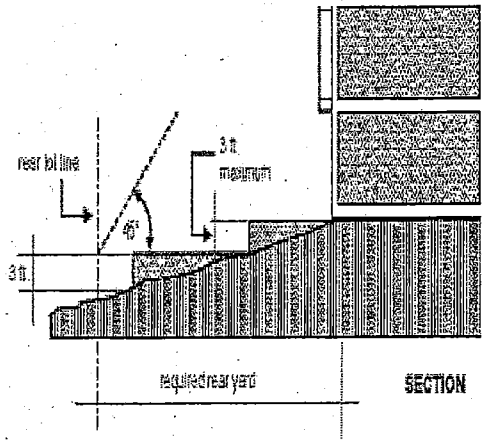
	x	x	x	(14) Steps of any type not more than three feet above grade, and uncovered stairways and landings not extending higher than the floor level of the adjacent first floor of occupancy above the ground story, and, in the case of yards and usable open space, extending no more than six feet into the required open area for any portion that is more than three feet above grade, provided that all such stairways and landings shall occupy no more than 2/3 the buildable width of the lot along a front or rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the length of all open areas along the buildable length of an interior side lot line;
x	x	x	x	(15) Railings no more than three feet six inches in height above any permitted step, stairway, landing, fire escape, deck, porch or balcony, or above the surface of any other structure permitted in the required open area.
	x	x	x	(16) Decorative railings and decorative grille work, other than wire mesh, at least 75 percent open to perpendicular view and no more than six feet in height above grade;
	x	x	x	(17) Fences no more than three feet in height above grade;
		x	x	(18) Fences and wind screens no more than six feet in height above grade;



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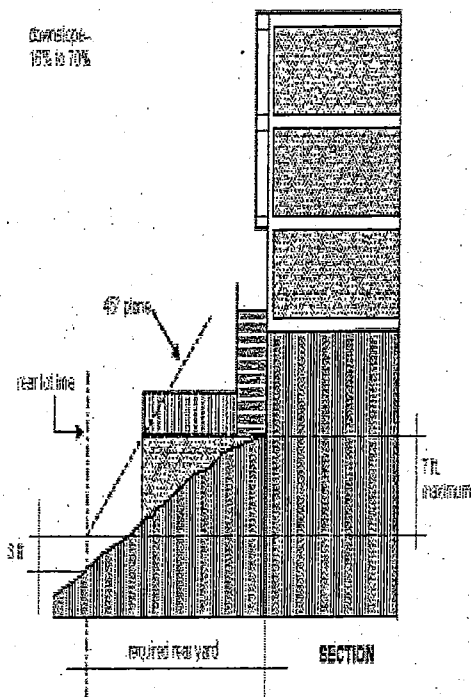
		x		(19) Fences and wind screens no more than 10 feet in height above grade;
		x	x	(20) Normal outdoor recreational and household features such as play equipment and drying lines;
	x	x	x	(21) Landscaping and garden furniture;
		x	x	(22) Garden structures enclosed by walls on no more than 50 percent of their perimeter, such as gazebos and sunshades, if no more than eight feet in height above grade and covering no more than 60 square feet of land;
		x		(23) Other structures commonly used in gardening activities, such as greenhouses and sheds for storage of garden tools, if no more than eight feet in height above grade and covering no more than 100 square feet of land;
		x		(24) Decks, whether attached to a building or not, at or below the adjacent first floor of occupancy, if developed as usable open space and meeting the following requirements:

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s. The floor of the deck shall be grade at any point in the or penetrate a plane made by horizontal with its vertex three ring the required open area,

(B) Slope of more than 15 percent and no more than 70 percent. The floor of the deck shall not exceed a height of three feet above grade at any point along any lot line bordering the

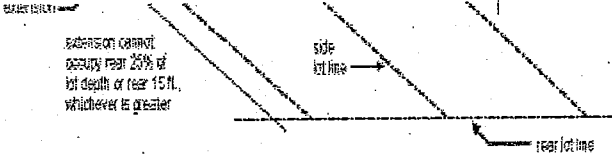
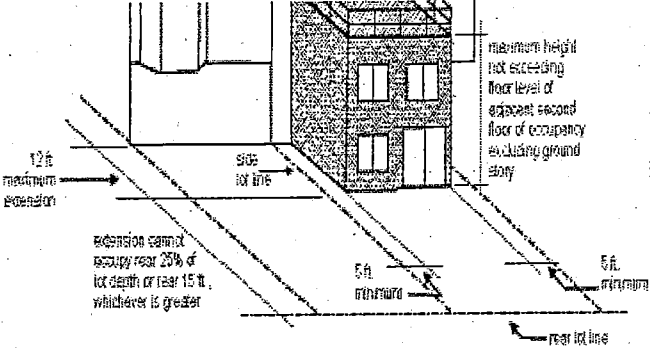


floor penetrate a plane made by horizontal with its vertex three bordering the required open area, are developed with adjacent not more than three feet, whether same ownership, each deck may adjacent to the other deck. In measured up from grade to the floor n feet at any point in the required

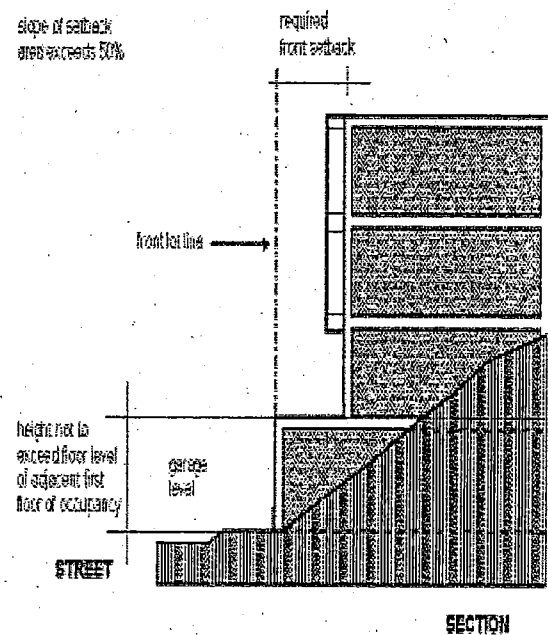
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				<p>(C) Slope of more than 70 percent. Because in these cases the normal usability of the required open area is seriously impaired by the slope, a deck covering not more than 1/3 the area of the required open area may be built exceeding the heights specified above, provided that the light, air, view, and privacy of adjacent lots are not seriously affected. Each such case shall be considered on its individual merits. However, the following points shall be considered guidelines in these cases:</p>
				<p>(i) The deck shall be designed to provide the minimum obstruction to light, air, view and privacy.</p>
				<p>(ii) The deck shall be at least two feet inside all side lot lines.</p>
				<p>(iii) On downhill slopes, a horizontal angle of 30 degrees drawn inward from each side lot line at each corner of the rear building line shall be maintained clear, and the deck shall be kept at least 10 feet inside the rear lot line;</p>
		x		<p>(25) Except in required side yards, decks, and enclosed and unenclosed extensions of buildings, when limited as specified herein:</p>

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			<p>(A) The structure shall extend no more than 12 feet into the required open area; and shall not occupy any space within the rear 25 percent of the total depth of the lot, or within the rear 15 feet of the depth of the lot, whichever is greater,</p>
			<p>(B) Within all parts of the required open area, the structure shall be limited in height to either:</p>
			
<p style="text-align: center;">x</p>			 <p style="text-align: right;">vel of the second , at the rear of the the structure shall lot line,</p>
			<p>(C) Any fence or wind screen extending above the height specified in Subparagraph (c)(25)(B) shall be limited to six feet above such height; shall be no closer to any interior side lot line than one foot for each foot above such height; and shall have not less than 80 percent of its surfaces above such height composed of transparent or translucent materials;</p>

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		x	<p>(26) Garages which are underground, or under decks conforming to the requirements of Paragraph (c)(24) or (c)(25) above, if their top surfaces are developed as usable open space, provided that no such garage shall occupy any area within the rear 15 feet of the depth of the lot;</p>
	x		<p>(27) Garages, where the average slope of the required open area ascends from the street lot line to the line at the setback and exceeds 50 percent, provided the height of the garage is limited to 10 feet above grade, or the floor level of the adjacent first floor of occupancy on the subject property, whichever height is less;</p> 

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	x		<p><u>Reserved. (28)</u> <del>Garages, where both adjoining lots (or the one adjoining lot where the subject property is a corner lot) contain a garage structure within the required setback line or front setback area on the same street or alley frontage, provided the garage on the subject property does not exceed the average of the two adjacent garage structures (or the one adjacent garage structure where the subject property is a corner lot) in either height above grade or extension into the required setback;</del></p>
	x		<p>(29) Garages, where the subject property is a through lot having both its front and its rear lot line along streets, alleys, or a street and an alley, and both adjoining lots (or the one adjoining lot</p> <div data-bbox="552 955 1201 1491" data-label="Diagram"> <p>The diagram shows a central shaded rectangular area labeled 'subject property'. To its left is a vertical strip labeled 'STREET OR ALLEY' with an arrow pointing to the 'rear lot line'. To its right is another vertical strip labeled 'STREET OR ALLEY' with an arrow pointing to the 'front lot line'. Above the subject property is a horizontal double-headed arrow labeled 'existing rear yard'. The diagram is divided into a 3x3 grid. The top-left cell contains 'existing garage', the top-right cell contains 'existing adjacent building', the middle-left cell contains 'new garage', the middle-right cell contains 'subject property', and the bottom-right cell contains 'existing adjacent building'. The bottom-left cell is empty.</p> </div> <p>contain a garage on the subject property, as not exceed the average of the two adjacent garage structures (or the one adjacent garage structure where the subject property is a corner lot) in either height above grade or extension into the required rear yard;</p>

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x	x	x		<p>(30) Driveways, for use only to provide necessary access to required or permitted parking that is located in the buildable area of the subject property other than in a required open area, and where such driveway has only the minimum width needed for such access, and in no case shall parking be allowed in the setback;</p>
		x	x	<p>(31) In the Outer Clement Street Neighborhood Commercial District, outdoor activity area if used in connection with a commercial use on a contiguous lot and which existed in 1978 and has remained in said use since 1978.</p>
				<p>(d) Notwithstanding the limitations of Subsection (c) of this Section, the following provisions shall apply in C-3 districts:</p>
				<p>(1) <b>Decorative Architectural Features.</b> Decorative architectural features not increasing the interior floor area or volume of the space enclosed by the building are permitted over streets and alleys and into setbacks within the maximum vertical and horizontal dimensions described as follows:</p>
				<p>(A) At roof level, decorative features such as cornices, eaves, and brackets may project four feet with a maximum vertical dimension no greater than six feet.</p>

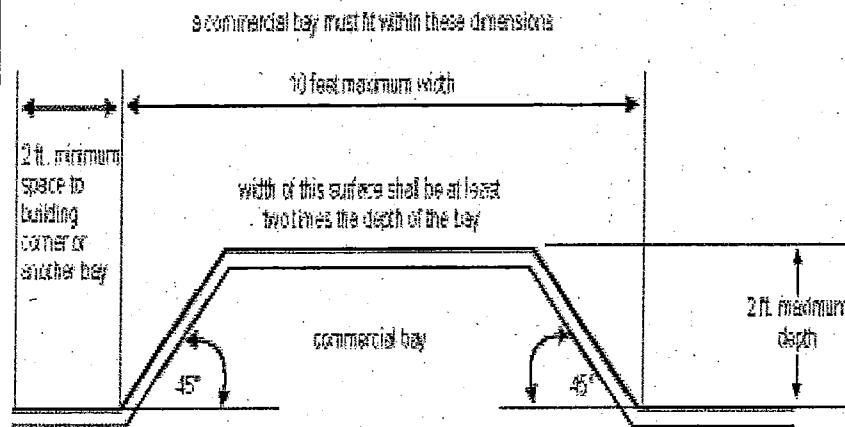
(B) At all levels above the area of minimum vertical clearance required in Subsection (a)(1) above, decorative features, such as belt courses, entablatures, and bosses, may project two feet, with a maximum vertical dimension of four feet.

(C) At all levels above the area of minimum vertical clearance required by Subsection (a)(1) above, vertical decorative features, such as pilasters, columns, and window frames (including pediment and sills), with a cross-sectional area of not more than three square feet at midpoint, may project one foot horizontally.

(2) **Bay Windows.** Notwithstanding the provisions of Subsections (c)(2)(D) and (F) of this Section, bay windows on

**Commercial Bay**

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Section 5. The San Francisco Planning Code is hereby amended by amending Section 144, to read as follows:



1 **SEC. 144. ~~TREATMENT OF GROUND STORY ON STREET FRONTAGES, IN RH-2, RH-3,~~**  
2 **RTO, RTO-M, ~~RM-1~~ AND RM-2 DISTRICTS.**

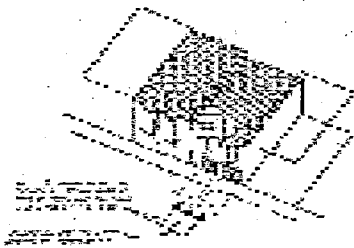
3 (a) **Purpose General.** This Section is enacted to assure that in RH-2, RH-3, RM-1,  
4 ~~RM-2~~, RTO and RTO-M Districts the ground story of dwellings as viewed from the street is  
5 compatible with the scale and character of the existing street frontage, visually interesting and  
6 attractive in relation to the pattern of the neighborhood, and so designed that adequate areas  
7 are provided for front landscaping, street trees and on-street parking between driveways. The  
8 design of ground story frontages subject to this Section shall also be reviewed for consistency  
9 with applicable design guidelines, including the Ground Floor Residential Design Guidelines.

10 (b) **Controls.**

11 (1) **Entrances to Off-Street Parking.** Except as otherwise provided herein, in the  
12 case of every dwelling in such districts no more than one-third ~~30 percent~~ of the width of the  
13 ground story along the front lot line, or along a street side lot line, or along a building wall that  
14 is set back from any such lot line, shall be devoted to entrances to off-street parking, except  
15 that in no event shall a lot be limited by this requirement to a single such entrance of less than  
16 ten ~~16~~ feet in width, or to a single such entrance of less than 8 feet in RTO and RTO-M  
17 districts. In addition, no entrance to off-street parking ~~for a dwelling~~ on any lot shall be wider  
18 than 20 feet, and where two or more separate entrances are provided there shall be a  
19 minimum separation between such entrances of six feet. Lots in RTO and RTO-M districts are  
20 limited to a total of 20 feet per block frontage devoted to entrances to off-street parking.

21 Street-facing garage structures and garage doors may not extend closer to the street than a primary  
22 building facade unless the garage structure and garage door are consistent with the features listed in  
23 Section 136 of this Code. Entrances to off-street parking shall be located at least six feet from a lot  
24 corner located at the intersection of two public rights-of-way.

1            **(A) Exceptions.** The requirements of this Subsection ~~(1)~~ shall not be applicable  
2 where the lot has an upward or downward slope from the front lot line to the forward edge of  
3 the required rear yard, along the centerline of the building, of more than 20 percent; or where  
4 the lot depth and the requirements of this Code for dimensions, areas and open spaces are  
5 such that the permitted building depth is less than 40 feet in an RH-2 District or less than 65  
6 feet in an RH-3, ~~RM-1~~ or RM-2 District.



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12            **(2) ~~(e)~~ Features To Be Provided.** In the case of every dwelling in such districts, no  
13 less than one-third ~~30 percent~~ of the width of the ground story along the front lot line, along a  
14 street side lot line, and along a building wall that is set back from any such lot line, shall be  
15 devoted to windows, entrances for dwelling units, landscaping, and other architectural  
16 features that provide visual relief and interest for the street frontage.

17            **(3) ~~(d)~~ Parking Setback.** In RTO and RTO-M districts off-street parking is not  
18 permitted on the ground floor within the first 20 feet of building depth from any facade facing a  
19 street at least 30 feet in width, unless such parking occupies the space otherwise used as the  
20 drive-aisle or driveway (such as in cases of tandem parking). All off-street parking along  
21 these frontages must be wrapped with dwelling units, entrances to dwelling units, commercial  
22 uses where permitted, and other uses (other than storage) and building features that generate  
23 activity or pedestrian interest.

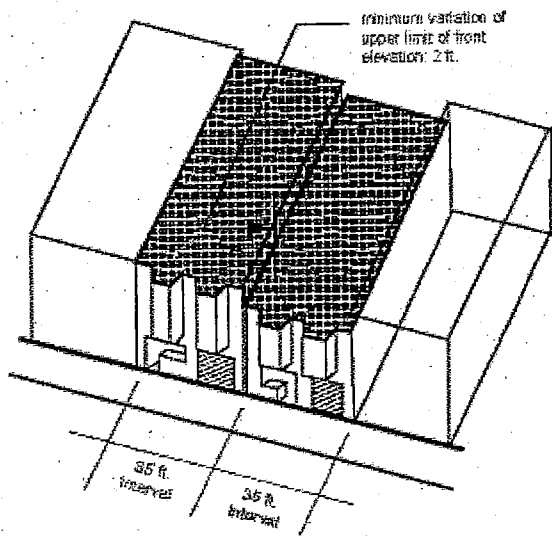
1 Section 6. The San Francisco Planning Code is hereby amended by amending Section  
2 145, to read as follows:

3 **SEC. 1454.1. MODERATION OF ~~BUILDING FRONT OF~~ BUILDING, FRONTS IN RM-1 AND**  
4 **RM-2 DISTRICTS.**

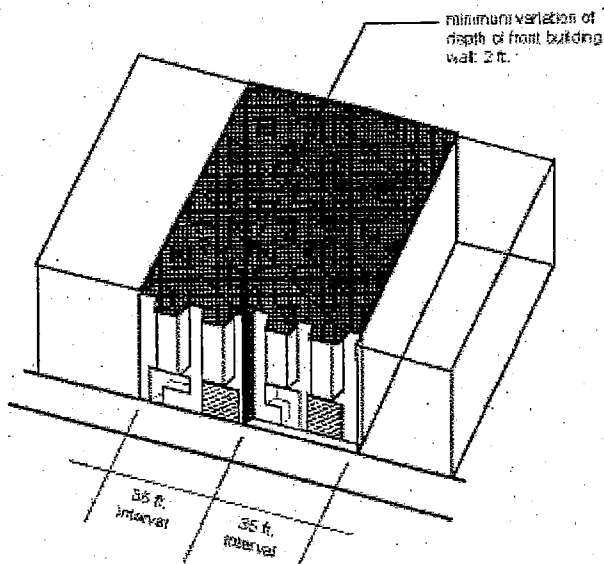
5 (a) **General.** This Section is enacted to assure that in RM-1 and RM-2 Districts  
6 new dwellings will be compatible with the established mixture of houses and apartment  
7 buildings in terms of apparent building width, requiring that on wider lots the front of the  
8 building be divided visually into narrower segments, according to the predominant existing  
9 scale in such areas.

10 (b) **Stepping of Building Height and Walls.** Except as provided in Subsection (c)  
11 below, in the case of every dwelling in such districts on a lot with a width of more than 35 feet,  
12 there shall be a stepping of the building along the front lot line, or along the front of the  
13 building where it is set back from such lot line, by at least one of the following methods:

14 (1) Variation of the upper limit of the front elevation of the building, at intervals of not  
15 more than 35 feet, by a minimum of two feet in height. Not less than 30 percent of the width  
16 of such elevation shall be varied in this way from the height of the remainder of such  
17 elevation. For purposes of this provision, the term "front elevation" shall mean the front wall  
18 and other portions of the building to a significant depth on the lot.



(2) Variations of the depth of the front building wall from the front lot line, at intervals of not more than 35 feet, by a minimum of two feet in depth. Not less than 30 percent of the width of such front building wall shall be varied in this way from the depth of the remainder of such wall. For purposes of this provision, the term "front building wall" shall mean such wall exclusive of all projections and other obstructions permitted by Section 136 of this Code for required front setback areas.



1 (c) **Entrances to Dwelling Units.** As an alternative to the requirements of  
2 Subsection (b) above, there may be provided for such dwelling a minimum of one pedestrian  
3 entrance serving a dwelling unit or units within each portion of the front of the building that has  
4 a full width of 25 feet.

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6 Section 7. The San Francisco Planning Code is hereby amended by adding a new  
7 Section 145, to read as follows:

8 **SEC. 145. FRONTAGES, OUTDOOR ACTIVITY AREAS, WALKUP FACILITIES, AND**  
9 **GROUND FLOOR USES AND STANDARDS IN COMMERCIAL, RESIDENTIAL-**  
10 **COMMERCIAL, NEIGHBORHOOD COMMERCIAL, MIXED USE, AND INDUSTRIAL**  
11 **DISTRICTS.**

12 *The purpose of the following controls is to preserve, enhance and promote attractive, clearly*  
13 *defined street frontages that are pedestrian-oriented, fine-grained, and which are appropriate and*  
14 *compatible with the buildings in Commercial, Residential-Commercial, Neighborhood Commercial,*  
15 *Mixed Use, or Industrial Districts.*

16  
17 Section 8. The San Francisco Planning Code is hereby amended by amending Section  
18 145.1, to read as follows:

19 **SEC. 145.1. STREET FRONTAGES, ~~IN~~ NEIGHBORHOOD COMMERCIAL, ~~DOWNTOWN~~**  
20 **~~RESIDENTIAL~~, RESIDENTIAL-COMMERCIAL, COMMERCIAL, ~~C-M~~, ~~CHINATOWN MIXED~~**  
21 **~~USE, SOUTH OF MARKET MIXED USE, AND ~~EASTERN NEIGHBORHOOD~~ MIXED USE~~**  
22 **DISTRICTS.**

23 (a) **Purpose.** The purpose of this Section is to preserve, enhance and promote  
24 attractive, clearly defined street frontages that are pedestrian-oriented, fine-grained, and  
25 which are appropriate and compatible with the buildings and uses in Neighborhood

1 Commercial Districts, Commercial Districts, ~~Downtown Residential Districts~~, Residential-  
2 Commercial Districts, ~~C-M Districts~~, ~~Chinatown Mixed Use Districts~~, ~~South of Market Mixed Use~~  
3 ~~Districts~~, and ~~Eastern Neighborhoods~~ Mixed Use Districts.

4 (b) **Definitions.**

5 (1) **Development lot.** A "development lot" shall mean:

6 (A) Any lot containing a proposal for new construction, or

7 (B) Building alterations which would increase the gross square footage of a  
8 structure by 20 percent or more, or

9 (C) In a building containing parking, a change of more than 50 percent of the  
10 building's gross floor area to or from residential uses, excluding residential accessory off-  
11 street parking.

12 (2) **Active use.** An "active use", shall mean any principal, conditional, or accessory  
13 use which by its nature does not require non-transparent walls facing a public street or  
14 involves the storage of goods or vehicles.

15 ~~(A) A.~~ Residential uses are considered active uses above the ground floor; on the  
16 ground floor, residential uses are considered active uses only if more than 50 percent of the  
17 linear residential street frontage at the ground level features walk-up dwelling units which  
18 provide direct, individual pedestrian access to a public sidewalk, and are consistent with the  
19 Ground Floor Residential Design Guidelines, as adopted and periodically amended by the  
20 Planning Commission.

21 ~~(B) B.~~ Spaces accessory to residential uses, such as fitness or community rooms, are  
22 considered active uses only if they meet the intent of this section and have access directly to  
23 the public sidewalk or street.

24 ~~(C) C.~~ Building lobbies are considered active uses, so long as they do not exceed 40  
25 feet or 25% of building frontage, whichever is larger.

1           (D) ~~D~~. Public Uses described in 790.80 and 890.80 are considered active uses except  
2 utility installations.

3           (c)     **Controls.** ~~The~~ The following requirements shall generally apply, except for those  
4 controls listed in subsections (1) Above Grade Parking Setback and ~~(3)~~ (4) Ground Floor  
5 Ceiling Height, which only apply to a "development lot" as defined above.

6           In NC-S Districts, the applicable frontage shall be the primary facade(s) which contain  
7 customer entrances to commercial spaces.

8           (1)     **Above-Grade Parking Setback.** Off-street parking at street grade on a  
9 development lot must be set back at least 25 feet on the ground floor and at least 15 feet on  
10 floors above, from any facade facing a street at least 30 feet in width. Parking above the  
11 ground level shall be entirely screened from all public rights-of-way in a manner that  
12 accentuates ground floor uses, minimizes mechanical features and is in keeping with the  
13 overall massing and architectural vocabulary of the building. In C-3 Districts, parking above the  
14 ground level, where permitted, shall also be designed to facilitate conversion to other uses by  
15 maintaining level floors and a clear ceiling height of nine feet or equal to that of the adjacent street-  
16 fronting active uses, whichever is greater. Removable parking ramps are excluded from this  
17 requirement.

18           The following shall apply to projects subject to this section:

19           (A)     when only one parking space is permitted, if a space is proposed it must be within the  
20 first 25 feet of the building;

21           (B)     when two or more parking spaces are proposed, one space may be within the first 25  
22 feet of the building;

23           (C)     when three or more parking spaces are proposed, all parking spaces must be set back at  
24 least 25 feet from the front of the development.

1           (2)   **Parking and Loading Entrances.** No more than one-third of the width or 20  
2 feet, whichever is less, of any given street frontage of a new or altered structure parallel to  
3 and facing a street shall be devoted to parking and loading ingress or egress. In NC-S  
4 Districts, no more than ~~1/3~~ one-third or 50 feet, whichever is less, of each lot frontage shall be  
5 devoted to ingress/egress of parking. Street-facing garage structures and garage doors may not  
6 extend closer to the street than a primary building facade unless the garage structure and garage door  
7 are consistent with the features listed in Section 136 of this Code. The total street frontage  
8 dedicated to parking and loading access should be minimized, and combining entrances for  
9 off-street parking with those for off-street loading is encouraged. The placement of parking  
10 and loading entrances should minimize interference with street-fronting active uses and with  
11 the movement of pedestrians, cyclists, public transit, and autos. Entrances to off-street parking  
12 shall be located at least six feet from a lot corner located at the intersection of two public rights-of-  
13 way. Off-street parking and loading entrances should minimize the loss of on-street parking  
14 and loading spaces. Off-street parking and loading are also subject to the provisions of  
15 Section 155 of this Code. In C-3 Districts, so as not to preclude the conversion of parking space to  
16 other uses in the future, parking at the ground-level shall not be sloped, and the floor shall be aligned  
17 as closely as possible to sidewalk level along the principal pedestrian frontage and/or to those of the  
18 street-fronting commercial spaces and shall have a minimum clear ceiling height of 14 feet or equal to  
19 that of street-fronting commercial spaces, whichever is greater. Removable parking ramps are  
20 excluded from this requirement.

21           (3)   **Active Uses Required.** With the exception of space allowed for parking and  
22 loading access, building egress, and access to mechanical systems, space for active uses as  
23 defined in Subsection (b)(2) and permitted by the specific district in which it is located shall be  
24 provided within the first 25 feet of building depth on the ground floor and 15 feet on floors  
25 above from any facade facing a street at least 30 feet in width. Building systems including



1 mechanical, electrical, and plumbing features may be exempted from this requirement by the  
2 Zoning Administrator only in instances where those features are provided in such a fashion as  
3 to not negatively impact the quality of the ground floor space.

4 (4) **Ground Floor Ceiling Height.** Unless otherwise established elsewhere in this  
5 Code:

6 (A) Ground floor non-residential uses in UMU Districts shall have a minimum floor-  
7 to-floor height of 17 feet, as measured from grade.

8 (B) Ground floor non-residential uses in all C-3, C-M, NCT, DTR, Chinatown Mixed  
9 Use, RSD, SLR, SLI, SSO, MUG, MUR, and MUO Districts shall have a minimum floor-to-  
10 floor height of 14 feet, as measured from grade.

11 (C) Ground floor non-residential uses in all RC districts, C-2 districts, RED districts,  
12 and NC districts other than NCT, shall have a minimum floor-to-floor height of 14 feet, as  
13 measured from grade except in 40-foot and 50-foot height districts, where buildings shall have  
14 a minimum floor-to-floor height of 10 feet.

15 (5) **Street-Facing Ground-Level Spaces.** The floors of street-fronting interior  
16 spaces housing non-residential active uses and lobbies shall be as close as possible to the  
17 level of the adjacent sidewalk at the principal entrance to these spaces. Street-facing ground-  
18 level spaces housing non-residential active uses in hotels, office buildings, shopping centers,  
19 and other large buildings shall open directly onto the street, rather than solely into lobbies and  
20 interior spaces of the buildings. Such required street-facing entrances shall remain open to  
21 the public during business hours.

22 (6) **Transparency and Fenestration.** Frontages with active uses that are not  
23 residential or PDR must be fenestrated with transparent windows and doorways for no less  
24 than 60 percent of the street frontage at the ground level and allow visibility to the inside of the  
25

1 building. The use of dark or mirrored glass shall not count towards the required transparent  
2 area.

3 (7) **Gates, Railings, and Grillwork.** Any decorative railings or grillwork, other than  
4 wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75  
5 percent open to perpendicular view. Rolling or sliding security gates shall consist of open  
6 grillwork rather than solid material, so as to provide visual interest to pedestrians when the  
7 gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both  
8 open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid  
9 flush with, the building facade.

10 (d) **Exceptions for Historic Buildings.** Specific street frontage requirements in this  
11 Section may be modified or waived by the Planning Commission for structures designated as  
12 landmarks, significant or contributory buildings within a historic district, or buildings of merit  
13 when the Historic Preservation Commission advises that complying with specific street  
14 frontage requirements would adversely affect the landmark, significant, contributory, or  
15 meritorious character of the structure, or that modification or waiver would enhance the  
16 economic feasibility of preservation of the landmark or structure.

17  
18 Section 9. The San Francisco Planning Code is hereby amended by amending Section  
19 145.5. to read as follows:

20 **SEC. 145.5. GROUND FLOOR STANDARDS IN *PDR INDUSTRIAL* DISTRICTS.**

21 All new buildings constructed in *PDR Industrial* Districts, as defined in Section 201, shall  
22 provide ground floor spaces with a minimum clear ceiling height of 15 feet, as measured from  
23 grade. In existing buildings, a minimum clear ceiling height of 15 feet shall be retained where  
24 currently existing. Any building permit which seeks to reduce the clear ceiling height to less than 15  
25 feet shall require a variance as set forth in Section 305 of this Code.

1 Section 10. The San Francisco Planning Code is hereby amended by amending  
2 Section 150, to read as follows:

3 **SEC. 150. OFF-STREET PARKING AND LOADING REQUIREMENTS.**

4 (a) **General.** This Article 1.5 is intended to assure that off-street parking and  
5 loading facilities are provided in amounts and in a manner that will be consistent with the  
6 objectives and policies of the San Francisco General Plan, as part of a balanced  
7 transportation system that makes suitable provision for ~~use of both~~ walking, cycling, public  
8 transit, private vehicles, and ~~transit~~ the movement of goods. With respect to off-street parking,  
9 this Article is intended to require ~~needed~~ facilities where needed but discourage excessive  
10 amounts of automobile parking, to avoid adverse effects upon surrounding areas and uses,  
11 and to encourage effective use of walking, cycling, and public transit as ~~an~~ alternatives to travel  
12 by private automobile.

3 (b) **Spaces Required.** Off-street parking and loading spaces, according to the  
4 requirements stated in this Article 1.5, shall be provided for any structure constructed, and any  
5 use established, whether public or private, after the original effective date of any such  
6 requirement applicable to such structure or use.

7 (c) **Additions to Structure and Uses.**

8 (1) For any structure or use lawfully existing on such effective date, off-street  
9 parking and loading spaces need be provided only in the case of a major addition to such  
10 structure or use, and only in the quantity required for the major addition itself. Any lawful  
11 deficiency in off-street parking or loading spaces existing on such effective date may be  
12 carried forward for the structure or use, apart from such major addition.

13 (2) For these purposes, a "major addition" is hereby defined as any enlargement,  
14 alteration, change of occupancy or increase in intensity of use which would increase the  
15 number of off-street parking spaces required for dwelling units by ~~one~~ two or more spaces;

1 which would increase the number of off-street parking spaces required for uses other than  
2 dwelling units by at least 15 percent or by at least five spaces, whichever is greater; or which  
3 would increase the requirement for off-street loading spaces by at least 15 percent.

4 (3) Successive additions made after the effective date of an off-street parking or  
5 loading requirement shall be considered cumulative, and at the time such additions become  
6 major in their total, off-street parking and loading spaces shall be provided as required for  
7 such major addition.

8 (d) **Spaces to be Retained.** Once any off-street parking or loading space has been  
9 provided which wholly or partially meets the requirements of this Code, such off-street parking  
10 or loading space shall not thereafter be reduced, eliminated or made unusable in any manner;  
11 provided, however, that in the Outer Clement Neighborhood Commercial District a maximum  
12 of one off-street parking space may be used for the storage of materials for a commercial use  
13 if the commercial use is on a lot contiguous to the lot on which the parking space is located  
14 and if access between the commercial use and the storage is available without the use of a  
15 public sidewalk or other public right-of-way and if the storage occurred prior to 1985. Any  
16 required residential parking space may be leased or rented on a monthly basis to serve the  
17 resident of any dwelling unit within 1,250 feet of said parking space, as provided under  
18 Section 204.5(b)(1) of this Code, and such lease or rental shall not be considered a reduction  
19 or elimination of required spaces.

20 (e<sup>3</sup>) **Parking in excess of the maximum permitted.** Any off-street parking space or  
21 spaces which existed lawfully at the effective date of this Section and which have a total  
22 number in excess of the maximum permitted off-street parking spaces permitted under  
23 Section 151.1 shall be considered noncomplying features pursuant to Section 180(a)(2) and  
24 shall be regulated as set forth in Section 188.

25 ~~(e) *Conditional Use Cases. When authorizing a conditional use under Section 303 of this*~~

1 ~~Code, the Planning Commission may require such additional off-street parking and loading spaces,~~  
2 ~~and apply such other standards in addition to those stated in this Article.~~

3  
4 Section 11. The San Francisco Planning Code is hereby amended by amending the  
5 Table in Section 151.1, to read as follows:

6 **SECTION 151.1. SCHEDULE OF PERMITTED OFF-STREET PARKING SPACES IN**  
7 **SPECIFIED DISTRICTS.**

8 **Table 151.1**

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

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

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

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	criteria and procedures of Section 151.1(g); NP above one car for each dwelling unit.
Dwelling units and SRO units in UMU Districts, except as specified below	P up to 0.75 cars for each dwelling unit and subject to the conditions of 151.1(g); NP above.
Dwelling units in UMU District with at least 2 bedrooms and at least 1,000 square feet of occupied floor area	P up to 1 car for each dwelling unit and subject to the conditions of 151.1(g); NP above.
Group housing of any kind	P up to one car 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. NP above.
All non-residential uses in C-3 Districts	Not to exceed 7% of gross floor area of such uses. See requirements in Section 204.5.
Hotel, inn, or hostel	P up to one for each 16 guest bedrooms, plus one for the manager's dwelling unit, if any.
Motel	P up to one for each guest unit, plus one for the manager's dwelling unit, if any.
Hospital or other inpatient medical institution	P up to one for each <del>8</del> 16 guest <u>beds</u> excluding bassinets or for each 2,400 square feet of gross floor area devoted to sleeping rooms, whichever results in the lesser requirement
Residential care facility	P up to one for each 10 residents.

1 2	Child care facility	P up to one for each 25 children to be accommodated at any one time.
3	Elementary school	P up to one for each six classrooms.
4	Secondary school	P up to one for each two classrooms.
5	Post-secondary educational institution	P up to one for each two classrooms.
6	Church or other religious institutions	P up to one for each 20 seats.
7	Theater or auditorium	P up to one for each eight seats up to 1,000 seats, plus one for each 10 seats in excess of 1,000.
8 9	Stadium or sports arena	P up to one for each 15 seats.
10	Medical or dental office or outpatient clinic	P up to one for each 300 square feet of occupied floor area.
11	All office uses in C-3, DTR, SPD, MUG, MUR, and MUO Districts	P up to seven percent of the gross floor area of such uses and subject to the pricing conditions of Section 155(g); NP above.
12	Office uses in UMU, PDR-1-D, and PDR-1-G Districts, except as specified below	P up to one car per 1,000 square feet of gross floor area and subject to the pricing conditions of Section 155(g); NP above.
13	Office uses in UMU, PDR-1-D, and PDR-1-G Districts where the entire parcel is greater than ¼-mile from Market, Mission, 3rd and 4th Streets	P up to one car per 500 square feet of gross floor area; NP above.
14 15 16 17 18 19 20 21 22 23 24	Non-residential uses in RTO <i>and RM</i>	None permitted.



<p>1 districts permitted under Sections <del>209.8</del>  2 (e) and 231.</p>	
<p>3 All non-residential uses in NCT districts  4 and the Upper Market NCD, <u>except for</u>  5 <u>retail grocery stores with over 20,000 gross</u>  6 <u>square feet</u> as specified below</p>	<p>For uses in Table 151 that are described as a ratio  of occupied floor area, P up to 1 space per 1,500  square feet of occupied floor area or the quantity  specified in Table 151, whichever is less, and  subject to the conditions and criteria of Section  151.1(g). NP above.</p>
<p>7  8  9  10 Retail grocery store uses in NCT districts  11 and the Upper Market NCD with over  12 20,000 square feet of occupied floor  13 area</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>14  15  16 All retail in the Eastern Neighborhoods  17 Mixed Use Districts where any portion of  18 the parcel is less than ¼ mile from  19 Market, Mission, 3rd and 4th Streets,  20 except grocery stores of over 20,000  21 gross square feet.</p>	<p>P up to one for each 1,500 square feet of gross  floor area.</p>
<p>22 With the exception of Eastern  23 Neighborhoods Mixed Use Districts as  24 set forth above, all other restaurant, bar,  25 nightclub, pool hall, dance hall, bowling</p>	<p>P up to one for each 200 square feet of occupied  floor area.</p>

1	alley or other similar enterprise	
2	With the exception of Eastern	P up to one for each 1,000 square feet of occupied
3	Neighborhoods Mixed Use Districts as	floor area.
4	set forth above, all other retail space	
5	devoted to the handling of bulky	
6	merchandise such as motor vehicles,	
7	machinery or furniture	
8	With the exception of Eastern	P up to one for each 4,000 square feet of occupied
9	Neighborhoods Mixed Use Districts as	floor area.
10	set forth above, all other greenhouse or	
11	plant nursery	
12	With the exception of Eastern	P up to one for each 500 square feet of gross floor
13	Neighborhoods Mixed Use Districts as	area up to 20,000 square feet, plus one for each
14	set forth above, all other retail space	250 square feet of gross floor area in excess of
15		20,000.
16		
17	Service, repair or wholesale sales	P up to one for each 1,000 square feet of occupied
18	space, including personal, home or	floor area.
19	business service space in South of	
20	Market Districts	
21	Mortuary	P up to five.
22	Storage or warehouse space, and space	P up to one for each 2,000 square feet of occupied
23	devoted to any use first permitted in an	floor area.
24	M-2 District	
25		

1 2 3 4 5 6 7 8 9 10 11 12	Arts activities and spaces except theater or auditorium spaces	P up to one for each 2,000 square feet of occupied floor area.
	Laboratory	P up to one for each 1,500 square feet of occupied floor area.
	Small Enterprise Workspace Building	P up to one for each 1,500 square feet of occupied floor area.
	Integrated PDR	P up to one for each 1,500 square feet of occupied floor area.
	Other manufacturing and industrial uses	P up to one for each 1,500 square feet of occupied floor area.

13 Section 12. The San Francisco Planning Code is hereby amended by amending  
14 Section 155, to read as follows:

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

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

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

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

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

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

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

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

1 individually accessible directly from such a street or alley, pursuant to the provisions of  
2 Section 309 in a C-3-O, ~~C-3-R or C-3-G~~ District, the provisions of Section 307(g) in a South of  
3 Market Mixed Use District, the provisions of Section 309.1 in a DTR District, the provisions of  
4 Section 329 for projects subject to Section 329 in a MUO, MUG, or MUR District, or by  
5 administrative decision of the Zoning Administrator for projects that ~~do~~ are not subject to  
6 Section 329 in a MUO, MUG, or MUR District.

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

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

23 (g) In order to discourage long-term commuter parking, any off-street parking  
24 spaces provided for a structure or use other than residential or hotel in a C-3 District, whether  
25 classified as an accessory or conditional use, which are otherwise available for use for long-

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (2) Not permitted:

20 (A) The entire portion of Market Street from the Embarcadero to Castro Street.

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

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

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

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

- 1 (F) Embarcadero in the DTR Districts,  
2 (G) 22nd Street between 3rd Street and Minnesota Streets within the NCT-2 District,  
3 (H) Valencia Street between 15th and 23rd Streets in the Valencia Street NCT  
4 District,  
5 (I) Mission Street for the entirety of the Mission Street NCT District,  
6 (J) 24th Street for the entirety of the 24th Street-Mission NCT,  
7 (K) 16th Street between Guerrero and Capp Streets within the Valencia Street NCT  
8 and Mission Street NCT Districts,  
9 (L) 16th Street between Kansas and Mississippi Streets in the UMU and PDR-1-D  
10 Districts,  
11 (M) 6th Street for its entirety within the SoMa NCT District,  
12 (N) 3rd Street, in the UMU districts for 100 feet north and south of Mariposa and 100  
13 feet north and south of 20th Streets, and 4th Street between Bryant and Townsend in the SLI  
14 and MUO District,  
15 (O) Ocean Avenue within the Ocean Avenue NCT District,  
16 (P) Geneva Avenue from I-280 to San Jose Avenue within the NCT-2 District,  
17 (Q) Columbus Avenue between Washington and North Point Streets,  
18 (R) Broadway from the Embarcadero on the east to Mason Street on the west, and  
19 (S) All alleyways in the Chinatown Mixed Use Districts.  
20 (3) Not permitted except with a Conditional Use authorization:  
21 (A) The entire portion of California Street,  
22 (B) The Embarcadero, Folsom Street, Geary Street, Mission Street, Powell Street  
23 and Stockton Street in the C-3 Districts,  
24 (C) Grant Avenue from Market Street to Bush Street,  
25 (D) Montgomery Street from Market Street to Columbus Avenue,



- 1 (E) Haight Street from Market Street to Webster Street,
- 2 (F) Church Street and 16th Street in the RTO District, and
- 3 (G) Duboce Street from Noe Street to Market Street, and
- 4 (H) Octavia Street from Fell Street to Market Street.

5 (4) In C-3, NCT and RTO Districts, no curb cuts accessing off-street parking or  
6 loading shall be created or utilized on street frontages identified along any Transit Preferential,  
7 Citywide Pedestrian Network or Neighborhood Commercial Streets as designated in the  
8 Transportation Element of the General Plan or official City bicycle routes or bicycle lanes,  
9 where an alternative frontage is available. For bicycle lanes, the prohibition on curb cuts  
10 applies to the side or sides of the street where bicycle lanes are located; for one-way bicycle  
11 routes or lanes, the prohibition on curb cuts shall apply to the right side of the street only,  
12 unless the officially adopted alignment is along the left side of the street. Where an alternative  
13 frontage is not available, parking or loading access along any Transit Preferential, Citywide  
14 Pedestrian Network or Neighborhood Commercial Streets as designated in the Transportation  
15 Element of the General Plan or official City bicycle lane or bicycle route, may be allowed on  
16 streets not listed in subsection (2) above as an exception in the manner provided in Section  
17 309 for C-3 Districts and in Section 303 for NCT and RTO Districts in cases where it can be  
18 clearly demonstrated that the final design of the parking access minimizes negative impacts to  
19 transit movement and to the safety of pedestrians and bicyclists to the fullest extent feasible.

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

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

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

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

11 (B) Parking ~~at the ground level to the full height of the ground level parking located at or~~  
12 ~~above ground level shall conform to the street frontage requirements of Section 145.1(c), and shall be~~  
13 lined with active uses, as defined by Section 145.4(e), to a depth of at least 25 feet along all  
14 ground-level street frontages, except for space allowed for parking and loading access,  
15 building egress, and access to mechanical systems. ~~So as not to preclude conversion of parking~~  
16 ~~space to other uses in the future, parking at the ground level shall not be sloped, and shall have a~~  
17 ~~minimum clear ceiling height of nine feet~~

18 (i) Where a non-accessory off-street parking garage permitted under Section  
19 223(m)--(p) is located in the Mid-Market area described below in subsection 155(s)(3)(B) and  
20 fronts more than one street of less than 45 feet in width, a conditional use may be granted in  
21 accordance with Section 303 that allows an exception to this requirement for one of the street  
22 frontages. The above provision authorizing such conditional use shall sunset eight years from  
23 the effective date of the ordinance enacting this subsection 155(s)(1)(A)(i).

24 (C) Parking allowed above the ground-level in accordance with an exception under  
25 Section 309 or a conditional use in accordance with Section 303 as authorized by subsections

1 155(s)(2) or 155(s)(3) shall be entirely screened from public rights-of-way in a manner that  
2 accentuates ground floor retail and other uses, minimizes louvers and other mechanical  
3 features and is in keeping with the overall massing and architectural vocabulary of the  
4 building's lower floors. So as not to preclude conversion of parking space to other uses in the  
5 future, parking allowed above the ground-level shall not be sloped and shall have a minimum  
6 clear ceiling height of nine feet.

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

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

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

23 (3) **Non-accessory off-street parking garages.** For non-accessory off-street  
24 parking garages in C-3 Districts permitted under Section 223(m)–(p), two additional floors of  
25 above-grade parking beyond the at-grade parking allowed by Section 155(s)(1), to a

1 maximum ceiling height of 35 feet from grade; may be permitted subject to the provisions of  
2 subsections 155(s)(3)(A) or 155(s)(3)(B) below:

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

10 (B) As a conditional use in accordance with the criteria set forth in Section 303,  
11 provided the site contains an existing non-accessory off-street surface parking lot with valid  
12 permits for such parking as of the effective date of the ordinance enacting this subsection and  
13 the site is located in the following Mid-Market area: Assessor's Block 0341, Lots 4 through 9  
14 and 13; Block 0342, Lots 1, 2, 4, 7, 11, 12 and 13; Block 0350, Lots 1 through 4; Block 0355,  
15 Lots 3 through 12 and 15; Block 3507, Lot 39; Block 3508, Lots 1, 13, 18, 19, 22, 24 through  
16 27, 39 and 40; Block 3509, Lots 18, 19, 36, 37 and 40 through 43; Block 3510, Lot 1; Block  
17 3701, Lots 5, 8, 10, 11, 12, 20 through 24, 53, 59, 60, 63 and 64; Block 3702, Lots 1, 2, 37,  
18 38, 39, 44, 44A, 45, 46, 47, 48, 48A, 51, 52, 53, 54, 56; Block 3703, Lots 1, 2, 3, 7, 10, 11, 12,  
19 25, 26, 33, 40, 41, 50, 53, 56 through 68, 70, 74, 75, 76, 78 through 81, 84, 85 and 86; Block  
20 3704, Lots 1, 3, 6, 9 through 13, 15, 17 through 22, 24, 35, 38, 39, 42, 43, 45, 62 and 67  
21 through 79, Block 3725, Lot 78, 82, 86 through 91 and 93; Block 3727, Lot 1, 91, 94, 96, 97,  
22 109, 117, 118, 120, 134, 168 and 173; Block 3728, Lot 1, 72, 75, 76, 81, 82, 83, 89, 103 and  
23 105; and Block 0351, Lots 1, 22, 32, 33, 37, 39, 41, 43, 46, 47, 49, 50 and 51. This  
24 subsection 155(s)(3)(B) shall sunset *on July 22, 2014 eight years from the effective date of the*  
25 *ordinance enacting this subsection.*

1 (4) Parking lots permitted in C-3 Districts as temporary uses according to Section  
2 156(h) and expansions of existing above-grade publicly accessible parking facilities are not  
3 subject to the requirements of subsections 155(s)(1)–(3).

4 (5) Parking and Loading Access.

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

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

15  
16 Section 13. The San Francisco Planning Code is hereby amended by amending  
17 Section 161, to read as follows:

18 **SEC. 161. EXEMPTIONS FROM OFF-STREET PARKING, FREIGHT LOADING AND**  
19 **SERVICE VEHICLE REQUIREMENTS.**

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

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

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

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

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

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

24 (f) Waterfront SUDs. In recognition of the policies set forth in the Northeastern  
25 Waterfront Plan, a part of the General Plan, the unique nature of the area and the difficulty of

1 providing vehicular access thereto, the Zoning Administrator Planning Department or Planning  
2 Commission in specific cases may determine an appropriate reduction in off-street parking  
3 requirements in Waterfront Special Use District Numbers 1 and 3 as described in Sections  
4 240.1 and 240.3 of this Code, in authorizing any principal or conditional use, respectively,  
5 under those sections. In considering any such reduction, the Zoning Administrator Planning  
6 Department for principal uses, and the Planning Commission for conditional uses, shall  
7 consider the *following criteria set forth in Section 307(i) of this Code.*

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

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

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

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

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

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

15 *(7) Such other criteria as may be deemed appropriate in the circumstances of the particular*  
16 *ease.*

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

1 (h) North of Market SUD. ~~The There shall be no minimum~~ off-street parking  
2 requirements ~~for dwelling units~~ in the North of Market Residential Special Use District, ~~as~~  
3 described in Section 249.5 of this Code, ~~may be reduced by the Planning Commission pursuant to~~  
4 ~~the procedures for conditional use authorization set forth in Section 303 of this Code. In acting upon~~  
5 ~~any application for a reduction of requirements, the Planning Commission shall consider the criteria~~  
6 ~~set forth below in lieu of the criteria set forth in Section 303(e), and may grant the reduction if it finds~~  
7 ~~that:~~

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

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

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

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

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



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

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

8 (j) NC and RC Districts. The Zoning Administrator may reduce the off-street parking  
9 requirements ~~for dwelling units~~ in NC Districts, as described in Article 7 of this Code, and in RC  
10 Districts may be reduced by the Planning Commission pursuant to the procedures and criteria of for  
11 conditional use authorization set forth in Sections 303 307(g) and (i) of this Code. ~~In acting upon~~  
12 ~~any application for a reduction of requirements, the Planning Commission shall consider the criteria~~  
13 ~~set forth below in lieu of the criteria set forth in Section 303(e), and may grant the reduction if it finds~~  
14 ~~that:~~

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

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

19 (3) ~~The project is consistent with the existing character and pattern of development in the~~  
20 ~~area; and~~

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

23 (k) Arts Activities in South of Market Mixed-Use Districts. For arts activities in the  
24 RED, RSD, SLR, SLI or SSO Districts which will operate primarily during evenings and  
25 weekends, the Zoning Administrator may reduce or waive the off-street parking requirement

1 when he or she determines pursuant to Section 307(g) that within an 800 foot walking  
2 distance from the site the anticipated demand from the proposed project, in combination with  
3 the existing nighttime and/or weekend demand for parking within the same geographic area at  
4 the time of the permit application, would not exceed 90 percent of the on-street or off-street  
5 parking spaces available to the public within the subject area. The applicant shall provide to  
6 the Zoning Administrator an acceptable parking survey and study which shows evidence of  
7 existing parking resources and demand and anticipated demand generated by the proposed  
8 project and nearby land uses. The Zoning Administrator may impose conditions on reduction  
9 or waiver of the requirement, including, but not limited to, advertising of nearby transit and  
10 parking facilities, requiring valet parking services and/or leasing parking spaces on nearby lots  
11 during performance or exhibition activities.

12 (l) Non-residential uses in South of Market Mixed-Use Districts. Beginning on the  
13 effective date of Ordinance No. 412-88 (effective October 10, 1988), within any South of  
14 Market Mixed Use District, the Zoning Administrator, upon application pursuant to Section  
15 307(g), may waive or reduce the required off-street parking for any nonresidential use where  
16 he or she determines that: (1) sufficient spaces to replace the waived or modified requirement  
17 will be provided within a parking facility open to the public sponsored by the San Francisco  
18 Parking Authority or the City and County of San Francisco; (2) it is anticipated that the  
19 replacement spaces will be available not more than 10 years after the parking would  
20 otherwise first be required to be available; (3) the facility in question is within a walking  
21 distance, as defined in Section 159(d), of one-half mile; and (4) the applicant agrees to pay a  
22 one-time fee of \$15,000.00 (this amount shall be adjusted annually effective April 1st of each  
23 calendar year by the percentage of change in the Building Cost Index used by the San  
24 Francisco Department of Building Inspection) for each space as to which the requirement is  
25 waived or modified, which fee shall be deposited to the Off-Street Parking Fund for the

1 purpose of acquiring property or rights to property, through lease, purchase, or other means,  
2 and design, improvement and maintenance of property, for the general purpose of providing  
3 publicly accessible parking within the South of Market Mixed Use District, as defined in  
4 Planning Code Section 820 and identified on Sectional Map 3SU of the Zoning Map of the  
5 City and County of San Francisco, which parking is reasonably expected to be used by  
6 persons who live, work, shop, do business or visit in the South of Market Mixed Use District.  
7 Said fee, and any interest accrued by such fee, shall be used for the purposes stated herein  
8 unless it is demonstrated that it is no longer needed. This payment shall be paid in full to the  
9 City prior to the issuance of any temporary or other certificate of occupancy for the subject  
10 property.

11 (m) Historic Buildings. ~~Within the South of Market Mixed Use District, The~~ There shall be  
12 no minimum ~~required~~ off-street parking or loading requirements for any nonresidential principal or  
13 conditional use ~~in structures designated as landmarks, as contributory buildings within a historic~~  
14 ~~district identified in the approved South of Market Plan or as significant or contributory buildings~~  
15 ~~pursuant to Article 11 of this Code, located in (A) a landmark building designated per Article 10 of this~~  
16 ~~Code, (B) a contributing building located within a designated historic district per Article 10, (C) any~~  
17 ~~building designated Category I-IV per Article 11 of this Code, or (D) buildings listed on the National~~  
18 ~~Register and/or California Register may be modified or waived by the Zoning Administrator pursuant~~  
19 ~~to Section 307 (g) of this Code when the Landmark Preservation Advisory Board advises that the~~  
20 ~~provision of parking would adversely affect the landmark, significant or contributory character of the~~  
21 ~~structure or that modification or waiver would enhance the economic feasibility of preservation of the~~  
22 ~~landmark or structure.~~

23 (n) 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  
25 space for each four dwelling units, if the Zoning Administrator determines pursuant to Section

1 307(g) that the reduced parking requirement is sufficient to serve the reasonably anticipated  
2 auto ownership by residents of and auto usage by visitors to the project.

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

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

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

1 this Code, the Planning Department shall require a signed affidavit by the project sponsor  
2 attesting to (1), (2), and (3) above, which the Department shall independently verify. The  
3 Department shall also have made a determination that the project complies with (4) above.

4 (g) Protected Trees: Street Trees, Significant Trees and Landmark Trees. The required  
5 off-street parking and loading may be reduced or waived by the Zoning Administrator pursuant to  
6 Section 307(i) of this Code upon either (i) the recommendation of the Department of Public Works  
7 Bureau of Urban Forestry, or its successor agency, or (ii) the recommendation of a certified arborist as  
8 documented in the subject tree's required tree protection plan.

9  
10 Section 14. The San Francisco Planning Code is hereby amended by repealing  
11 Section 175.1, as follows:

12 ~~SEC. 175.1. TRANSITIONAL INTERIM EXTENSION OF PLANNING CODE PROVISIONS~~  
13 ~~FOR PERMITS APPROVED PRIOR TO ADOPTION OF AMENDMENTS IMPLEMENTING~~  
14 ~~THE DOWNTOWN PLAN.~~

15 ~~(a) Intent. It is the intent of this Section to provide for an orderly transition from prior~~  
16 ~~zoning and planning requirements to the requirements imposed in implementing the Downtown Plan~~  
17 ~~(Ordinance No. 414 85), without impairing the validity of prior actions by the City, or frustrating~~  
18 ~~completion of actions authorized prior to the effective date of such Ordinance. This Section shall be~~  
19 ~~construed liberally to accomplish its purpose.~~

20 ~~(b) Effect of Amendments. Notwithstanding the provisions of Sections 175 or 302 or any~~  
21 ~~other provision of this Code, but subject to the provisions set forth in the last sentence of this~~  
22 ~~Subsection, any project that has received one or more approvals by the City Planning Commission or~~  
23 ~~the Zoning Administrator, whether by approval of an application for a building permit, site permit,~~  
24 ~~conditional use, variance, or other license (other than approvals that are required as part of the~~  
25 ~~environmental review process), prior to the effective date of Ordinance No. 414 85, shall continue to be~~

1 ~~governed by the provisions of this Code in effect at the time of such approval; provided, however, that~~  
2 ~~such permit or permit application is subject to any time limits imposed pursuant to the Building Code~~  
3 ~~or as a condition of approval of the project. If the project has received more than one type of approval,~~  
4 ~~the approval that is referred to herein is the first. The provisions of this Subsection shall apply to such~~  
5 ~~project even if the project is modified, after the effective date of Ordinance No. 414-85; provided,~~  
6 ~~however, that any modification resulting in a change of use or increase in square footage may be~~  
7 ~~approved only as a conditional use by the City Planning Commission, and in no case may an increase~~  
8 ~~of square feet in excess of 15,000 be allowed. Any project for which a public hearing was held on a~~  
9 ~~Draft Environmental Impact Report prior to May 9, 1985 and for which Responses to Comments were~~  
10 ~~published on or before July 1, 1985, which project receives its first approval by the City Planning~~  
11 ~~Commission, as approval is described in this Subsection, after July 1, 1985, shall be subject to all of~~  
12 ~~the provisions of Ordinance No. 414-85, other than Sections 320 through 324 (except that Section~~  
13 ~~321(a)(2) applies).~~

14 ~~(e) — Expiration. The exemption provided by this Section shall terminate with respect to a~~  
15 ~~project (1) six months after the effective date of Ordinance No. 414-85, or (2) 24 months after the date~~  
16 ~~of approval of the project (as the term "approval" is described in Subsection (b) above) or, if more than~~  
17 ~~one approval has been given, of the first approval of the project, or (3) with respect to projects which~~  
18 ~~are reconsidered by the City Planning Commission as a result of any administrative or judicial~~  
19 ~~appellate process, 24 months after the date of the first hearing by the Commission regarding such~~  
20 ~~reconsideration, whichever of Subsections (e)(1), (2) or (3) is later. The time periods provided in~~  
21 ~~Subsections (e)(1) and (2) shall be tolled during any period in which the project sponsor was legally~~  
22 ~~prevented from commencing or proceeding under the project approval due to court order, legislative~~  
23 ~~moratorium, or other similar events.~~

24  
25 Section 15. The San Francisco Planning Code is hereby amended by repealing

1 Section 172.2, as follows:

2 ~~SEC. 175.2. EXEMPTION FROM APPLICATION OF AMENDMENTS IMPLEMENTING THE~~  
3 ~~DOWNTOWN PLAN.~~

4 ~~(a) Exemptions.~~

5 ~~(1) The amendments to Section 124 of this Code contained in Ordinance No. 414 85 shall~~  
6 ~~not apply to projects for the substantial rehabilitation and adaptive reuse of buildings designated as~~  
7 ~~landmarks by the Board of Supervisors pursuant to Article 10 of this Code and for which a building~~  
8 ~~permit application and an application for environmental review have been filed with the Department of~~  
9 ~~City Planning prior to October 11, 1984.~~

10 ~~(2) The amendments of this Code contained in Ordinance No. 414 85 shall not apply to:~~

11 ~~(A) Integrated development projects involving the substantial rehabilitation and adaptive~~  
12 ~~reuse of buildings designated as landmarks by the Board of Supervisors pursuant to Article 10 of this~~  
13 ~~Code and for which a building permit application and an application for environmental review have~~  
14 ~~been filed with the Department of City Planning prior to October 11, 1984. "Integrated development"~~  
15 ~~means a project involving several buildings which are integrated with rehabilitation of a landmark~~  
16 ~~designated pursuant to Article 10 of this Code and which are located on sites that, but for separations~~  
17 ~~by a street or alley, are adjacent to such landmark; or~~

18 ~~(B) The relocation, substantial rehabilitation and adaptive reuse of buildings designated as~~  
19 ~~landmarks by the Board of Supervisors pursuant to Article 10 of this Code and for which an application~~  
20 ~~for a certificate of appropriateness to demolish or relocate and an application for environmental~~  
21 ~~review have been filed with the Department of City Planning prior to October 11, 1984.~~

22 ~~(b) Conditional Use Requirement. Applications for a permit authorizing a project covered~~  
23 ~~by Subsection (a) may be approved only as a conditional use. In addition to the criteria set forth in~~  
24 ~~Planning Code Section 303, the City Planning Commission shall consider the provisions of Ordinance~~  
25 ~~No. 414 85 insofar as they govern.~~

- 1           (A) ~~Density, height, bulk and setbacks;~~  
2           (B) ~~Off-street loading facilities;~~  
3           (C) ~~Building appearance;~~  
4           (D) ~~Open space;~~  
5           (E) ~~Sunlight access;~~  
6           (F) ~~Pedestrian circulation;~~  
7           (G) ~~Streetscape; and~~  
8           (H) ~~Preservation of architecturally Significant and Contributory Buildings.~~

9  
10           Section 16. The San Francisco Planning Code is hereby amended by repealing  
11           Section 175.3, as follows:

12           ~~**SEC. 175.3. EXEMPTION OF THE YERBA BUENA CENTER REDEVELOPMENT PROJECT**~~  
13           ~~**AREA.**~~

14           ~~*The amendments of this Code contained in Ordinance No. 414-85, other than Code Sections*~~  
15           ~~*320 through 324, shall not apply in the Yerba Buena Center Redevelopment area as described in*~~  
16           ~~*Ordinance No. 538-81. Provisions of this Code which, pursuant to the provisions of the Yerba Buena*~~  
17           ~~*Center Redevelopment Plan, were applicable to the Yerba Buena Center Redevelopment area prior to*~~  
18           ~~*the effective date of Ordinance No. 414-85 shall remain in full force and effect with respect to Yerba*~~  
19           ~~*Buena Center Redevelopment area.*~~

20  
21           Section 17. The San Francisco Planning Code is hereby amended by repealing Section  
22           175.4, as follows:

23           ~~**SEC. 175.4. EXEMPTION OF THE RINCON POINT SUBAREA OF THE RINCON POINT**~~  
24           ~~**SOUTH BEACH REDEVELOPMENT AREA.**~~



1           *The amendments of this Code contained in Ordinance No. 414 85 other than Code Sections 320*  
2 *through 324 shall not apply in the Rincon Point Sub area of the Rincon Point South Beach*  
3 *Redevelopment Area as described in Ordinance No. 50 84. Provisions of this Code which, pursuant to*  
4 *the provisions of the Rincon Point South Beach Redevelopment Plan, were applicable to the Rincon*  
5 *Point Sub area prior to the effective date of Ordinance No. 414 85 shall remain in full and effect with*  
6 *respect to the Rincon Point Sub area of the Rincon Point South Beach Redevelopment area.*

7  
8           Section 18. The San Francisco Planning Code is hereby amended by repealing  
9 Section 175.5, as follows:

10 ~~**SEC. 175.5. TRANSITIONAL EXTENSION OF INTERIM PLANNING CODE PROVISIONS**~~  
11 ~~**FOR PROJECTS APPROVED PRIOR TO ADOPTION OF AMENDMENTS IMPLEMENTING**~~  
12 ~~**THE NEIGHBORHOOD COMMERCIAL REZONING PROPOSAL.**~~

13           ~~(a) **Intent.** It is the intent of this Section to provide for an orderly transition from prior~~  
14 ~~interim zoning and planning requirements to the requirements imposed in implementing the~~  
15 ~~Neighborhood Commercial Rezoning Proposal (Ordinance 69 87), without impairing the validity of~~  
16 ~~prior actions by the City, or frustrating completion of actions authorized prior to the effective date of~~  
17 ~~such Ordinance.~~

18           ~~(b) **Effect of Amendments.** Notwithstanding the provisions of Sections 175 or 302 or any~~  
19 ~~other provision of this Code, any project that has received either (1) a conditional use authorization on~~  
20 ~~or before March 19, 1987, or (2) a conditional use authorization on or before April 16, 1987, which~~  
21 ~~authorization was made contingent upon the adoption of an amendment to the provisions of the~~  
22 ~~Planning Code regulating Neighborhood Commercial districts by the Board of Supervisors, shall~~  
23 ~~continue to be governed by the restrictions set forth in interim Neighborhood Commercial zoning~~  
24 ~~controls imposed by City Planning Commission Resolution No. 10779, and ratified by the Board of~~  
25 ~~Supervisors on October 27, 1986, for purposes of receiving any demolition permit, building permit, site~~

1 ~~permit or other authorization necessary to achieve the project authorized pursuant to such conditional~~  
2 ~~use authorization; provided, however, that any modifications in the project which exceed the scope of~~  
3 ~~the conditional use authorization will be subject to any then applicable laws.~~

4  
5 Section 19. The San Francisco Planning Code is hereby amended by amending  
6 Section 186, to read as follows:

7 **SEC. 186. EXEMPTION OF LIMITED COMMERCIAL AND INDUSTRIAL**  
8 **NONCONFORMING USES IN RH, RM, RTO, AND RED DISTRICTS.**

9 The purpose of this Section is to provide for the further continuance in RH, RM, RTO,  
10 and RED Districts of nonconforming uses of a limited commercial and industrial character, as  
11 herein described, which are beneficial to, or can be accommodated within, the residential  
12 areas in which they are located. It is hereby found and declared that, despite the general  
13 incompatibility of nonconforming uses with the purposes of this Code, and with other nearby  
14 uses, these limited commercial uses may be tolerated in residential areas, and tend to provide  
15 convenience goods and services on a retail basis to meet the frequent and recurring needs of  
16 neighborhood residents within a short distance of their homes or, within the South of Market  
17 RED Districts, tend to provide jobs and continuation of small scale service and light industrial  
18 activities. These uses tend to be small in scale, to serve primarily a walk-in trade, and cause  
19 a minimum of interference with nearby streets and properties. Accordingly, this Section  
20 recognizes the public advantages of these uses and establishes conditions for their continued  
21 operation.

22 (a) The following nonconforming uses in R Districts shall be exempt from the  
23 termination provisions of Section 185, provided such uses comply with all the conditions  
24 specified in Subsection (b) below:

1 (1) Any nonconforming use at any story in an RH or RM District which is located  
2 more than ¼ mile from the nearest Individual Area Neighborhood Commercial District or  
3 Restricted Use Subdistrict described in Article 7 of this Code, and which complies with the use  
4 limitations specified for the first story and below of an NC-1 District, as set forth in Sections  
5 710.10 through 710.95 of this Code.

6 (2) Any nonconforming use in an RH or RM District which is located within 1/4 mile  
7 from any Individual Area Neighborhood Commercial District or restricted use subdistrict and  
8 which complies with the most restrictive use limitations specified for the first story and below  
9 of:

10 (A) NC-1 District, as set forth in Sections 710.10 through 710.95 of this Code; and

11 (B) Any Individual Area Neighborhood Commercial District within ¼ mile of the use,  
12 as set forth in Sections 714.10 through 729.95 of this Code;

13 (C) Any Restricted Use Subdistrict within 1/4 mile of the use, as set forth in Sections  
14 781 through 781.7 of this Code.

15 (3) In the RED Districts, any nonconforming use which is a personal service use  
16 falling within zoning category 816.31; home and business service use falling within zoning  
17 categories 816.42 through 816.47; live/work unit falling within zoning category 816.55;  
18 wholesale sales, storage or light manufacturing uses falling within zoning categories 816.64  
19 through 816.67.

20 (b) The limited nonconforming uses described above shall meet the following  
21 conditions:

22 (1) The building shall be maintained in a sound and attractive condition, consistent  
23 with the general appearance of the neighborhood;

24 (2) Any signs on the property shall be made to comply with the requirements of  
25 Article 6 of this Code applying to nonconforming uses;

1 (3) The hours during which the use is open to the public shall be limited to the  
2 period between 6:00 a.m. and 10:00 p.m.;

3 (4) Public sidewalk space may be occupied in connection with the use provided that  
4 it is only occupied with tables and chairs as permitted by this Municipal Code;

5 (5) Truck loading shall be limited in such a way as to avoid undue interference with  
6 sidewalks, or with crosswalks, bus stops, hydrants and other public features;

7 (6) Noise, odors and other nuisance factors shall be adequately controlled; and

8 (7) All other applicable provisions of this Code shall be complied with.

9 (c) Formula Retail Uses. All uses meeting the definition of "formula retail" use per Section  
10 703.3(b) shall not be permitted except by Conditional Use through the procedures of Section 303 of this  
11 Code.

12 (d) Street Frontage. In addition to the requirements of Section 144 of this Code, the  
13 requirements of Section 145.1(c)(6) and (7) shall apply.

14 (e) Awnings. Awnings are permitted, subject to the standards for an NC-1 District in  
15 Section 136.1(a) of this Code. Canopies and marquees are not permitted.

16 (f) Any use affected by this Section which does not comply with all of the conditions  
17 herein specified shall be subject to termination in accordance with Section 185 at the  
18 expiration of the period specified in that Section, but shall be qualified for consideration as a  
19 conditional use under Section 185(e). Any such use which is in compliance with such  
20 conditions at the expiration of such period but fails to comply therewith at any later date shall  
21 be subject to termination when it ceases to comply with any of such conditions.

22 (g) ~~(d)~~ The provisions for nonconforming uses contained in Sections 180 through 183  
23 shall continue to apply to all uses affected by this Section 186, except that the cost limit for  
24 structural alterations contained in Section 181(b)(4) shall not be applicable thereto.

1 Section 20. Section 206.3 of the San Francisco Planning Code is hereby amended by  
2 amending Section 206.3, to read as follows:

3 **SEC. 206.3. RC (RESIDENTIAL-COMMERCIAL ~~COMBINED~~) DISTRICTS.**

4 These districts are intended to recognize, protect, conserve and enhance areas  
5 characterized by structures combining residential uses with neighborhood-serving commercial  
6 uses. The predominant residential uses are preserved, while provision is made for supporting  
7 commercial uses, usually in or below the ground story, which meet the frequent needs of  
8 nearby residents without generating excessive vehicular traffic. The RC Districts are  
9 composed of ~~four~~ two separate ~~classes of~~ districts, as follows:

10 **RC-1 Districts: Low Density.** ~~*These districts are no longer in use. These districts provide*~~  
11 ~~*for a mixture of low density dwellings similar to those in RM 1 Districts with certain commercial uses*~~  
12 ~~*of a very limited nature. The commercial uses are those permitted in C 1 Districts, located in or below*~~  
13 ~~*the ground story only and designed primarily for walk-in trade to meet the frequent and recurring*~~  
14 ~~*needs of nearby residents. Open spaces are required for dwelling in the same manner as in RM 1*~~  
15 ~~*Districts, except that rear yards are somewhat smaller and front setback areas are not required.*~~

16 **RC-2 Districts: Moderate Density.** ~~*These districts are no longer in use. These districts*~~  
17 ~~*provide for a mixture of moderate density dwellings similar to those in RM 2 Districts with supporting*~~  
18 ~~*commercial uses. The commercial uses are those permitted in C 2 Districts, located in or below the*~~  
19 ~~*ground story in most instances, and excluding automobile-oriented establishments. Open spaces are*~~  
20 ~~*required for dwellings in the same manner as in RM 2 Districts, except that rear yards are somewhat*~~  
21 ~~*smaller and need not be at ground level, and front setback areas are not required.*~~

22 **RC-3 Districts: Medium Density.** These districts provide for a mixture of medium-  
23 density dwellings similar to those in RM-3 Districts, with supporting commercial uses. ~~*The*~~  
24 ~~*commercial uses are those permitted in C 2 Districts, located in or below the ground story in most*~~  
25 ~~*instances, and excluding automobile-oriented establishments.*~~ Open spaces are required for

1 dwellings in the same manner as in RM-3 Districts, except that rear yards need not be at  
 2 ground level and front setback areas are not required.

3 **RC-4 Districts: High Density.** These districts provide for a mixture of high-density  
 4 dwellings similar to those in RM-4 Districts with supporting commercial uses. *The commercial*  
 5 *uses are those permitted in C 2 Districts, located in or below the ground story in most instances, and*  
 6 *excluding automobile-oriented establishments.* Open spaces are required for dwellings in the  
 7 same manner as in RM-4 Districts, except that rear yards need not be at ground level and  
 8 front setback areas are not required. The high-density and mixed-use nature of these districts  
 9 is recognized by certain reductions in off-street parking requirements.

10  
 11 Section 21. The San Francisco Planning Code is hereby amended by amending the  
 12 Table in Section 209.8, to read as follows:

13 **SEC. 209.8. COMMERCIAL ESTABLISHMENTS IN R DISTRICTS.**

RH-1	RH-1	RH-1	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	RTO	RTO-M	RC-1	RC-2	RC-3	RC-4	
(D)		(S)													
															<b>SEC. 209.8. COMMERCIAL ESTABLISHMENTS.</b>
											<i>P</i>	<i>NA</i>	<i>NA</i>	<i>NA</i>	(a) Except for massage establishments as noted in Section

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218.1, retail,  
personal service or  
other commercial  
establishment is  
permitted as a  
principle use on the  
ground floor or  
below of a building if  
permitted as a  
principal use on the  
ground floor in the  
nearest an NC-3  
District, unless  
otherwise specified  
in this Code, which is  
located within or  
below the ground  
story of a building,  
excluding any  
establishment  
designed primarily  
for customers  
arriving at that  
establishment by  
private motor

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																			<i>vehicle.</i>
																			(b) Except for massage establishments as noted in Section 218.1, retail, personal service or other commercial establishment <i>is</i> <u><i>permitted as a</i></u> <u><i>conditional use on</i></u> <u><i>the ground floor</i></u> <u><i>below of a building if</i></u> permitted as a <u><i>conditional principal</i></u> <u><i>use on the ground</i></u> <u><i>floor in the nearest</i></u> <u><i>an NC-3 District,</i></u> <u><i>which is located in a</i></u> <u><i>building above the</i></u> <u><i>ground story, unless</i></u> <u><i>otherwise specified</i></u> <u><i>in this Code;</i></u> <u><i>excluding any</i></u>













1 strength and vitality. The district is served by City and regional transit reaching its central  
2 portions and by automobile parking at peripheral locations. Intensity and compactness permit  
3 face-to-face business contacts to be made conveniently by travel on foot. Office development  
4 is supported by some related retail and service uses within the area, with inappropriate uses  
5 excluded in order to conserve the supply of land in the core and its expansion areas for further  
6 development of major office buildings.

7 **C-3-R District: Downtown Retail.** This district is a regional center for comparison  
8 shopper retailing and direct consumer services. It covers a compact area with a distinctive  
9 urban character, consists of uses with cumulative customer attraction and compatibility, and is  
10 easily traversed by foot. Like the adjacent Downtown Office District, this district is well-served  
11 by City and regional transit, with automobile parking best located at its periphery. Within the  
12 district, continuity of retail and consumer service uses is emphasized, with encouragement of  
13 pedestrian interest and amenities and minimization of conflicts between shoppers and motor  
14 vehicles. A further merging of this district with adjacent, related districts is anticipated,  
15 partially through development of buildings which combine retailing with other functions.

16 **C-3-G District: Downtown General Commercial.** This district covers the western  
17 portions of downtown and is composed of a variety of uses: Retail, offices, hotels,  
18 entertainment, clubs and institutions, and high-density residential. Many of these uses have a  
19 Citywide or regional function, although the intensity of development is lower here than in the  
20 downtown core area. As in the case of other downtown districts, no off-street parking is  
21 required for individual commercial buildings, ~~but in portions of this district automobile parking is a~~  
22 ~~major land use, serving this district and the adjacent office and retail core areas.~~ In the vicinity of  
23 Market Street, the configuration of this district reflects easy accessibility by rapid transit.

24 **C-3-S District: Downtown Support.** This district encompasses Yerba Buena Gardens,  
25 which includes San Francisco's Convention Center, hotels, museums and cultural facilities, housing,

1 retail, and offices arranged around public gardens and plazas. The district continues to  
2 ~~accommodates near the intensive downtown core areas~~ important supporting functions such as  
3 wholesaling, printing, building services, and secondary office space ~~and parking~~. It also  
4 contains unique housing resources. ~~Motor vehicle access from freeway ramps to this district is~~  
5 ~~good, and truck and automobile traffic is heavy; at the same time, t~~The district is within walking  
6 distance of rapid transit on Market Street, and is served by transit lines on Third, Fourth, Mission  
7 and Folsom streets. In its eastern portion, the district also serves in part as an expansion area for  
8 ~~offices, at a lesser intensity than in the Downtown Office District. The district has for the most part~~  
9 ~~been underdeveloped in the past, and opportunities exist for major developments of new uses covering~~  
10 ~~substantial areas.~~

11  
12 Section 24. The San Francisco Planning Code is hereby amended by amending  
13 Section 212, to read as follows:

14 **SEC. 212. ADDITIONAL REQUIREMENTS FOR USES IN CERTAIN C AND M DISTRICTS.**

15 In the following C and M Districts, the permitted uses indicated in Sections 215 through  
16 227 shall be subject to the additional requirements contained in this Section 212.

17 (a) Uses in enclosed buildings. In C-1 and C-2 Districts, all permitted uses, and all  
18 storage, servicing, fabricating, processing or repair uses accessory thereto, shall be  
19 conducted within enclosed buildings, with the exceptions of those uses indicated by an  
20 asterisk (\*) in the column for the district, and with the exception, also, of the following  
21 accessory uses where permitted:

- 22 (1) Accessory off-street parking and loading area;  
23 (2) Accessory outdoor dining areas;  
24 (3) Accessory recreation areas.  
25

1 (b) Drive-in uses. In C-1, ~~and C-3-O, C-3-R and C-3-G~~ Districts, no permitted use shall  
2 include an establishment of the "drive-in" type, serving customers waiting in parked motor  
3 vehicles, with the exception of automobile service stations and automobile washes where  
4 permitted.

5 (c) Required ground-floor commercial frontage in the C-3 Districts.

6 (1) Purpose. *The purpose of this section is to assure continuity of retail and consumer*  
7 *service uses in the C-3-R district, and in other important commercial streets in C-3 Districts.*

8 (2) Applicability.

9 (A) In the C-3-R District, along any block frontage that is entirely within such district  
10 or partly in such district and partly in the C-3-O District, where such block frontage faces a  
11 street 40 feet or more in width; ~~the following requirements shall apply to assure continuity of retail~~  
12 ~~and consumer service uses:~~

13 (B) On building frontages facing Destination Alleyways, as defined in the Downtown  
14 Streetscape Plan;

15 (C) Along any street frontage facing Market Street in all C-3 Districts except the Van Ness  
16 and Market Downtown Residential Special Use District.

17 (3) Controls.

18 (1) Only those permitted uses listed in Sections 218 and 227 shall be located facing  
19 such street in the ground story of any building. At least 1/2 the total width of any new or  
20 reconstructed building, parallel to and facing such street, shall be devoted at the ground story  
21 to entrances, show windows or other displays of such uses.

22 (2) All other permitted uses shall be located either on stories above or below the  
23 ground story or at a distance of not less than 20 feet behind the front of the building at the  
24 ground story. No more than 1/3 the width of any lot, parallel to and facing such street, shall  
25 be devoted to entrances to such other permitted uses.



1 (d) No use listed as permitted in any C District or M-1 District shall include any use  
2 that is hazardous, noxious or offensive for reasons described in Section 202(c) of this Code.

3 (e) Loss of Housing in C-3 Districts. In C-3 Districts, all demolitions of residential  
4 buildings and all conversions to nonresidential use of residential uses above the ground floor  
5 shall be permitted only if authorized as a conditional use under Section 303 of this Code,  
6 unless the Superintendent of the Bureau of Building Inspection or the Chief of the Bureau of  
7 Fire Prevention and Public Safety determines that the building is unsafe or dangerous and  
8 that demolition is the only feasible means to secure the public safety. When considering  
9 whether to grant a conditional use permit for the demolition or conversion, in lieu of the criteria  
10 set forth in Planning Code Section 303, consideration shall be given to the adverse impact on  
11 the public health, safety and general welfare of the loss of housing stock in the district and to  
12 any unreasonable hardship to the applicant if the permit is denied.

3  
14 Section 25. The San Francisco Planning Code is hereby amended by amending  
15 Section 231, to read as follows:

16 **SEC. 231. LIMITED CORNER COMMERCIAL USES IN RTO AND RM DISTRICTS.**

17 (a) **Purpose.** Corner stores enhance and support the character and traditional  
18 pattern of RTO and RM Districts. These small neighborhood-oriented establishments provide  
19 convenience goods and services on a retail basis to meet the frequent and recurring needs of  
20 neighborhood residents within a short walking distance of their homes. These uses tend to be  
21 small in scale, to serve primarily walk-in trade, and cause minimum interference with nearby  
22 streets and properties. These uses are permitted only on the ground floor of corner buildings,  
23 and their intensity and operating hours are limited to ensure compatibility with the  
24 predominantly residential character of the district. Accessory off-street parking is prohibited  
25 for these uses to maintain the local neighborhood walk-in character of the uses.

1 (b) **Location.** Uses permitted under this section must be located:  
2 (1) completely within an RTO, RTO-M, RM-3, or RM-4 District;  
3 (2) on or below the ground floor; and  
4 (3) on a corner lot as defined by Section 102.15, with no part of the use extending  
5 more than 50 feet in depth from said corner, as illustrated in Figure 231.

6 (c) **Permitted Uses.** Any use is permitted which complies with the most restrictive  
7 use limitations for the first story and below of an NC-1 District, as set forth in Sections 710.10  
8 through 710.95 of this Code.

9 (d) **Use Size.** No more than 1,200 occupied square feet of commercial area shall  
10 be allowed per corner lot, except those lots which occupy more than one corner on a given  
11 block and which may provide an additional 1,200 occupied square feet of commercial area per  
12 additional corner, so long as the commercial space is distributed equitably throughout  
13 appropriate parts of the parcel or project.

14 (e) **Formula Retail Uses.** All uses meeting the definition of "formula retail" use per  
15 Section 703.3(b) shall not be permitted except by Conditional Use through the procedures of  
16 Section 303.

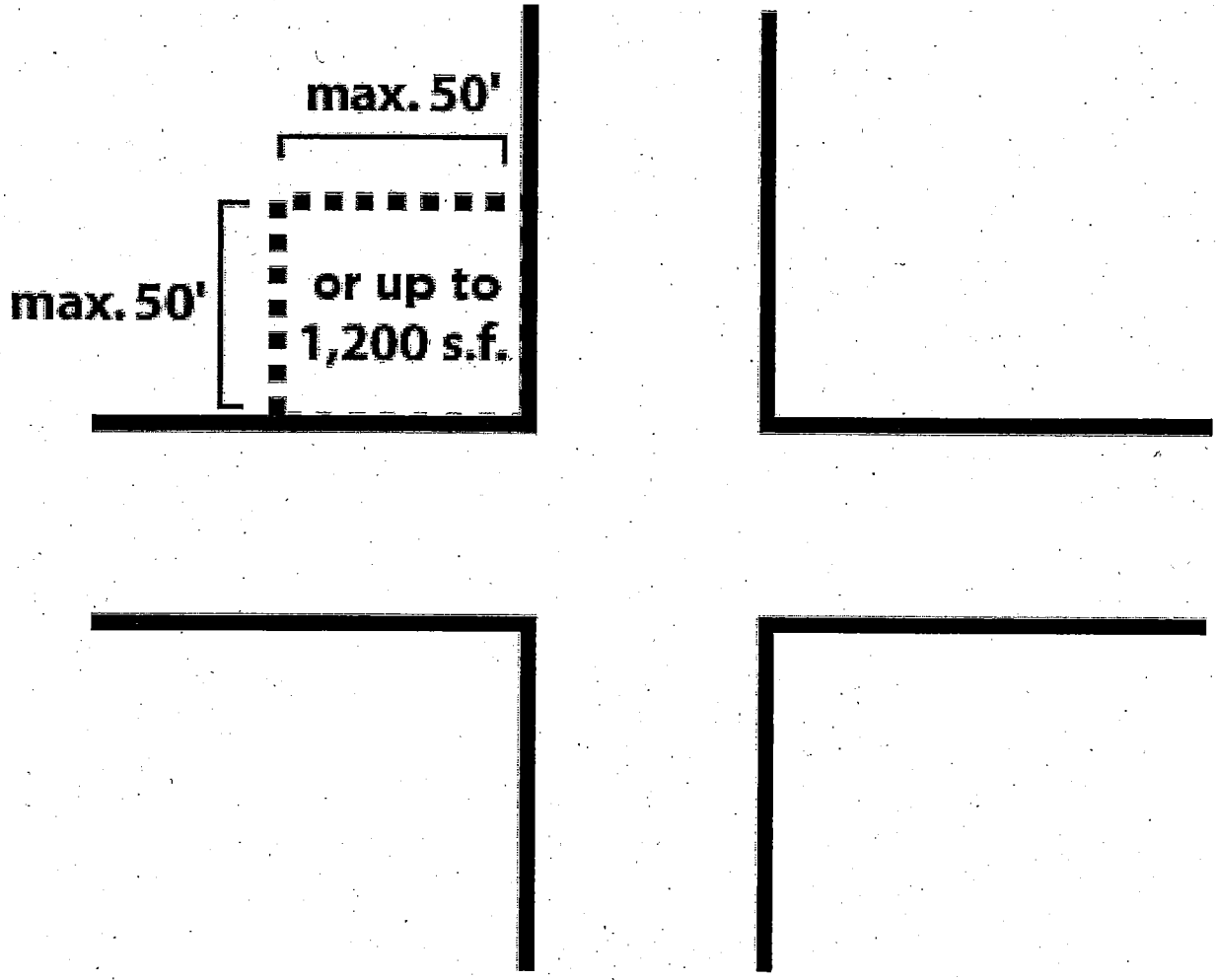


Figure 231.

Limitations on Corner Retail in RTO *and* RM Districts

- (f) **Parking.** No accessory parking shall be permitted for uses permitted under this Section.
- (g) **Operating Hours.** The hours during which the use is open to the public shall be limited to the period between 6:00 a.m. and 10:00 p.m.
- (h) **Conditions.** Any uses described above shall meet all of the following conditions:

1 (1) The building shall be maintained in a sound and attractive condition, consistent  
2 with the general appearance of the neighborhood.

3 (2) Any signs on the property shall comply with the requirements of Article 6 of this  
4 Code pertaining to NC-1 Districts.

5 (3) Truck loading shall be limited in such a way as to avoid undue interference with  
6 sidewalks, or with crosswalks, bus stops, hydrants and other public features

7 (4) Noise, odors and other nuisance factors shall be adequately controlled; and

8 (5) The use shall comply with all other applicable provisions of this Code.

9 (i) Street Frontage. *In addition to the street frontage requirements of Section 144, the*  
10 *following provisions of Section 145.1 shall apply to the street frontage dedicated to limited commercial*  
11 *uses permitted by this section: active uses per Section 145.1(c)(3); transparency and fenestration per*  
12 *Section 145.1(c)(6); and grates, railing, and grillework per Section 145.1(c)(7).*

13 (j) Awnings. *Awnings are permitted, subject to the standards for an NC-1 District in*  
14 *Section 136.1(a) of this Code. Canopies and marquees are not permitted.*

15  
16 Section 26. The San Francisco Planning Code is hereby amended by amending  
17 Section 243, to read as follows:

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

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

22 (b) **Purposes.** In order to implement the objectives and policies of the Van Ness  
23 Avenue Area Plan, a part of the General Master Plan, which includes (i) creation of a mix of  
24 residential and commercial uses on the boulevard, (ii) preservation and enhancement of the  
25 pedestrian environment, (iii) encouragement of the retention and appropriate alteration of

1 architecturally and historically significant and contributory buildings, (iv) conservation of the  
2 existing housing stock, and (v) enhancement of the visual and urban design quality of the  
3 street, the following controls are imposed in the Van Ness Special Use District.

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

6 (1) **Basic Floor Area Ratio.** The basic floor area ratio limit shall be 7.0 to 1 in the  
7 130-foot height district and 4.58:1 in the 80-foot height district. These limits shall apply to  
8 dwellings notwithstanding Section 124(b) of this Code, *including floor space used for*  
9 *nonaccessory off-street parking, driveways, and maneuvering areas, but shall not apply to floor space*  
10 *used for nonaccessory off-street parking and driveways and maneuvering areas incidental thereto*  
11 *provided such parking is located entirely below curb level at the centerline of the building containing*  
12 *such parking and replaces parking spaces displaced by the building or buildings. For definitions of*  
13 floor area ratio and gross floor area, see Sections 102.11 and 102.9, respectively. The  
14 provisions allowing a floor area premium set forth in Section 125(a) shall not apply in the Van  
15 Ness Special Use District.

16 (2) **Housing Density.** The restrictions on density set forth in Sections 207, 207.1,  
17 208, 209.1 and 209.2 of this Code shall not apply.

18 (3) **Height and Bulk Restrictions.** See Height and Bulk Map No. 2H. See Section  
19 270 of this Code for bulk limits.

20 (4) **Awnings, canopies and marquees.** Awnings, canopies and marquees, as defined  
21 in Sections 790.20, 790.26 and 790.58 of this Code, and further regulated by the Building  
22 Code and Sections 243(c)(5), 136.2 and 607.3 of this Code, are permitted.

23 (5) **Signs.**

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

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

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

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

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

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

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

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

16 (7) **Required Setbacks.** Setbacks for buildings exceeding a height of 4050 feet  
17 shall be regulated as provided in Section 253.2 of this Code.

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

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

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

3 (B) **Reduction of Ratio of Residential Uses for Affordable Housing.** The ~~City~~  
14 Planning Commission may modify the Van Ness Special Use District residential to  
15 nonresidential use ratio between Golden Gate Avenue and California Street as a conditional  
16 use in one of the following ways:

17 (i) **In-Lieu Fee.** By conditional use, the developer may elect to fulfill the obligation  
18 to build housing by paying an in-lieu fee to the Affordable Housing Fund as provided in  
19 Section ~~413~~ 413 of this Code. No more than a 50 percent reduction of the required housing for  
20 a specific project can be fulfilled by paying an in-lieu fee. Use of these funds shall provide  
21 affordable housing within 2,000 feet of the Van Ness Special Use District. The in-lieu fee shall  
22 be determined by the following formula:

23  
24  
25 (1)

(Lot Area × FAR) / 4 × 3 =	Residential SQ. FT. Requirement
----------------------------	---------------------------------

(2)

Residential SQ. FT. Requirement	-	Residential SQ. FT. Developed	=	LOSS
---------------------------------	---	-------------------------------	---	------

(3)

LOSS × \$15 = In-Lieu Fee

(ii) **Providing Affordable Housing.** By conditional use, the developer may reduce up to 50 percent of the required amount of on-site housing by maintaining a portion of that housing as permanently affordable for the life of the project. Affordable units shall be managed by a nonprofit housing agency through a duly executed agreement between the project sponsor, the nonprofit agency and the Planning Department. The mix of affordable units retained in the project shall conform to the overall dwelling unit size mix of the project. The portion of retained residential which shall be affordable will be determined by calculating the number of market rate units which could be subsidized by the amount of "in-lieu fee" calculated in Paragraph (i) above. The number of square feet of affordable housing shall be calculated in the following manner:

(1)

In-Lieu Fee \$30/square foot subsidy	=	Square Feet of Affordable Housing Retained in the Project
---	---	---

(iii) **Annual Reporting, Evaluation and Adjustments to Affordability and Fee Calculations.** The Department shall report annually to the Planning Commission on the



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 shall  
4 be subject to annual adjustments in accord with Section 413.6(1) ~~313.6(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:

3 (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 ~~of City Planning~~ a statement of intent identifying the applications covering the  
8 projects that are to be considered and approved together;

9 (ii) When the Planning Department ~~of City Planning~~ approves an application for a  
10 project containing only nonresidential use and the project is linked to one or more other  
11 projects pursuant to the statement of intent filed with the Department, it shall include as a  
12 condition of approval a requirement prohibiting the project sponsor from commencing any  
13 work on the site until the Zoning Administrator issues a written determination that such work  
14 may proceed. The Zoning Administrator shall not issue such a determination until those  
15 permits authorizing the projects containing residential use have been issued and foundations  
16 have been completed at each 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) ~~**Street Frontages.** Street frontages and parking setbacks shall conform to Section 145.1~~  
18 ~~of this Code. Ground floor non-residential uses shall have a minimum floor-to-floor height of 14 feet.~~

19 ~~(F) **Fast Food Uses.** A large fast food restaurant as defined in Section 790.90 of this Code~~  
20 ~~shall be permitted only as a conditional use.~~

21 ~~A small self-service restaurant, as defined in Section 790.91 of this Code, shall be permitted~~  
22 ~~only as a conditional use unless such restaurant is a related minor use which is either necessary to the~~  
23 ~~operation or enjoyment of a lawful principal use or conditional use, or is appropriate, incidental and~~  
24 ~~subordinate to any such use, in which case it shall be permitted as an accessory use.~~

1           ~~(G) **Drive-Up Facilities.** Drive up facilities are not permitted. For the purposes of this~~  
2 ~~Section, "drive up facilities" shall be defined as structures designed primarily for drive to or drive~~  
3 ~~through trade which provides service to patrons while in private motor vehicles.~~

4           **(H) Demolitions.** All demolitions of buildings containing residential use and all  
5 conversions from residential uses to nonresidential uses above the ground floor shall be  
6 permitted only if authorized as a conditional use under Section 303 of this Code, unless the  
7 Director Superintendent of the Bureau Department of Building Inspection or the Chief of the  
8 Bureau of Fire Prevention and Public Safety determines that the building is unsafe or  
9 dangerous and that demolition is the only feasible means to secure the public safety. When  
10 considering whether to grant a conditional use permit for the demolition or conversion, in lieu  
11 of the criteria set forth in Planning Code Section 303, consideration shall be given to the  
12 adverse impact on the public health, safety and general welfare of the loss of housing stock in  
13 the district and to any unreasonable hardship to the applicant if the permit is denied. The  
14 definition of residential use shall be as set forth in Section 243(c)(8)(A), but shall not include  
15 any guest room in a building classified as a residential hotel subject to the Residential Hotel  
16 Unit Conversion and Demolition Ordinance.

17           A conditional use permit shall not be required if the demolition permit is sought in order  
18 to comply with a court order directing or permitting the owner to demolish a building because it  
19 is unsafe. No person shall be permitted to construct anything on the site of a demolished  
20 building subject to such an order for a period of two years unless (a) the proposal is for at  
21 least the same number and size of dwelling units and guest rooms and the same amount of  
22 nonresidential floor area as that which was demolished or (b) the applicant requests and is  
23 granted an exemption from this requirement on the ground that the applicant has  
24 demonstrated that (1) the need for demolition did not arise because of the deliberate or  
25 unreasonable neglect of the maintenance of the building, or that (2) the restrictions would

1 cause undue hardship to the property owner or that (3) the restrictions would leave the  
2 property without any substantial remaining market value or reasonable use.

3 ~~(F)~~ **(F) Parking.** Pursuant to Table 151 in Article 1.5 of this Code, the residential  
4 parking requirement shall be one space for each dwelling unit; provided, however, that the  
5 Zoning Administrator may reduce the parking requirement ~~may be reduced~~ to not less than one  
6 space for each four dwelling units pursuant to the procedures and criteria of Sections 307(g) and (i)  
7 of this Code, if the Zoning Administrator determines that the reduced parking requirement is sufficient  
8 to serve the reasonably anticipated auto usage by residents and visitors to the project. The procedures  
9 and fee for such review shall be the same as those which are applicable to variances, as set forth in  
10 Sections 306.1 through 306.5 and 308.2.

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

13 ~~(H)~~ **(H) Other Entertainment Uses.** Other Entertainment Uses as defined in Section  
14 790.38 of this Code shall require notification as set forth in Section 312 of this Code.

15 **(9) Reduction of Ground Level Wind Currents.**

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

23 (B) An exception to this requirement may be permitted but only if and to the extent  
24 that the project sponsor demonstrates that the building or addition cannot be shaped or wind  
25

1 baffling measures cannot be adopted without unduly restricting the development potential of  
2 the building site in question.

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

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

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

12  
13 Section 27. The San Francisco Planning Code is hereby amended by repealing Section  
14 249.26, as follows:

15 ~~**SEC. 249.26. DOWNTOWN HOUSING DEMONSTRATION SPECIAL USE DISTRICT.**~~

16 ~~*In order to provide a demonstration of the effects of reducing the constraints placed on*~~  
17 ~~*residential housing in the Downtown Core, there shall be a special use district known as the Downtown*~~  
18 ~~*Housing Demonstration Special Use District encompassing the approximately 11,000 sf lot at the*~~  
19 ~~*corner of Market Street, Kearny Street and Geary Avenue (Assessor's Block 0311, Lot 006), as*~~  
20 ~~*designated on Section Map 1SU of the Zoning Map of the City and County of San Francisco.*~~

21 ~~*(a) **Special Controls.** The following controls shall apply in this Special Use District.*~~

22 ~~*(1) **Floor Area Ratio:** The floor area ratio limits set forth in Sections 123 and 124 of this*~~  
23 ~~*Code for C-3-O Districts shall not apply to dwellings or other residential uses.*~~

1           (2) ~~**Density:** The density of dwelling units shall be determined by the allowable building~~  
2 ~~envelope of the lot to be developed. The maximum density ratio for dwelling units in C-3-O Districts set~~  
3 ~~forth in Section 215 shall not apply.~~

4           (3) ~~**Open Space:** Exceptions to the open space provisions of Section 135 and 138 of this~~  
5 ~~Code may be granted through the process set forth in Section 309(a) in lieu of the process set forth in~~  
6 ~~Section 305 of this Code.~~

7           (4) ~~**Exposure of Dwelling Units:** Exceptions to the provisions of Planning Code Section 140~~  
8 ~~may be granted through the process set forth in Section 309(a) in lieu of the process set forth in Section~~  
9 ~~305 of this Code. An exception shall only be granted upon a determination that the proposed design~~  
10 ~~provides adequate access to air and light consistent with the intent of Section 140 of this Code.~~

11           (b) ~~**Height and Bulk Restrictions.** The applicable Height and Bulk for this Special Use~~  
12 ~~District shall be 285-S.~~

13           (e) ~~**Residential Inclusionary Affordable Housing Program.** For purposes of determining~~  
14 ~~the number of units required pursuant to Sections 315 et seq. of this Code, any residential project shall~~  
15 ~~be considered as an application under Section 315.3(a)(2) and will be subject to the associated~~  
16 ~~requirements set forth in Sections 315 et seq.~~

17           (d) ~~**Limited Scope.** The creation of this Special Use District shall not limit the discretion~~  
18 ~~vested in the Planning Commission to review projects and impose conditions pursuant to Section 309~~  
19 ~~or any other applicable section of this Code.~~

20           (e) ~~**Sunset Provision.** Except for the Height and Bulk Restrictions set forth in Section (b)~~  
21 ~~above, this Special Use District shall expire within four years of the effective date of this Ordinance or~~  
22 ~~when the proposed Downtown Housing Ordinance or a similar ordinance that would eliminate floor~~  
23 ~~area restrictions and maximum density ratios for dwelling units in C-3 Districts is enacted, whichever~~  
24 ~~is earlier.~~

1 Section 28. The San Francisco Planning Code is hereby amended by amending  
2 Section 253, to read as follows:

3 **SEC. 253. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES EXCEEDING A**  
4 **HEIGHT OF 40 FEET IN RH DISTRICTS, OR MORE THAN 50 FEET IN RM AND RC**  
5 **DISTRICTS.**

6 (a) Notwithstanding any other provision of this Code to the contrary, in any RH, RM,  
7 or RC District, ~~except in RTO Districts,~~ established by the use district provisions of Article 2 of  
8 this Code, wherever a height limit of more than 40 feet in a RH District, or more than 50 feet in a  
9 RM or RC District, is prescribed by the height and bulk district in which the property is located,  
10 any building or structure exceeding 40 feet in height in a RH District, or 50 feet in height in a RM  
11 or RC District, shall be permitted only upon approval by the ~~City~~ Planning Commission  
12 according to the procedures for conditional use approval in Section 303 of this Code; provided,  
13 however, that a building over 40 feet in height in a RM or RC District with more than 50 feet of street  
14 frontage on the front facade is subject to the conditional use requirement.

15 (b) In reviewing any such proposal for a building or structure exceeding 40 feet in  
16 height in a RH District, 50 feet in height in a RM or RC District, or 40 feet in a RM or RC District  
17 where the street frontage of the building is more than 50 feet the ~~City~~ Planning Commission shall  
18 consider the expressed purposes of this Code, of the RH, RM, or RC Districts, and of the  
19 height and bulk districts, set forth in Sections 101, 206 through 206.3 and 251 hereof, as well  
20 as the criteria stated in Section 303(c) of this Code and the objectives, policies and principles  
21 of the Master Plan, and may permit a height of such building or structure up to but not  
22 exceeding the height limit prescribed by the height and bulk district in which the property is  
23 located.

24 (1) On narrow streets and alleys. In reviewing a proposal for a building exceeding 50 feet  
25 in RM and RC districts, the Planning Commission may require that the permitted bulk and required



1 setbacks of a building be arranged to maintain appropriate scale on and maximize sunlight to narrow  
2 streets (rights-of-way 40 feet in width or narrower) and alleys.

3  
4 Section 29. The San Francisco Planning Code is hereby amended by amending  
5 Section 253.2, to read as follows:

6 **SEC. 253.2. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES IN THE VAN**  
7 **NESS SPECIAL USE DISTRICT.**

8 (a) **Setbacks.** In the Van Ness Special Use District, as designated on Sectional  
9 Map 2SU of the Zoning Map, any new construction exceeding 4050 feet in height or any  
10 alteration that would cause a structure to exceed 4050 feet in height shall be permitted only as  
11 a conditional use upon approval by the *City* Planning Commission according to Section 303 of  
12 this Code. When acting on any conditional use application pursuant to this Section, the City  
13 Planning Commission may impose the following requirements in addition to any others  
14 deemed appropriate:

15 (1) **On Van Ness Avenue.** The *City* Planning Commission may require a setback  
16 of up to 20 feet at a height of 50 feet or above for all or portions of a building if it determines  
17 that this requirement is necessary in order to maintain the continuity of the prevailing street  
18 wall height established by the existing buildings along Van Ness Avenue within two blocks of  
19 the proposed building.

20 (2) **On Pine, Sacramento, Clay, Washington and California Streets.** The *City*  
21 Planning Commission may require a setback of up to 15 feet for all or a portion of a building  
22 on any lot abutting Pine, Sacramento, Clay, California and Washington Streets which lot is  
23 located within the Van Ness Special Use District in order to preserve the existing view  
24 corridors.

1           (3)     On narrow streets and alleys. The Planning Commission may require that the permitted  
2     bulk and required setbacks of a building be arranged to maintain appropriate scale on and maximize  
3     sunlight to narrow streets (rights-of-way 40 feet in width or narrower) and alleys.  
4

5           Section 30. The San Francisco Planning Code is hereby amended by amending  
6     Section 307, to read as follows:

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

8           In addition to those specified in Sections 302 through 306, and Sections 316 through  
9     316.8 of this Code, the Zoning Administrator shall have the following powers and duties in  
10    administration and enforcement of this Code. The duties described in this Section shall be  
11    performed under the general supervision of the Director of Planning, who shall be kept  
12    informed of the actions of the Zoning Administrator.

13          (a)     **Rules, Regulations and Interpretations.** The Zoning Administrator shall,  
14    consistent with the expressed standards, purposes and intent of this Code and pursuant to its  
15    objectives, issue and adopt such rules, regulations and interpretations as are in the Zoning  
16    Administrator's opinion necessary to administer and enforce the provisions of this Code. Such  
17    rules and regulations, and any such interpretations that will be of general application in future  
18    cases, shall be made a part of the permanent public records of the *Planning Department of*  
19    *City Planning*. The Zoning Administrator shall respond to all written requests for  
20    determinations regarding the classification of uses and the interpretation and applicability of  
21    the provisions of this Code.

22          (b)     **Compliance with This Code.** The Zoning Administrator shall have authority to  
23    take appropriate actions to secure compliance with this Code, through review of permit  
24    applications, surveys and record-keeping, enforcement against violations as described in  
25    Section 176, and other means.

1 (c) **Inspection of Premises.** In the performance of any prescribed duties, the  
2 Zoning Administrator and employees of the *Planning* Department ~~of City Planning~~ authorized to  
3 represent the Zoning Administrator shall have the right to enter any building or premises for  
4 the purposes of investigation and inspection; provided, that such right of entry shall be  
5 exercised only at reasonable hours, and that in no case shall entry be made to any building in  
6 the absence of the owner or tenant thereof without the written order of a court of competent  
7 jurisdiction.

8 (d) **Code Maintenance.** The Zoning Administrator shall periodically review and  
9 study the effectiveness and appropriateness of the provisions of this Code, for the purpose of  
10 recommending necessary changes to the Director of Planning and the ~~City~~ Planning  
11 Commission.

12 (e) **Exercise of Powers and Duties by Others.** In cases where absence,  
13 incapacity, vacancy of the office, conflict of interest or other sufficient reasons prevent action  
14 by the Zoning Administrator, the Director of Planning may designate any officer or employee  
15 of the Department to carry out any function of the Zoning Administrator so affected.

16 (f) **Cooperation With Other Departments.** The Zoning Administrator shall furnish  
17 to the various departments, officers and employees of the City vested with the duty or  
18 authority to issue permits or licenses (including but not limited to the Department of Public  
19 Works, Department of Public Health, Police Department and Fire Department) such  
20 information as will insure the proper administration of this Code and of all the rules,  
21 regulations, interpretations and other determinations of the *Planning* Department ~~of City~~  
22 *Planning* relative thereto. It shall be the duty of said departments, officers and employees to  
23 cooperate with the Zoning Administrator in the performance of the Zoning Administrator's  
24 duties, and to assist in the enforcement of the provisions of this Code.

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

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

15           (1)    **Applicability.** For projects not subject to Section 329, relief may be provided  
16 for the following requirements: rear yard; non-residential open space; off-street loading  
17 requirements; and off-street parking limits up to the maximum quantities described in Section  
18 151.1. Relief may also be provided for dwelling unit exposure requirements for buildings  
19 which are designated landmark buildings or contributory buildings within designated historic  
20 districts per Article 10 of *the Planning this* Code, and/or buildings recorded with the State  
21 Historic Preservation Office as eligible for the California Register, when the following criteria  
22 are met: (i) literal enforcement of Section 140 would result in the material impairment of the  
23 historic resource; and (ii) the project complies with the Secretary of the Interior's Standards,  
24 (36 C.F.R. § 67.7 (2001)) and/or Section 1006 and any related Article 10 appendices of this  
25 Code.

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

8 (i) Criteria for the Reduction or Modification of Off-Street Parking Requirements. In  
9 approving a reduction or modification of off-street requirements authorized by this Code, the Zoning  
10 Administrator or the Planning Commission shall consider and apply the following criteria:

11 (1) the reduction in the parking requirement is justified by the reasonably anticipated  
12 automobile usage by residents of and visitors to the project; and

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

15 (3) the minimization of conflict of vehicular and pedestrian movements; and

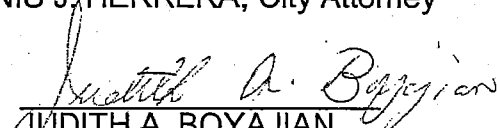
16 (4) the availability of transportation modes other than the automobile; and

17 (5) the pattern of land use and character of development in the vicinity; and

18 (6) such other criteria as the Zoning Administrator deems appropriate in the circumstances  
19 of the particular case.

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

23 By:

  
24 JUDITH A. BOYAJIAN  
25 Deputy City Attorney

**REVISED LEGISLATIVE DIGEST**

[Planning Code - Zoning - Establishing Consistent Setback, Street Frontage, Off-Street Parking, and Other Planning Code Requirements and Procedures Across Various Use Districts]

**Ordinance amending the San Francisco Planning Code by amending Sections 124, 132.2, 136, 144, 145, 145.1, 145.5, 150, 151.1, 155, 161, 186, 206.3, 209.8, 210.3, 212, 231, 243, 253, 253.2 and 307, and by repealing Sections 175.1, 175.2, 175.3, 175.4, 175.5, 209.10, and 249.26 to (1) create comprehensive and consistent street frontage controls for residential districts, (2) create consistent ground floor controls for industrial districts, (3) permit certain small corner commercial uses in RM-3 and RM-4 districts, (4) modify floor area ratio controls in the Van Ness Special Use District, (5) modify conditional use requirements for buildings over 40 feet in RM and RC districts, (6) amend the procedure for granting exceptions from off-street parking and loading requirements, (7) allow parking and loading exceptions to preserve historic buildings and landmark trees, (8) make certain Planning Code controls consistent across C-3 Districts, and (9) streamline Code language and correct out-of-date references; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.**

**Existing Law**

Planning Code Section 124 sets basic floor area ratio (FAR) limits in most zoning districts, and provides for exceptions in certain districts. Section 136 regulates obstructions over streets and alleys and in required setbacks, yards, and useable open space.

Section 132.2 establishes the North of Market Residential Special Use District ("SUD"). Section 243 establishes the Van Ness SUD.

Sections 144, 145, 145.1, and 145.5 regulate street frontage and ground-floor requirements in specified zoning districts to ensure that they are attractive, pedestrian-oriented, and compatible with existing buildings. Section 144 limits the amount of frontage used for parking entrances and requires a percentage of the ground story of dwellings to be devoted to windows, entrances, landscaping, and other architectural features. Section 145 imposes controls on parking and loading entrances, and requires building heights and walls to be stepped and otherwise moderated. Section 145.1 establishes ground floor ceiling height, limits the amount of frontage used for off-street parking and loading entrances, and requires "active uses" on the ground floor and other features (such as gates, transparency and fenestration) for street-fronting spaces. Section 145.5 establishes a minimum ceiling height for ground floor spaces in new buildings constructed in PDR Districts.

Sections 150, 151.1, 155, and 161 establish off-street parking and loading requirements for all zoning districts and establish general standards as to location and arrangement of off-street parking, freight loading, and service vehicle facilities. Section 155 also regulates garage entries, driveways or other vehicular access to off-street parking or loading on development lots on the frontages of specified streets in order to preserve the pedestrian character of downtown and neighborhood commercial districts and to minimize delays to transit service.

Sections 175.1, 175.2, 175.3, and 175.4 were adopted in 1985; they provide for an orderly transition from prior zoning to implementation of the Downtown Plan by grandfathering certain pipeline projects and Redevelopment Project Areas from specific provisions of the Planning Code. Section 175.5, adopted in 1987, provides for a similar transition to Neighborhood Commercial rezoning. Section 249.26 establishes a Downtown Housing Demonstration SUD on an 11,000 square foot lot at the corner of Market Street, Kearny Street, and Geary Avenue to demonstrate the effects of reducing the constraints placed on residential housing in the Downtown Core; this SUD sunsetted in 2008.

Section 186 regulates existing non-conforming commercial uses in Residential Districts.

Section 206.3 describes four Residential-Commercial (RC) Districts. Section 209.8 establishes controls for Commercial Establishments in specified zoning districts. Section 209.10 conditionally permits formula retail uses along Van Ness Avenue from Golden Gate Avenue to Chestnut Street. Section 210.3 describes four Downtown Commercial (C-3) Districts. Section 212 establishes additional requirements for some permitted uses in certain Commercial and Industrial Districts. Section 231 establishes controls on the location, permitted uses, size, parking, and operation of corner stores in RTO zoning districts.

Section 253 requires conditional use authorization for buildings over 40 feet in Residential Districts other than RTO Districts. Section 253.2 describes building setbacks which the Planning Commission may require for buildings exceeding 40 feet along certain streets in the Van Ness SUD.

Section 307 sets forth certain powers and duties of the Zoning Administrator, including the authority to grant administratively exceptions from specific Code requirements such as off-street parking requirements.

#### Amendments to Current Law

The proposed Ordinance seeks to achieve more consistency in how the City controls street frontages. It takes certain provisions that have been tested and approved for recent plan areas and extends these controls to additional zoning districts. Among other things, the legislation would (1) create comprehensive and consistent street frontage controls for residential districts, (2) create consistent ground floor controls for industrial districts, (3) permit certain small corner commercial uses in RM-3 and RM-4 districts, (4) modify floor area ratio controls in the Van Ness SUD, (5) modify conditional use requirements for buildings over 40

feet in RM and RC districts, (6) amend the procedure for granting exceptions from off-street parking and loading requirements, (7) allow parking and loading exceptions to preserve historic buildings and landmark trees, (8) make certain Planning Code controls consistent across C-3 Districts, and (9) streamline Code language and correct out-of-date references.

Specifically, Planning Code Section 124 is amended to remove the FAR exemption for nonaccessory parking in NC districts and slightly increase the FAR limit in the Van Ness Special Use District to match the limit for other RC-4 districts.

Section 132.2 is amended to raise the potential setback requirement height in the North of Market Residential SUD to 50 feet and adds alleys to the list of street frontages that must comply with setback and ground floor design standards. Section 136 is amended to conform the language to the amendments made to other Code sections.

Section 144 is amended to extend street frontage controls similar to those which exist for RTO districts to additional RH and RM districts. The maximum amount of street frontage used for off-street parking ingress/egress is set at one-third, although a garage entrance of at least 10 feet is permitted on all street frontages; individual garage entrances cannot exceed 20 feet in width. Street-facing garage structures and garage doors may not extend closer to the street than a primary building facade unless they are consistent with Section 136 controls; garage entrances must be located at least six feet from a lot corner located at the intersection of two public rights-of-way. The exception for upsloping or downsloping lots is extended to all RM Districts, and allows for modification or waiver of the requirements.

Section 145 is renumbered as Section 144.1 and a new Section 145 is added as an introduction to the subsequent sections. Section 145.1 is amended to (1) require level floors and a minimum ceiling height for parking at or above the ground floor in C-3 districts to ensure that new parking can be converted to other uses in the future, and to include language from a 2009 Zoning Administrator interpretation and (2) impose the same controls on street-facing garage structures and garage doors that were added to Section 144. Removable parking ramps are excluded from these requirements. Section 145.5 is expanded to include all industrial districts and amended to provide that in existing buildings, a minimum clear ceiling height of 15 feet shall be retained where currently existing; any building permit that seeks to reduce the clear ceiling height to less than 15 feet requires a variance.

Section 150 is amended to refer to walking, cycling, public transit, and movement of goods and to delete the provision authorizing the Planning Commission to require additional off-street parking and loading when authorizing a conditional use; the definition of "major addition" is amended to increase the number of off-street parking spaces from one to two. The Table in Section 151.1 is amended to provide that a retail grocery store with over 20,000 gross square feet in NCT districts, which has a specific parking requirement, is not subject to the requirement for non-residential uses. Section 155 is amended to provide that parking located at or above the ground level in C-3 districts must conform to the street frontage requirements of Section 145.1.



Section 161 is amended to authorize the Zoning Administrator, rather than the Department or the Commission, to reduce administratively the off-street parking requirements in the Waterfront SUDs, NC and RC Districts. There will be no minimum parking requirements in the North of Market NCD or parking and loading requirements for certain historic buildings. This authority to reduce or waive parking requirements is extended to protect landmark or significant trees. Criteria for the Zoning Administrator or Planning Commission to consider when reducing or modifying off-street parking requirements has been added to Section 307.

Section 186 is amended to apply its requirements to RH, RM, RTO, and RED Districts. Formula Retail will require a conditional use. Section 145.1's requirements for transparency and fenestration and for gates, railings and grillwork would apply to Limited Commercial Uses (LCUs) and awnings would be allowed for LCUs that comply with the awning controls used for NC-1 Districts.

Section 206.3 is amended to delete the RC-1 and RC-2 District categories, which are no longer in use, and to remove the reference to C-2 Districts. Section 209.8 is amended to delete the RC-1 and RC-2 District categories and to fine-tune the retail, personal service, or other commercial uses that are allowed in the RC-3 and RC-4 Districts. Specifically, commercial uses would be subject to NC-3 rather than NC controls, Formula Retail and a nonresidential use that exceeds 6000 gross square feet are conditionally permitted, a liquor store is principally permitted on the ground floor unless otherwise specified in the Code, a drive-up facility is not permitted, a walk-up facility is principally permitted if recessed and conditionally permitted if not recessed, and an outdoor activity area is principally permitted on the ground floor if in front and conditionally permitted if elsewhere.

Section 210.3 is amended to update the description of the C-3-S District. Section 212 is amended to add a purpose section for the ground-floor commercial frontage requirement in C-3 Districts, and to extend the ground level active commercial use requirements on building frontages in C-3-R Districts to include Destination Alleyway street frontage (as defined in the Downtown Streetscape Plan) and along any street frontage facing Market Street except for the Van Ness and Market Downtown Residential SUD. Section 231 is amended to allow limited commercial uses in dense residential districts, and updates street frontage and awning controls.

Section 243 is amended to conform the language to the amendments made to Section 124 for the Van Ness SUD and to remove the controls for small self-service restaurants, large fast-food restaurants, and drive-up facilities, which are superseded by the amendments to Section 209.8.

Sections 253 and 253.2 are amended to increase the height of a building which can be built without conditional use from 40 feet to 50 feet in RM and RC Districts; buildings over 40 feet in height in RC and RM Districts with more than 50 feet of street frontage on the front facade would require a conditional use. In the Van Ness SUD, the permitted bulk and required

setbacks of a building must be arranged to include consideration of sunlight to narrow streets and alleys.

Section 307 is amended to add criteria for the Zoning Administrator or Planning Commission to use when considering a request to reduce off-street parking requirements.

Sections 175.1, 175.2, 175.3, 175.4, 175.5, 209.10, and 249.26 are repealed as obsolete.

#### Background Information

In April 2010, the Board passed Ordinance No. 85-10, which amended several sections of the Planning Code to create a comprehensive and consistent set of street frontage controls for most use districts in San Francisco that allow a mix of uses. The goal of that legislation was to provide more consistency in the Planning Code by extending controls across use districts of a similar type and to simplify the Code by consolidating and harmonizing varying Code requirements governing certain building features. This ordinance proposes additional amendments to the Planning Code that would further this goal.

Since most of San Francisco developed before the widespread use of the automobile and before the existence of Planning Codes that geographically segregated land uses, many San Francisco neighborhoods have a dense, walkable character, with a mix of primary uses. The Planning Code includes a number of use districts that allow a mix of uses, and these use districts have changed and multiplied over time. The General Plan, in its Urban Design and Transportation Elements, strongly emphasizes the importance of active, human-scaled, and pedestrian-oriented building fronts, and of maintaining neighborhood character. Recently created zoning districts, like the RTO and PDR districts, sought to codify these policies into zoning controls. This Ordinance seeks to further the goals of the General Plan by expanding these controls to older use districts that permit similar uses.

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

August 25, 2010

File No. 101053

Bill Wycko  
Environmental Review Officer  
Planning Department  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Dear Mr. Wycko:

On August 3, 2010, Supervisor Mirkarimi introduced the following proposed legislation:

**File No. 101053**

Ordinance amending the San Francisco Planning Code by amending Sections 124, 132.2, 144, 145, 145.1, 145.5, 150, 151.1, 155, 161, 186, 209.8, 210.3, 212, 231, 243, 253, and 253.2, and by repealing Sections 175.1, 175.2, 175.3, 175.4, 175.5, and 249.26, to create comprehensive and consistent street frontage controls for residential districts, to create consistent ground floor controls for industrial districts, to permit certain small corner commercial uses in RM-3 and RM-4 districts, to modify floor area ratio controls in the Van Ness Special Use District, to modify conditional use requirements for buildings over 40 feet in RM and RC districts, to amend the procedure for certain exceptions from off-street parking and loading requirements, and permit parking and loading exceptions to preserve historic buildings and landmark trees, and to make certain Planning Code controls consistent across C-3 Districts; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

The legislation is being transmitted to you for environmental review, pursuant to Planning Code Section 306.7(c).

Angela Cálvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Somera".

By: Alisa Somera, Committee Clerk  
Land Use & Economic Development Committee

Attachment

c: Nannie Turrell, Major Environmental Analysis  
Brett Bollinger, Major Environmental Analysis

*Non-physical per CERA  
Guidelines Section 15060002(a).*

*Brett Bollinger 9/20/10*  
Brett Bollinger  
Approved Planning Dept. Brett Bollinger  
2010.0836E



SMALL BUSINESS COMMISSION  
OFFICE OF SMALL BUSINESS



CITY AND COUNTY OF SAN FRANCISCO  
GAVIN NEWSOM, MAYOR

December 1, 2010

Ms. Angela Calvillo, Clerk of the Board  
Board of Supervisors  
City Hall room 244  
1 Carlton B. Goodlett Place  
San Francisco, CA 94102-4694

**Re: File No. 101053 [Zoning - Consistent Street Frontages Controls.]**

Small Business Commission Recommendation: **Approval of parts of ordinance that regulate commercial uses.**

Dear Ms. Calvillo:

On November 8, 2010, the Small Business Commission heard and recommended approval of the parts of Board of Supervisors File No. 101053 that regulate commercial uses. The Commission has no comment on the non commercial components of the ordinance.

The SBC requests that the Board of Supervisors consider adding the following recommendations to this ordinance or in future legislation:

- Clarify or amend the code to ensure that formula retail uses shall require a conditional use authorization in all R districts.
- Establish appropriate non-residential use size limits in RC districts, above which Conditional Use Authorization is required, like those in NC districts. Use size limits promote neighborhood scale businesses and reduce the impact that large, vacant storefronts have in these mixed use districts.
- Encourage the division of very large commercial spaces into smaller, neighborhood-scaled ones, such as those spaces traditionally used for formula retail establishments.
- Require or provide incentives to provide commercial spaces in a range of sizes, from small to moderately sized, in new buildings, substantially renovated buildings, and buildings undergoing a change of use. This will promote a variety in retail uses in these buildings.

Sincerely,

Regina Dick-Endrizzi  
Director, Office of Small Business

cc. Supervisor Mirkarimi  
Starr Terrell, Mayor's Office  
Alisa Somera, Clerk of the Land Use and Economic Development Committee

SMALL BUSINESS ASSISTANCE CENTER/ SMALL BUSINESS COMMISSION  
1 DR. CARLTON B. GOODLETT PLACE, ROOM 110 SAN FRANCISCO, CALIFORNIA 94102-4681  
(415) 554-6408



# SAN FRANCISCO PLANNING DEPARTMENT

January 25, 2011

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

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

Re: Transmittal of Planning Case Number 2010.0756T to the Board of Supervisors File No. 10-1053: Consistent Street Frontages II

**Recommendation: Approval with Modifications**

Dear Ms. Calvillo,

On January 13, 2011, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearings at a regularly scheduled meeting to consider the proposed Ordinance.

At the January 13<sup>th</sup> Hearing, the Commission voted 7-0 to recommend approval with modifications of a proposed ordinance that will amend the Planning Code to further enhance comprehensive and consistent street frontage controls for residential districts, industrial districts, small corner commercial uses, and associated amendments and recommended that Planning Staff shall continue to work with the legislative sponsor to further articulate these modifications. Please find attached resolution and exhibit for more detail about the Commission's action. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

AnMarie Rodgers  
Manager of Legislative Affairs

Cc:  
Attachments (one copy of the following):

Supervisor Ross Mirkarimi  
Planning Commission Resolution No. 18250 and  
Exhibit A Recommended Modifications



# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Resolution No. 18250

HEARING DATE: JANUARY 13, 2011

CONTINUED FROM HEARING ON: DECEMBER 9, 2010

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Project Name:* Street Frontages II  
*Case Number:* 2010.0756T [Board File No. 10-10503]  
*Initiated by:* Supervisor Mirkarimi  
*Introduced:* August 3, 2010  
*Staff Contact:* AnMarie Rodgers, Manager of Legislative Affairs  
anmarie.rodgers@sfgov.org, 415-558-6395  
*Reviewed By:* Scott Sanchez, Zoning Administrator  
Kelley Amdur, Director of Neighborhood Planning

*Recommendation:* **Recommend Approval with Modifications**

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE WITH MODIFICATIONS THAT WILL AMEND THE PLANNING CODE TO FURTHER ENHANCE COMPREHENSIVE AND CONSISTENT STREET FRONTAGE CONTROLS FOR RESIDENTIAL DISTRICTS, INDUSTRIAL DISTRICTS, SMALL CORNER COMMERCIAL USES, AND ASSOCIATED AMENDMENTS AND RECOMMENDING THAT PLANNING STAFF SHALL CONTINUE TO WORK WITH THE LEGISLATIVE SPONSOR TO FURTHER ARTICULATE THESE MODIFICATIONS.

### PREAMBLE

Whereas, on August 3, 2010, Supervisor Mirkarimi introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 10-1053 which would clarify several aspects of the street frontage controls that was passed in Board File No. 09-1271/ adopted Ordinance No. 85-10, to extend these controls to all residential, industrial, and small corner commercial use districts, as well as add additional requirements that will more comprehensively create a consistent set of street frontage controls in San Francisco; and

Whereas, on December 9, 2010, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance; and

Whereas, on December 9, 2010, the San Francisco Planning Commission (hereinafter "Commission") acted only on a portion of the proposed Ordinance and continued consideration of the proposed Ordinance to January 13, 2011; and

Whereas, on January 13, 2011 the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance; and

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

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

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

Whereas, the Commission has reviewed the proposed Ordinance; and

MOVED, that the Commission hereby recommends that the Board of Supervisors recommends

- 1) *approval of the proposed Ordinance with modifications outlined in Exhibit A and*
- 2) *that Planning Department Staff shall continue to work with the legislative sponsor to further articulate these modifications;*

and adopts this Resolution to that effect.

## FINDINGS

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

1. The proposed Ordinance is a companion to legislation that went into effect earlier this year in BOS File No. 09-1271/ adopted Ordinance No. 85-10 (Street Frontage Legislation No. 1). That legislation established the necessary framework for street frontage requirements in San Francisco. This legislation, BOS File No. 10-10503 (Street Frontage Legislation No. 2), amends Code sections to further achieve a consistent ground-floor and pedestrian friendly environment in San Francisco;
2. The proposed Ordinance seeks to achieve more consistency in how the City controls for street frontages. It takes certain provisions that have been tested and approved for recent plan areas and extends these controls to additional NC, RC, and C-3 Districts. Among other things, this legislation would create consistent ground floor controls for industrial districts; permit certain small corner commercial uses in RM-3 and RM-4 districts; create comprehensive and consistent street frontage controls for residential districts; permit certain small corner commercial uses in RM-3 and RM-4 districts; modify floor area ratio controls in the Van Ness Special Use District; modify conditional use requirements for buildings over 40 feet in RM and RC districts; amend the procedure for certain exceptions from off-street parking and loading requirement; permit parking and loading exceptions to preserve historic buildings and landmark trees; and make certain Planning Code controls consistent across C-3 Districts;

3. If the proposed modifications listed in Exhibit A are incorporated into the final legislation, the Commission believes that it would be an important step forward to achieving consistent design at the street level in San Francisco;
4. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

**I. URBAN DESIGN ELEMENT**

**OBJECTIVE 3**

MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

**POLICY 3.7**

Recognize the special urban design problems posed in development of large properties.

**POLICY 4.13**

Improve pedestrian areas by providing human scale and interest.

**II. VAN NESS AVENUE AREA PLAN**

**OBJECTIVE 1**

CONTINUE EXISTING OF THE AVENUE AND ADD A SIGNIFICANT INCREMENT OF NEW HOUSING.

**POLICY 1.1**

Encourage development of high density housing above a podium of commercial uses in new construction or substantial expansion of existing buildings.

**POLICY 1.4**

Maximize the number of housing units.

**OBJECTIVE 6**

ENCOURAGE DISTINGUISHED ARCHITECTURE WHOSE SCALE, COMPOSITION AND DETAILING ENHANCES THE OVERALL DESIGN STRUCTURE OF THE AVENUE AND RELATES TO HUMAN SCALE.

**POLICY 6.3**

Incorporate setbacks and/or stepping down of building form on new developments — and major renovations when necessary — to increase sun exposure on sidewalks.

**III. RINCON HILL AREA PLAN**

**OBJECTIVE 1.1**

ENCOURAGE THE DEVELOPMENT OF A UNIQUE DYNAMIC, MIXED-USE RESIDENTIAL NEIGHBORHOOD CLOSE TO DOWNTOWN, WHICH WILL CONTRIBUTE SIGNIFICANTLY TO THE CITY'S HOUSING SUPPLY.



IV. NORTHEASTERN WATERFRONT AREA PLAN

**OBJECTIVE 1**

TO DEVELOP AND MAINTAIN ACTIVITIES THAT WILL CONTRIBUTE SIGNIFICANTLY TO THE CITY'S ECONOMIC VITALITY AND PROVIDE ADDITIONAL ACTIVITIES WHICH STRENGTHEN THE PREDOMINANT USES IN EACH SUBAREA OF THE NORTHEASTERN WATERFRONT, WHILE LIMITING THEIR CONCENTRATION TO PRESERVE THE ENVIRONMENTAL QUALITY OF THE AREA.

V. SOUTH OF MARKET AREA PLAN

**OBJECTIVE 5**

MINIMIZE THE IMPACT ON THE LIVABILITY OF THE AREA OF AUTO TRAFFIC THROUGH AND TO/FROM THE SOUTH OF MARKET.

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

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

*The proposed Ordinance will encourage neighborhood-serving retail uses by requiring active uses more consistently.*

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

*The proposed legislation will not burden existing neighborhood character and housing.*

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

*The proposed Ordinance will have no adverse effect on the City's supply of affordable housing.*

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

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

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

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

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

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

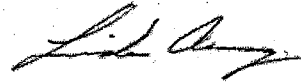
- G) That landmark and historic buildings will be preserved:

*Landmarks and historic buildings would be unaffected by the proposed amendments as the Historic Resource Commission could disapprove a "Certificate of Appropriateness" for harmful actions. In addition, should a proposed use be located within a landmark or historic building, such site would be evaluated under typical Planning Code provisions and comprehensive Planning Department policies.*

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

*The City's parks and open space and their access to sunlight and vistas would be unaffected by the proposed amendments. It is not anticipated that permits would be such that sunlight access, to public or private property, would be adversely impacted.*

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on January 13, 2011.



Linda Avery  
Commission Secretary

AYES: Miguel, Olague, Antonini, Borden, Fong, Moore, and Sugaya

NAYS:

ABSENT:

ADOPTED: January 13, 2011

Attachments: Exhibit A Planning Commission Proposed Modifications to BOS File No. 10-1053

**Exhibit A: Planning Commission Proposed Modifications to BoS  
File No. 10-1053**

Section Title	Way it is Now	Way it Would Be Under the Proposed Ordinance
Section No. Recommendation	Page and line of recommended modification, when applicable, or alternatively statement to recommend approval as is. <i>Italics indicate rationale for Commission recommendation.</i>	
124(b) Basic FAR Limits	NC Districts- FAR limits do not apply to nonaccessory off-street parking	NC FAR limits will apply to nonaccessory off-street parking Approve
124(b) Recommendation	Approve as is. <i>By including parking in FAR controls, this Ordinance will improve regulation of building bulk.</i>	
132.2 (c) Setbacks in North of Market Residential Special Use District	Setbacks may be required for buildings over 40' in height	<ol style="list-style-type: none"> <li>1. Raises potential setback requirement height to 50'</li> <li>2. Adds alleys to list of street frontages that must comply with setback and ground floor design standards</li> </ol>
132.2(c) Recommendation	Pg. 10, L8-9: Strike the last clause of this sentence. <i>This clause is redundant with the amendment proposed – the new setback requirement will only apply over 50 feet; this clause simply restates that new control.</i>	
144 Treatment of Ground Stories on Street Frontages in RH-2, RH-3, RTO, RTO-M, RM-1, and RM-2 Districts	<ol style="list-style-type: none"> <li>1. Applies to RH-2, RH-3, RM-1, and RM-2 districts</li> <li>2. Entrances to off-street parking cannot be more than 30% of lot width, except as specified in (3), below.</li> <li>3. The requirement in (3), above, cannot limit a single entrance to less than 16'</li> </ol>	<ol style="list-style-type: none"> <li>1. Expanded to apply to RH-1, RM-1, and RM-2 Districts</li> <li>2. Entrances to off-street parking cannot be more than 1/3 of lot width</li> <li>3. The requirement in (3), above, cannot limit a single entrance to less than 8'</li> <li>4. Street facing garage structures cannot extend beyond front façade</li> <li>3. Curb cuts cannot be less than 6' from corner</li> </ol>

**Exhibit A: Planning Commission Proposed Modifications to BoS  
File No. 10-1053**

Section Title	Way it is Now	Way it Would Be Under the Proposed Ordinance
<p>144(b)(1) Recommendation</p> <p>144(b)(1) Recommendation Continued</p>	<p>pg. 11, L11: Increase the minimum Code-mandated width of garage entrances to 10 feet (current Code language is 16 feet; proposed is 8 feet) and retain the eight foot requirement for RTO Districts.</p> <p><i>This modification would affect off-street parking throughout San Francisco. Given that a standard lot size in San Francisco is 25' wide by 100' deep, other changes to this Section (namely the shift from garage width maximums from 30% of lot width to 1/3 of lot width) would generally result in a maximum garage entrance of 8.33'. Because garage doors are almost exclusively procured in standard sizes, this will result in actual garage door widths of 8'. This width is often argued as too constricting, especially on narrow streets or for upsloping lots with shallow garages, and is compounded by the fact that in the geographic majority of the City, uses must provide a minimum number of off-street parking spaces. However, the current Code language in this Section sets minimum widths for garage doors to address precisely these situations and would automatically increase the permissible garage door width to 16'. To be clear, this minimum width applies only to garage door widths established by the proposed 1/3 formula.</i></p> <p><i>While the Commission supports the legislation's goal in reducing the 16' figure, the 8' door that this would result in may not be an appropriate garage door width for neighborhoods – especially in the western half of the City – which have an overwhelming pattern of larger garage doors or those situations described above. The Commission proposes using a minimum figure under this Section of 10 feet. A ten-foot wide garage door is a reasonable width and can accommodate the majority of vehicles and access issues. Of course, this does not preclude the Department or Commission from further modifying individual proposals based on Residential Design Guidelines or other policies.</i></p> <p><i>Additionally, the Commission suggests retaining the 8' width in RTO Districts, as they are typically located on commercial corridors with increased foot and vehicle traffic and seldom demonstrate a pattern of garage doors larger than 8'.</i></p> <p>pg. 11, L15-17: Strike the proposed requirement that street-facing garage structures not extend further out than the front façade of the building.</p> <p><i>The Commission requests that staff continue to work with the legislative sponsor on preferred text to regulate "snout garages".</i></p> <p>pg. 11, L17-19: Relocate the sentence stating that parking entrances should minimize interference with street-fronting active uses to section (a): Purpose.</p> <p><i>This sentence does not state a control but encourages minimizing interference with the</i></p>	

**Exhibit A: Planning Commission Proposed Modifications to BoS  
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Section Title	Way it is Now	Way it Would Be Under the Proposed Ordinance
	<p><i>pedestrian realm. It is a goal, not a requirement and is better suited in the Purpose clause in 144(a).</i></p> <p>pg. 11, L22-25 and pg 12, L1-2: Strike the newly inserted language.</p> <p><i>Currently controls strike the requirements for garage entries in unusual circumstances, allowing for a tailored response to shallow buildings and/or steep slopes. As drafted, the Ordinance would require a waiver of the off-street parking requirements through an undetermined process. Unusual lots should be granted the exception automatically with out added costs of additional processes.</i></p>	
<p>145 (proposed to become 144.1)</p> <p>Moderation of building fronts in RM-1 &amp; RM-2 Districts</p>	<p>1. §145 currently addresses the frontages of buildings in residential mixed districts whereas other residential district frontage controls are contained in §144.</p>	<p>1. Changes Section number and header language to consolidate residential building frontage controls in §144.</p>
<p>145 (proposed to become 144.1) Recommendation</p>	<p>pg. 12, L22: Approve text changes as is. Ensure existing diagrams are kept. Add new §145 as an introduction to §145.1-145.5.</p> <p><i>Making this change would consolidate building frontage controls for residential districts into §144 and §144.1. Staff has checked for cross-references and did not find any conforming changes that should be associated with this renumbering. The existing diagrams for §145 are not currently visible in proposed §144.1, ensure that these diagrams remain in new location.</i></p> <p><i>Keep §145 as an introduction to §145.1-145.5. The new §145 would introduce controls for frontages, outdoor activity areas, walkup facilities, and ground floor uses and standards in neighborhood commercial and mixed use districts. The Commission proposes the following text for the new §145: "The purpose of this Section is to preserve, enhance and promote attractive, clearly defined street frontages that are pedestrian-oriented, fine-grained, and which are appropriate and compatible with the buildings in neighborhood commercial or production, distribution and repair districts."</i></p>	
<p>145.1</p> <p>Street Frontages in Neighborhood Commercial, Downtown,</p>	<p>1. Section title lists both "commercial" and CM districts.</p>	<p>1. Removes separate listing of C-M Districts</p> <p>2. C-3 Districts: All parking above ground level shall have 9' ceiling height or a height equal to adjacent ceiling heights so</p>

**Exhibit A: Planning Commission Proposed Modifications to BoS  
File No. 10-1053**

Section Title	Way it is Now	Way it Would Be Under the Proposed Ordinance
Residential, RC, C, M, Chinatown, Soma, and Eastern Neighborhoods Districts		<p>as to facilitate conversion to other uses</p> <p>3. C-3 Districts: Ground level parking shall have min 14' ceiling height and no sloping floors so as to allow future conversion of this parking to other uses.</p> <p>4. Street facing garage structures cannot extend past the building frontage</p> <p>5. Curb cuts cannot be less than 6' from corner</p>
145.1 Recommendation	<p>Pg. 14, L2: Approve changes to remove "C-M".</p> <p><i>Current placement of "C-M" in title and throughout because it is duplicative as "C" districts are a subset of "commercial" districts as defined in §201.</i></p> <p>Pg. 15, L11: Fix existing error in the Code by renumbering "Ground Floor Ceiling Height" as number 4 not 3.</p> <p><i>This sentence describes which of the subsequently listed features apply to new vs. existing lots. It lists "Ground Floor Ceiling Heights" as number 3 when it is listed as number 4.</i></p> <p>Pg. 15, L21-23: Clarify that this requirement would exclude removable parking ramps from the control.</p> <p><i>This requirement should allow for parking ramps to be sloped if the ramps can be removed in the future without compromising the structural integrity of the building.</i></p> <p>Pg. 16, L3-4: Strike the proposed language that prohibits garage structures from extending further than the front façade aka "snout garages".</p> <p><i>The Commission requests that staff continue to work with the legislative sponsor on preferred text to regulate "snout garages".</i></p> <p>Pg. 16, L13: Clarify that this requirement would exclude removable parking ramps from</p>	

**Exhibit A: Planning Commission Proposed Modifications to BoS  
File No. 10-1053**

Section Title	Way it is Now	Way it Would Be Under the Proposed Ordinance
		<p>the control. In addition, remove the "s" on the word "floors" from line 13.</p> <p><i>This requirement should allow for parking ramps to be sloped if the ramps can be removed in the future without compromising the structural integrity of the building. As the control requiring a 14' ceiling height, as written in this proposed Ordinance, would only apply to the ground floor of C-3 districts, the word "floors" should be in the singular as "floor".</i></p> <p>Placement to be Determined. The Commission recommends incorporating the below Zoning Administrator Interpretation from May 2009 into the Planning Code for the reasons described within the interpretation. In addition to applicability with Eastern Neighborhoods districts, this control should apply to all districts with requirements for active street frontages not just districts regulated in 151.19(c).</p> <p><i>Code Section: 145.1(c)(3)(A) Required above grade parking setback Effective Date: 5/09 Interpretation:</i></p> <p><i>In order to promote an active and attractive streetscape, the Eastern Neighborhoods Plan requires that ground floor off-street parking be set back 25 feet from a building facade. However, Section 151.1(c) establishes that all parking spaces, including those in tandem arrangements, count toward parking maximums and that the Zoning Administrator may count any garage area of adequate size as an off-street parking space if it could practically be used as a parking space. If it is reasonably foreseeable that, in a circumstance where only one or two parking spaces are permitted and are proposed, the required parking setback would lead to an empty drive-aisle within the first 25 feet of the building. This area, in turn, could be considered an additional tandem parking space in excess of the permitted number of spaces. As such, the literal application of these two Code standards would conflict with off-street parking maximums and require the devotion of additional ground level space for off-street parking. Therefore, the following shall apply to projects subject to this Section:</i></p> <ol style="list-style-type: none"> <li><i>1. When only one parking space is permitted, should a space be proposed it must be within the first 25 feet of the building.</i></li> <li><i>2. When two or more parking spaces are proposed, one space may be within the first 25 feet of the building.</i></li> <li><i>3. When three or more parking spaces are proposed, all parking spaces must be set back at least 25 feet from the front of the development.</i></li> </ol>

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Section Title	Way it is Now	Way it Would Be Under the Proposed Ordinance
145.5 Ground floor Standards in PDR districts	1. Applies only to PDR districts	1. Expands applicability beyond PDR districts to all "Industrial Districts" 2. Existing buildings must retain min ceiling height of 15'
145.5 Recommendation	Pg 18; L18-19: Rewrite the second half of this sentence. <i>The Commission is supportive of retaining a minimum of fifteen feet in existing buildings, where possible. However, the remainder of the proposed sentence has several undefined terms, such as 'major renovation' and 'practically feasible'. As proposed, this clause creates too many uncertainties for consistent application by Department Staff or the Planning Commission. Instead, the Commission recommends, "In existing buildings, a minimum clear ceiling height of 15 feet shall be retained where currently existing. Any building permit which seeks to reduce the clear ceiling height to less than 15 feet shall require a variance as set forth in Sections 305 of this Code."</i>	
150 Off-street Parking and loading requirements	1. Balances the provision of parking with transit 2. Explicitly states that the Planning Commission may require additional off-street parking and loading with any CU application	1. Incorporates walking, cycling and the movement of goods into the balance of transportation 2. Removes this explicit statement but would not undermine the Commission's ability to require additional off-street parking and loading with any CU application
150 Recommendation	Approve as proposed. <i>Generally, the Commission has not required additional parking and loading spaces beyond the existing requirements. However, removing this explicit statement would not prevent the Planning Commission from requiring this in certain circumstances. While in some cases, additional parking/loading may be needed and therefore required, it is not necessary to make this explicit statement.</i>	
151.1 Off-street parking in specific districts	1. Establishes parking standards for hospitals at 1 space per 16 guest	1. Performs a partial fix of this Code error. Should read 1 for 8 <i>beds</i> 2. Adds RM to residential districts which prohibit nonresidential parking. 3. Corrects standards for large grocery stores per Eastern Neighborhoods Plan



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Section Title	Way it is Now	Way it Would Be Under the Proposed Ordinance
151.1 Recommendation	Pg 23, L11: Fix requirement at 1 parking space per 8 beds. <i>This returns the Code requirement to the standard that existing prior to the publisher's error.</i>	
155 Standards and location of off-street parking, loading	<ol style="list-style-type: none"> <li>OSP/L applies to C-3-O, C-3-R, C-3-G districts</li> <li>Ground level OSP/L shall be lined with active uses; cannot be sloped</li> </ol>	<ol style="list-style-type: none"> <li>Changes these particular OSP/L requirements to apply to all C districts</li> <li>OSP/L above ground level must conform to Sec. 145.1; removes prohibition on slope</li> </ol> <p align="center">Approve with Modifications</p>
155 Recommendation	Pg 34, L6: Add the language "at or [above ground level]" to the first line. <i>The existing Code language regulates ground level parking. The proposed amendment removes this requirement and instead the controls apply to parking above the ground level. The Commission would like these requirements to apply to parking at the ground level and above.</i>	
161 Exemptions from OSP/L	<ol style="list-style-type: none"> <li>OSP/L in North of Market SUD can be reduced via CU</li> <li>Provides Commission with ability to reduce off-street requirements in NC districts.</li> <li>Exemption from OSP/L requirements for historic buildings applies to SoMa Mixed Use Districts</li> </ol>	<ol style="list-style-type: none"> <li>OSP/L reduction in North of Market SUD continues to be by PC but references to CU are removed.</li> <li>Adds RC districts to those which the Commission may reduce off-street requirements</li> <li>Exemption from OSP/L broadened from historic SoMa Mixed Use Districts to apply to historic buildings citywide</li> <li>ZA authorized to reduce OSP/L requirements if negative impact to significant or landmark trees</li> <li>Adds headers</li> </ol>
161 Recommendation	Subsection (f) Waterfront SUDs Pg 39, L1-14: Replace the existing procedure to reduce parking requirements through a Conditional Use authorization by the Commission with a less burdensome 307(h) procedure for reducing this requirement by Zoning Administrator exception. In addition, the Commission recommends instead of repeating similar findings for each area, the findings should be consolidated for all of the §307(h) parking reductions into	

**Exhibit A: Planning Commission Proposed Modifications to BoS  
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Section Title	Way it is Now	Way it Would Be Under the Proposed Ordinance
		<p>one section. Recommended findings for a parking reduction include the following:</p> <ul style="list-style-type: none"> <li>(1) The reduction in the parking requirement is justified by the reasonably anticipated auto usage by residents of and visitors to the project; and</li> <li>(2) The reduction in the parking requirement will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity; and</li> <li>(3) The minimization of conflict of vehicular and pedestrian movements; and</li> <li>(4) The availability of transportation modes other than the automobile; and</li> <li>(5) The pattern of land use and character of development in the vicinity; and</li> <li>(6) Such other criteria as may be deemed appropriate in the circumstances of the particular case.</li> </ul> <p><i>The Commission recommends that the existing procedure for Conditional Use authorization to reduce the parking requirement is overly burdensome and inconsistent with Commission policy. Further, the Commission has generally approved requests to reduce parking and is unlikely to disapprove such a request. Therefore, a less burdensome procedure for reducing the parking requirement is recommended. If the Commission agrees with this recommendation, conforming amendments would need to be made to §307(h).</i></p> <p>Subsection (g) North of Market SUD</p> <p>Pg 39, L24-25: Add language removing the parking minimum requirement for this SUD.</p> <p><i>The Commission recommends that this dense, transit-oriented district be relieved of parking minimum requirements. Planning Code Section 249.5 describes this SUD defined as one with "important housing resources in an area near downtown" where the City ought to "conserve and upgrade existing low and moderate income housing stock, preserve buildings of architectural and historic importance and preserve the existing scale of development, maintain sunlight in public spaces, encourage new infill housing at a compatible density."</i></p> <p>Pg 40, L1-8: Remove the procedure whereby parking would be reduced by the Planning Commission by Conditional Use authorization and remove the findings for a parking reduction as this would no longer be relevant.</p> <p><i>If the Commission agrees that this dense district need not contain a parking minimum requirement then there is no need to define a procedure for relief from that minimum requirement.</i></p>

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Section Title	Way it is Now	Way it Would Be Under the Proposed Ordinance
	<p>Subsection (f) NC and RC Districts</p> <p>Pg. 41, L5-18: Replace the existing procedure to reduce parking requirements through a Conditional Use authorization by the Commission with a less burdensome 307(h) procedure for reducing this requirement by Zoning Administrator exception. Again, the Commission recommends instead of repeating similar findings for each area, the findings should be consolidated for all of the 307(h) parking reductions into one section as described above in the recommendations for Subsection (f) Waterfront SUDs.</p> <p><i>Again, the Commission recommends that the existing procedure for Conditional Use authorization to reduce the parking requirement is overly burdensome and inconsistent with Commission policy. Further, the Commission has generally approved requests to reduce parking and is unlikely to disapprove such a request. Therefore, a less burdensome procedure for reducing the parking requirement is recommended. If the Commission agrees with this recommendation, conforming amendments would need to be made to §307(h).</i></p> <p>Subsection (m) Historic Buildings</p> <p>Pg. 43, L7-16: Replace the existing procedure to reduce parking with a less burdensome 307(h) procedure for reducing this requirement by Zoning Administrator exception. Allow this reduction upon the recommendation that Preservation Staff that the provision of parking or loading would adversely affect the resource. Apply this reduction to the following buildings: (a) a landmark building located outside a designated historic district, (b) a contributory building within a designated historic district, or (c) a building designated as significant or contributory pursuant to Article 11 of this Code. The Commission further recommends deleting "that reduction or waiver would enhance the economic feasibility of the preservation of the landmark or structure" from all processes under 161(m).</p> <p><i>This proposed Section would expand a parking waiver available in the South of Market Mixed Use Districts and apply it Citywide. Concern has repeatedly been raised by the Planning Commission and the historic preservation Commission about the impact of providing new parking in existing historic resources. In such instances where the impact was determined to be adverse, it makes sense to remove the minimum parking requirement.</i></p>	

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Section Title	Way it is Now	Way it Would Be Under the Proposed Ordinance
	<p>Subsection (q) Landmark or Significant Trees.</p> <p>Pg. 44, L24: Change title of this paragraph to "Protected Trees: Street Trees, Significant Trees and Landmark Trees". Add language that allows the Zoning Administrator to modify or waive the parking requirement upon either recommendation of the Bureau of Urban Forestry or that of a certified arborist as documented in the required tree protection plan regarding the tree in question. Establish this waiver process in §307(h).</p> <p><i>Existing Department policy already requires that no permit that would require the removal of Protected Trees can be approved by the Department unless the Department of Public Works' Bureau of Urban Forestry has approved the removal of the tree. Planning Director Bulletin Number 1 reprinted in October 2009 states that all protected trees (street trees, significant trees, and landmark trees) may only be removed with an approved permit from the Bureau of Urban Forestry. All permit applications that could potentially damage a tree should be accompanied by a "Tree Disclosure Statement". And finally, any construction within the dripline of Protected Trees (street trees, significant trees, and landmark trees) must provide a "Tree Protection Plan" from a certified arborist describing either how that the proposed construction will not damage the tree or describing potential damage that warrants a change to the proposal. Threats to protected trees should be documented by either the Bureau of Urban Forestry or a certified arborist in the tree protection plan. This documentation of the potential tree damage off-street parking be proposed would provide the basis for the Zoning Administrator to make a fully-informed decision on waiving or modifying the parking requirement. If the Commission agrees with this recommendation, conforming amendments would be needed to §307(h).</i></p>	
175.1 Transition of interim controls prior to Downtown Plan	1. Controls to deal with downtown prior to passage of Downtown Plan	1. Removes section
175.1 Recommendation	Approve as proposed. <i>This section is obsolete.</i>	
175.2 Exemption of amendments of Downtown Plan	1. Controls to deal with onset of Downtown Plan	1. Removes section
175.2 Recommendation	Approve as proposed. <i>This section is obsolete.</i>	

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Section Title	Way it is Now	Way it Would Be Under the Proposed Ordinance
175.3 Exemption of Yerba Buena Center RDA	1. Exempts area because of Redevelopment Agency control.	1. Removes section – YBC comes into City jurisdiction 1/2011
175.3 Recommendation	Approve as proposed. <i>This section is obsolete.</i>	
175.4 Exemption of Rincon Point Subarea of the Rincon Point South Beach Redevelopment Area	1. Exempts area because of RDA control and due the timing of the approval of the Rincon Point South Beach Redevelopment Area (1981) and the Downtown Plan (1985).	1. Removes this section
175.4 Recommendation	Approve as proposed. <i>This section is obsolete and both plans have been adopted for over 20 years.</i>	
175.5 Transitional controls pending NC/Article 7	1. Controls to deal with onset of Neighborhood Commercial Controls	1. Removes section
175.5 Recommendation	Approve as proposed. <i>This section is obsolete.</i>	
186 Exemption of Limited Commercial & Industrial Uses (LCU's)	1. Applies to LCU's city-wide	1. Restricts applicability to R and RED districts 2. Applies Street Frontage controls to LCU's
186 Recommendation	Pg. 49, L23: Change the title to refer to all Residential Districts (RH and RM), Residential Transit-Oriented Neighborhood Districts (RTO and RTO-M) and RED Districts. <i>"Residential Districts" and "R Districts" are not duplicative. Section 102.5, "District", says "The term "R District" shall mean any RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-1, RM-2,</i>	

**SAN FRANCISCO  
PLANNING DEPARTMENT**

Street Frontage Legislation II  
Case Number 2010.0756T  
Hearing Date: January 13, 2011  
Board File No. 10-10503

**Exhibit A: Planning Commission Proposed Modifications to BoS  
File No. 10-1053**

Section Title	Way it is Now	Way it Would Be Under the Proposed Ordinance
	<p><i>RM-3, RM-4, RTO, RTO-M, RC-1, RC-2, RC-3, RC-4 or RED District.", yet Section 201, "Classes of Use Districts", Defines "Residential District" as including all RH and RM Districts, but not RC or RTO Districts, nor RED Districts, which are defined as South of Market Mixed-Use Districts.</i></p> <p>Pg. 51, L23: Alter proposed clause (b)(7) to not only apply Street Frontage Controls (§145.1) to LCUs but to also allow Awnings for Limited Commercial Uses that comply with the Awning Controls used for cluster neighborhood areas (NC-1 Districts) (§136.1(a)(1)). This would require a conforming amendment to 136(c)(12). The Commission also recommends requiring a Conditional Use authorization for Formula Retail Controls per §703.3(b) so these uses would be regulated in the same manner as currently used for NC districts. Finally, these changes should include the minimum ceiling heights that should be used for RTO, RH and RM districts as 14' except in height districts of 40 or 50' where the minimum shall be 10'.</p> <p><i>The Commission supports applying updated street frontage controls to LCUs in residentially oriented districts. In combination with this change, awning controls and formula retail controls should also be added.</i></p>	
209.8 Commercial Establishments	1. Commercial uses in RC Districts subject to nearest NC controls	1. Commercial uses in RC Districts subject to NCT-3 controls
209.8 Recommendation	<p>Approve as proposed. <i>On December 9, 2010, the Planning Commission considered this subject and recommended to apply either NTC-3 or NCD-3 (which have similar use controls) to the RC districts.</i></p>	
210.3 C-3 Districts	1. Sets forth findings regarding Downtown Districts.	1. Amends findings to remove language about parking being major land use; incorporates references to Yerba Buena Center
210.3 Recommendation	<p>Approve as proposed. <i>New language updates the Section consistent with recent Commission policy.</i></p>	
212 Additional Requirements for C & M Districts	1. Prohibits drive-in uses in C-1, C-3-O, C-3-R, and C-3-G Districts	<p>1. Expands prohibition on drive-in uses to all C-3 districts</p> <p>2. C-3-R &amp; C-3-O districts: street frontage rules apply</p>

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Section Title	Way it is Now	Way it Would Be Under the Proposed Ordinance
212 Recommendation	<p>Pg. 59, L13-14: Strike the last clause of this sentence. <i>This clause does not make grammatical sense with the proposed amendments.</i></p> <p>Pg. 59, L20: Remove the inclusion of art spaces. <i>This section references uses located in 218 and 227. Art spaces are defined within Section 227. The inclusion of art spaces is therefore redundant.</i></p> <p>Pg. 59, L24: Remove the proposed sentence. <i>This clause establishes a requirement that the street frontage requirements must apply to certain commercial and manufacturing uses. There is nothing in this clause that indicates when these uses have to comply with the street frontage controls. Do these uses have to proactively comply? When is this triggered? Due to the lack of clarify or intent this clause should be removed.</i></p>	
231 Limited Commercial Uses in RTO Districts	<ol style="list-style-type: none"> <li>1. Allows limited commercial uses (LCU) in otherwise residential districts</li> </ol>	<ol style="list-style-type: none"> <li>1. allows such LCU uses in RM Districts</li> <li>2. applies street frontage requirements</li> </ol>
231 Recommendation	<p>Pg. 63, L 7-8: Should also apply awning controls equivalent to NC-1 districts (§136.1(a)(1)) to these LCU uses. <i>The Commission supports allowing limited commercial uses in dense residential districts. This change should not only apply applying updated street frontage but also to updating awning controls for these LUCs to be equivalent with awning controls for NC-1 Districts. If the Commission agrees with this recommendation, conforming amendments would be needed to §136.1(a)(1).</i></p>	
243 Van Ness SUD	<ol style="list-style-type: none"> <li>1. FAR 4.5:1</li> <li>2. FAR does not apply to nonaccessory OSP/L</li> <li>3. Small self-service restaurants permitted via CU</li> </ol>	<ol style="list-style-type: none"> <li>1. FAR 4.8:1</li> <li>2. FAR does apply to nonaccessory OSP/L</li> <li>2. Permits small self-service restaurants as of right</li> </ol>
243 Recommendation	<p>Approve as proposed. <i>Applying FAR to parking will allow for better regulation of parking. Increasing the FAR controls to 4.8.1 should accommodate the additional space needed for parking. Changes to permitting procedures for small self-service restaurants is consistent with recent Planning Commission decisions.</i></p>	

**Exhibit A: Planning Commission Proposed Modifications to BoS  
File No. 10-1053**

Section Title	Way it is Now	Way it Would Be Under the Proposed Ordinance
249.26 Downtown housing demonstration SUD	1. Provides certain exceptions for housing in the Downtown Districts	1. Removes section because it has expired
249.26 Recommendation	Approve as proposed. <i>This section is obsolete.</i>	
253 Review of Proposed buildings exceeding 40' height in R districts	1. Applies to R districts and requires that any building over 40' obtain a CU	1. Extends applicability to buildings of 50' or more in RM and RC districts 2. Along narrow streets and alleys, buildings over 50' may be subject to further massing adjustments to conform to street character and maximize sunlight to sidewalks
253 Recommendation	Pgs. 74-75 Require CU for any building over 50' in height AND require CU for any building over 40' in height and with more than 50' of street frontage on the front façade in RC and RM districts. <i>The Commission believes that while generally 50' buildings in a 50' height district would not need Conditional Use authorization review, this review should be limited to buildings with substantial bulk.</i>	
253.2 Review of building in Van Ness SUD	1. Any building over 40' must obtain a CU	1. Any building over 50' in height must obtain CU  3. Along narrow streets and alleys, buildings over 50' may be subject to further massing adjustments to conform to street character and maximize sunlight to sidewalks
253.2 Recommendation	Approve as proposed. <i>The Van Ness SUD is of sufficient intensity that the CU threshold can be raised to allow 50' buildings without Conditional Use authorization.</i>	





# SAN FRANCISCO PLANNING DEPARTMENT

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December 13, 2010

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

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Re: Transmittal of Planning Case Number 2010.0756T to the Board of Supervisors File No. 10-1053: Consistent Street Frontages II With Implications for BF 10-1536: Commercial Use Controls in RC Districts

**Recommendation: Approval with Modifications**

Dear Ms. Calvillo,

On December 9, 2010, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearings at a regularly scheduled meeting to consider the proposed Ordinance.

At the December 9 hearing, the Commission voted 6-0 to recommend approval a portion of a proposed ordinance that will amend the Planning Code Sections to regulate uses in the RC-3 and RC-4 Districts By Zoning Control Chart for the NCD-3 or NCT-3 District instead of the nearest NC District as the Code currently provides and to continue the remainder of the proposed Ordinance so that the Planning Commission can continue to coordinate with Supervisor Mirkarimi. Please find attached resolution and memorandum for more detail about the Commission's action. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

AnMarie Rodgers  
Manager of Legislative Affairs

Cc:  
Attachments (one copy of the following):

Supervisor Ross Mirkarimi  
Planning Commission Resolution No. 18235 and  
Planning Commission Memorandum



# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Resolution No. 18235

HEARING DATE: DECEMBER 9 2010

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*Case Number:* 2010.0756I [Board File No. 10-1053 & 10-1091]  
*Initiated by:* Supervisor Mirkarimi  
*Introduced:* August 3, 2010  
*Staff Contact:* AnMarie Rodgers, Manager of Legislative Affairs  
[anmarie.rodgers@sfgov.org](mailto:anmarie.rodgers@sfgov.org), 415.558.6395  
*Reviewed By:* Scott Sanchez, Zoning Administrator  
 Daniel A. Sider, Assistant Zoning Administrator  
*Recommendation:* **Recommend Approval with Modifications of a Portion of the  
 Proposed Ordinance and Recommend Continuance of the Remainder of  
 the Ordinance to January 13, 2011**

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PORTION OF A PROPOSED ORDINANCE THAT WILL AMEND THE PLANNING CODE SECTIONS TO REGULATE USES IN THE RC-3 AND RC-4 DISTRICTS BY ZONING CONTROL CHART FOR THE NCD-3 OR NCT-3 DISTRICT INSTEAD OF THE NEAREST NC DISTRICT AS THE CODE CURRENTLY PROVIDES AND CONTINUE THE REMAINDER OF THE PROPOSED ORDINANCE SO THAT THE PLANNING COMMISSION CAN CONTINUE TO COORDINATE WITH SUPERVISOR MIRKARIMI.

### PREAMBLE

Whereas, on August 3, 2010, Supervisor Mirkarimi introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 10-1053 which would clarify several aspects of the street frontage controls that was passed in Board File No. 09-1271, extend these controls to all residential, industrial, and small corner commercial use districts, as well as add additional requirements that will more comprehensively create a consistent set of street frontage controls in San Francisco; and

Whereas, on August 10, 2010, Supervisor Alioto-Pier introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 10-1091 that would amend Planning Code Section 243 to require a Conditional Use Authorization for "Other Entertainment" uses in the Van Ness Avenue Special Use District; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing to consider the proposed Ordinance Board File Number 10-1091 on December 2, 2010 and passed Resolution Number 18232 but abstained from commenting on the appropriate governing control for the RC districts;

Whereas, on December 9, 2010, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance Board File Number 10-1053 and;

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

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

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

Whereas, the Commission has reviewed the proposed Ordinance; and

MOVED, that the Commission hereby recommends that the Board of Supervisors recommends *adopt a portion of a proposed ordinance that will amend the Planning Code to regulate uses in the RC-3 and RC-4 Districts by Zoning Control Chart for the NCD-3 or NCT-3 district instead of the nearest NC district as the Code currently provides and as further articulated in the memorandum to the Planning Commission for the December 9<sup>th</sup> Hearing* and adopts the Resolution to that effect.

Be it further MOVED, as the Commission understands that Supervisor Mirkarimi, will forego calling the remainder of his Street Frontage II Ordinance [Board File Number 10-1053] before the Land Use Committee until after January 13, 2011, the Commission hereby *continues consideration of the remainder of proposed Street Frontage II Ordinance [Board File Number 10-1053] until the January 13, 2011 hearing.*

## FINDINGS

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

1. When the Van Ness SUD is silent on the regulation of uses, the underlying RC-4 controls apply. Further, the RC-3 and RC-4 controls, throughout the City, in turn refer to the controls of the nearest NC District.
2. For example, there are several nearby NC Districts which dictate the applicable controls for commercial establishments within the Van Ness SUD: Polk Street NCD to the east, an NC-3 Cluster to the southeast, and a pocket of NCT-3 zoning at the southeast perimeter of the SUD. These districts have different controls for Other Entertainment Uses.
3. The various controls create an inconsistent regulatory process and do not treat all applications in a similar fashion.

4. While the RC Districts previously deferred to the C-2 district controls, the Commission has reviewed these controls and feels that the more recent NCD-3 or NCT-3 controls are more appropriate for the RC Districts. See attached memorandum to the Commission for more details.
1. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

**I. URBAN DESIGN ELEMENT**

**OBJECTIVE 3**

MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

**POLICY 4.13**

Improve pedestrian areas by providing human scale and interest.

**II. VAN NESS AVENUE AREA PLAN**

**OBJECTIVE 1**

CONTINUE EXISTING OF THE AVENUE AND ADD A SIGNIFICANT INCREMENT OF NEW HOUSING.

**POLICY 1.1**

Encourage development of high density housing above a podium of commercial uses in new construction or substantial expansion of existing buildings.

**POLICY 1.4**

Maximize the number of housing units.

**OBJECTIVE 6**

ENCOURAGE DISTINGUISHED ARCHITECTURE WHOSE SCALE, COMPOSITION AND DETAILING ENHANCES THE OVERALL DESIGN STRUCTURE OF THE AVENUE AND RELATES TO HUMAN SCALE.

**POLICY 6.3**

Incorporate setbacks and/or stepping down of building form on new developments — and major renovations when necessary — to increase sun exposure on sidewalks.

2. The proposed replacement project is consistent with the eight General Plan priority policies set forth in Section 101.1 in that:
  - A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

*The proposed Ordinance will encourage neighborhood-serving retail uses by requiring active uses more consistently.*

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

*The proposed legislation will not burden existing neighborhood character and housing.*

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

*The proposed Ordinance will have no adverse effect on the City's supply of affordable housing.*

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

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

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

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

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

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

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

*Landmarks and historic buildings would be unaffected by the proposed amendments as the Historic Resource Commission could disapprove a "Certificate of Appropriateness" for harmful actions. In addition, should a proposed use be located within a landmark or historic building, such site would be evaluated under typical Planning Code provisions and comprehensive Planning Department policies.*

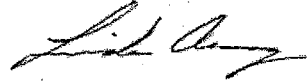
- H) Parks and open space and their access to sunlight and vistas will be protected from development:

*The City's parks and open space and their access to sunlight and vistas would be unaffected by the proposed amendments. It is not anticipated that permits would be such that sunlight access, to public or private property, would be adversely impacted.*

Draft Resolution  
Hearing Date: December 9, 2010

CASE NO. 2010.0756T

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on December 9, 2010.



Linda Avery  
Commission Secretary

AYES: Miguel, Olague, Antonini, Fong, Moore, and Sugaya

NAYS:

ABSENT: Borden

ADOPTED: December 9, 2010

Attachments:

Exhibit A: Planning Commission Memorandum Detailing Proposed Modifications to BOS File No. 10-1053



# SAN FRANCISCO PLANNING DEPARTMENT

## Memo to the Planning Commission

HEARING DATE: DECEMBER 9, 2010

Supplemental Memorandum and Revised Draft Resolution

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Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

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*Project Name:* Street Frontages II  
*Case Number:* 2010.0756T [Board File No. 10-1053]  
*Initiated by:* Supervisor Mirkarimi  
*Introduced:* August 3, 2010  
*Staff Contact:* AnMarie Rodgers, Manager of Legislative Affairs  
[anmarie.rodgers@sfgov.org](mailto:anmarie.rodgers@sfgov.org), 415.558.6395

*Reviewed By:* Scott Sanchez, Zoning Administrator  
Daniel A. Sider, Assistant Zoning Administrator

*Recommendation:* **Recommend Approval with Modifications of a Portion of the Ordinance and Recommend Continuance of the Remainder of the Ordinance to January 13, 2011**

### BACKGROUND

The Planning Commission (hereinafter the "Commission") has a complete and full case report for consideration of the draft Ordinance for Street Frontage Controls Part II [BF 10-1053] at the December 9, 2010 hearing. This memorandum is in supplement of that report and is intended to address only two of the sections of the Planning Code proposed for amendment by this draft Ordinance: Sections 209.8 and 243. These sections of the Planning Code were also considered for amendment at the previous hearing on December 2, 2010 of another proposed Ordinance [Board File number 10-1091] introduced by Supervisor Alioto-Pier that concerned Entertainment Uses within the Van Ness Avenue SUD.

During the December 2, 2010 hearing staff had recommended amending proposed Ordinance introduced by Supervisor Alioto-Pier so that the use controls of the C-2 District would apply to the RC-3 and R-4 Districts instead of the existing control that deferred to the controls of the nearest NC district. During the December 2<sup>nd</sup> hearing, the Planning Commission passed resolution number 18232. This resolution recommended approval of Supervisor Alioto-Pier's proposal for greater review of Entertainment Uses within the Van Ness Avenue SUD but did not incorporate the staff modification to switch the governing control for the RC districts to controls in the C-2 district instead of the nearest NC district. On this issue, the Commission requested additional review by staff and further information. Since the Commission hearing, Planning Department staff has reviewed the proposal; met with Tom Radulovich, Executive Director of Livable City; and revised the proposal. This memorandum discusses the revised staff proposal.

Further, the Department in coordination with Supervisor Mirkarimi's office, also requests that the hearing today, December 9, 2010, only concern Sections 209.8 and 243. The Department would like additional time to consider the remainder of Supervisor Mirkarimi's Ordinance and the Supervisor has indicated a willingness to grant a 60-day extension so that the remainder of the proposal could be considered at the Commission's January 13, 2010 hearing.

## CURRENT PROPOSAL

The Department recommends that the Planning Code be amended so that the Residential Commercial Combined-3 and Residential Commercial Combined-4 (RC-3 and RC-4) districts generally refer to the use table in Neighborhood Commercial Transit (NCT-3\*) instead of the nearest Commercial-2 (C-2) District.

Specifically, the Department recommends the following changes to the Planning Code:

### Amend Section 209.8: Refine the Reference for Commercial Establishments in RC Districts

- Provide that any retail, personal service, or other commercial use which is principally permitted on the groundfloor of the NCT-3\* district is principally permitted in an RC district on the ground floor or below, unless otherwise specified.
- Provide that any retail, personal service, or other commercial use which is conditionally permitted on the groundfloor of the NCT-3\* district is conditionally permitted in an RC district on the Ground floor or below, unless otherwise specified.
- Provide that any retail, personal service, or other commercial use which is principally or conditionally permitted on the groundfloor in an NCT-3\* district is conditionally permitted in an RC district above the ground floor, unless otherwise specified.
- Provide that any formula retail use, as defined in Section 703.3, is conditionally permitted in any RC districts.
- Provide that limited commercial uses, as defined in Section 231, are permitted only in RTO districts. To avoid internal Code conflict, this should be amended to remove RC districts.
- Provide that any non-residential use specified in Section 209.8 that exceeds 6000 gross square feet is conditionally permitted.
- Provide that a liquor store is principally permitted on the groundfloor in RC districts, unless otherwise specified such as in the North of Market Residential Special Use District.
- Provide that a drive-up facility is not permitted in RC districts.
- Provide that walk-up facility is principally permitted on the groundfloor in RC districts, if recessed 3 feet; conditionally permitted if not recessed.
- Provide that outdoor activity area is principally permitted if in front and conditionally permitted if elsewhere.

### Section 243: Make Conforming Amendments to the Van Ness Special Use District

- Amended to remove controls for small self-service restaurant and large fast food restaurant uses and drive-up facilities, which are superseded by amended Section 209.8, as described above.

Additionally, the follow sections should be modified for consistency with above recommendations:

### Amend Section 206.3:

- Amend descriptions of RC districts to remove reference to C-2 districts

### Section 209.10: Make Conforming Amendments to the Formula Retail Controls in RC Districts

- Delete this Section permitting formula retail by Conditional Use authorization along Van Ness Avenue in its entirety, as it is superseded by new section 209.8 which would specify Conditional Use authorization in the RC-3 and RC-4 Districts.



## REQUIRED COMMISSION ACTION

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

## BASIS FOR RECOMMENDATION

Commercial uses the RC Zoning Districts are currently subject to the regulations applicable in the nearest NC District. This creates great variances within the RC districts. Certain high density RC districts are subject to restrictions that are contrary to well established land use patterns in those areas. For example, the Van Ness Avenue corridor, for much of its length, and the North of Market Special Use District are nearest to the Polk Neighborhood Commercial District. For reasons unique to the Polk NCD, all restaurants, i.e. small and large self-service and full-service, are prohibited. By imposing the "nearest NCD" rule for RC districts means that no new restaurants are permitted along Van Ness Avenue or the North of Market Special Use District. These restrictions are excessive and inconsistent with the character and patterns of those districts.

The Department has been studying methods to streamline and regularize the use controls in the RC Districts and concludes that using the NCT-3\* zoning controls will create certainty and uniformity in these Districts in a manner that is consistent with current planning practices. This is further evidenced by the City's experience with the previous zoning controls for commercial establishments in the RC Districts. Prior to December 2008 RC-3 and RC-4 Districts were subject to C-2 zoning controls – this was amended in BOS File No. 08-1260. C-2 controls are generally more commercial in nature than NC Districts, which tend to be smaller-scale and neighborhood oriented. However, the C-2 zoning controls were created years ago and are not in sync with current planning practice. The NCT-3\* district allows for appropriate commercial development while also containing more contemporary views on auto-oriented uses. While the Van Ness area contains the Van Ness Automotive SUD, the larger Van Ness SUD itself does not permit drive-up uses since its inception as described in 243(c)(8)(G). There are additional modifications to the NCT-3\* controls that should be articulated to more closely align with current planning practice and the intended controls of the Residential Commercial districts. For instance, the formula retail controls which apply only to portions of the Van Ness Avenue SUD should be applied to the RC-3 and RC-4 districts as this would be consistent with references to use controls as specified in the nearest NC. Under existing Section 703.4 all neighborhood commercial districts require a Conditional Use authorization for formula retail uses. Other proposed revisions to Section 209.8 that could be interpreted as policy changes include a conditional use requirement for commercial uses above 6000 gross square feet; the permitting of walk-up facilities as a principally permitted use; the provision of outdoor facilities as a principally permitted use if provided at the front of the site, and as a conditionally permitted use if provided elsewhere. These policy changes are consistent with controls provided in the NCT-3\*. Therefore if the Commission believes the NCT-3\* controls are appropriate, these modifications would also be appropriate. The Department position is that the change in controls is appropriate.

For the above reasons, the Department requests that Section 209.8 and Section 243 be amended as described above and that the remainder of the proposed Ordinance be continued for later consideration and that the Commission adopt the attached resolution to that effect.

<b>RECOMMENDATION:</b>	<b>Recommend Approval with Modifications of a Portion of the Proposed Ordinance and Recommend Continuance of the Remainder of the Ordinance to January 13, 2011.</b>
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\*Note: At the Planning Commission hearing, the Commission recommended use of either the NCD-3 or NCT-3 Zoning Control table as the use authorization are similar if not the same.

