

1 [Planning Code - Uses, Signs, Building Features, Floor Area Ratio, Parking, and Compliance
2 in Specified Use Districts]

3 **Ordinance amending the San Francisco Planning Code by repealing Sections 136.2,**
4 **136.3, 158, 187, 249.15, 263.2, 263.3, 602.25, 602.26, 607.3, and 607.4 and amending**
5 **various other Sections to: 1) increase the amount of principally permitted parking**
6 **spaces for dwellings in RC-4 and C-3 Districts; 2) make off-street parking requirements**
7 **in the Van Ness Special Use District and RC-3 Districts consistent with those of RC-4**
8 **Districts; 3) eliminate minimum parking requirements for the Chinatown Mixed Use**
9 **Districts and North Beach Neighborhood Commercial Districts; 4) allow exceptions**
10 **from required parking under specified circumstances; 5) amend the restrictions on off-**
11 **street parking rates and extend them to additional zoning districts; 6) revise sign,**
12 **awning, canopy and marquee controls in specified zoning districts; 7) increase the**
13 **permitted use size for limited corner commercial uses in RTO and RM districts, and**
14 **allow reactivation of lapsed limited commercial uses in R Districts; 8) revise the**
15 **boundaries of and modify parking and screening requirements in the Washington-**
16 **Broadway and Waterfront Special Use Districts; 9) modify controls for uses and**
17 **accessory uses in Commercial and Residential-Commercial Districts; 10) permit certain**
18 **exceptions from exposure and open space requirements for historic buildings; and 11)**
19 **modify conformity requirements in various use districts; and adopting findings,**
20 **including environmental findings, Section 302 findings, and findings of consistency**
21 **with the General Plan and the Priority Policies of Planning Code Section 101.1.**

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

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

1 Section 1. Findings.

2 (a) The Planning Department has determined that the actions contemplated in this
3 ordinance comply with the California Environmental Quality Act (California Public Resources
4 Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of
5 Supervisors in File No. 110548 and is incorporated herein by reference.

6 (b) Pursuant to Planning Code Section 302, this Board finds that these Planning Code
7 amendments will serve the public necessity, convenience, and welfare for the reasons set
8 forth in Planning Commission Resolution Nos. 18553, 18615, and 18626 and the Board
9 incorporates such reasons herein by reference. A copy of Planning Commission Resolution
10 Nos. 18553, 18615, and 18626 is on file with the Clerk of the Board of Supervisors in File No.
11 110548.

12 (c) This Board finds that these Planning Code amendments are consistent with the
13 General Plan and with the Priority Policies of Planning Code Section 101.1 for the reasons set
14 forth in Planning Commission Resolution Nos. 18553, 18615, and 18626, and the Board
15 hereby incorporates such reasons herein by reference.

16
17 Section 2. The San Francisco Planning Code is hereby amended by deleting Sections
18 136.2, 136.3, 158, 187, 249.15, 263.2, 263.3, 602.25, 602.26, 607.3, and 607.4, as follows:

19 ~~**SEC. 136.2. OBSTRUCTIONS OVER STREETS AND ALLEYS AND IN REQUIRED**~~
20 ~~**SETBACKS, YARDS, AND USABLE OPEN SPACE IN MIXED USE DISTRICTS.**~~

21 ~~*In addition to the limitations of Section 136, especially Paragraph 136(c)(12), the following*~~
22 ~~*provisions shall apply in Mixed Use Districts.*~~

23 ~~*(a) Awnings. All portions of any permitted awning shall be not less than eight feet above the*~~
24 ~~*finished grade, excluding any valance which shall not be less than seven feet above the finished grade.*~~
25 ~~*No portion of any awning shall be higher than the windowsill level of the lowest story (if any), exclusive*~~

1 of the ground story and mezzanine, provided that no such awning shall in any case exceed a height of
2 16 feet or the roofline of the building to which it is attached, whichever is lower.

3 ~~(1) Chinatown Residential Neighborhood Commercial District. The horizontal projection of~~
4 ~~any awning shall not exceed four feet from the face of a building. The vertical distance from the top to~~
5 ~~the bottom of any awning shall not exceed four feet, including any valance.~~

6 ~~(2) All Other Mixed Use Districts. When the width of all awnings is less than 10 feet along the~~
7 ~~direction of the street, the horizontal projection of such awnings shall not exceed six feet from the face~~
8 ~~of any supporting building and the vertical distance from the top to the bottom of such awnings shall~~
9 ~~not exceed six feet, including any valance. When the width of all awnings exceeds 10 feet measured~~
10 ~~along the direction of the street, the horizontal projection of such awnings shall not exceed four feet~~
11 ~~from the face of the supporting building and the vertical distance from the top to the bottom of such~~
12 ~~awnings shall not exceed four feet, including any valance.~~

13 ~~(b) Canopies.~~

14 ~~(1) Chinatown Residential Neighborhood Commercial District. No canopy shall be permitted~~
15 ~~in any Residential Neighborhood Commercial District.~~

16 ~~(2) All Other Mixed use Districts. The maximum width of any canopy shall be 10 feet. The~~
17 ~~horizontal projection of any canopy may extend to a point two feet from the curb. The outer column~~
18 ~~support shall be located in the outer 1/3 of the sidewalk and shall be no less than four feet from the~~
19 ~~building face to ensure adequate clear space along the sidewalk. The vertical distance from the top to~~
20 ~~the bottom of the canopy shall not exceed two feet, including any valance. All portions of any canopy,~~
21 ~~excluding the column supports and excluding any valance which may be not less than seven feet above~~
22 ~~the finished grade, shall be not less than eight feet above the finished grade. Canopies shall not be~~
23 ~~spaced closer than twenty feet from each other, measured from centerline to centerline.~~

24 ~~(c) Marquees.~~

1 ~~(1) Chinatown Residential Neighborhood Commercial District. No marquee shall be~~
2 ~~permitted in any Residential Neighborhood Commercial District.~~

3 ~~(2) All Other Mixed Use Districts. The vertical distance from the top to the bottom of any~~
4 ~~marquee shall not exceed three feet and the horizontal projection shall not extend beyond a point two~~
5 ~~feet from the curb.~~

6 ~~(A) A marquee projecting more than 2/3 of the distance from the property line to the curb line~~
7 ~~shall not exceed 10 feet or 50 percent of the length of the building, along the direction of the street,~~
8 ~~whichever is less. All portions of such marquee shall be not less than 12 feet nor more than 16 feet in~~
9 ~~height above the finished grade, nor higher than the windowsill level, exclusive of the ground story and~~
10 ~~mezzanine. Each building frontage shall be considered separately.~~

11 ~~(B) A marquee projecting less than 2/3 of the distance from the property line to the curb line~~
12 ~~shall not exceed 25 feet or 50 percent of the length of the building along the direction of the street,~~
13 ~~whichever is less. All portions of such marquee shall be not less than 10 feet nor more than 16 feet~~
14 ~~above the finished grade, nor higher than the windowsill level of windows on the building facade on~~
15 ~~which the marquee is placed, exclusive of the ground story and mezzanine. A separate building permit~~
16 ~~for a marquee shall be required for each building frontage.~~

17 **~~SEC. 136.3. AWNINGS, CANOPIES AND MARQUEES IN THE NORTH OF MARKET~~**
18 **~~RESIDENTIAL SPECIAL USE DISTRICT.~~**

19 ~~(a) Awnings. Awnings, as defined in Section 790.20 of this Code, shall be permitted on the~~
20 ~~ground story and second story, subject to the following regulations:~~

21 ~~(1) All portions of any permitted awning shall be not less than eight feet above the finished~~
22 ~~grade, excluding any valance which shall not be less than seven feet above the finished grade. No~~
23 ~~portion of any awning shall be higher than the windowsill level of the story immediately above.~~

24 ~~(2) When the width of all awnings on a single building is 10 feet or less along the direction of~~
25 ~~the street, the horizontal projection of such awnings shall not exceed six feet from the face of any~~

1 ~~supporting building and the vertical distance from the top to the bottom of such awnings shall not~~
2 ~~exceed six feet, including any valance. When the width of all awnings on a single building exceeds 10~~
3 ~~feet measured along the direction of the street, the horizontal projection of such awnings shall not~~
4 ~~exceed four feet from the face of the supporting building and the vertical distance from the top to the~~
5 ~~bottom of such awnings shall not exceed four feet, including any valance.~~

6 ~~(b) **Canopies.** Canopies, as defined in Section 790.26 of this Code, shall be permitted, subject~~
7 ~~to the following regulations:~~

8 ~~(1) The maximum width of any canopy shall be 10 feet. The horizontal projection of any canopy~~
9 ~~may extend to a line on the sidewalk not closer than two feet from the curb. The outer column support~~
10 ~~shall be located in the outer 1/3 of the sidewalk. The vertical distance from the top to the bottom of the~~
11 ~~canopy shall not exceed an average of two feet, including any valance. The highest point of the canopy~~
12 ~~shall not exceed a point four feet above the door opening or 16 feet, whichever is less. All portions of~~
13 ~~any canopy, excluding the column supports and excluding any valance which may be not less than~~
14 ~~seven feet above the finished grade, shall not be less than eight feet above the finished grade.~~

15 ~~(c) **Marquees.** Marquees, as defined in Section 790.58 of this Code, shall be permitted, subject~~
16 ~~to the following regulations:~~

17 ~~(1) The vertical distance from the top to the bottom of any marquee shall not exceed three feet~~
18 ~~and the horizontal projection shall not extend beyond a line on the sidewalk not closer than two feet~~
19 ~~from the curb.~~

20 ~~(2) A marquee projecting more than of the distance from the property line to the curb shall not~~
21 ~~exceed 10 feet or 50 percent of the width of the building, along the direction of the street, whichever is~~
22 ~~less. All portions of such marquee shall be not less than 12 feet nor more than 16 feet in height above~~
23 ~~the finished grade, nor higher than the window sill level of the floor immediately above. Each building~~
24 ~~frontage shall be considered separately.~~

1 ~~(3) A marquee projecting less than of the distance from the property line to the curb shall not~~
2 ~~exceed 25 feet or 50 percent of the width of the building, along the direction of the street, whichever is~~
3 ~~less. All portions of such marquee shall be not less than 10 feet nor more than 16 feet above the~~
4 ~~finished grade, nor higher than the windowsill level of the floor immediately above. Each building~~
5 ~~frontage shall be considered separately.~~

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

7 ~~(a) Statement of Purpose. It is the purpose of this Section to establish a procedure by which~~
8 ~~major parking garages proposed for downtown San Francisco may be reviewed as to the~~
9 ~~appropriateness of their location and arrangement, recognizing the need for continuing development of~~
10 ~~a unified transportation system conveniently serving the downtown area.~~

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

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

18 ~~(d) Criteria for Review. The following criteria shall be considered, in addition to those stated~~
19 ~~in Section 303 (c) of this Code, and those stated in Section 158 of this Code when applicable:~~

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

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

- 1 (3) ~~Minimization of conflict of the proposed parking garage with pedestrian movements and~~
2 ~~amenities, resulting from the placement of driveways and ramps, the breaking of continuity of shopping~~
3 ~~facilities along sidewalks, and the drawing of traffic through areas of heavy pedestrian concentration;~~
4 (4) ~~The service patterns of other forms of transportation;~~
5 (5) ~~Establishment of a parking rate structure or fee favorable to short-term parking (four hours~~
6 ~~or less) and designed to discourage long-term parking, as set forth in Section 155(g) of this Code;~~
7 (6) ~~Minimization of conflict of the proposed parking garage with transit operations and loading~~
8 ~~points, resulting from the location of driveways, ramps and vehicle queuing areas;~~
9 (7) ~~The objectives and policies of the Downtown Plan, a component of the Master Plan; and~~
10 (8) ~~Such other criteria as may be deemed appropriate in the circumstances of the particular~~
11 ~~ease.~~

12 **~~SEC. 187. GARMENT SHOPS AND GARMET FACTORIES AS NONCOFORMING USES.~~**

13 (a) ~~A garment shop or a garment factory (as defined in the Building Code), existing on January~~
14 ~~1, 1960, and located either in a commercial district or in a building having legal nonconforming~~
15 ~~commercial status under provisions of the City Planning Code in force on that date, shall be regarded~~
16 ~~as a legal nonconforming use under provisions of the City Planning Code becoming effective on May 2,~~
17 ~~1960, if such shop or factory was brought into compliance with all applicable codes and ordinances~~
18 ~~prior to January 1, 1961. Permits of Occupancy must have been obtained prior to January 1961, by~~
19 ~~such shop or factory, and any shop or factory which failed to comply with all applicable codes and~~
20 ~~ordinances prior to that date shall have closed and discontinued all operations.~~

21 (b) ~~Garment shops and garment factories located in an R District, except those having legal~~
22 ~~nonconforming status, shall have closed and ceased all operations by January 1, 1961.~~

23 (c) ~~Garment shops and garment factories having legal nonconforming status in R, NC, and C~~
24 ~~Districts shall be subject to the provisions of Sections 180 through 185 of this Code as nonconforming~~
25 ~~uses. No such use shall be intensified by installation of additional machines.~~

1 **~~SEC. 249.15. RESTRICTED LIGHT INDUSTRIAL SPECIAL USE DISTRICT.~~**

2 ~~(a) Purpose.~~ *There shall be a special use district known as the Restricted Light Industrial*
3 *Special Use District, consisting of certain portions of the City and County of San Francisco zoned M-1*
4 *or P which border residential or recreational areas. The purpose of this district will be to restrict the*
5 *more intensive light industrial activities in order to reduce conflict between uses adjacent or in close*
6 *proximity to one another. These uses include: industrial areas, residential areas, recreation areas (both*
7 *existing and proposed), large sports facilities or other large parking generators.*

8 ~~(b) Controls.~~

9 ~~(1) In the Restricted Light Industrial Special Use District, the following uses (otherwise~~
10 ~~permitted or conditionally permitted in M-1 districts) shall not be permitted:~~

11 ~~–Yard for storage or sale of livestock feed or coal;~~

12 ~~–Stone or monument yard;~~

13 ~~–Storage or transfer of junk, waste, garbage, refuse, secondhand, discarded, or salvaged~~
14 ~~materials;~~

15 ~~–Automobile wrecking operation;~~

16 ~~–Rendering or reduction of animal materials;~~

17 ~~–Automobile assembling;~~

18 ~~–Bottling plant, brewery, dairy products, plant, malt manufacturing or processing;~~

19 ~~–Ice manufacturing;~~

20 ~~–Concrete products mixing or manufacturing;~~

21 ~~–Foundry;~~

22 ~~–Metalworking or blacksmith shop;~~

23 ~~–Enameling, lacquering, wholesale paint mixing;~~

24 ~~–Woodworking mill or manufacturing of wood fibre, sawdust, or excelsior products.~~

1 (2) ~~In the Restricted Light Industrial Special Use District, the following uses shall require~~
2 ~~conditional use approval pursuant to Section 303(c) and (d) of the Planning Code:~~

3 ~~–Parcel delivery services (as set forth in Planning Code Section 223(g) and (r));~~

4 ~~–Ambulance services (as set forth in Planning Code Section 223(s));~~

5 ~~–Storage for commercial vehicles (as set forth in Planning Code 223(t) and (u));~~

6 ~~–Cold storage plant (as set forth in Planning Code Section 225(g));~~

7 ~~In addition to the criteria for conditional use review already stated in Section 303, conditional~~
8 ~~use review for any new development in this special use district shall also consider the following issues:~~

9 ~~(A) The impact on human health imposed by soil toxicity;~~

10 ~~(B) Mitigation of adverse environmental impacts of industry on housing or open space~~
11 ~~(including but not limited to: noise, trash, dust);~~

12 ~~(C) Conflict between industrial vehicular traffic and residential uses;~~

13 ~~(D) Impacts of spillover parking from adjacent uses that generate high parking demands;~~

14 ~~(E) Compatibility of appearance and landscaping with residential or parks;~~

15 ~~(F) Any other related problems or issues resulting from the conflict of different land use~~
16 ~~activities in this area.~~

17 (3) **Enforcement.** ~~All requirements of Article 1.7 of the City Planning Code with regard to~~
18 ~~enforcement and compliance with these restrictions shall be monitored by the Zoning Administrator in~~
19 ~~cooperation with the Department of Building Inspection and the Department of Public Health.~~

20 ~~Specifically, termination of legal nonconforming uses and abatement of illegal uses will be pursued to~~
21 ~~the extent permitted by the Municipal Code.~~

22 **SEC. 263.2. Reserved. ~~SPECIAL EXCEPTIONS: NORTH OF FERRY BUILDING.~~**

23 (a) ~~In the 84-X-1 Height and Bulk District as designated on Sectional Map No. 1H of the~~
24 ~~Zoning Map, height exceptions may be approved by the Planning Commission in appropriate cases as~~
25 ~~provided herein. The purpose of providing for such exceptions is to encourage greater flexibility in~~

1 ~~project design and a gradual stepping down of the height of buildings from The Embarcadero toward~~
2 ~~the Bay. As used in this Section, a "project area" shall be defined as the area between the north or east~~
3 ~~curbline of The Embarcadero (generally 60 feet inland from the water front line) and the Pier Head~~
4 ~~Line, with boundaries as set by the Port Commission in any agreement entered into with a developer.~~

5 ~~(b) Such height exceptions may be permitted, provided that:~~

6 ~~(1) The height of the building or structure so approved by the Planning Commission shall not~~
7 ~~exceed 125 feet; and~~

8 ~~(2) Within this 125-foot maximum, there shall be a limitation on permitted building volume~~
9 ~~located above the basic height limit of 84 feet, calculated as the product of 41 feet (the difference~~
10 ~~between 125 feet and 84 feet) and 15 percent of the project area. For purposes of the foregoing~~
11 ~~calculation only, the project area may include part or all of the adjacent 65-D-1 Height and Bulk~~
12 ~~District as well as part or all of the 84-X-1 Height and Bulk District.~~

13 ~~(c) In acting upon any application under this Section, the Planning Commission shall consider~~
14 ~~the following criteria in addition to those stated in Section 303(e):~~

15 ~~(1) The development criteria for the Waterfront Special Use District No. 1, as set forth in~~
16 ~~Section 240.1; and~~

17 ~~(2) The siting of buildings or structures so that higher elements are located nearest The~~
18 ~~Embarcadero and lower elements outward from the Embarcadero toward the Bay, with a gradual~~
19 ~~stepping down in height.~~

20 ~~(d) No exception from the height limit shall be permitted in the 65-D-1 Height and Bulk District~~

21 **SEC. 263.3. Reserved. SPECIAL EXCEPTIONS: SOUTH OF FERRY BUILDING.**

22 ~~(a) In the 84-X-2 Height and Bulk District as designated on Sectional Map No. 1H of the~~
23 ~~Zoning Map, height exceptions may be approved by the Planning Commission in appropriate cases as~~
24 ~~provided herein. The purpose of providing for such exceptions is to encourage greater flexibility in~~
25 ~~project design. As used in this Section, a "project area" shall be defined as the area between the north~~

1 ~~or east curbline of The Embarcadero (generally 60 feet inland from the waterfront line) and the Pier~~
2 ~~Head Line with boundaries as set by the Port Commission in any agreement entered into with a~~
3 ~~developer.~~

4 ~~(b) Such height exceptions may be permitted, provided that:~~

5 ~~(1) The height of the building or structure so approved by the Planning Commission shall not~~
6 ~~exceed 175 feet; and~~

7 ~~(2) Within this 175-foot maximum, there shall be a limitation on permitted building volume~~
8 ~~located above the basic height limit of 84 feet, calculated as the product of 91 feet (the difference~~
9 ~~between 175 feet and 84 feet) and 10 percent of the project area.~~

10 ~~(c) In acting upon any application under this Section, the Planning Commission shall consider~~
11 ~~the following criteria in addition to those stated in Section 303(e):~~

12 ~~(1) The development criteria for the Waterfront Special Use District No. 1 as set forth in~~
13 ~~Section 240.1; and~~

14 ~~(2) The siting of buildings or structures so that higher elements are located nearest The~~
15 ~~Embarcadero and lower elements outward from The Embarcadero toward the Bay, with a gradual~~
16 ~~stepping down in height.~~

17 **~~SEC. 602.25. HISTORIC MOVIE THEATER PROJECTING SIGN.~~**

18 ~~may occur with a change of ownership, change of~~ A projecting business sign attached to a
19 ~~Qualified Movie Theater, as defined in Section 188(e)(1), when such sign was originally constructed in~~
20 ~~association with the Qualified Movie Theater or similar historic use. Such signs are typically~~
21 ~~characterized by (i) perpendicularity to the primary facade of the building, (ii) fixed display of the~~
22 ~~name of the establishment, often in large lettering descending vertically throughout the length of the~~
23 ~~sign; (iii) a narrow width that extends for a majority of the vertical distance of a building's facade,~~
24 ~~typically terminating at or slightly above the roofline, and (iv) an overall scale and nature such that the~~
25 ~~sign comprises a significant and character defining architectural feature of the building to which it is~~

1 ~~attached. Elimination or change of any lettering or other inscription from a movie theater projecting~~
2 ~~sign, such as that which use, or closure does not preclude classification of the sign under this Section.~~

3 **~~SEC. 602.26. HISTORIC MOVIE THEATER MARQUEE.~~**

4 ~~A marquee, as defined in Section 790.58, attached to a Qualified Movie Theater, as defined in~~
5 ~~Section 188(e)(1), when such marquee was originally constructed in association with a movie theater~~
6 ~~or similar historic use. Elimination or change of any lettering or other inscription from a movie~~
7 ~~theater marquee, such as that which may occur with a change of ownership, change of use or closure,~~
8 ~~does not preclude classification of the marquee under this Section.~~

9 **~~SEC. 607.3. VAN NESS SPECIAL SIGN DISTRICT.~~**

10 ~~(a) **General.** Signs located within the Van Ness Special Use District, with the exception of the~~
11 ~~Civic Center Special Sign District as shown in Sectional Map SSD, shall be regulated by the provisions~~
12 ~~of Article 6 and those set forth below, except for those signs which are exempt pursuant to Section 603.~~
13 ~~In the event of conflict between the provisions of this Section and those of Article 6, the provisions of~~
14 ~~this Section shall prevail in the Van Ness Special Use District.~~

15 ~~(b) **Purposes.** In addition to the purposes stated in Sections 101 and 601 of this Code, the~~
16 ~~following purposes apply to the Van Ness Special Use District. These purposes constitute findings that~~
17 ~~form a basis for regulations and provide guidance for their application.~~

18 ~~(1) As Van Ness Avenue changes from an automotive oriented area to a mixed use,~~
19 ~~predominantly residential district, it needs to maintain its attractiveness to business customers and~~
20 ~~residents alike. Physical amenities and a pleasant appearance will benefit both existing and new~~
21 ~~enterprises.~~

22 ~~(2) The character of signs and other features projecting from buildings is an important part of~~
23 ~~the visual appeal of a street and the general quality and economic stability of the area. Opportunities~~
24 ~~exist to relate these signs and projections more effectively to street design and building design. These~~
25

1 ~~regulations establish a framework that will contribute toward a coherent appearance of the Van Ness~~
2 ~~Special Use District.~~

3 ~~(3) The Van Ness Special Use District is intended to be a mixed-use area with commercial units~~
4 ~~on the ground or lower stories and residential uses on upper stories. Although signs and other~~
5 ~~advertising devices are essential to a vital commercial district, they should not be allowed to interfere~~
6 ~~with or diminish the livability of residential units within the Van Ness Special Use District or in~~
7 ~~adjacent residential districts.~~

8 ~~(4) The scale of the Van Ness Special Use District as characterized by building height, bulk,~~
9 ~~and appearance, and by the width of streets and sidewalks, differs from that of other commercial and~~
10 ~~industrial districts. Sign sizes should relate and be compatible with the surrounding district scale.~~

11 ~~(c) **Controls.**~~

12 ~~(1) **Signs or Sign Features Not Permitted in the Van Ness Special Use District.** Roof signs as~~
13 ~~defined in Section 602.16 are not permitted.~~

14 ~~(2) **Identifying Signs.** Identifying signs, as defined in Section 602.10, shall be permitted in the~~
15 ~~Van Ness Special Use District subject to the limits set forth below.~~

16 ~~(A) An identifying sign shall not exceed 20 square feet in area. The sign may be a wall sign or a~~
17 ~~projecting sign. A wall sign or projecting sign shall be mounted at or below the level of the lowest~~
18 ~~residential windowsill or 25 feet, whichever is lower. Such sign may be nonilluminated, indirectly~~
19 ~~illuminated, or directly illuminated. For the purposes of this Section, "wall signs" shall be defined as~~
20 ~~signs placed flat against a building wall with its copy parallel to the wall to which it is attached and not~~
21 ~~protruding more than the thickness of the sign cabinet.~~

22 ~~(B) One name plate, as defined in Section 602.12, not exceeding an area of six square feet,~~
23 ~~shall be permitted for each resident and occupant of the building.~~

24 ~~(3) **General Advertising Signs.** General advertising signs, as defined in Section 602.7, shall be~~
25 ~~permitted in the Van Ness Special Use Districts as provided below. General advertising signs may be~~

1 ~~either a wall sign or a freestanding sign, provided that the surface of any freestanding sign shall be~~
2 ~~parallel to and within three feet of an adjacent building wall. The building wall shall form a complete~~
3 ~~backdrop for the wall sign, as the sign is viewed from those points on a street or alley from which it is~~
4 ~~legible. Signs painted directly on a building wall shall be considered general advertising signs for the~~
5 ~~purposes of this Section. No general advertising sign shall be permitted to cover part or all of any~~
6 ~~window. No more than one general advertising sign of 300 square feet or two general advertising signs~~
7 ~~of 72 square feet each shall be permitted per lot. The height of any such sign shall not exceed 36 feet,~~
8 ~~or the height of the wall to which it is attached or before which it is placed, or the height of the lowest~~
9 ~~residential windowsill located on the wall to which the sign is attached or before which it is placed,~~
10 ~~whichever is lowest. Signs may be either non-illuminated, directly or indirectly illuminated. All general~~
11 ~~advertising signs shall conform to the provisions of Section 5408 of the California Business and~~
12 ~~Professions Code, including the requirement that no advertising display shall be placed within 100 feet~~
13 ~~from another advertising display on the same side of Van Ness Avenue.~~

14 ~~(4) **Business Signs.** Business signs, as defined in Section 602.3, shall be permitted subject to~~
15 ~~the following restrictions:~~

16 ~~(A) **Window Signs.** The total area of any window sign, as defined in Section 602.1(b), shall not~~
17 ~~exceed 1/3 the area of the window on or in which the sign is located. Such signs may be nonilluminated,~~
18 ~~indirectly illuminated, or directly illuminated. For purposes of this Section, "window signs" shall be~~
19 ~~defined as signs placed directly on the surface of the glass inside the building.~~

20 ~~(B) **Wall Signs.** The area of any wall sign shall not exceed three square feet per foot of street~~
21 ~~frontage occupied by the building on which the sign is located. The height of any wall sign shall not~~
22 ~~exceed 45 feet, or the height of the wall to which it is attached, or the height of the lowest of any~~
23 ~~residential windowsill on the wall to which the sign is attached, whichever is lower. Such signs may be~~
24 ~~nonilluminated, indirectly, or directly illuminated.~~

1 ~~(C) **Projecting Signs.** The area of any projecting sign shall not exceed 36 square feet. The~~
2 ~~height of the sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height~~
3 ~~of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is~~
4 ~~lowest. No part of the sign shall project more than six feet from the property line. Such signs may be~~
5 ~~nonilluminated, indirectly, or directly illuminated.~~

6 ~~(D) **Signs on Awnings and Marquees.** Sign copy may be located on permitted awnings and~~
7 ~~marquees in lieu of projecting signs. The area of such sign copy shall not exceed 60 square feet. Such~~
8 ~~sign copy may be nonilluminated, indirectly illuminated or directly illuminated.~~

9 ~~(E) **Freestanding Signs and Sign Towers.** Freestanding signs and sign towers shall not be~~
10 ~~permitted in the Van Ness Special Sign District except as provided in Section 606(e)(1).~~

11 ~~(F) signs are permitted:~~

12 ~~(i) A maximum of two oil company signs, which shall not extend more than 10 feet above the~~
13 ~~roof line if attached to a building, or exceed 24 feet in height if freestanding. The area of any such sign~~
14 ~~shall not exceed 180 square feet. Along each street frontage, all parts of such a sign or signs that are~~
15 ~~within 10 feet of the street property line shall not exceed 80 square feet in area. No such sign shall~~
16 ~~project more than five feet beyond any property line. The areas of other permanent and temporary~~
17 ~~signs as covered in Subparagraph (ii) below shall not be included in the calculation of the areas~~
18 ~~specified in this Subsection.~~

19 ~~(ii) Other permanent and temporary signs customarily incidental to the service station~~
20 ~~business, not to exceed 30 square feet in area for each such sign or a total of 180 square feet for all~~
21 ~~such signs on the premises. No such sign shall extend above the roof line if attached to a building, or in~~
22 ~~any case project beyond any street property line or building setback line.~~

23 ~~(5) **Temporary Signs.** Temporary signs permitted in the Van Ness Special Use District are sale~~
24 ~~or lease signs as defined in Section 602.17 and construction signs giving the names of persons and~~
25 ~~firms connected with work on buildings under actual construction or alteration and information~~

1 *pertinent to the project. One sign per lot not exceeding 50 square feet shall be permitted and conform*
2 *to all regulations as set forth in Section 607(f). All temporary signs shall be promptly removed upon*
3 *removal of the property from the market or completion of the construction activity.*

4 ~~(6) **Maintenance and Removal of Signs.** Every business and identifying sign shall be~~
5 ~~adequately maintained in its appearance, or else removed or obscured. When the business, service,~~
6 ~~industry, use or activity for which a business sign or identifying sign has been erected has ceased~~
7 ~~operation on the premises, all such signs pertaining to such establishment shall be removed or~~
8 ~~obscured within 180 days.~~

9 ~~(7) **Additional Controls.** Additional sign controls apply to certain areas of the Van Ness~~
10 ~~Special Use District designated as Special Sign Districts. Special Sign Districts are described within~~
11 ~~Sections 608.1 through 608.11 of this Code and, with the exception of Sections 608.1, 608.2 and~~
12 ~~608.11, their designations, locations and boundaries are provided on Sectional Map SSD of the Zoning~~
13 ~~Map of the City and County of San Francisco.~~

14 ~~(8) Automotive sales and service signs within the Automotive Special Use District which have~~
15 ~~all required permits but which do not comply with the controls for new signs established in Section~~
16 ~~607.3 of this Code shall be permitted to remain as nonconforming uses and shall be permitted to modify~~
17 ~~the signage text to describe new automobile ownerships and dealerships that may occur from time to~~
18 ~~time.~~

19 ~~(d) **Landmark Buildings.** Notwithstanding any other provision of this Code to the contrary,~~
20 ~~any sign which is presently located upon or was once located upon a structure within the Van Ness~~
21 ~~Special Use District which is designated a landmark under Section 1004 may be replaced and/or~~
22 ~~restored subject to the limits set forth below.~~

23 ~~(1) The sign may not exceed the size, shape and number of the sign(s) being replaced and/or~~
24 ~~restored.~~

25 ~~(2) The sign may be a wall, projecting, or freestanding sign.~~

1 ~~(3) The height of the sign may not exceed 80 feet from the sidewalk elevation.~~

2 ~~(4) The sign must be in the same location of the sign being replaced and/or restored.~~

3 ~~(5) The sign may not be located on the roof.~~

4 ~~(6) The sign may not cover or partially block any window.~~

5 ~~(7) The light of the sign may not be flashing, intermittent, or moving.~~

6 ~~(8) The features of the sign including size, shape and illumination must be reviewed and~~
7 ~~approved in accordance with the procedures for the application of a Certificate of Appropriateness~~
8 ~~under Section 1006 of this Code and subject to the discretion of the City Planning Commission. Both~~
9 ~~the Landmark Preservation Advisory Board and the City Planning Commission have the authority to~~
10 ~~modify any features of the sign in order to preserve the historical nature of the building.~~

11 **~~SEC. 607.4. NORTH OF MARKET RESIDENTIAL SPECIAL USE DISTRICT.~~**

12 ~~Signs located in the RC-4 portion of the North of Market Residential Special Use District shall~~
13 ~~be regulated as provided herein, except for those signs which are exempted by Section 603 of this Code.~~

14 ~~(a) **Business Signs.** Business signs, as defined in Section 602.3, shall be permitted subject to~~
15 ~~the regulations set forth below:~~

16 ~~(1) **Window Signs.** The total area of all window signs, as defined in Section 602.1(b), shall not~~
17 ~~exceed 1/3 of the area of the window on or in which the signs are located. Such signs may be~~
18 ~~nonilluminated, indirectly illuminated, or directly illuminated.~~

19 ~~(2) **Wall Signs.** The area of all wall signs shall not exceed three square feet per foot of street~~
20 ~~frontage occupied by the use measured along the wall to which the signs are attached, or 150 square~~
21 ~~feet for each street frontage, whichever is less. The height of any wall sign shall not exceed 24 feet, or~~
22 ~~the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on~~
23 ~~the wall to which the sign is attached, whichever is lower. Such signs may be nonilluminated,~~
24 ~~indirectly, or directly illuminated.~~

1 ~~(3) **Projecting Signs.** The number of projecting signs shall not exceed one per business. The~~
2 ~~area of such sign, as defined in Section 602.1(a), shall not exceed 32 square feet. The height of the sign~~
3 ~~shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of~~
4 ~~any residential windowsill on the wall to which the sign is attached, whichever is lower. No part of the~~
5 ~~sign shall project more than 75 percent of the horizontal distance from the street property line to the~~
6 ~~curbline, or six feet, six inches, whichever is less. Such signs may be nonilluminated, indirectly, or~~
7 ~~directly illuminated.~~

8 ~~(4) **Sign Copy on Awnings and Marquees.** Sign copy may be located on permitted awnings or~~
9 ~~marquees in lieu of projecting signs. The area of such sign copy, as defined in Section 602.1(c), shall~~
10 ~~not exceed 40 square feet. Such sign copy may be nonilluminated, or indirectly illuminated.~~

11 ~~(5) **Freestanding Signs and Sign Towers.** With the exception of automotive service station~~
12 ~~signs, which are permitted subject to the provisions of Section 606(e)(1) of this Code, one freestanding~~
13 ~~sign or sign tower per lot shall be permitted in lieu of a projecting sign if the building or buildings are~~
14 ~~recessed from the street property line. The existence of a freestanding business sign shall preclude the~~
15 ~~erection of a freestanding identifying sign on the same lot. The area of such freestanding sign or sign~~
16 ~~tower, as defined in Section 602.1(a), shall not exceed 30 square feet, nor shall the height of the sign~~
17 ~~exceed 24 feet. No part of the sign shall project more than 75 percent of the horizontal distance from~~
18 ~~the street property line to the curbline, or six feet, whichever is less. Such signs may be nonilluminated~~
19 ~~or indirectly illuminated, or during business hours, may be directly illuminated.~~

20 ~~(b) **Nameplates.** One nameplate, as defined in Section 602.12 of this Code, not exceeding an~~
21 ~~area of two square feet, shall be permitted for each non-commercial use.~~

22 ~~(c) **Identifying Signs.** Identifying signs, as defined in Section 602.10, shall be permitted subject~~
23 ~~to the following regulations:~~

24 ~~(1) One sign per lot shall be permitted and such sign shall not exceed 20 square feet in area.~~
25 ~~The sign may be a freestanding sign, if the building is recessed from the street property line, or may be~~

1 a wall sign or a projecting sign. The existence of a freestanding identifying sign shall preclude the
2 erection of a freestanding business sign on the same lot. A wall or projecting sign shall be mounted on
3 the first story level; a freestanding sign shall not exceed 15 feet in height. Such sign may be
4 nonilluminated, indirectly illuminated, or directly illuminated.

5 ~~(d) Signs or Sign Features Not Permitted in the North of Market Residential Special Use~~
6 ~~District. Roof signs as defined in Section 602.16 of this Code, wind signs as defined in Section 602.22~~
7 ~~of this Code and general advertising signs as defined in Section 602.7 are not permitted. In addition, no~~
8 ~~sign shall have or consist of any moving, rotating, or otherwise physically animated part or any lights~~
9 ~~that give the appearance of animation by flashing, blinking or fluctuating. All signs or sign features not~~
10 ~~otherwise specifically regulated in this Section shall be prohibited.~~

11
12 Section 3. The San Francisco Planning Code is hereby amended by amending
13 Sections 102.5, 102.9, 121.3, 128, 135, 136, 136.1, 138, 138.1, 140, 141, 151, 151.1, 155,
14 155.1, 155.4, 156, 157.1, 158.1, 161, 163, 182, 184, 186, 188, 201, 204.2, 204.3, 204.5,
15 206.3, 209.9, 215, 223, 228, 231, 239, 240, 240.1, 240.2, 240.3, 243, 249.5, 249.15, 249.25,
16 249.49, 262, 303, 309.1, 602.9, 602.24, 606, 607, 607.1, 607.2, 608.6, 608.10, 714.1, 722.1,
17 790.20, 790.26, 790.58, 799, 819, 890.21, 890.24, 890.58, and 899, to read as follows:

18 **SEC. 102.5. DISTRICT.**

19 A portion of the territory of the City, as shown on the Zoning Map, within which certain
20 regulations and requirements or various combinations thereof apply under the provisions of
21 this Code. The term "district" shall include any use, special use, height and bulk, or special
22 sign district. The classes of use districts are described in Section 201 of this Code. ~~term "R District"~~
23 ~~shall mean any RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-1, RM-2, RM-3, RM-4, RTO, RTO-M, RC-1,~~
24 ~~RC-2, RC-3, RC-4 or RED District. The term "C District" shall mean any C-1, C-2, C-3, or C-M~~
25 ~~District. The term "RTO District" shall be that subset of R Districts which are the RTO and RTO-M~~

1 ~~District. The term "M District" shall mean any M-1 or M-2 District. The term "PDR District" shall~~
2 ~~mean any PDR-1-B, PDR-1-D, PDR-1-G, or PDR-2 District. The term "RH District" shall mean any~~
3 ~~RH-1(D), RH-1, RH-1(S), RH-2, or RH-3 District. The term "RM District" shall mean any RM-1, RM-2,~~
4 ~~RM-3, or RM-4 District. The term "RC District" shall mean any RC-1, RC-2, RC-3, or RC-4 District.~~
5 ~~The term "C-3 District" shall mean any C-3-O, C-3-R, C-3-G, or C-3-S District. For the purposes of~~
6 ~~Section 128 and Article 11 of this Code, the term "C-3 District" shall also include the Extended~~
7 ~~Preservation District designated on Section Map 3SU of the Zoning Map. The term "NC District" shall~~
8 ~~mean any NC-1, NC-2, NC-3, NC-T, NC-S, and any Neighborhood Commercial District and~~
9 ~~Neighborhood Commercial Transit District identified by street or area name in Section 702.1. The term~~
10 ~~"NCT" shall mean any district listed in Section 702.1(b), including any NCT-1, NCT-2, NCT-3 and any~~
11 ~~Neighborhood Commercial Transit District identified by street or area name. The term "Mixed Use"~~
12 ~~District shall mean all Chinatown Mixed Use, South of Market Mixed Use, Eastern Neighborhoods~~
13 ~~Mixed Use, and Downtown Residential Districts. The term "Chinatown Mixed Use District" shall mean~~
14 ~~any Chinatown CB, Chinatown VR, or Chinatown R/NC District named in Section 802.1. The term~~
15 ~~"South of Market Mixed Use Districts" shall refer to all RED, RSD, SLR, SLI, or SSO Districts named~~
16 ~~in Section 802.1. The term "Eastern Neighborhoods Mixed Use Districts" shall refer to all SPD, MUG,~~
17 ~~MUO, MUR, and UMU named in Section 802.1. The term "DTR District" or "Downtown Residential~~
18 ~~District" shall refer to any Downtown Residential District identified by street or area name in Section~~
19 ~~825, 827, 828, and 829.~~

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

21 In districts other than C-3, the sum of the gross areas of the several floors of a building
22 or buildings, measured from the exterior faces of exterior walls or from the centerlines of walls
23 separating two buildings. Where columns are outside and separated from an exterior wall
24 (curtain wall) which encloses the building space or are otherwise so arranged that the curtain
25 wall is clearly separate from the structural members, the exterior face of the curtain wall shall

1 be the line of measurement, and the area of the columns themselves at each floor shall also
2 be counted.

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

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

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

13 (2) Elevator shafts, stairwells, exit enclosures and smokeproof enclosures, at each
14 floor.

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

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

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

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

22 (7) *In Districts other than C-3 Districts, ~~Floor~~ floor* space in accessory buildings, except
23 for floor spaces used for accessory off-street parking or loading spaces as described in
24 Section 204.5 of this Code, and driveways and maneuvering areas incidental thereto; and
25

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

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

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

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

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

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

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

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

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

1 (7) In C-3 districts, floor space dedicated to parking which does not exceed the amount
2 principally permitted as accessory, and is located underground.

3 (8) Bicycle parking which meets the standards of Sections 155.1 through 155.5 of this Code.

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

9 ~~(8)~~ (10) Balconies, porches, roof decks, terraces, courts and similar features, except
10 those used for primary access as described in Paragraph (a)(6) above, provided that:

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

17 (B) If more than 70 percent of the perimeter of such an area is enclosed, either by
18 building walls (exclusive of a railing or parapet not more than three feet eight inches high), or
19 by such walls and interior lot lines, and the clear space is 15 feet or more in both dimensions,
20 (1) the area shall be excluded from gross floor area if it is fully open to the sky (except for roof
21 eaves, cornices or belt courses which project no more than two feet from the face of the
22 building wall), and (2) the area may have roofed areas along its perimeter which are also
23 excluded from gross floor area if the minimum clear open space between any such roof and
24 the opposite wall or roof (whichever is closer) is maintained at 15 feet (with the above
25 exceptions) and the roofed area does not exceed 10 feet in depth; (3) in addition, when the

1 clear open area exceeds 625 square feet, a canopy, gazebo, or similar roofed structure
2 without walls may cover up to 10 percent of such open space without being counted as gross
3 floor area.

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

11 ~~(9)~~ (11) On lower, nonresidential floors, elevator shafts and other life-support systems
12 serving exclusively the residential uses on the upper floors of a building;

13 ~~(10)~~ (12) One-third of that portion of a window bay conforming to the requirements of
14 Section 136(d)(2) which extends beyond the plane formed by the face of the facade on either
15 side of the bay but not to exceed seven square feet per bay window as measured at each
16 floor;

17 (13) In C-3 Districts, dwelling units or group housing in an affordable housing project, as
18 defined in Section 401 of this Code.

19 ~~(11)~~ (14) Ground floor area in the C-3-0, C-3-O(SD), C-3-S, C-3-S(SU) and C-3-G
20 Districts devoted to building or pedestrian circulation and building service;

21 ~~(12)~~ (15) In the C-3-0, C-3-O(SD), C-3-S, C-3-S(SU) and C-3-G Districts, space
22 devoted to personal services, restaurants, and retail sales of goods intended to meet the
23 convenience shopping and service needs of downtown workers and residents, not to exceed
24 5,000 occupied square feet per use and, in total, not to exceed 75 percent of the area of the
25 ground floor of the building plus the ground level, on-site open space. Said uses shall be

1 located on the ground floor, except that, in order to facilitate the creation of more spacious
2 ground floor interior spaces, a portion of the said uses, in an amount to be determined
3 pursuant to the provisions of Section 309, may be located on a mezzanine level;

4 ~~(13)~~ (16) An interior space provided as an open space feature in accordance with the
5 requirements of Section 138

6 ~~(14)~~ (17) Floor area in C-3, South of Market Mixed Use Districts, and Eastern
7 Neighborhoods Mixed Use Districts devoted to child care facilities provided that:

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

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

11 (C) Adequate outdoor space is provided adjacent, or easily accessible, to the facility.

12 Spaces such as atriums, rooftops or public parks may be used if they meet licensing
13 requirements for child care facilities, and

14 (D) The space is used for child care for the life of the building as long as there is a
15 demonstrated need. No change in use shall occur without a finding by the City Planning
16 Commission that there is a lack of need for child care and that the space will be used for a
17 facility described in Subsection 15 below dealing with cultural, educational, recreational,
18 religious, or social service facilities;

19 ~~(15)~~ (18) Floor area in C-3, South of Market Mixed Use Districts, and Eastern
20 Neighborhoods Mixed Use Districts permanently devoted to cultural, educational, recreational,
21 religious or social service facilities available to the general public at no cost or at a fee
22 covering actual operating expenses, provided that such facilities are:

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

24 (B) Are made available rent free for occupancy only by nonprofit corporations or
25 institutions for such functions. Building area subject to this subsection shall be counted as

1 occupied floor area, except as provided in Subsections 102.10(a) through (f) of this Code, for
2 the purpose of calculating the off-street parking and freight loading requirements for the
3 project;

4 ~~(16) In C-3 Districts, floor space used for short-term parking and aisles incidental thereto
5 when required pursuant to Section 309 in order to replace short-term parking spaces displaced by the
6 building or buildings;~~

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

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

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

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

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

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

24 **SEC. 121.3. DEVELOPMENT OF ~~ON~~ LARGE LOTS, CHINATOWN MIXED USE**
25 **DISTRICTS.**

1 In order to promote, protect, and maintain a scale of development which is appropriate
 2 to each Mixed Use District and complementary to adjacent buildings, new construction or
 3 enlargement of existing buildings on lots larger than the square footage stated in the table
 4 below shall be permitted as conditional uses subject to the provisions set forth in Section 303.

| District | Lot Size Limits |
|--|-----------------|
| <i>Chinatown</i> | 5,000 sq. ft. |
| <i>Chinatown</i> Community Business | |
| <i>Chinatown</i> Residential/Neighborhood Commercial | |
| <i>Chinatown</i> Visitor Retail | |

11 In addition to the criteria of Section 303(c), the ~~City~~ Planning Commission shall
 12 consider the following criteria:

- 13 (1) The mass and facade of the proposed structure are compatible with the existing
 14 scale of the district.
- 15 (2) The facade of the proposed structure is consistent with design features of adjacent
 16 facades that contribute to the positive visual quality of the district.

17 **SEC. 128. TRANSFER OF DEVELOPMENT RIGHTS IN C-3 DISTRICTS.**

18 (a) **Definitions.**

- 19 (1) "Development Lot." A lot to which TDR may be transferred to increase the
 20 allowable gross floor area of development thereon beyond that otherwise permitted by Section
 21 124
- 22 (2) "Owner of Record." The owner or owners of record in fee.
- 23 (3) "Preservation Lot." A parcel of land on which is either (i) a Significant or
 24 Contributory building (as designated pursuant to Article 11); or (ii) a Category V Building that
 25 has complied with the eligibility requirement for transfer of TDR as set forth in Section

1 1109(c); or (iii) a structure designated an individual landmark pursuant to Article 10 of this
2 Code. The boundaries of the Preservation Lot shall be the boundaries of the Assessor's lot on
3 which the building is located at the time the ordinance or, as to Section 1109(c), resolution,
4 making the designation is adopted, unless boundaries are otherwise specified in the
5 ordinance.

6 (4) "Transfer Lot." A Preservation Lot located in a C-3 District from which TDR may be
7 transferred. A lot zoned P (public) may in no event be a Transfer Lot unless a building on that
8 lot is (i) owned by the City and County of San Francisco, and (ii) located in a P District
9 adjacent to a C-3 District, and (iii) designated as an individual landmark pursuant to Article 10
10 of this Code, designated as a Category I Significant Building pursuant to Article 11 of this
11 Code, or listed on the National Register of Historic Places, and (iv) the TDR proceeds are
12 used to finance, in whole or in part, a project to rehabilitate and restore the building in
13 accordance with the Secretary of Interior standards. For the purposes of Section 128(b), a lot
14 zoned P which satisfies the criteria of this subsection (4) to qualify as a "Transfer Lot" shall be
15 deemed to have an allowable gross floor area of 7.5:1 under Section 124

16 (5) "Transferable Development Rights (TDR)." § Units of gross floor area which may
17 be transferred, pursuant to the provisions of this Section and Article 11 of this Code, from a
18 Transfer Lot to increase the allowable gross floor area of a development on a Development
19 Lot.

20 (6) "Unit of TDR." One unit of TDR is one square foot of gross floor area.

21 (b) **Amount of TDR Available for Transfer.** The maximum TDR available for transfer
22 from a Transfer Lot consists of the difference between (i) the allowable gross floor area
23 permitted on the Transfer Lot by Section 124 and (ii) the gross floor area of the development
24 located on the Transfer Lot.

1 (c) **Eligibility of Development Lots and Limitation on Use of TDR on**

2 **Development Lots.** TDR may be used to increase the allowable gross floor area of a
3 development on a Development Lot if the following requirements and restrictions are satisfied:

4 (1) Transfer of Development Rights shall be limited to the following:

5 (i) The Transfer Lot and the Development Lot are located in ~~the same~~ a C-3 Zoning
6 District; or

7 ~~(ii) the Transfer Lot is located in a C-3-O, or C-3-R District and the Development Lot is~~
8 ~~located in the C-3-O(SD) Special Development District; or~~

9 ~~(iii) (ii)~~ the Transfer Lot contains a Significant building and is located in the South of
10 Market Extended Preservation District, as set forth in Section 819, ~~or a C-3-G or C-3-S District~~
11 and the Development Lot is located in a ~~the~~ C-3-O (SD) Special District; or

12 ~~(iv) the Transfer Lot is in a C-3-R District or a District designated C-3-O (SD) in the Yerba~~
13 ~~Buena Center Redevelopment Plan and is located in the Yerba Buena Center Redevelopment Project~~
14 ~~Area and the Development Lot is located in a C-3-O District; or~~

15 ~~(v) (iii)~~ the Transfer Lot is in a P District adjacent to a C-3 District and meets the
16 requirements established in subsection (a)(4) above and the Development Lot is located in a
17 C-3 District; or

18 ~~(vi) (iv)~~ the Transfer Lot is located in any C-3 District and contains an individual
19 landmark designated pursuant to Article 10 and the Development Lot is located in any C-3
20 District but not within a Redevelopment Agency Plan Area.

21 (2) TDR may not be transferred for use on any lot on which is or has been located a
22 Significant or Contributory building; provided that this restriction shall not apply if the
23 designation of a building is changed to Unrated; nor shall it apply if the ~~City~~ Planning
24 Commission finds that the additional space resulting from the transfer of TDR is essential to
25 make economically feasible the reinforcement of a Significant or Contributory building to meet

1 the standards for seismic loads and forces of the Building Code, in which case TDR may be
2 transferred for that purpose subject to the limitations of this Section and Article 11, including
3 Section 1111.6. Any alteration shall be governed by the requirements of Sections 1111 to
4 1111.6

5 (3) Notwithstanding any other provision of this Section, development on a
6 Development Lot is limited by the provisions of this Code, other than those on floor area ratio,
7 governing the approval of projects, including the requirements relating to height, bulk,
8 setback, sunlight access, and separation between towers, and any limitations imposed
9 pursuant to Section 309 review applicable to the Development Lot. The total allowable gross
10 floor area of a development on a Development Lot may not exceed the limitation imposed by
11 Section 123(c).

12 (d) **Effect of Transfer of TDR.**

13 (1) Transfer of TDR from a Transfer Lot permanently reduces the development
14 potential of the Transfer Lot by the amount of the TDR transferred, except as provided in
15 Section 124(f). In addition, transfer of TDR from a Preservation Lot containing a Contributory
16 building or an individual landmark designated pursuant to Article 10 causes such building to
17 become subject to the same restrictions on demolition and alteration, and the same penalties
18 and enforcement remedies, that are applicable to Significant Buildings Category I, as provided
19 in Article 11.

20 (e) **Procedure for Determining TDR Eligibility.**

21 (1) In order to obtain a determination of whether a lot is a Transfer Lot and, if it is, of
22 the amount of TDR available for transfer, the owner of record of the lot may file an application
23 with the Zoning Administrator for a Statement of Eligibility. The application for a Statement of
24 Eligibility shall contain or be accompanied by plans and drawings and other information which
25 the Zoning Administrator determines is necessary in order to determine whether a Statement

1 of Eligibility can be issued. Any person who applies for a Statement of Eligibility prior to
2 expiration of the time for request of reconsideration of designation authorized in Section 1105
3 shall submit in writing a waiver of the right to seek such reconsideration.

4 (2) The Zoning Administrator shall, upon the filing of an application for a Statement of
5 Eligibility and the submission of all required information, issue either a proposed Statement of
6 Eligibility or a written determination that no TDR are available for transfer and shall mail that
7 document to the applicant and to any other person who has filed with the Zoning Administrator
8 a written request for a copy, and shall post the proposed Statement of Eligibility or written
9 determination on the Planning Department website. Any appeal of the proposed Statement of
10 Eligibility or determination of noneligibility shall be filed with the Board of ~~Permit~~ Appeals within
11 20 days of the date of issuance of the document. If not appealed, the proposed Statement of
12 Eligibility or the determination of noneligibility shall become final on the 21st day after the date
13 of issuance. The Statement of Eligibility shall contain at least the following information: (i) the
14 name of the owner of record of the Transfer Lot; (ii) the address, legal description and
15 Assessor's Block and Lot of the Transfer Lot; (iii) the C-3 use district within which the Transfer
16 Lot is located; (iv) whether the Transfer Lot contains a Significant or Contributory building, a
17 Category V building, or an Article 10 individually designated landmark; (v) the amount of TDR
18 available for transfer; and (vi) the date of issuance.

19 (3) Once the proposed Statement of Eligibility becomes final, whether through lack of
20 appeal or after appeal, the Zoning Administrator shall record the Statement of Eligibility in the
21 Office of the County Recorder. The County Recorder shall be instructed to mail the original of
22 the recorded document to the owner of record of the Transfer Lot and a conformed copy to
23 the Zoning Administrator.

24 (f) **Cancellation of Eligibility.**

1 (1) If reasonable grounds should at any time exist for determining that a building on a
2 Preservation Lot may have been altered or demolished in violation of Articles 10 or 11,
3 including Sections 1110 and 1112 thereof, the Zoning Administrator may issue and record
4 with the County Recorder a Notice of Suspension of Eligibility for the affected lot and, in cases
5 of demolition of a Significant or Contributory building, a notice that the restriction on the floor
6 area ratio of a replacement building, pursuant to Section 1114, may be applicable and shall
7 mail a copy of such notice to the owner of record of the lot. The notice shall provide that the
8 property owner shall have 20 days from the date of the notice in which to request a hearing
9 before the Zoning Administrator in order to dispute this initial determination. If no hearing is
10 requested, the initial determination of the Zoning Administrator is deemed final on the twenty-
11 first day after the date of the notice, unless the Zoning Administrator has determined that the
12 initial determination was in error.

13 (2) If a hearing is requested, the Zoning Administrator shall notify the property owner
14 of the time and place of hearing, which shall be scheduled within 21 days of the request, shall
15 conduct the hearing, and shall render a written determination within 15 days after the close of
16 the hearing. If the Zoning Administrator shall determine that the initial determination was in
17 error, that officer shall issue and record a Notice of Revocation of Suspension of Eligibility.
18 Any appeal of the determination of the Zoning Administrator shall be filed with the Board of
19 *Permit* Appeals within 20 days of the date of the written determination following a hearing or, if
20 no hearing has been requested, within 20 days after the initial determination becomes final.

21 (3) If after an appeal to the Board of *Permit* Appeals it is determined that an unlawful
22 alteration or demolition has occurred, or if no appeal is taken of the determination by the
23 Zoning Administrator of such a violation, the Zoning Administrator shall record in the Office of
24 the County Recorder a Notice of Cancellation of Eligibility for the lot, and shall mail to the
25 property owner a conformed copy of the recorded Notice. In the case of demolition of a

1 Significant or Contributory Building, the Zoning Administrator shall record a Notice of Special
2 Restriction noting the restriction on the floor area ratio of the Preservation Lot pursuant to the
3 provisions of Section 1114, and shall mail to the owner of record a certified copy of the Notice.
4 If after an appeal to the Board of ~~Permit~~ Appeals it is determined that no unlawful alteration or
5 demolition has occurred, the Zoning Administrator shall issue and record a Notice of
6 Revocation of Suspension of Eligibility and, if applicable, a Notice of Revocation of the Notice
7 of Special Restriction pursuant to Section 1114, and shall mail conformed copies of the
8 recorded notices to the owner of record.

9 (4) No notice recorded under this Section 128(f) shall affect the validity of TDR that
10 have been transferred from the affected Transfer Lot in compliance with the provisions of this
11 Section prior to the date of recordation of such notice, whether or not such TDR have been
12 used.

13 (g) **Procedure for Transfer of TDR.**

14 (1) DR from a single Transfer Lot may be transferred as a group to a single transferee
15 or in separate increments to several transferees. TDR may be transferred either directly from
16 the original owner of the TDR to the owner of a Development Lot or to persons, firms or
17 entities who acquire the TDR from the original owner of the TDR and hold them for
18 subsequent transfer to other persons, firms, entities or to the owners of a Development Lot or
19 Lots.

20 (2) When TDR are transferred, they shall be identified in each Certificate of Transfer
21 by a number. A single unit of TDR transferred from a Transfer Lot shall be identified by the
22 number "1." Multiple units of TDR transferred as a group for the first time from a Transfer Lot
23 shall be numbered consecutively from "1" through the number of units transferred. If a fraction
24 of a unit of TDR is transferred, it shall retain its numerical identification. (For example, if 5,000-
25 1/2 TDR are transferred in the initial transfer from the Transfer Lot, they would be numbered

1 "1 through 5,000 and one-half of 5,001.") TDR subsequently transferred from the Transfer Lot
2 shall be identified by numbers taken in sequence following the last number previously
3 transferred. (For example if the first units of gross floor area transferred from a Transfer Lot
4 are numbered 1 through 10,000, the next unit transferred would be number 10,001.) If
5 multiple units transferred from a Transfer Lot are subsequently transferred separately in
6 portions, the seller shall identify the TDR sold by numbers which correspond to the numbers
7 by which they were identified at the time of their transfer from the Transfer Lot. (For example,
8 TDR numbered 1 through 10,000 when transferred separately from the Transfer Lot in two
9 equal portions would be identified in the two Certificates of Transfer as numbers 1 through
10 5,000 and 5,001 through 10,000.) Once assigned numbers, TDR retain such numbers for the
11 purpose of identification through the process of transferring and using TDR. The phrase
12 "numerical identification," as used in this section, shall mean the identification of TDR by
13 numbers as described in this Subsection.

14 (3) Transfer of TDR from the Transfer Lot shall not be valid unless (i) a Statement of
15 Eligibility has been recorded in the Office of the County Recorder prior to the date of
16 recordation of the Certificate of Transfer evidencing such transfer and (ii) a Notice of
17 Suspension of Eligibility or Notice of Cancellation of Eligibility has not been recorded prior to
18 such transfer or, if recorded, has thereafter been withdrawn by an appropriate recorded Notice
19 of Revocation or a new Statement of Eligibility has been thereafter recorded.

20 (4) Transfer of TDR, whether by initial transfer from a Transfer Lot or by a subsequent
21 transfer, shall not be valid unless a Certificate of Transfer evidencing such transfer has been
22 prepared and recorded. The Zoning Administrator shall prepare a form of Certificate of
23 Transfer and all transfers shall be evidenced by documents that are substantially the same as
24 the Certificate of Transfer form prepared by the Zoning Administrator, which form shall contain
25 at least the following:

1 (i) For transfers from the Transfer Lot only:
2 (aa) Execution and acknowledgement by the original owner of TDR as the
3 transferor(s) of the TDR; and
4 (bb) Execution and acknowledgment by the Zoning Administrator; and
5 (cc) A notice, prominently placed and in all capital letters, preceded by the underlined
6 heading "Notice of Restriction," stating that the transfer of TDR from the Transfer Lot
7 permanently reduces the development potential of the Transfer Lot by the amount of TDR
8 transferred, with reference to the provisions of this Section.

9 (ii) For all transfers:
10 (aa) The address, legal description, Assessor's Block and Lot, and C-3 use district of
11 the Transfer Lot from which the TDR originates; and
12 (bb) The amount and sale price of TDR transferred; and
13 (cc) Numerical identification of the TDR being transferred; and
14 (dd) The names and mailing addresses of the transferors and transferees of the TDR;
15 and
16 (ee) Execution and acknowledgment by the transferors and transferees of the TDR;
17 and
18 (ff) A reference to the Statement of Eligibility, including its recorded instrument number
19 and date of recordation, and a recital of all previous transfers of the TDR, including the names
20 of the transferors and transferees involved in each transfer and the recorded instrument
21 number and date of recordation of each Certificate of Transfer involving the TDR, including
22 the transfer from the Transfer Lot which generated the TDR.

23 (5) When a Certificate of Transfer for the transfer of TDR from a Transfer Lot is
24 presented to the Zoning Administrator for execution, that officer shall not execute the
25 document if a transfer of the TDR would be prohibited by any provision of this Section or any

1 other provision of this Code. The Zoning Administrator shall, within five business days from
2 the date that the Certificate of Transfer is submitted for execution, either execute the
3 Certificate of Transfer or issue a written determination of the grounds requiring a refusal to
4 execute the Certificate.

5 (6) Each duly executed and acknowledged Certificate of Transfer containing the
6 information required herein shall be presented for recordation in the Office of the County
7 Recorder and shall be recorded by the County Recorder. The County Recorder shall be
8 instructed to mail the original Certificate of Transfer to the person and address designated
9 thereon and shall be given a copy of the Certificate of Transfer and instructed to conform the
10 copy and mail it to the Zoning Administrator.

11 (h) **Certificate of Transfer of TDR for a Project on a Development Lot.**

12 (1) When the use of TDR is necessary for the approval of a building permit for a
13 project on a Development Lot, the ~~Superintendent~~ Director of the ~~Bureau~~ Department of Building
14 Inspection shall not approve issuance of the permit unless the Zoning Administrator has
15 issued a written certification that the owner of the Development Lot owns the required number
16 of TDR. When the transfer of TDR is necessary for the approval of a site permit for a project
17 on a Development Lot, the Zoning Administrator shall impose as a condition of approval of the
18 site permit the requirement that the ~~Superintendent~~ Director of the ~~Bureau~~ Department of Building
19 Inspection shall not issue the first addendum to the site permit unless the Zoning
20 Administrator has issued a written certification that the owner of the Development Lot owns
21 the required number of TDR.

22 (2) In order to obtain certification as required in Section 128(h)(1), the permit applicant
23 shall present to the Zoning Administrator:

24 (i) Information necessary to enable the Zoning Administrator to prepare the Notice of
25 Use of TDR, which information shall be at least the following:

1 (aa) The address, legal description, Assessor's Block and Lot, and zoning
2 classification of the Development Lot;

3 (bb) The name and address of the owner of record of the Development Lot;

4 (cc) Amount and numerical identification of the TDR being used;

5 (dd) A certified copy of each Certificate of Transfer evidencing transfer to the owner of
6 the Development Lot of the TDR being used; and

7 (ii) A report from a title insurance company showing the holder of record of the TDR to
8 be used, all Certificate of Transfer of the TDR, and all other matters of record affecting such
9 TDR. In addition to showing all such information, the report shall guarantee that the report is
10 accurate and complete and the report shall provide that in the event that its guarantee or any
11 information shown in the report is incorrect, the title company shall be liable to the City for the
12 fair market value of the TDR at the time of the report. The liability amount shall be not less
13 than \$10,000 and no more than \$1,000,000, the appropriate amount to be determined by the
14 Zoning Administrator based on the number of TDR being used.

15 (iii) An agreement whereby the owner of the Development Lot shall indemnify the City
16 against any and all loss, cost, harm or damage, including attorneys' fees, arising out of or
17 related in any way to the assertion of any adverse claim to the TDR, including any loss, cost,
18 harm or damage occasioned by the passive negligence of the City and excepting only that
19 caused by the City's sole and active negligence. The indemnity agreement shall be secured
20 by a financial balance sheet certified by an auditor or a corporate officer showing that the
21 owner has assets equal to or greater than the value of the TDR, or other security satisfactory
22 to Planning Department and the City Attorney.

23 (3) If the Zoning Administrator determines that the project applicant has complied with
24 the provisions of Subsection (h)(2) and all other applicable provisions of this Section, and that
25 the applicant is the owner of the TDR, that officer shall transmit to the ~~Superintendent~~ Director

1 of the ~~Bureau~~ Department of Building Inspection, with a copy to the project applicant, written
2 certification that the owner of the Development Lot owns the TDR. Prior to transmitting such
3 certification, the Zoning Administrator shall prepare a document entitled Notice of Use of TDR
4 stating that the TDR have been used and may not be further transferred, shall obtain the
5 execution and acknowledgment on the Notice of the owner of record of the Development Lot,
6 shall execute and acknowledge the Notice, shall record it in the Office of the County
7 Recorder, and shall mail to the owner of record of the Development Lot a conformed copy of
8 the recorded Notice. If the Zoning Administrator determines that the project applicant is not
9 the owner of the TDR, or has not complied with all applicable provisions of this Section, that
10 determination shall be set forth in writing along with the reasons therefore. The Zoning
11 Administrator shall either transmit certification or provide a written determination that
12 certification is inappropriate within 10 business days after the receipt of all information
13 required pursuant to Subsection (h)(2).

14 (i) **Cancellation of Notice of Use; Transfer from Development Lot.**

15 (1) The owner of a Development Lot for which a Notice of Use of TDR has been
16 recorded may apply for a Cancellation of Notice of Use if (i) the building permit or site permit
17 for which the Notice of Use was issued expires or was revoked or cancelled prior to
18 completion of the work for which such permit was issued and the work may not be carried out;
19 or (ii) any administrative or court decision is issued or any ordinance or initiative or law is
20 adopted which does not allow the applicant to make use of the permit; or (iii) a portion or all of
21 such TDR are not used.

22 (2) If the Zoning Administrator determines that the TDR have not been and will not be
23 used on the Development Lot based on the reasons set forth in subsection (i)(1), the Zoning
24 Administrator shall prepare the Cancellation of Notice of Use of TDR. If only a portion of the
25 TDR which had been acquired are not being used, the applicant may identify which TDR will

1 not be used and the Cancellation of Notice of Use of TDR shall apply only to those TDR. The
2 Zoning Administrator shall obtain on the Cancellation of Notice of Use of TDR the signature
3 and acknowledgment of the owner of record of the Development Lot as to which the Notice of
4 Use of TDR was recorded, shall execute and acknowledge the document, and shall record it
5 in the office of the County Recorder.

6 (3) Once a Cancellation of Notice of Use of TDR has been recorded, the owner of the
7 Development Lot may apply for a Statement of Eligibility in order to transfer the TDR identified
8 in that document. The procedures and requirements set forth in this Section governing the
9 transfer of TDR shall apply to the transfer of TDR from the owner of a Development Lot after a
10 Notice of Use has been filed, except for the provisions of this Section permanently restricting
11 the development potential of a Transfer Lot upon the transfer of TDR; provided, however, that
12 the district or districts to which the TDR may be transferred shall be the same district or
13 districts to which TDR could have been transferred from the Transfer Lot that generated the
14 TDR.

15 (j) **Erroneous Notice of Use; Revocation of Permit.** If the Zoning Administrator
16 determines that a Notice of Use of TDR was issued or recorded in error, that officer may direct
17 the ~~Superintendent~~ Director of the ~~Bureau~~ Department of Building Inspection to suspend any
18 permit issued for a project using such TDR, in which case the ~~Superintendent~~ Director of the
19 Department of Building Inspection shall comply with that directive. The Zoning Administrator
20 shall thereafter conduct a noticed hearing in order to determine whether the Notice of Use of
21 TDR was issued or recorded in error. If it is determined that the Notice of Use of TDR was
22 issued or recorded in error, the Superintendent of the ~~Bureau~~ Department of Building Inspection
23 shall revoke the permit; provided, however, that no permit authorizing such project shall be
24 revoked if the right to proceed thereunder has vested under California law. If it is determined
25

1 that the Notice of Use of TDR was not issued or recorded in error, the permit shall be
2 reinstated.

3 (k) **Effect of Repeal or Amendment.** TDR shall convey the rights granted herein only
4 so long and to the extent as authorized by the provisions of this Code. Upon repeal of such
5 legislative authorization, TDR shall there after convey no rights or privileges. Upon
6 amendment of such legislative authorization, TDR shall thereafter convey only such rights and
7 privileges as are permitted under the amendment. No Statement of Eligibility shall convey any
8 right to use, transfer or otherwise utilize TDR if the maximum floor area ratio for the Transfer
9 Lot is reduced after the Statement of Eligibility is issued.

10 (l) **Preservation Rehabilitation, and Maintenance Requirements for Preservation**
11 **Lots.**

12 (1) In addition to the material required to be submitted with an application for a
13 Statement of Eligibility set forth in subsection 128(e), the owner of the Preservation Lot shall:

14 (i) Demonstrate that any and all outstanding Notices of Violation have been abated;
15 and

16 (ii) Submit for approval by the Department a Preservation, Rehabilitation, and
17 Maintenance Plan that describes any proposed preservation and rehabilitation work and that
18 guarantees the maintenance and upkeep of the Preservation Lot. This Plan shall include:

19 (aa) a plan for the ongoing maintenance of the Preservation Lot;

20 (bb) information regarding the nature and cost of any rehabilitation, restoration or
21 preservation work to be conducted on the Preservation Lot, including information about any
22 required seismic, life safety, or disability access work;

23 (cc) a construction schedule; and

24 (dd) any other such information as the Department may require to determine
25 compliance of this subsection 128(l).

1 All such work, shall comply with the Secretary of the Interior's Standards for the
2 Treatment of Historic Properties. The requirements of the approved Plan shall be recorded
3 along with the final Statement of Eligibility in the Office of the County Recorder.

4 Notwithstanding the foregoing, the owner of the Preservation Lot may apply to the
5 Department for a hardship exemption from the requirements of subsection (i). Such hardship
6 exemption shall demonstrate to the satisfaction of the Department that sale of TDR is
7 necessary to fund the work required to cure the outstanding Notice(s) of Violation on the
8 Preservation Lot.

9 (2) Approval of the Statement of Eligibility shall be conditioned on execution of the
10 requirements described in subsection (I)(1). Once a Statement of Eligibility has been issued
11 and a Notice of Special Restrictions has been recorded on the property, the owner of the
12 Preservation Lot, at the owner's sole discretion, may withdraw from the TDR program prior to
13 the sale of any TDR. The Department shall rescind the Statement of Eligibility and request
14 removal of such condition(s) on the Preservation Lot. Once any TDR is transferred from the
15 Preservation Lot, the Statement of Eligibility and conditions may not be withdrawn.

16 (3) Within one year of the issuance of the Statement of Eligibility, the owner of the
17 Preservation Lot shall submit a status report to the Department detailing how the
18 requirements of subsection (I)(1) have been completed and describing ongoing maintenance
19 activities. Such report shall include: (i) information detailing the work completed; (ii) copies of
20 all permits obtained for the work, including any Certificates of Appropriateness or Permits to
21 Alter; (iii) any inspection reports or other documentation from the Department of Building
22 Inspection showing completion of the work; (iv) itemized receipts of payment for work
23 performed; and (v) any such other documentation as the Department may require to
24 determine compliance with the requirements of this subsection 128(I). The deadline for
25 completion of the work and submittal of this report may be extended at the discretion of the

1 Department upon application of the owner of the Preservation Lot and only upon a showing
2 that the owner has diligently pursued all required permits and completion of the work.

3 (4) Failure to comply with the requirements of this subsection (l), including all reporting
4 requirements, shall be grounds for enforcement under this Code, including but not limited to
5 under Sections 176 and 176.1. Penalties for failure to comply may include, but shall not be
6 limited to, a lien on the Preservation Lot equal to the sale price of the TDR sold.

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

9 Except as provided in Sections 134.1, 172 and 188 of this Code, usable open space
10 shall be provided for each dwelling and each group housing structure in R, NC, C, Mixed Use,
11 and M Districts according to the standards set forth in this Section unless otherwise specified
12 in specific district controls elsewhere in this Code.

13 (a) **Character of Space Provided.** Usable open space shall be composed of an
14 outdoor area or areas designed for outdoor living, recreation or landscaping, including such
15 areas on the ground and on decks, balconies, porches and roofs, which are safe and suitably
16 surfaced and screened, and which conform to the other requirements of this Section. Such
17 area or areas shall be on the same lot as the dwelling units (or bedrooms in group housing)
18 they serve, and shall be designed and oriented in a manner that will make the best practical
19 use of available sun and other climatic advantages. "Private usable open space" shall mean
20 an area or areas private to and designed for use by only one dwelling unit (or bedroom in
21 group housing). "Common usable open space" shall mean an area or areas designed for use
22 jointly by two or more dwelling units (or bedrooms in group housing).

23 (b) **Access.** Usable open space shall be as close as is practical to the dwelling unit
24 (or bedroom in group housing) for which it is required, and shall be accessible from such
25 dwelling unit or bedroom as follows:

1 (1) Private usable open space shall be directly and immediately accessible from such
2 dwelling unit or bedroom; and shall be either on the same floor level as such dwelling unit or
3 bedroom, with no more than one story above or below such floor level with convenient private
4 access.

5 (2) Common usable open space shall be easily and independently accessible from
6 such dwelling unit or bedroom, or from another common area of the building or lot.

7 (c) **Permitted Obstructions.** In the calculation of either private or common usable
8 open space, those obstructions listed in Sections 136 and 136.1 of this Code for usable open
9 space shall be permitted.

10 (d) **Amount Required.** Usable open space shall be provided for each building in the
11 amounts specified herein and in Table 135 for the district in which the building is located;
12 provided, however, that in the Downtown Residential (DTR) Districts, open space shall be
13 provided in the amounts specified in Section 825.

14 In Neighborhood Commercial Districts, the amount of usable open space to be
15 provided shall be the amount required in the nearest Residential District, but the minimum
16 amount of open space required shall be in no case greater than the amount set forth in Table
17 135A for the district in which the building is located. The distance to each Residential District
18 shall be measured from the midpoint of the front lot line or from a point directly across the
19 street there from, whichever requires less open space.

20 (1) For dwellings other than SRO dwellings, except as provided in Paragraph (d)(3)
21 below, the minimum amount of usable open space to be provided for use by each dwelling
22 unit shall be as specified in the second column of Table 135A if such usable open space is all
23 private. Where common usable open space is used to satisfy all or part of the requirement for
24 a dwelling unit, such common usable open space shall be provided in an amount equal to
25 1.33 square feet for each one square foot of private usable open space specified in the

1 second column of Table 135A. In such cases, the balance of the required usable open space
2 may be provided as private usable open space, with full credit for each square foot of private
3 usable open space so provided.

4 (2) For group housing structures and SRO units, the minimum amount of usable open
5 space provided for use by each bedroom shall be 1/3 the amount required for a dwelling unit
6 as specified in Paragraph (d)(1) above. For purposes of these calculations, the number of
7 bedrooms on a lot shall in no case be considered to be less than one bedroom for each two
8 beds. Where the actual number of beds exceeds an average of two beds for each bedroom,
9 each two beds shall be considered equivalent to one bedroom.

10 (3) For dwellings specifically designed for and occupied by senior citizens ~~or physically~~
11 ~~handicapped persons~~, as defined and regulated by Section 102.6.1 200.1(m) of this Code, the
12 minimum amount of usable open space to be provided for use by each dwelling unit shall be
13 ~~1/2~~ one-half the amount required for each dwelling unit as specified in Paragraph (d)(1) above.

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

standards of Section 145.1 and the Ground Floor Residential Design Guidelines may be counted toward the open space requirement as private non-common open space.

**TABLE 135A
MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING
OUTSIDE THE EASTERN NEIGHBORHOODS MIXED USE DISTRICT**

| District | Square Feet Of Usable Open Space Required For Each Dwelling Unit If All Private | Ratio of Common Usable Open Space That May Be Substituted for Private |
|--|--|--|
| RH-1(D), RH-1 | 300 | 1.33 |
| RH-1(S) | 300 for first unit; 100 for minor second unit | 1.33 |
| RH-2 | 125 | 1.33 |
| RH-3 | 100 | 1.33 |
| RM-1, RC-1, RTO, RTO-M | 100 | 1.33 |
| RM-2, RC-2, SPD | 80 | 1.33 |
| RM-3, RC-3, RED | 60 | 1.33 |
| RM-4, RC-4, RSD | 36 | 1.33 |
| C-3, C-M, SLR, SLI, SSO, M-1, M-2 | 36 | 1.33 |
| C-1, C-2 | Same as for the R District establishing the dwelling unit density ratio for the C-1 or C-2 District property | |
| NC-1, NC-2, NCT-1, NCT-2, NC-S, Inner Sunset, Sacramento Street, West Portal Avenue, Ocean Avenue | 100 | 1.33 |
| NC-3, Castro Street, Inner Clement Street, Outer Clement Street, Upper Fillmore Street, Haight Street, Union Street, | 80 | 1.33 |

| | | | |
|---|---|---|------|
| 1 | Valencia Street, 24th Street-Mission, 24th Street-Noe Valley, NCT-3, SoMa, Mission Street | | |
| 2 | | | |
| 3 | Broadway, Hayes-Gough, Upper Market Street, North Beach, Polk Street | 60 | 1.33 |
| 4 | Chinatown Community Business, Chinatown Residential Neighborhood Commercial, Chinatown Visitor Retail | 48 | 1.00 |
| 5 | | | |
| 6 | | | |
| 7 | DTR | This table not applicable. 75 square feet per dwelling. See Sec. 135(d)(4). | |
| 8 | | | |

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| 9 | TABLE 135B MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING IN THE EASTERN NEIGHBORHOODS MIXED USE DISTRICTS | | |
| 10 | | | |
| 11 | Square feet of usable open space per dwelling unit, if not publicly accessible | Square feet of usable open space per dwelling unit, if publicly accessible | Percent of open space that may be provided off site |
| 12 | | | |
| 13 | 80 square feet | 54 square feet | 50% |
| 14 | | | |

15 (e) **Slope.** The slope of any area credited as either private or common usable open space shall not exceed five percent.

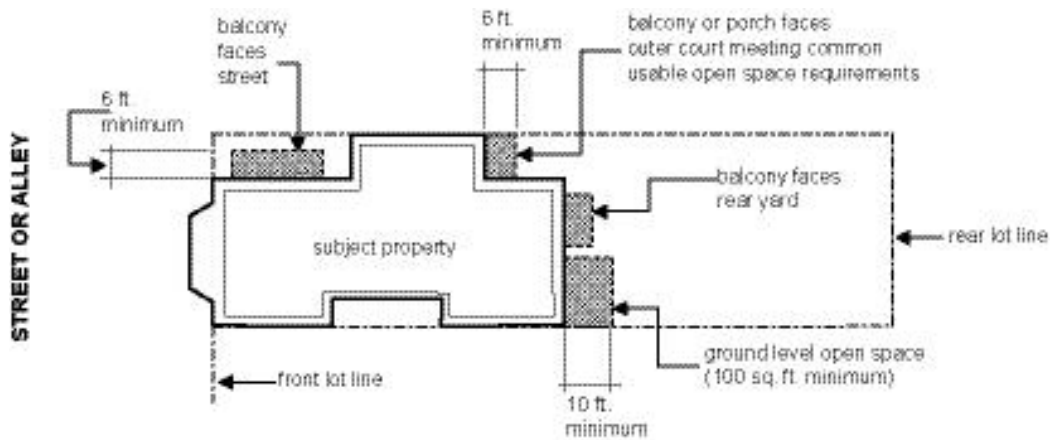
16 (f) **Private Usable Open Space: Additional Standards.**

17 (1) **Minimum Dimensions and Minimum Area.** Any space credited as private usable open space shall have a minimum horizontal dimension of six feet and a minimum area of 36 square feet if located on a deck, balcony, porch or roof, and shall have a minimum horizontal dimension of 10 feet and a minimum area of 100 square feet if located on open ground, a terrace or the surface of an inner or outer court.

18 (2) **Exposure.** In order to be credited as private usable open space, an area must be kept open in the following manner:

1 (A) For decks, balconies, porches and roofs, at least 30 percent of the perimeter must
2 be unobstructed except for necessary railings.

3 (B) In addition, the area credited on a deck, balcony, porch or roof must either face a
4 street, face or be within a rear yard, or face or be within some other space which at the level
5 of the private usable open space meets the minimum dimension and area requirements for
6 common usable open space as specified in Paragraph 135(g)(1) below.



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16 (C) Areas within inner and outer courts, as defined by this Code, must either conform
17 to the standards of Subparagraph (f)(2)(B) above or be so arranged that the height of the
18 walls and projections above the court on at least three sides (or 75 percent of the perimeter,
19 whichever is greater) is such that no point on any such wall or projection is higher than one
20 foot for each foot that such point is horizontally distant from the opposite side of the clear
21 space in the court, regardless of the permitted obstruction referred to in Subsection 135(c)
22 above.

23 (3) **Fire Escapes as Usable Open Space.** Normal fire escape grating shall not be
24 considered suitable surfacing for usable open space. The steps of a fire escape stairway or
25 ladder, and any space less than six feet deep between such steps and a wall of the building,

1 shall not be credited as usable open space. But the mere potential use of a balcony area for
2 an emergency fire exit by occupants of other dwelling units (or bedrooms in group housing)
3 shall not prevent it from being credited as usable open space on grounds of lack of privacy or
4 usability.

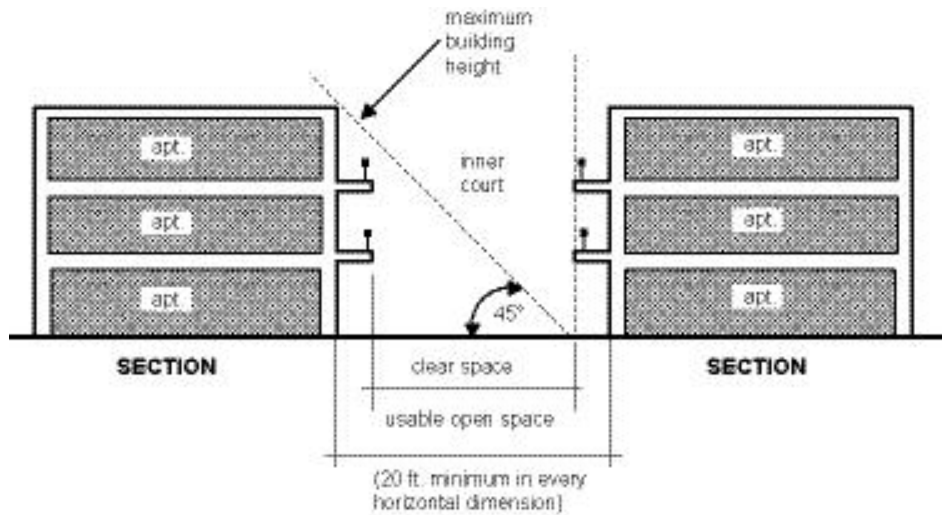
5 (4) **Use of Solariums.** In C-3 Districts, the area of a totally or partially enclosed
6 solarium shall be credited as private usable open space if (i) such area is open to the
7 outdoors through openings or clear glazing on not less than 50 percent of its perimeter and (ii)
8 not less than 30 percent of its overhead area and 25 percent of its perimeter are open or can
9 be opened to the air.

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

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

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

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



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

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

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

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

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

21 (C) An unenclosed pedestrian pathway which complies with the standards of Section
22 270.2 and which is consistent with applicable design guidelines.

23 (D) Streetscape improvements with landscaping and pedestrian amenities that result
24 in additional pedestrian space beyond the pre-existing sidewalk width and conform to the
25 Better Streets Plan and any other applicable neighborhood streetscape plans per Section

1 138.1 or other related policies such as those associated with sidewalk widenings or building
2 setbacks, other than those intended by design for the use of individual ground floor residential
3 units; and

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

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

7 (B) Be appropriately landscaped;

8 (C) Be protected from uncomfortable winds;

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

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

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

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

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

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

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

23 (4) **Informational Plaque:** Prior to issuance of a permit of occupancy, a plaque shall
24 be placed in a publicly conspicuous location outside the building at street level, or at the site
25 of any publicly-accessible open space. The plaque shall identify said open space feature and

1 its location, stating the right of the public to use the space and the hours of use, describing its
2 principal required features (e.g., number of seats or other defining features) and stating the
3 name, telephone number, and address of the owner or owner's agent responsible for
4 maintenance. The plaque shall be of no less than 24 inches by 36 inches in size unless
5 specifically reduced by the Zoning Administrator in cases where the nature, size, or other
6 constraints of the open space would make the proscribed dimensions inappropriate.

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

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

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

24 (2) **DTR Districts.** In DTR Districts the provision of off-site publicly accessible open
25 space may be counted toward the requirements of residential open space per the procedures

1 of Section 309.1 provided it is within the individual DTR district of the project or within 500 feet
2 of any boundary of the individual DTR district of the project, and meets the standards of
3 subsection (h).

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

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

21 (3) **Ocean Avenue NCT.** In the Ocean Avenue NCT District, the provision of off-site
22 publicly accessible open space may be credited toward the residential usable open space
23 requirement subject to the procedures of Section 303. Any such open space shall meet the
24 publicly accessible open space standards set forth in Section 135(h) and be provided within
25 800 feet of the project. No more than 50 percent of a project's usable open space requirement

1 may be satisfied off-site. The publicly accessible off-site usable open space shall be
2 constructed, completed, and ready for use no later than the project itself, and shall receive its
3 certificate of final completion from the Department of Building Inspection prior to the issuance
4 of any certificate of final completion or temporary certificate of occupancy for the project itself.

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

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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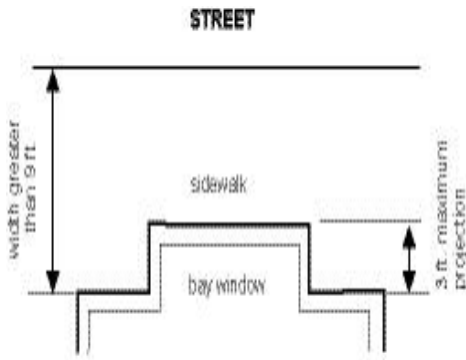
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| | | | | (3) Obstructions within side yards and rear yards, as required by Sections 133 and 134 of this Code; |
| | | | | (4) Obstructions within usable open space, as required by Section 135 of this Code. |
| | | | | (b) No obstruction shall be constructed, 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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| | | | | <p>(B) At every other level, one foot over streets and alleys and into setbacks, and</p> |
| | | | | <p>(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;</p> |
| <p>x</p> | <p>x</p> | <p>x</p> | <p>x</p> | <p>(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).</p> |

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| | | | | (A) The minimum headroom shall be 7" feet. |
| | | | | (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. |

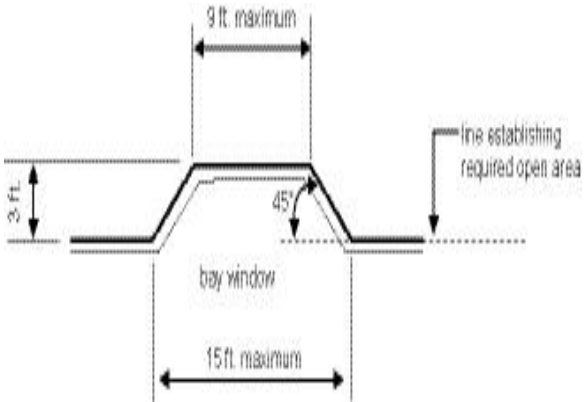


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| | | | | <p>(C) The glass areas of each bay window, and the open portions of each balcony, shall be not less than 50 percent of the sum of the areas of the vertical surfaces of such bay window or balcony above the required open area. At least 1/3 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.</p> |
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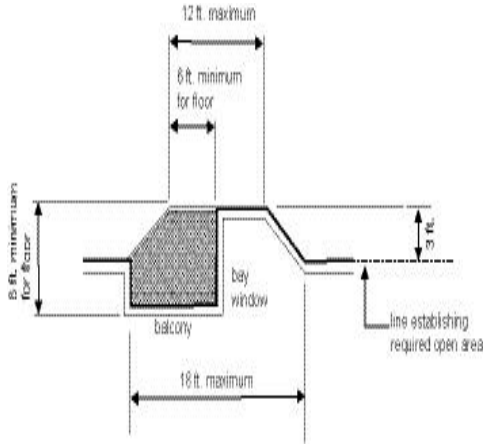
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(D) The maximum length of each bay window or balcony shall be 15 feet at the line establishing the required open area, and shall be reduced in proportion to the distance from such line by means of 45 degree angles drawn inward from the ends of such 15-foot dimension, reaching a maximum of nine feet along a line parallel to and at a distance of three feet from the line establishing the required open area.



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(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 limitations of Subparagraph (c)(2)(D) above shall be increased to a maximum length of 18 feet at the line establishing the required open area, and a maximum of 12 feet along a line parallel to and at a distance of three feet from the line establishing the required open area.

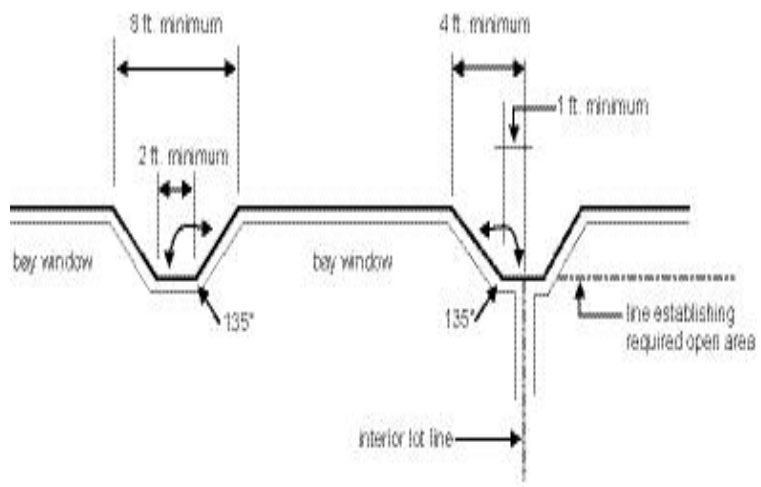


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| | | | | <p>(F) The minimum horizontal separation between bay windows, between balconies, and between bay windows and balconies (except where a bay window and a balcony are located immediately adjacent to one another, as provided for in Subparagraph (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 such separation increased in proportion to the distance from such line by means of a 135-degree angle drawn outward from such one-foot dimension, reaching a minimum of four feet along a line parallel to and at a distance of three feet from the line establishing the required open area;

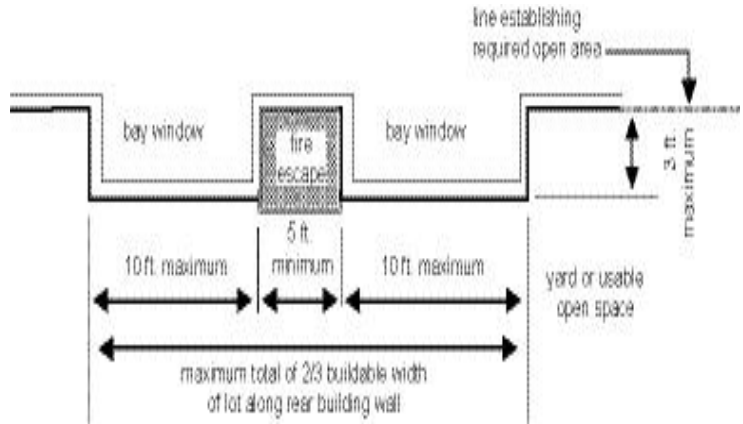


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| | | x | x | (3) Bay (projecting) windows, balconies (other than balconies used for primary access to two or more dwelling units or two or more bedrooms in group housing), and similar features that increase either the floor area of the building or 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). |
| | | | | (A) The minimum headroom shall be 7" feet. |
| | | | | (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. |
| | | | | (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. |

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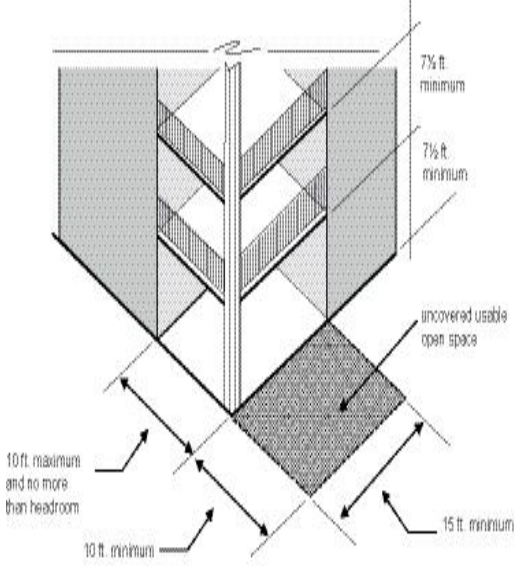
(D) The aggregate length of all bay windows and balconies projecting into the required open area shall be no more than 2/3 the buildable width of the lot along a rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the length of all open areas along the buildable length of an interior side lot line; in the case of yards, these limits on aggregate length shall apply to the aggregate of all bay windows, balconies, fire escapes and chimneys.



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| | | | | <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> |
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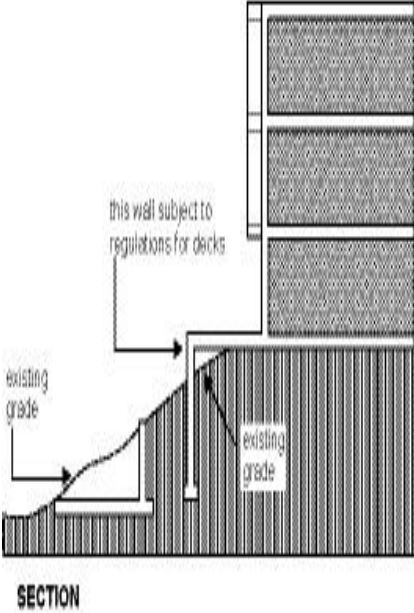
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| | | | X | <p>(5) Overhead horizontal projections other than those listed in Paragraphs (c)(1), (2), (3) and (4) above, leaving at least 7" feet of headroom, where the depth of any such projection is no greater than the headroom it leaves, and in no case is greater than 10 feet; and provided that, in the case of common usable open space at ground level, the open space under the projection directly adjoins uncovered usable open space that is at least 10 feet in depth and 15 feet in width;</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; |
| ≠ | | | | (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) Awnings, canopies, and Marquees, awnings and canopies in P, NC, C, M, MUG, MUO, MUR, UMU, RSD, SPD, SLR, SLI, DTR and SSO districts, 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>  |

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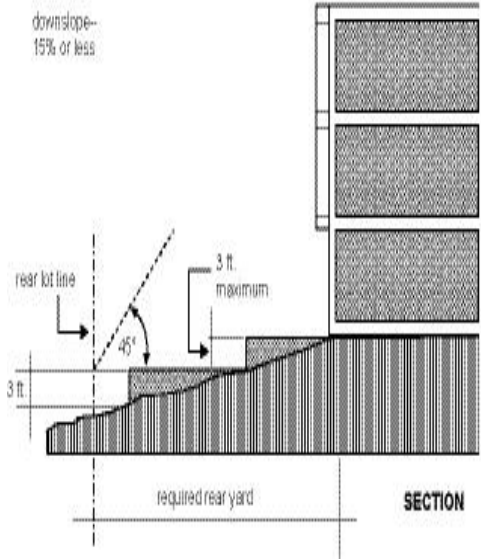
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| | x | x | x | (14) Steps of any type not more than three feet above grade, and uncovered stairways and landings not extending higher than the floor level of the adjacent first floor of occupancy above the ground story, and, in the case of yards and 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: |

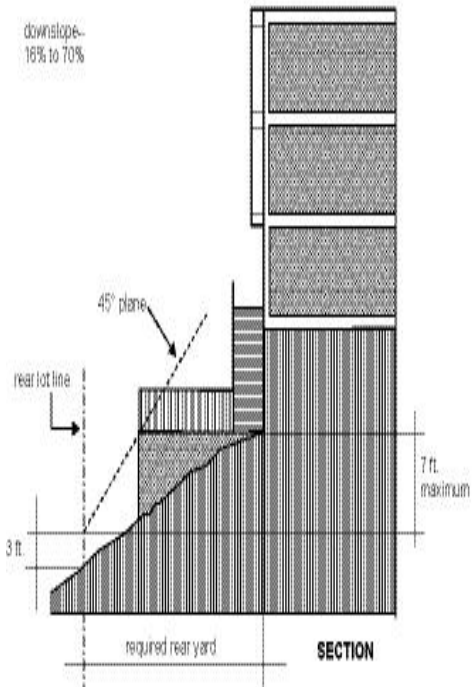
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(A) Slope of 15 percent or less. The floor of the deck shall not exceed a height of three feet above grade at any point in the required open area, nor shall such floor penetrate a plane made by a vertical angle 45 degrees above horizontal with its vertex three feet above grade at any lot line bordering the required open area,



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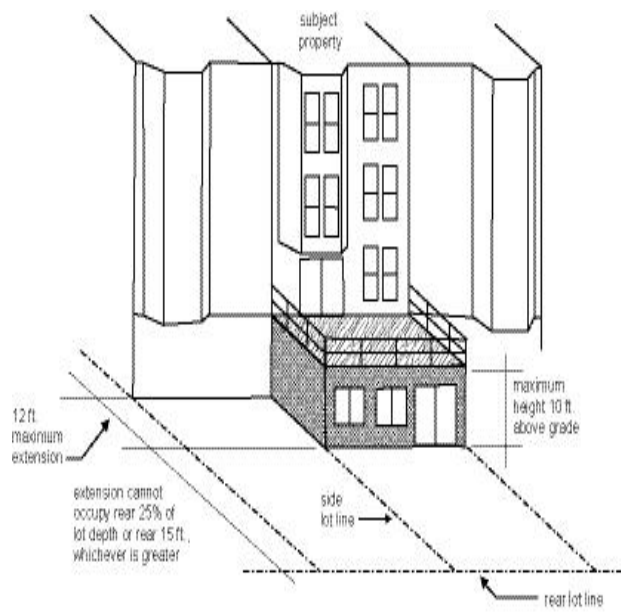
(B) Slope of more than 15 percent and no more than 70 percent. The floor of the deck shall not exceed a height of three feet above grade at any point along any lot line bordering the required open area, nor shall such floor penetrate a plane made by a vertical angle 45 degrees above horizontal with its vertex three feet above grade at any lot line bordering the required open area, except that when two or more lots are developed with adjacent decks whose floor levels differ by not more than three feet, whether or not the lots will remain in the same ownership, each deck may come all the way to the lot line adjacent to the other deck. In addition, the vertical distance measured up from grade to the floor of the deck shall not exceed seven feet at any point in the required open area,



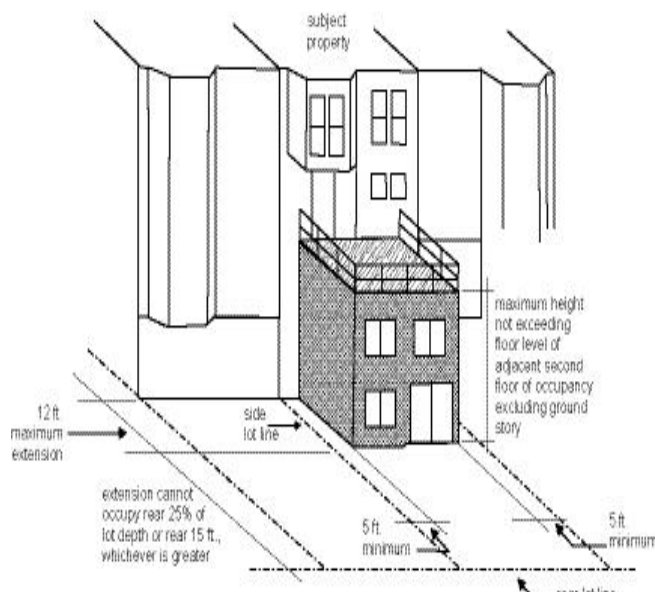
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| | | | | <p>(C) Slope of more than 70 percent. Because in these cases the normal usability of the required open area is seriously impaired by the slope, a deck covering not more than 1/3 the area of the required open area may be built exceeding the 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> |

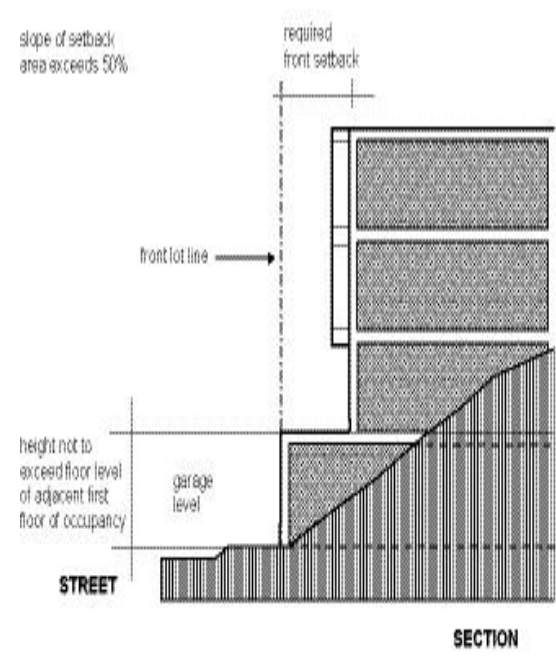
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| | | | | (A) The structure shall extend no more than 12 feet into the required open area; and shall not occupy any space within the rear 25 percent of the total depth of the lot, or within the rear 15 feet of the depth of the lot, whichever is greater, |
| | | | | (B) Within all parts of the required open area, the structure shall be limited in height to either: |
| | | | | (i) 10 feet above grade, or |
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| x | | | <p>(ii) A height not exceeding the floor level of the second floor of occupancy, excluding the ground story, at the rear of the building on the subject property, in which case the structure shall be no closer than five feet to any interior side 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>  <p>slope of setback area exceeds 50%</p> <p>required front setback</p> <p>front lot line</p> <p>height not to exceed floor level of adjacent first floor of occupancy</p> <p>garage level</p> <p>STREET</p> <p>SECTION</p> |

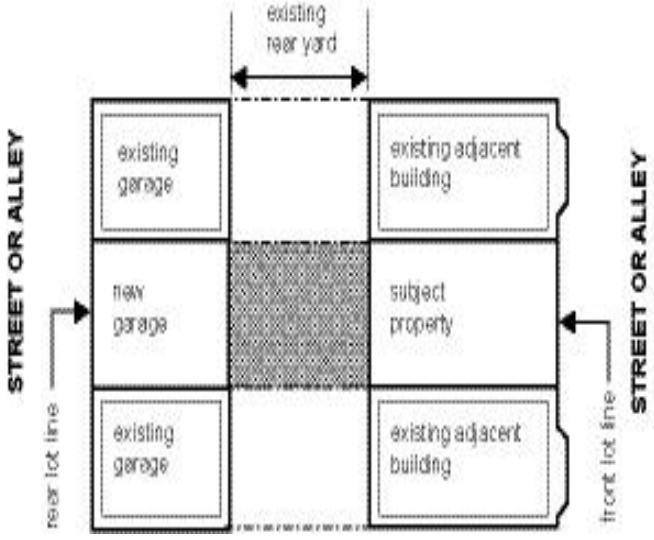
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| | * | | | <p>(28) — Garages, where both adjoining lots (or the one adjoining lot where the subject property is a corner lot) contain a garage structure within the required setback line or front setback area on the same street or alley frontage, provided 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;</p> |
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(28) (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 where the subject property is also a corner lot) contain a garage structure adjacent to the required rear yard on the subject property, 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 encroachment upon the required rear yard;



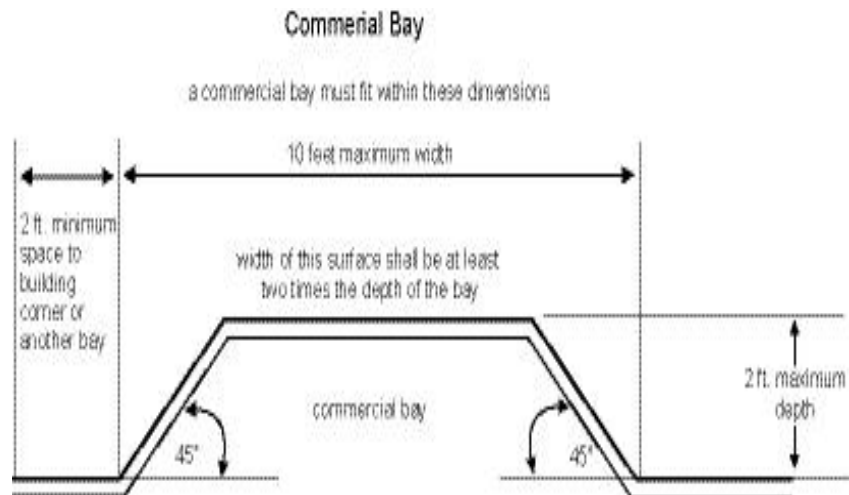
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| x | x | x | | <p>(29) (30) Driveways, for use only to provide necessary access to required or permitted parking that is located in the buildable area of the subject property other than in a required open area, and where such driveway has only the minimum width needed for such access, and in no case shall parking be allowed in the setback;</p> |
| | | x | x | <p>(30) (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) Decorative Architectural Features. 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> |

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| | | | | (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 nonresidential floors of a structure are permitted only if the width of the bay is at least two times its depth, the total width of all bays on a facade plane does not exceed 75% of the width of the facade plane, and the maximum horizontal (plan) dimensions of the bay fit within the dimensions set forth in the diagram below.



SEC. 136.1. AWNINGS, CANOPIES AND MARQUEES ~~IN NC, EASTERN NEIGHBORHOODS MIXED USE AND SOUTH OF MARKET MIXED USE DISTRICTS.~~

In addition to the limitations of Section 136, especially Paragraph 136(c)(12), the following provisions shall apply all NC, Eastern Neighborhoods Mixed Use and South of Market Mixed Use Districts.

In Residential and Residential Enclave Districts, awnings are permitted only for Limited Commercial Uses, as defined in Section 186 of this Code, for limited commercial uses permitted in

1 landmark buildings by Section 209.9(e), and for Limited Corner Commercial Uses as defined in Section
2 231 of this Code. Canopies and marquees are not permitted.

3 The addition or alteration of awnings, canopies, or marquees on a landmark site or in a historic
4 district shall require a certificate of appropriateness, in accordance with Section 1006 et seq. of this
5 Code. Signage on awnings, canopies, and marquees may be further regulated by Article 6 of this Code.

6 (a) **Awnings.** ~~Awnings, as defined in Section 790.20 of this Code,~~ shall be regulated ~~in~~
7 ~~NC, Eastern Neighborhoods Mixed Use and South of Market Mixed Use Districts~~ as set forth below.

8 An awning is a light roof-like structure supported entirely by the exterior wall of a building;
9 consisting of a fixed or movable frame covered with cloth, plastic or metal; extending over doors,
10 windows, and/or show windows; with the purpose of providing protection from sun and rain and/or
11 embellishment of the facade. Awnings may not be directly illuminated, but may be indirectly
12 illuminated or nonilluminated.

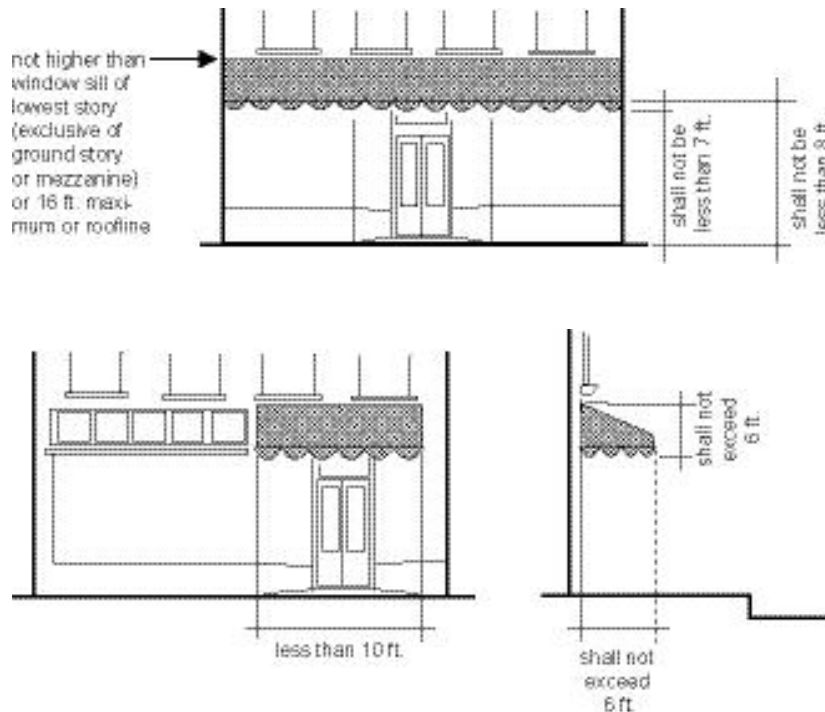
13 All portions of any permitted awning shall be not less than eight feet above the finished
14 grade, excluding any valance which shall not be less than seven feet above the finished
15 grade. No portion of any awning shall be higher than the windowsill level of the lowest story (if
16 any) exclusive of the ground story and mezzanine, or extend above the bottom of a projecting
17 upper-story window bay, or cover any belt cornice or horizontal molding, provided that no such
18 awning shall in any case exceed a height of 16 feet or the roofline of the building to which it is
19 attached, whichever is lower. Where external piers or columns define individual storefront bays, an
20 awning may not cover such piers or columns.

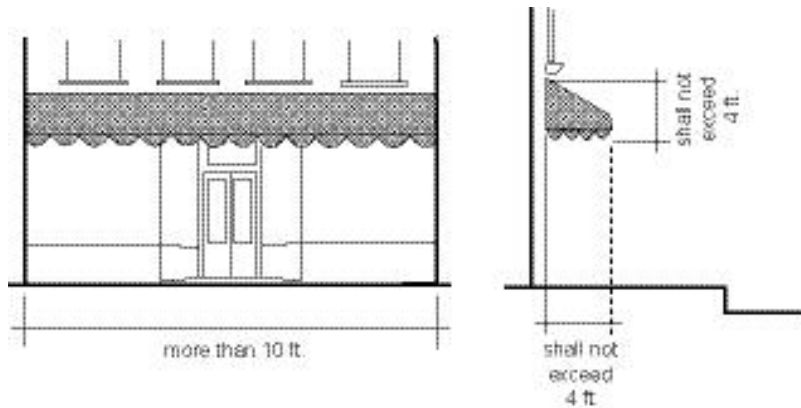
21 (1) **Residential, Residential Enclave, NC-1, NCT-1, and CRNC Districts.** The horizontal
22 projection of any awning shall not exceed four feet from the face of a building. The vertical
23 distance from the top to the bottom of any awning shall not exceed four feet, including any
24 valance. Awnings for Limited Commercial Uses in Residential and Residential Enclave Districts may
25

1 be located only along the building frontage dedicated to commercial use, and may not extend above the
2 ground floor. Only awnings covered with cloth are permitted in the Residential Districts.

3 (2) **All Other NC, ~~Eastern Neighborhoods Mixed Use and South of Market Mixed Use~~**
4 **Districts.** When the width of all awnings is 10 feet or less along the direction of the street, the
5 horizontal projection of such awnings shall not exceed six feet from the face of any supporting
6 building and the vertical distance from the top to the bottom of such awnings shall not exceed
7 six feet, including any valance. When the width of all awnings exceeds 10 feet measured
8 along the direction of the street, the horizontal projection of such awnings shall not exceed
9 four feet from the face of the supporting building and the vertical distance from the top to the
10 bottom of such awnings shall not exceed four feet, including any valance.

11 **NOTE:** These illustrations are diagrams showing maximum dimensions and are not
12 design examples.





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8 (b) **Canopies.** Canopies, ~~as defined in Section 790.26 of this Code,~~ shall be regulated in
9 *NC, Eastern Neighborhoods Mixed Use and South of Market Mixed Use Districts* as set forth below.

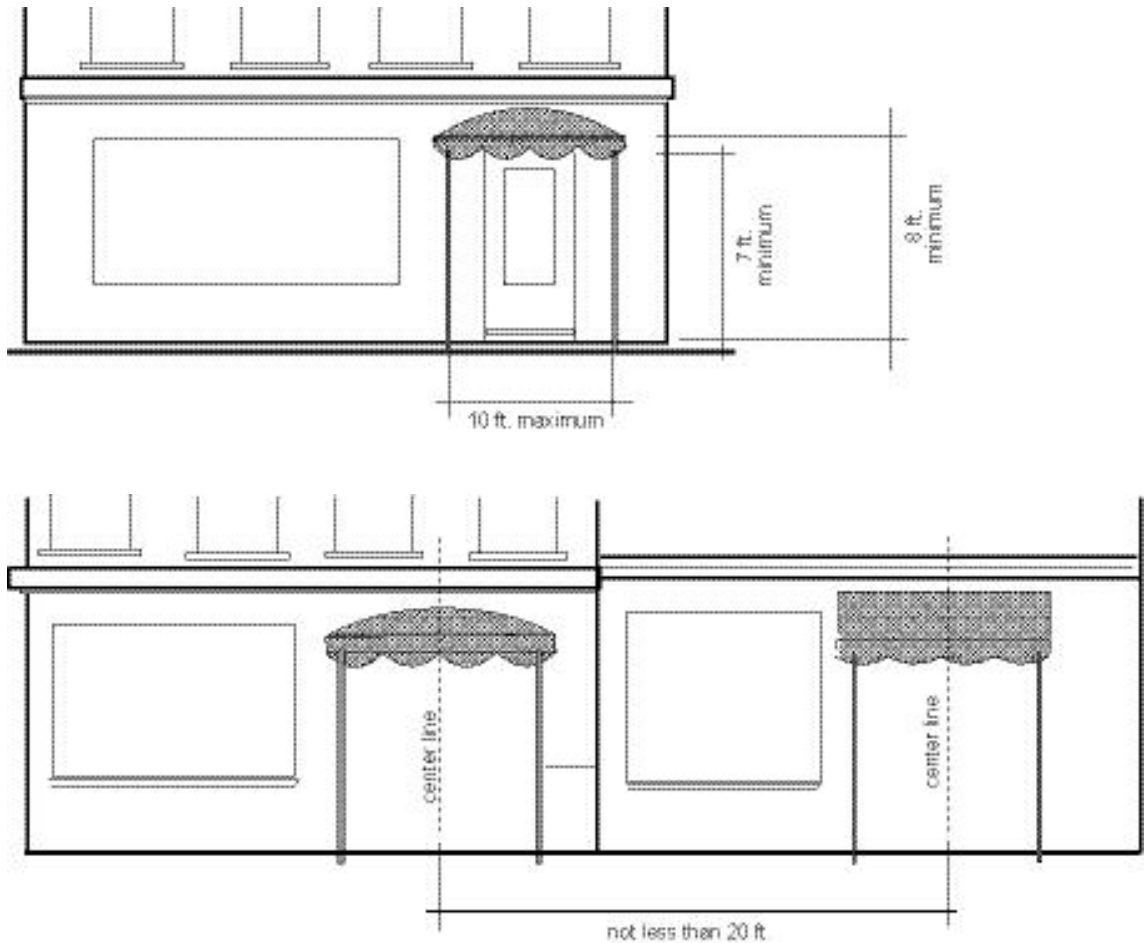
10 A canopy is a light roof-like structure supported by the exterior wall of a building and on
11 columns or wholly on columns; consisting of a fixed or movable frame covered with approved cloth,
12 plastic or metal; extending over entrance doorways only; with the purpose of providing protection from
13 sun and rain and/or embellishment of the facade. Canopies may not be directly illuminated, but may be
14 indirectly illuminated or nonilluminated.

15 (1) **Residential, Residential Enclave, NC-1, NCT-1, and CRNC Districts.** No canopy shall
16 be permitted in any *Residential, Residential Enclave, NC-1, NCT-1, or CRNC* District.

17 (2) **All Other NC, Eastern Neighborhoods Mixed Use and South of Market Mixed Use**
18 **Districts.** The maximum width of any canopy shall be 10 feet. The horizontal projection of
19 any canopy may extend to a point not closer than two feet from the curb. The outer column
20 support shall be located in the outer 1/3 of the sidewalk and shall be no less than four feet
21 from the building face to ensure adequate clear space along the sidewalk. The vertical
22 distance from the top to the bottom of the canopy shall not exceed an average of two feet,
23 including any valance. The highest point of the canopy shall not exceed a point four feet
24 above the door opening or 16 feet, whichever is less. All portions of any canopy, excluding
25 the column supports and excluding any valance which may be not less than seven feet above

1 the finished grade, shall be not less than eight feet above the finished grade. Canopies shall
2 not be spaced closer than 20 feet from each other, measured from centerline to centerline.

3 **NOTE:** These illustrations are diagrams showing maximum dimensions and are not
4 design examples.



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22 (c) **Marquees.** *Marquees, as defined in Section 790.58 of this Code,* shall be regulated in
23 *NC, Eastern Neighborhoods Mixed Use and South of Market Mixed Use Districts as set forth* below.

24 *A marquee is a permanent roofed structure attached to and supported entirely by a building,*
25 *including any object or decoration attached to or part of said marquee; no part of which shall be used*

1 for occupancy or storage; with the purpose of providing protection from sun and rain or embellishment
2 of the facade.

3 Exceptions to these requirements may be permitted for Historic Movie Theater Marquees,
4 subject to the standards and procedures of Section 602.9.3.

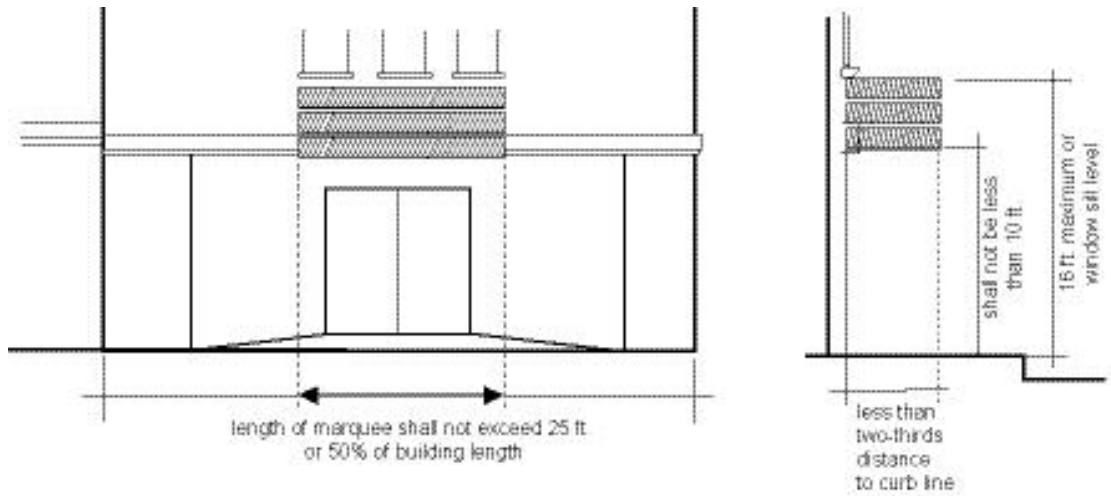
5 (1) **Residential, Residential Enclave, NC-1 NCT-1, and CRNC Districts.** No marquee
6 shall be permitted in any Residential, Residential Enclave, NC-1, NCT-1, or CRNC District.

7 (2) **All Other ~~NC, Eastern Neighborhoods Mixed Use and South of Market Mixed Use~~**
8 **Districts.** The vertical distance from the top to the bottom of any marquee shall not exceed
9 three feet and the horizontal projection shall not extend beyond a point not closer than two
10 feet from the curb.

11 (A) A marquee projecting more than 2/3 of the distance from the property line to the
12 curb line shall not exceed 10 feet or 50 percent of the length of the building along the direction
13 of the street, whichever is less. All portions of such marquee shall be not less than 12 feet nor
14 more than 16 feet in height above the finished grade, nor higher than the windowsill level
15 exclusive of the ground story and mezzanine. Each building frontage shall be considered
16 separately.

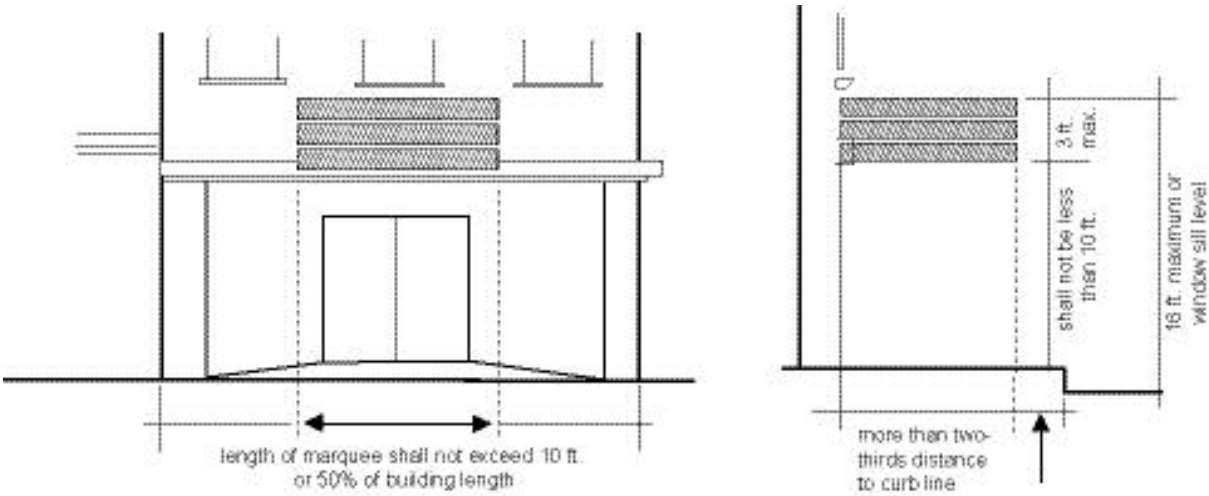
17 **NOTE:** These illustrations are diagrams showing maximum dimensions and are not
18 design examples.

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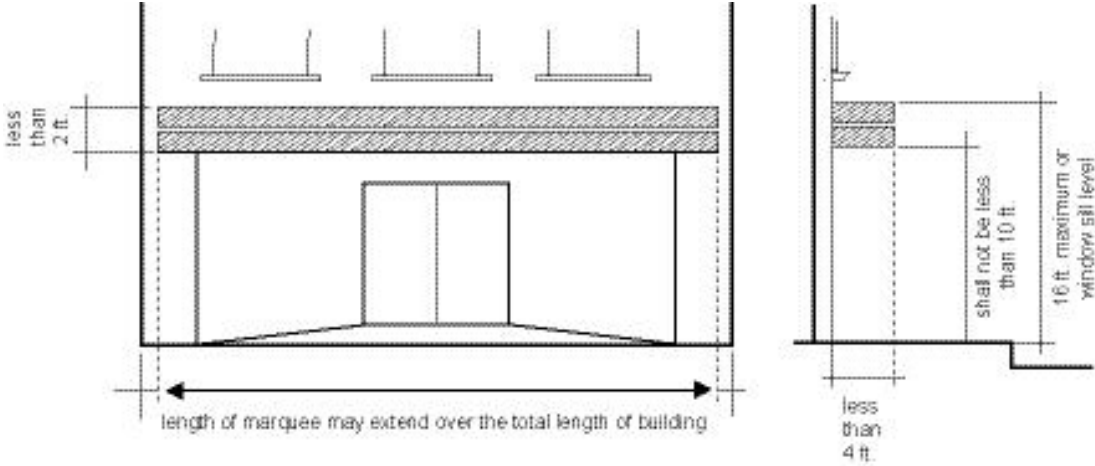
(B) A marquee projecting less than $\frac{2}{3}$ of the distance from the property line to the curb line shall not exceed 25 feet or 50 percent of the length of the building along the direction of the street, whichever is less. All portions of such marquee shall be not less than 10 feet nor more than 16 feet above the finished grade, nor higher than the windowsill level or windows on the building facade on which the marquee is placed, exclusive of the ground story and mezzanine. Each building frontage shall be considered separately.

NOTE: These illustrations are diagrams showing maximum dimensions and are not design examples.



1 (C) A marquee projecting less than four feet from the property line and not exceeding
2 two feet in thickness may extend over the total length of the building along the direction of the
3 street. All portions of such marquee shall not be less than 10 feet nor more than 16 feet above
4 the finished grade, nor higher than the windowsill level or windows on the building facade on
5 which the marquee is placed, exclusive of ground story and mezzanine. Each building
6 frontage shall be considered separately.

7 **NOTE:** These illustrations are diagrams showing maximum dimensions and are not
8 design examples.



17
18 **SEC. 138. OPEN SPACE REQUIREMENTS IN C-3 DISTRICTS.**

19 (a) **Requirement.** An applicant for a permit to construct a new building or an addition
20 of gross floor area equal to 20 percent or more of an existing building (hereinafter "building")
21 in C-3 Districts shall provide open space in the amount and in accordance with the standards
22 set forth in this Section. All determinations concerning the adequacy of the amount of open
23 space to be provided and its compliance with the requirements of this Section shall be made
24 in accordance with the provisions of Section 309

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

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

16 (c) **Location.** The open space required by this Section may be on the same site as
 17 the building for which the permit is sought, or within 900 feet of it on either private property or,
 18 with the approval of all relevant public agencies, public property, provided that all open space
 19 must be located entirely within the C-3 District. Open space is within 900 feet of the building
 20 within the meaning of this Section if any portion of the building is located within 900 feet of any
 21 portion of the open space. Off-site open space shall be developed and open for use prior to
 22 issuance of a temporary permit of occupancy of the building whose open space requirement is
 23 being met off-site. The procedures of Section 149(d) governing issuance of a temporary
 24 permit of occupancy shall apply to this subsection.

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

- 9 (1) Be of adequate size;
- 10 (2) Be situated in such locations and provide such ingress and egress as will make the
11 area easily accessible to the general public;
- 12 (3) Be well-designed, and where appropriate, be landscaped;
- 13 (4) Be protected from uncomfortable wind;
- 14 (5) Incorporate various features, including ample seating and, if appropriate, access to
15 food service, which will enhance public use of the area;
- 16 (6) Have adequate access to sunlight if sunlight access is appropriate to the type of
17 area;
- 18 (7) Be well-lighted if the area is of the type requiring artificial illumination;
- 19 (8) Be open to the public at times when it is reasonable to expect substantial public
20 use;
- 21 (9) Be designed to enhance user safety and security;
- 22 (10) If the open space is on private property, provide toilet facilities open to the public;
- 23 (11) Have at least 75 percent of the total open space approved be open to the public
24 during all daylight hours.
- 25

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

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

17 (f) **Open Space Provider.** The open space required by this Section may be provided:
18 (i) individually by the project sponsor; (ii) jointly by the project sponsor and other project
19 sponsors; provided, that each square foot of jointly developed open space may count toward
20 only one sponsor's requirement; or (iii) with the approval of the ~~City~~ Planning Commission, by
21 a public or private agency which will develop and maintain the open space and to which a
22 payment is made by the sponsor for the cost of development of the number of square feet the
23 project sponsor is required to provide, and with which provision is made, satisfactory to the
24 Commission, for the continued maintenance of the open space for the actual lifetime of the
25 building giving rise to the open space requirement, provided that the Commission finds that

1 there is reasonable assurance that the open space to be developed by such agency will be
2 developed and open for use by the time the building, the open space requirement of which is
3 being met by the payment, is ready for occupancy.

4 (g) **Nonresidential/Residential Open Space.** In mixed nonresidential/residential
5 projects, open space which meets the requirements of Section 135 regarding common usable
6 open space for residential uses, and the requirements of Section 138 regarding open space
7 for nonresidential uses, may be counted against the open space requirements of both
8 Sections 135 and 138.

9 (h) **Maintenance.** Open spaces shall be maintained at no public expense. Conditions
10 intended to assure continued maintenance of the open space for the actual lifetime of the
11 building giving rise to the open space requirement may be imposed in accordance with the
12 provisions of Section 309

13 (i) **Informational Plaque.** Prior to issuance of a permit of occupancy, a plaque shall
14 be placed in a publicly conspicuous location outside the building at street level, or at the site
15 of an outdoor open space, identifying the open space feature and its location, stating the right
16 of the public to use the space and the hours of use, describing its principal required features
17 (e.g., number of seats, availability of food service) and stating the name and address of the
18 owner or owner's agent responsible for maintenance.

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

20 (a) **Purpose.** The purpose of this section is to establish requirements for the
21 improvement of the public right-of-way associated with development projects, such that the
22 public right-of-way may be safe, accessible, convenient and attractive to pedestrian use and
23 travel by all modes of transportation consistent with the San Francisco General Plan, achieve
24 best practices in ecological stormwater management, and provide space for public life and
25

1 social interaction, in accordance with the City's "Better Streets Policy" (Administrative Code
2 Section 98.1).

3 (b) **Better Streets Plan.**

4 (1) The Better Streets Plan, as defined in Administrative Code Section 98.1(e), shall
5 govern the design, location, and dimensions of all pedestrian and streetscape items in the
6 public right-of-way, including but not limited to those items shown in Table 1. Development
7 projects that propose or are required through this section to make pedestrian and streetscape
8 improvements to the public right-of-way shall conform with the principles and guidelines for
9 those elements as set forth in the Better Streets Plan to the maximum extent feasible.

10 (2) Proposed improvements also shall be subject to approval by other city bodies with
11 permitting jurisdiction over such streetscape improvements.

12 **Table 1: Pedestrian and Streetscape Elements per the Better Streets Plan**

13

| # | PHYSICAL ELEMENT | BETTER STREETS PLAN SECTION |
|---|---|-----------------------------|
| 1 | Curb ramps* | 5.1 |
| 2 | Marked crosswalks* | 5.1 |
| 3 | Pedestrian-priority signal devices and timings | 5.1 |
| 4 | High-visibility crosswalks | 5.1 |
| 5 | Special crosswalk treatments | 5.1 |
| 6 | Restrictions on vehicle turning movements at crosswalks | 5.1 |
| 7 | Removal or reduction of permanent crosswalk closures | 5.1 |
| 8 | Mid-block crosswalks | 5.1 |

| | | | |
|----|----|---|-----|
| 1 | 9 | Raised crosswalks | 5.1 |
| 2 | 10 | Curb radius guidelines | 5.2 |
| 3 | 11 | Corner curb extensions or bulb-outs* | 5.3 |
| 4 | 12 | Extended bulb-outs | 5.3 |
| 5 | 13 | Mid-block bulb-outs | 5.3 |
| 6 | 14 | Center or side medians | 5.4 |
| 7 | 15 | Pedestrian refuge islands | 5.4 |
| 8 | 16 | Transit bulb-outs | 5.5 |
| 9 | 17 | Transit boarding islands | 5.5 |
| 10 | 18 | Flexible use of the parking lane | 5.6 |
| 11 | 19 | Parking lane planters | 5.6 |
| 12 | 20 | Chicanes | 5.7 |
| 13 | 21 | Traffic calming circles | 5.7 |
| 14 | 22 | Modern roundabouts | 5.7 |
| 15 | 23 | Sidewalk or median pocket parks | 5.8 |
| 16 | 24 | Reuse of 'pork chops' and excess right-of-way | 5.8 |
| 17 | 25 | Multi-way boulevard treatments | 5.8 |
| 18 | 26 | Shared public ways | 5.8 |
| 19 | 27 | Pedestrian-only streets | 5.8 |
| 20 | 28 | Public stairs | 5.8 |
| 21 | | | |
| 22 | | | |
| 23 | | | |
| 24 | | | |
| 25 | | | |

| | | | |
|----|--|---------------------------------|-----|
| 1 | 29 | Street trees* | 6.1 |
| 2 | 30 | Tree basin furnishings* | 6.1 |
| 3 | 31 | Sidewalk planters* | 6.1 |
| 4 | 32 | Above-ground landscaping | 6.1 |
| 5 | 33 | Stormwater management tools* | 6.2 |
| 6 | 34 | Street and pedestrian lighting* | 6.3 |
| 7 | 35 | Special paving* | 6.4 |
| 8 | 36 | Site furnishings* | 6.5 |
| 9 | Standard streetscape elements marked with a *. (Requirement varies by street type: see the | | |
| 10 | Better Streets Plan) | | |

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

16 (1) **Street trees.**

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

22 (ii) **Standards.**

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

24 (aa) Comply with Public Works Code Article 16 and any other applicable ordinances;
25

1 (bb) Be suitable for the site;

2 (cc) Be a minimum of one tree of 24-inch box size for each 20 feet of frontage of the
3 property along each street or alley, with any remaining fraction of 10 feet or more of frontage
4 requiring an additional tree. Such trees shall be located either within a setback area on the lot
5 or within the public right-of-way along such lot.

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

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

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

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

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

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

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

21 (C) Street trees shall be planted in a continuous soil-filled trench parallel to the curb,
22 such that the basin for each tree is connected, if all the following conditions are present: (1)
23 the subject lot is in one of the Districts specified in Subsection 138.1(c)(1)(ii)(B); (2) the project
24 is on a lot that (a) is greater than 1/2-acre in total area, (b) contains 250 feet of total lot
25 frontage on one or more publicly-accessible rights-of-way, or (c) the frontage encompasses

1 the entire block face between the nearest two intersections with any other publicly-accessible
2 rights-of-way, and (3) the project includes (a) new construction; (b) addition of 20% or more of
3 gross floor area to an exiting building; or (c) alteration to greater than 50% of the existing
4 square footage of a building.

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

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

10 (iii) **Approvals and waivers.**

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

15 (B) In any case in which the Department of Public Works cannot grant approval for
16 installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width,
17 interference with utilities or other reasons regarding the public welfare, and where installation
18 of such tree on the lot itself is impractical, the tree planting requirements of this Section
19 138.1(c)(1) may be modified or waived by the Zoning Administrator as described herein:

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

22 (bb) When a pre-existing site constraint prevents the installation of a street tree, as an
23 alternative to payment of any portion of the in-lieu fee, the Zoning Administrator may allow the
24 installation of sidewalk landscaping that is compliant with applicable water use requirements
25 of Chapter 63 of the Administrative Code, to satisfy the requirements of Section 138.1(c)(1),

1 subject to permit approval from the Department of Public Works in accordance with Public
2 Works Code Section 810B.

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

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

12 **(i) Application.**

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

21 (B) Project sponsors that meet the thresholds of this Subsection shall submit a
22 streetscape plan to the Planning Department showing the location, design, and dimensions of
23 all existing and proposed streetscape elements in the public right-of-way directly adjacent to
24 the fronting property, including street trees, sidewalk landscaping, street lighting, site
25

1 furnishings, utilities, driveways, and curb lines, and the relation of such elements to proposed
2 new construction and site work on the subject property.

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

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

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

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

17 (B) **Sidewalk widening.** The Planning Department in consultation with other agencies
18 shall evaluate whether sufficient roadway space is available for sidewalk widening for the
19 entirety or a portion of the fronting public right-of-way in order to meet or exceed the
20 recommended sidewalk widths for the appropriate street type per Table 2 and the Better
21 Streets Plan and/or to provide additional space for pedestrian and streetscape amenities. If it
22 is found that sidewalk widening is feasible and desirable, the Planning Department shall
23 require the owner or developer to install such sidewalk widening as a condition of approval,
24 including all associated utility re-location, drainage, and street and sidewalk paving.

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

Table 2. Recommended Sidewalk Widths by Street Type

| | Street Type (per Better Streets Plan) | Recommended Sidewalk Width (Minimum required for new streets) |
|----------------------|--|--|
| Commercial | Downtown commercial | See Downtown Streetscape Plan |
| - | Commercial throughway | 15' |
| - | Neighborhood commercial | 15' |
| Residential | Downtown residential | 15' |
| - | Residential throughway | 15' |
| - | Neighborhood residential | 12' |
| Industrial/Mixed-Use | Industrial | 10' |
| - | Mixed-use | 15' |
| Special | Parkway | 17' |
| - | Park edge (multi-use path) | 25' |
| - | Multi-way boulevard | 15' |
| - | Ceremonial | varies |
| Small | Alley | 9' |

| | | | |
|---|---|-------------------|--------|
| 1 | - | Shared public way | n/a |
| 2 | - | Paseo | varies |

3
4 (iii) **Review and approvals.**

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

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

23 (C) **Waiver.** Any City agency tasked with the design, permitting, use, and
24 maintenance of the public right-of-way, may waive any or all Department required
25 improvements of the streetscape plan as described in this Subsection under that agency's

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

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

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

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

23 (A) Any new construction;

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

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

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

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

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

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

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

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

6 (e) **Additional provisions.**

7 (1) **Maintenance.** Unless otherwise determined, fronting property owners shall
8 maintain all streetscape improvements required by this section, including street trees,
9 landscaping, bicycle racks, benches, special paving, and other site furnishings at no public
10 expense per the requirements of Public Works Code Section 706 (sidewalks and site
11 furnishings) and 805 (street trees), except for standard street lighting from a City-approved
12 palette of street lights and any improvements within the roadway. Conditions intended to
13 assure continued maintenance of the improvements for the actual lifetime of the building
14 giving rise to the streetscape improvement requirement may be imposed as a condition of
15 approval by the Planning Department.

16 (2) For any streetscape and/or pedestrian improvements installed pursuant to this
17 section, the abutting property owner or owners shall hold harmless the City and County of San
18 Francisco, its officers, agents, and employees, from any damage or injury caused by reason
19 of the design, construction or maintenance of the improvements, and shall require the owner
20 or owners or subsequent owner or owners of the respective property to be solely liable for any
21 damage or loss occasioned by any act. This requirement shall be deemed satisfied if City
22 permits for the improvements include indemnification and hold harmless provisions.

23 (3) Notwithstanding the provisions of this Section, an applicant shall apply for and
24 obtain all required permits and approvals for changes to the legislated sidewalk widths and
25 street improvements.

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

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

3 (A) construct new buildings;

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

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

8 (D) add off-street parking or loading;

9 (E) remove off-street parking or loading.

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

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

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

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

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

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

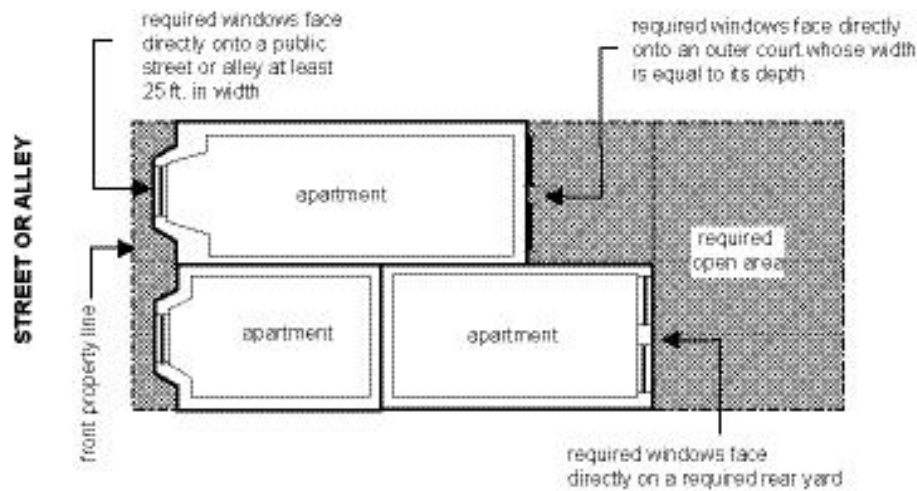
23 (a) Requirements. With the exception of dwelling units in single room occupancy
24 buildings in the South of Market Mixed Use Districts, in each dwelling unit in any use district,
25 the required windows (as defined by Section 504 of the San Francisco Housing Code) of at

1 least one room that meets the 120-square-foot minimum superficial floor area requirement of
2 Section 503 of the Housing Code shall face directly on an open area of one of the following
3 types:

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

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

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



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

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

(b) In C-3 Districts, whenever the enclosure or screening of the features listed in Section 260(b)(1)(A) and (B), will be visually prominent, modifications may, in accordance with provisions of Section 309, be required in order to insure that: (1) the enclosure or screening is designed as a logical extension of the building form and an integral part of the overall building design; (2) its cladding and detailing is comparable in quality to that of the rest of the building;

1 (3) if enclosed or screened by additional volume, as authorized by Section 260(b), the rooftop
2 form is appropriate to the nature and proportions of the building, and is designed to obscure
3 the rooftop equipment and appurtenances and to provide a more balanced and graceful
4 silhouette for the top of the building or structure; and (4) the additional building volume is not
5 distributed in a manner which simply extends vertically the walls of the building.

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

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

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

21 (a) Applicability. Off-street parking spaces shall be provided in the minimum quantities
22 specified in ~~the following~~ Table 151, except as otherwise provided in Section 151.1 and Section
23 161 of this Code. Where the building or lot contains uses in more than one of the categories
24 listed, parking requirements shall be calculated in the manner provided in Section 153 of this
25 Code. Where off-street parking is provided which exceeds certain amounts in relation to the

1 quantities specified in ~~this~~ Table 151, as set forth in subsection (c) Section 204.5 of this Code,
2 such parking shall be classified not as accessory parking but as either a principal or a
3 conditional use, depending upon the use provisions applicable to the district in which the
4 parking is located. In considering an application for a conditional use for any such parking,
5 due to the amount being provided, the City Planning Commission shall consider the criteria
6 set forth in Section 157 of this Code.

7 (b) Minimum parking required.

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**Table 151
OFF-STREET PARKING SPACES REQUIRED**

| Use or Activity | Number of Off-Street Parking Spaces Required |
|--|---|
| Dwelling, except as specified below, and except in the Bernal Heights Special Use District as provided in Section 242 | One for each dwelling unit. |
| Dwelling, in the Broadway and North Neighborhood Commercial Districts and the Chinatown Mixed Use Districts | P up to one car for each two dwelling units; C up to Beach .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, in the Telegraph Hill – North Beach Residential Special Use District | P up to three cars for each four dwelling units; C up to one car for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); NP above one car for each dwelling unit. |
| Dwelling, RC-4, RSD except in the Van Ness Special Use Districts | One for each four dwelling units. |
| Dwelling, specifically designed for and occupied by senior citizens <u>or persons with physical disabilities as defined and regulated by Section 209.1(m) of this Code</u> | None in districts other than RH-1 and RH-2, except, for purposes of determining spaces required by this Code in Section 204.5 the number of spaces specified above for the district in which the dwelling is located. In RH-1 and RH-2 Districts, one-fifth the number of spaces specified above for the district in which the dwelling is located. |
| Dwelling, in an affordable housing project as defined by Section ` | None in districts other than RH-1 and RH-2, except, for purposes of determining spaces |

| | | |
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| 1 | 401 313.1 or 315.1 of this Code. | required by this Code in Section 204.5, the |
| 2 | | number otherwise required in this Table 151 |
| 3 | | for a dwelling unit for the district in which the |
| 4 | | dwelling is located. |
| 5 | Group housing of any kind | None in districts other than RH-2, except for |
| 6 | | purposes of determining spaces required by |
| 7 | | this Code in Section 204.5 one for each three |
| 8 | | bedrooms or for each six beds, whichever |
| 9 | | results in the greater requirements, plus one |
| 10 | | for the manager's dwelling unit if any, with a |
| 11 | | minimum of two spaces required. In RH-2 |
| 12 | | Districts, for each three bedrooms or for each |
| 13 | | six beds, whichever results in the greater |
| 14 | | requirement, plus one for the manager's |
| 15 | | dwelling unit if any, with a minimum of two |
| 16 | | spaces required. |
| 17 | SRO units | None, except for purposes of determining spaces, |
| 18 | | required by this Code in Section 204.5 in the |
| 19 | | South of Market base area, one for each 20 units, |
| 20 | | plus one for the manager's dwelling unit, if any, |
| 21 | | with a minimum of two spaces |
| 22 | Hotel, inn or hostel in NC Districts | 0.8 for each guest bedroom. |
| 23 | Hotel, inn or hostel in districts other | One for each 16 guest bedrooms where the |
| 24 | than NC | number of guest bedrooms exceeds 23, plus |
| 25 | | one for the manager's dwelling unit, if any. |

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| 1 | Motel | One for each guest unit, plus one for the |
| 2 | | manager's dwelling unit, if any. |
| 3 | Mobile home park | One for each vehicle or structure in such park, |
| 4 | | plus one for the manager's dwelling unit if any. |
| 5 | Hospital or other inpatient medical | One for each 8 beds excluding bassinets or |
| 6 | institution | for each 2,400 square feet of gross floor area |
| 7 | | devoted to sleeping rooms, whichever results |
| 8 | | in the greater requirement, provided that these |
| 9 | | requirements shall not apply if the calculated |
| 10 | | number of spaces is no more than two. |
| 11 | Residential care facility | None in districts other than RH-1 and RH-2, |
| 12 | | except for purposes of determining spaces |
| 13 | | required by this Code in Section 204.5. In RH- |
| 14 | | 1 and RH-2 Districts, one for each 10 |
| 15 | | residents, where the number of residents |
| 16 | | exceeds nine |
| 17 | Child care facility | One for each 25 children to be accommodated |
| 18 | | at any one time, where the number of such |
| 19 | | children exceeds 24. |
| 20 | Elementary school | One for each six classrooms. |
| 21 | Secondary school | One for each two classrooms. |
| 22 | Post-secondary educational institution | One for each two classrooms. |
| 23 | Church or other religious institutions | One for each 20 seats by which the number of seats |
| 24 | | in the main auditorium exceeds 200. |
| 25 | | |

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| 1 | Theater or auditorium | One for each eight seats up to 1,000 seats where the |
| 2 | | number of seats exceeds 50 seats, plus one for each |
| 3 | | 10 seats in excess of 1,000. |
| 4 | Stadium or sports arena | One for each 15 seats. |
| 5 | Medical or dental office or outpatient | One for each 300 square feet of occupied floor area, |
| 6 | clinic | where the occupied floor area exceeds 5,000 square |
| 7 | | feet. |
| 8 | Offices or studios of architects, | One for each 1,000 square feet of occupied floor |
| 9 | engineers, interior designers and other | area, where the occupied floor area exceeds 5,000 |
| 10 | design professionals and studios of | square feet. |
| 11 | graphic artists | |
| 12 | Other business office | One for each 500 square feet of occupied floor area, |
| 13 | | where the occupied floor area exceeds 5,000 square |
| 14 | | feet, except one for each 750 square feet within the |
| 15 | | SSO District, where the occupied floor area exceeds |
| 16 | | 5,000 square feet |
| 17 | Restaurant, bar, nightclub, pool hall, | One for each 200 square feet of occupied floor area, |
| 18 | dancehall, bowling alley or other | where the occupied floor area exceeds 5,000 |
| 19 | similar enterprise | square feet. |
| 20 | Retail space devoted to the handling | One for each 1,000 square feet of occupied floor |
| 21 | of bulky merchandise such as motor | area, where the occupied floor area exceeds |
| 22 | vehicles, machinery or furniture | 5,000 square feet. |
| 23 | Greenhouse or plant nursery | One for each 4,000 square feet of occupied floor |
| 24 | | area, where the occupied floor area exceeds 5,000 |
| 25 | | square feet. |

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| 1 | Other retail space | One for each 500 square feet of occupied floor area |
| 2 | | up to 20,000 where the occupied floor area exceeds |
| 3 | | 5,000 square feet, plus one for each 250 square feet |
| 4 | | of occupied floor area in excess of 20,000. |
| 5 | Service, repair or wholesale sales | One for each 1,000 square feet of occupied floor |
| 6 | space, including personal, home or | area, where the occupied floor area exceeds |
| 7 | business service space in South of | 5,000 square feet. |
| 8 | Market Districts- | |
| 9 | Mortuary | Five |
| 10 | Storage or warehouse space, and | One for each 2,000 square feet of occupied |
| 11 | space devoted to any use first | floor area, where the occupied floor area |
| 12 | permitted in an M-2 District | exceeds 10,000 square feet. |
| 13 | Arts activities and spaces except | One for each 2,000 square feet of occupied |
| 14 | theater or auditorium spaces | floor area, where the occupied floor area exceeds |
| 15 | | 7,500 square feet. |
| 16 | Other manufacturing and industrial | One for each 1,500 square feet of occupied floor |
| 17 | uses | area, where the occupied floor area exceeds 7,500 |
| 18 | | square feet. |
| 19 | Live/work units | One for each 2,000 square feet of occupied floor |
| 20 | | area, where the occupied floor area exceeds 7,500 |
| 21 | | square feet, except in RH or RM Districts, within |
| 22 | | which the requirement shall be one space for each |
| 23 | | live/work unit. |
| 24 | | |
| 25 | | |

1 (c) **Maximum parking permitted as accessory.** Accessory parking principally permitted under
2 this Section shall include only those facilities which do not exceed the following amounts for a
3 structure, lot, or development:

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

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

6 (3) 150 percent of the required number of spaces where three or more spaces are required by
7 this Section.

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

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

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

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

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

19 (b) **Controls.** Off-street accessory parking shall not be required for any use, and the
20 quantities of off-street parking specified in Table 151.1 shall serve as the maximum amount of
21 off-street parking that may be provided as accessory to the uses specified. For non-residential
22 and non-office uses in the UMU, PDR-1-D, and PDR-1-G Districts, the maximum amount of
23 off-street parking that may be provided as accessory shall be no more than 50% greater than
24 that indicated in Table 151.1. Variances from accessory off-street parking limits, as described
25 in this Section, may not be granted. Where off-street parking is provided that exceeds the

1 quantities specified in Table 151.1 or as explicitly permitted by this Section, such parking shall
2 be classified not as accessory parking but as either a principally permitted or conditional use,
3 depending upon the use provisions applicable to the district in which the parking is located. In
4 considering an application for a conditional use for any such parking due to the amount being
5 provided, the Planning Commission shall consider the criteria set forth in Section 157 and
6 157.1 of this Code.

7 (c) **Definition.** Where a number or ratio of spaces are described in Table 151.1, such
8 number or ratio shall refer to the total number of parked cars accommodated in the project
9 proposal, regardless of the arrangement of parking, and shall include all spaces accessed by
10 mechanical means, valet, or non-independently accessible means. For the purposes of
11 determining the total number of cars parked, the area of an individual parking space, except
12 for those spaces specifically designated for persons with physical disabilities, may not exceed
13 185 square feet, including spaces in tandem, or in parking lifts, elevators or other means of
14 vertical stacking. Any off-street surface area accessible to motor vehicles with a width of 7.5
15 feet and a length of 17 feet (127.5 square feet) not otherwise designated on plans as a
16 parking space may be considered and counted as an off-street parking space at the discretion
17 of the Zoning Administrator if the Zoning Administrator, in considering the possibility for
18 tandem and valet arrangements, determines that such area is likely to be used for parking a
19 vehicle on a regular basis and that such area is not necessary for the exclusive purpose of
20 vehicular circulation to the parking or loading facilities otherwise permitted.

21 (d) **Car-share parking.** Any off-street parking space dedicated for use as a car-share
22 parking space, as defined in Section 166, shall not be credited toward the total parking
23 permitted as accessory in this Section.
24
25

**Table 151.1
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 area | P up to one car for each four dwelling units; up to one car for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); NP above one car for each dwelling unit. |
| <u>Dwelling Units in C-3 Districts</u> | <u>P up to one car for each two dwelling units; C up to three cars for each four dwelling units, subject to the criteria and procedures of Section 151.1(f). NP above three cars for each four dwelling units.</u> |
| Dwelling units in C-3 Districts and in the Van Ness and Market Downtown Residential Special Use District | P up to one car for each four dwelling units; C up to .5 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); NP above two cars for each four dwelling units. |

| | |
|---|---|
| <p>1 Dwelling units and SRO units in <u>SLI</u>, 2 <u>SSO</u>, MUG, MUR, MUO, SPD Districts, 3 except as specified below 4 5 6 Dwelling units in <u>SLI</u>, <u>SSO</u>, MUG, 7 MUR, MUO, SPD Districts with at 8 least 2 bedrooms and at least 1,000 9 square feet of occupied floor area 10 11 Dwelling units <i>and SRO units</i> in NCT, 12 <u>C-M, RSD, and SLR, Chinatown Mixed Use,</u> 13 <u>Broadway NCD, North Beach NCD, and</u> 14 <u>Upper Market NCD</u> Districts, except 15 as specified below 16 Dwelling units in the 17 Ocean Avenue NCT Districts 18 Dwelling units and SRO units in RTO 19 <u>and RED</u> Districts, except as specified 20 below 21 22 23 Dwelling units and SRO units in UMU 24 Districts, except as specified below 25</p> | <p>P up to one car for each four dwelling units; up to 0.75 cars for each dwelling unit, subject to the criteria and conditions and procedures of Section 151.1(g); NP above 0.75 cars for each dwelling unit.</p> <p>P up to one car for each four dwelling units; up to one car for each dwelling unit, subject to the criteria and conditions and procedures of Section 151.1(g); NP above one car for each dwelling unit.</p> <p>P up to one car for each two dwelling units; C up to 0.75 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(g); NP above 0.75 cars for each dwelling unit.</p> <p>P up to one car for each unit; NP above.</p> <p>P up to three cars for each four dwelling units; C up to one car for each dwelling unit unit, subject to the criteria and procedures of Section 151.1(g); NP above one car for each dwelling unit.</p> <p>P up to 0.75 cars for each dwelling unit and subject to the conditions of 151.1(g); NP above.</p> |
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| 1 | Dwelling units in UMU District with at | P up to 1 car for each dwelling unit and |
| 2 | least 2 bedrooms and at least 1,000 | subject to the conditions of 151.1(g); NP |
| 3 | square feet of occupied floor area | above. |
| 4 | Group housing of any kind | P up to one car for each three bedrooms or for |
| 5 | | each six beds, whichever results in the greater |
| 6 | | requirement, plus one for the manager's |
| 7 | | dwelling unit if any. NP above. |
| 8 | All non-residential uses in C-3 <i>and</i> | Not to exceed 7% of gross floor area of such uses. |
| 9 | <u>C-M</u> Districts | See requirements in Section 204.5. |
| 10 | Hotel, inn, or hostel | P up to one for each 16 guest bedrooms, plus one for |
| 11 | | the manager's dwelling unit, if any. |
| 12 | Motel | P up to one for each guest unit, plus one for the |
| 13 | | manager's dwelling unit, if any. |
| 14 | Hospital or other inpatient medical | P up to one for each 8 guest beds excluding |
| 15 | institution | bassinets or for each 2,400 square feet of gross floor |
| 16 | | area devoted to sleeping rooms, whichever results |
| 17 | | in the lesser requirement |
| 18 | Residential care facility | P up to one for each 10 residents. |
| 19 | Child care facility | P up to one for each 25 children to be |
| 20 | | accommodated at any one time. |
| 21 | Elementary school | P up to one for each six classrooms. |
| 22 | Secondary school | P up to one for each two classrooms. |
| 23 | Post-secondary educational institution | P up to one for each two classrooms. |
| 24 | Church or other religious institutions | P up to one for each 20 seats. |
| 25 | | |

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| 1 Theater or auditorium | P up to one for each eight seats up to 1,000 seats, |
| 2 | plus one for each 10 seats in excess of 1,000. |
| 3 Stadium or sports arena | P up to one for each 15 seats. |
| 4 Medical or dental office or outpatient | P up to one for each 300 square feet of |
| 5 clinic | occupied floor area. |
| 6 All office uses in C-3, DTR, <u>C-M, SLR</u> | P up to seven percent of the gross floor area of |
| 7 <u>SSO, SPD,</u> MUG, MUR, | such uses and subject to the pricing conditions of |
| 8 and MUO Districts | Section 155 (g); NP above. |
| 9 <u>All office uses in Chinatown Mixed Use</u> | <u>P up to seven percent of the gross floor area of such uses;</u> |
| 10 <u>Districts</u> | <u>NP above.</u> |
| 11 Office uses in <u>M-1,</u> UMU, PDR-1-D, | P up to one car per 1,000 square feet of gross floor |
| 12 and PDR-1-G Districts, except as | area and subject to the pricing conditions of Section |
| 13 below specified below | 155 (g); NP above. |
| 14 Office uses in <u>M-1,</u> UMU, PDR-1-D, | P up to one car per 500 square feet of |
| 15 and PDR-1-G Districts where the | gross floor area; NP above. |
| 16 entire parcel is greater than ¼-mile from | |
| 17 Market, Mission, 3rd and 4th Streets | |
| 18 Non-residential uses in RTO and RM | None permitted. |
| 19 districts permitted under Sections | |
| 20 209.8(c) and 231. None permitted. | |
| 21 All non-residential uses in NCT, | For uses in Table 151 that are described as a ratio of |
| 22 <u>RSD, and SLR</u> districts <u>and the</u> | occupied floor area, P up to 1 space per 1,500 |
| 23 <u>Broadway, North Beach, and</u> Upper | square feet of occupied floor area or the quantity |
| 24 Market NCD _s , except for | specified in Table 151, whichever is less, and subject |
| 25 retail grocery stores with over 20,000 | to the conditions and criteria of Section 151.1(g). |

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

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

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

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

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

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

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

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

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

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

21 (2) Additionally, in granting approval for such accessory parking above that permitted
22 by right, the Commission may require the property owner to pay the annual membership fee
23 to a certified car-share organization, as defined in Section 166(b)(2), for any resident of the
24 project who so requests and who otherwise qualifies for such membership, provided that such
25

1 requirement shall be limited to one membership per dwelling unit, when the following findings
2 are made by the Commission:

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

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

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

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

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

24 (B) For any project with residential accessory parking in excess of 0.375 parking
25 spaces for each dwelling unit, the project complies with the housing requirements of Sections

1 ~~315~~ 415 through ~~315.9~~ 415.9 of this Code except as follows: the inclusionary housing
2 requirements that apply to projects seeking conditional use authorization as designated in
3 Section ~~315.3~~ 415.3(a)(2) shall apply to the project.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 uses. These spaces may be used by shuttle or delivery vehicles used to satisfy subsection
2 (B).

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

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

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

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

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

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

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

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

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

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

16 Required off-street parking and freight loading facilities shall meet the following
17 standards as to location and arrangement. In addition, facilities which are not required but are
18 actually provided shall meet the following standards unless such standards are stated to be
19 applicable solely to required facilities. In application of the standards of this Code for off-street
20 parking and loading, reference may be made to provisions of other portions of the Municipal
21 Code concerning off-street parking and loading facilities, and to standards of the Bureau of
22 Engineering of the Department of Public Works. Final authority for the application of such
23 standards under this Code, and for adoption of regulations and interpretations in furtherance
24 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 lot
2 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, C-M, DTR,
16 MUO, MUG, MUR, and South of Market Mixed Use Districts shall be completely enclosed and
17 access from a public street or alley shall be provided by means of a private service driveway,
18 which is totally contained within the structure. Such a private service driveway shall include
19 adequate space to maneuver trucks and service vehicles into and out of all provided spaces,
20 and shall be designed so as to facilitate access to the subject property while minimizing
21 interference with street and sidewalk circulation. Any such private service driveway shall be of
22 adequate width to accommodate drive-in movement from the adjacent curb or inside traffic
23 lane but shall in no case exceed 30 feet. Notwithstanding the foregoing, if an adjacent street
24 or alley is determined by the Zoning Administrator to be primarily used for building service, up
25 to four off-street freight or loading spaces may be allowed to be individually accessible directly

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

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

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

21 (g) **Restrictions on Off-Street Parking Rates.**

22 (1) In order to discourage long-term commuter parking, any off-street parking spaces
23 provided for a structure or use other than residential or hotel in a C-3, C-M, DTR, SLR, SSO,
24 SPD, MUG, MUR, or MUO District, whether classified as ~~an~~ accessory or non-accessory, a
25 principal or conditional use, and whether temporary or permanent, shall maintain and impose a

1 charge or fee structure for all users of the spaces that shall be assessed on an hourly basis. In addition,
2 a parking operator may not offer or sell parking for daily, nightly, weekly, monthly or similar time-
3 specific periods. All parking charges imposed by a parking operator shall be imposed not less
4 frequently than on a daily basis and shall be determined by multiplying the hourly rate times the
5 number of hours that the vehicle actually occupies space in the parking facility on that day.

6 (2) Where a parking facility imposes a variable hourly rate based upon demand or occupancy,
7 the parking charge for a stay in excess of one hour shall be determined by adding together the products
8 of each of the rates applicable during the stay times the number of hours during the stay that each rate
9 was in effect.

10 (3) Notwithstanding subsection (1), and if authorized by the Director of Transportation, a
11 parking operator may provide a discount of up to \$2.50 for a vehicle that enters and/or exits the
12 parking facility during off-peak time periods and stays for a minimum of three hours, up to a combined
13 maximum discount of \$5.00 off the otherwise applicable rate. The Director of Transportation is
14 authorized to establish such time periods and set the maximum amount of the discount on an annual
15 basis, and may set discounts and/or off-peak time periods for different geographic areas of the City
16 based upon congestion management targets for those areas. At the start of each fiscal year beginning
17 with fiscal year 2012-2013, the Director of Transportation shall adjust the amount of any discount
18 established under this paragraph to reflect changes in the relevant Consumer Price Index. Such
19 adjustment shall not require further action by the Board of Supervisors or the MTA Board of Directors.

20 (4) A parking operator may not advertise or maintain a parking rate or fee structure that does
21 not conform to subsection (1).

22 (5) A parking operator may not impose or collect from a patron a parking rate or fee that does
23 not conform to subsection (1) ~~which are otherwise available for use for long-term parking by~~
24 ~~downtown workers shall maintain a rate or fee structure for their use such that the rate charge for four~~
25 ~~hours of parking duration is no more than four times the rate charge for the first hour, and the rate~~

1 ~~charge for eight or more hours of parking duration is no less than 10 times the rate charge for the first~~
2 ~~hour. Additionally, no discounted parking rate shall be permitted for weekly, monthly or similar time-~~
3 ~~specific periods.~~

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

7 (i) For each 25 off-street parking spaces provided, one such space shall be designed
8 and designated for *handicapped* persons with disabilities.

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

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

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

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

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

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

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

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

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

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

18 (2) Not permitted:

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

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

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

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

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

25 (F) Embarcadero in the DTR Districts,

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

- 1 (D) Montgomery Street from Market Street to Columbus Avenue,
- 2 (E) Haight Street from Market Street to Webster Street,
- 3 (F) Church Street and 16th Street in the RTO District,
- 4 (G) Duboce Street from Noe Street to Market Street, *and*
- 5 (H) Octavia Street from Fell Street to Market Street, and
- 6 (I) The eastern (water) side of the Embarcadero between Townsend and Taylor Streets.

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

22 (5) A "development lot" shall mean any lot containing a proposal for new construction,
23 building alterations which would increase the gross square footage of a structure by 20
24 percent or more, or change of use of more than 50 percent of the gross floor area of a
25

1 structure containing parking. Pre-existing access to off-street parking and loading on
2 development lots that violates the restrictions of this Section 155(r) may not be maintained.

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

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

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

13 (B) Parking located at or above ground-level shall conform to the street frontage
14 requirements of Section 145.1(c), and shall be lined with active uses, as defined by Section
15 145.4(e), to a depth of at least 25 feet along all ground-level street frontages, except for space
16 allowed for parking and loading access, building egress, and access to mechanical systems.

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

23 (C) Parking allowed above the ground-level in accordance with an exception under
24 Section 309 or a conditional use in accordance with Section 303 as authorized by subsections
25 155(s)(2) or 155(s)(3) shall be entirely screened from public rights-of-way in a manner that

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

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

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

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

21 (3) **Non-accessory off-street parking garages.** For non-accessory off-street parking
22 ~~garages~~ in C-3 Districts permitted under Section 223(m) ~~—(p)~~, two additional floors of above-
23 grade parking beyond the at-grade parking allowed by Section 155(s)(1), to a maximum
24 ceiling height of 35 feet from grade, may be permitted as subject to the provisions of subsections
25 ~~155(s)(3)(A) or 155(s)(3)(B) below:~~

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

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

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

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

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

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

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

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

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

4 **SEC. 155.1. BICYCLE PARKING REQUIREMENTS FOR CITY-OWNED AND LEASED**
5 **BUILDINGS.**

6 In all City-owned and leased buildings, regardless of whether off-street parking is
7 available, the responsible City official, as defined in Section 155.1(a)(11) below, shall provide
8 bicycle parking according to the schedule in Section 155.1(c) below, except as otherwise
9 provided in Section 155.2. The provisions of this Section shall not apply in any case where the
10 City occupies property as a tenant under a lease the term of which does not exceed six
11 months. In the event that a privately owned garage, as defined in Section 155.2, is in a
12 building in which the City leases space, Section 155.2 and not this Section shall apply. All
13 required bicycle parking shall conform to the requirements of Sections 155.1(b) (Location of
14 Facilities) and 155.1(c) (Number of Spaces) set forth below:

15 (a) **Locker.** A fully enclosed, secure and burglar-proof bicycle parking space
16 accessible only to the owner or operator of the bicycle.

17 (2) **Check-in Facility.** A location in which the bicycle is delivered to and left with an
18 attendant with provisions for identifying the bicycle's owner. The stored bicycle is accessible
19 only to the attendant.

20 (3) **Monitored Parking.** A location where Class 2 parking spaces are provided within
21 an area under constant surveillance by an attendant or security guard or by a monitored
22 camera.

23 (4) **Restricted Access Parking.** A location that provides Class 2 parking spaces
24 within a locked room or locked enclosure accessible only to the owners of bicycles parked
25 within.

1 (5) **Personal Storage.** Storage within the view of the bicycle owner in either the
2 operator's office or a location within the building.

3 (6) **Class 1 Bicycle Parking Space(s).** Facilities which protect the entire bicycle, its
4 components and accessories against theft and against inclement weather, including wind-
5 driven rain. Examples of this type of facility include (1) lockers, (2) check-in facilities, (3)
6 monitored parking, (4) restricted access parking, and (5) personal storage.

7 (7) **Class 2 Bicycle Parking Space(s).** Bicycle racks which permit the locking of the
8 bicycle frame and one wheel to the rack and, which support the bicycle in a stable position
9 without damage to wheels, frame or components.

10 (8) **Director.** Director of ~~the Department of City~~ Planning.

11 (9) **Landlord.** Any person who leases space in a building to the City. The term
12 "landlord" does not include the City.

13 (10) **Employees.** Individuals employed by the City and County of San Francisco.

14 (11) **Responsible City Official.** The highest ranking City official of an agency or
15 department which has authority over a City-owned building or parking facility or of an agency
16 or department for which the City is leasing space.

17 (12) **Person.** Any individual, proprietorship, partnership, joint venture, corporation,
18 limited liability company, trust, association, or other entity that may enter into leases.

19 (b) **Location of Facilities.**

20 (1) **Majority of Spaces Are Long-Term.** At locations where the majority of parking
21 spaces will be long-term (e.g., occupied by building employees for eight hours or more), at
22 least ½ of the required bicycle parking spaces shall be Class 1 spaces. The remaining spaces
23 may be Class 2 spaces. The Director may approve alternative types of parking spaces that
24 provide an equivalent measure of security.
25

1 (2) **Alternative Locations.** In the event that compliance with Section 155.1(b)91) may
2 not be feasible because of demonstrable hardship, the responsible city official may apply to
3 the Director for approval of an alternative storage location. In acting upon such applications,
4 the Director shall be guided by the following criteria: Such alternative facilities shall be well-
5 lighted and secure. The entrance shall be no more than 50 feet from the entrance of the
6 building, unless there are no feasible locations within a 50 foot zone that can be provided
7 without impeding sidewalk or pedestrian traffic. However, in no event shall an alternative
8 location be approved that is farther from the entrance of the building than the closest
9 automobile parking space.

10 (3) **Exemptions.** If no feasible alternative parking facility exists nearby which can be
11 approved pursuant to Section 155.1(b)(1) or (2), no Class 1 bicycle parking is provided in the
12 building, or, securing an alternative location would be unduly costly and pose a demonstrable
13 hardship on the landlord, or on the City, where the City owns the building, the Director may
14 issue an exemption. In order to obtain an exemption, the responsible City official shall certify
15 to the Director in writing that the landlord, or the City, where the City owns the building, will not
16 prohibit bicycle operators from storing bicycles within their office space, provided that they are
17 stored in such a way that the Fire Code is not violated and that the normal business of the
18 building is not disrupted.

19 (c) **Required Number of Bicycle Parking Spaces.**

20 (1) **Class 1 Bicycle Parking Spaces.** The following standards shall govern the
21 number of Class 1, long-term, bicycle parking spaces a responsible City official must provide:

22 (A) In buildings with one to 20 employees, at least two bicycle parking spaces shall be
23 provided.

24 (B) In buildings with 21 to 50 employees, at least four bicycle parking spaces shall be
25 provided.

1 (C) In buildings with 51 to 300 employees, the number of bicycle parking spaces
2 provided shall be equal to at least five percent of the number of employees at that building,
3 but in no event shall fewer than five bicycle spaces be provided.

4 (D) In buildings with more than 300 employees, the number of bicycle parking spaces
5 provided shall be equal to at least three percent of the number of employees at that building
6 but in no event shall fewer than 16 bicycle parking spaces be provided.

7 (2) **Class 2 Bicycle Parking Spaces.** In addition to the Class 1 bicycle parking spaces
8 required above, a responsible City official shall also provide Class 2 bicycle parking spaces
9 according to the below enumerated schedule:

10 (A) In buildings with one to 40 employees, at least two bicycle parking spaces shall be
11 provided.

12 (B) In buildings with 41 to 50 employees, at least four bicycle parking spaces shall be
13 provided.

14 (C) In buildings with 51 to 100 employees, at least six bicycle parking spaces shall be
15 provided.

16 (D) In buildings with more than 100 employees, at least eight bicycle parking spaces
17 shall be provided. Wherever a responsible City official is required to provide eight or more
18 Class 2 bicycle parking spaces, at least 50 percent of those parking spaces shall be covered.

19 (3) **Public buildings.** In public buildings where the City provides a public service to
20 members of the public who are patrons or users of the buildings, such as libraries, museums,
21 and sports facilities, the responsible City official shall provide the number of bicycle parking
22 spaces as set out in Section 155.1(c)(1) and (2), except that the average patron load in a
23 building during peak use hours as determined by the Director, rather than the number of
24 employees, shall determine the number of spaces required. This Section shall not apply
25

1 where a public building has a "garage" (as such term is defined in Section 155.2(a)) that is
2 open to the general public, in which case Section 155.2 shall apply.

3 (4) Annual Survey. The Director shall annually survey the amount, location, and usage
4 of provided bicycle parking spaces in all buildings subject to the requirements of this Section
5 in order to ascertain whether current requirements are adequate to meet demand for such
6 parking spaces. If current requirements are inadequate, the Director shall draft and submit to
7 the Board of Supervisors proposed legislation that would remedy the deficiency.

8 (5) **Reductions.** The Director may grant a reduction from the number of bicycle
9 parking spaces required by this Section where the applicant shows based upon the type of
10 patronage, clientele, or employees using the building that there is no reason to expect a
11 sufficient number of bicycle-riding patrons, clientele or employees to justify the number of
12 spaces otherwise required by the Section.

13 (d) **Layout of Spaces.** Class 1 and Class 2 bicycle parking spaces or alternative
14 spaces approved by the Director shall be laid out according to the following:

15 (1) An aisle or other space to enter and leave the facility shall be provided. The aisle
16 shall provide a width of five feet to the front or rear of a standard six-foot bicycle parked in the
17 facility.

18 (2) Each bicycle parking space shall provide an area at least two feet wide by six feet
19 deep. Vertical clearance shall be at least 78 inches.

20 (3) Bicycle parking shall be at least as conveniently located as the most convenient
21 nondisabled car parking. Safe and convenient means of ingress and egress to bicycle parking
22 facilities shall be provided. Safe and convenient means include, but are not limited to
23 stairways, elevators and escalators.

24 (4) Bicycle parking and automobile parking shall be separated by a physical barrier or
25 sufficient distance to protect parking bicycles from damage. The number of required

1 automobile parking spaces may be lowered in buildings where Class 1 bicycle parking is
2 provided. The number of otherwise required automobile parking spaces may be reduced,
3 commensurate with the space necessary to provide Class 1 or Class 2 bicycle parking
4 spaces, in an amount that meets or exceeds the requirements of this section. This provision
5 only applies to the explicit area used for Class 1 or Class 2 bicycle parking.

6 (5) Class 2 bicycle racks shall be located in highly visible areas to minimize theft and
7 vandalism.

8 (6) Where Class 2 bicycle parking areas are not clearly visible to approaching
9 bicyclists, signs shall indicate the locations of the facilities.

10 (7) The surface of bicycle parking spaces need not be paved, but shall be finished to
11 avoid mud and dust.

12 (8) All bicycle racks and lockers shall be securely anchored to the ground or building
13 structure.

14 (9) Bicycle parking spaces may not interfere with pedestrian circulation.

15 (e) **Lease Provisions.**

16 (1) All City leases of buildings that are subject to the requirements of this Section and
17 under which the City is a tenant shall specifically provide that the landlord agrees to make
18 space available in the building for the term of the lease within which the responsible City
19 official may install, at no cost to the landlord, bicycle parking facilities that are in compliance
20 with this Section.

21 (2) This Subsection (e) does not in any way limit the ability of the Director to approve
22 alternative storage locations under Subsection (b)(2) or exemptions under Subsection (b)(3).
23 In the event that an exemption is granted or an alternative location is approved allowing the
24 installation of bicycle parking facilities on property that is not included (i) in a building leased
25 by the responsible city official or (ii) on property that belongs to the landlord, Subsection (e)(1)

1 does not apply. If the alternative location is on property that is owned by the landlord, but is
2 not inside the building to be leased by the responsible city official, the lease provision of
3 Subsection (e)(1) is required and shall identify that property as the location of the bicycle
4 parking spaces.

5 (f) **Enforcement.** ~~Article 1.5, Section 151.1 shall be enforced by the Zoning Administrator.
6 Upon complaint, the Zoning Administrator shall investigate. If the Zoning Administrator concludes that
7 a violation exists, he or she shall provide written notice to the responsible City official offering thirty
8 days to cure the violation. The written notice shall inform the responsible City official of the grounds
9 for the Zoning Administrator's conclusion that this Section has been violated. The notice shall afford
10 the responsible City official an opportunity to meet with the Zoning Administrator to explain why
11 penalties should not be assessed. The Zoning Administrator shall assess penalties upon the responsible
12 City official's agency or department according to the following provisions:~~

13 ~~(1) If the responsible City official's violation has not been cured within the 30 days, a penalty of
14 \$50/day shall be assessed by the Zoning Administrator, commencing with the first date of the violation.~~

15 ~~(2) All fines collected for violations of this Section shall be deposited with the Municipal
16 Transportation Agency Department of Parking and Traffic for expenditure by and for the Agency's
17 Department's Bicycle Program.~~

18 (g) **Miscellaneous Requirements.**

19 (1) The responsible City official shall not, and shall encourage landlords not to,
20 establish or enforce any building policy that restricts or discourages building tenants,
21 employees, or visitors from utilizing their bicycle storage spaces.

22 (2) In any building that contains more than the required number of bicycle parking
23 spaces as set forth in Article 1.5, Section 155.1, the responsible City official shall not remove
24 such additional bicycle parking spaces without petitioning the Director. Such a petition may
25 not be filed until at least one year has elapsed following the effective date of this Section. That

1 petition shall demonstrate that the spaces the responsible City official seeks authority to
2 remove have not been necessary to meet the demand of employees and other building users.

3 (3) The responsible City official shall be responsible for full compliance with this
4 Section. The Board of Supervisors does not intend to impose requirements of this Section on
5 any responsible City official where such application would impair obligations of contract.

6 (4) Buildings with existing traditional-type racks which support only one wheel shall
7 have two years from the effective date of this Section to replace them with conforming racks.

8 (5) In addition to imposing requirements pursuant to this Section, the Board of
9 Supervisors declares it the official policy of the City and County of San Francisco that all
10 property owners and responsible City officials in control of buildings housing employees or
11 members of the public who use bicycles shall provide bicycle parking spaces and shall
12 encourage and facilitate bicycle usage.

13 ~~(h) In adopting this Section, the Board of Supervisors intends that General Fund Revenues not~~
14 ~~be used to pay for the purchase of bicycle storage facilities or for installation of bicycle storage~~
15 ~~facilities, that private building owners not be required to use their own funds to implement the~~
16 ~~requirements of this Section, and that the implementation of this Section be funded primarily through~~
17 ~~the use of public and private donations, grants and other available programmatic funding.~~

18 **SEC. 155.4. BICYCLE PARKING REQUIRED IN NEW AND RENOVATED COMMERCIAL**
19 **BUILDINGS.**

20 (a) **Definitions.**

21 ~~(h)~~ All definitions set forth in Section 155.1(a) and Section 155.3(a) are incorporated
22 into this Section. For the purposes of this Section, commercial shall mean commercial, industrial, and
23 institutional uses.

24 (b) Applicability.

1 ~~(1)~~ ~~(2)~~ **New Commercial Building_s**. A commercial or industrial building for which a
2 building permit is issued on or ~~at least six months~~ after the effective date of this Section.

3 ~~(2)~~ ~~(3)~~ **Major Renovation**. Any construction or renovation project (i) for which a building
4 permit is issued commencing on or at least six months after the effective date of this Section
5 (ii) which involves an enlargement of an existing commercial building and (iii) which has an
6 estimated construction cost of at least \$1,000,000.00.

7 ~~(3)~~ **Major Change of Use**. Any change of use involving half or more of the building's square
8 footage, or 10,000 or more square feet.

9 ~~(4)~~ **Addition of Parking**. Any increase in the amount of off-street automobile parking.

10 ~~(b)~~ ~~(c)~~ **Requirements for New Commercial Buildings and Commercial Buildings with**
11 **Major Renovations**. New eCommercial buildings making any of the changes specified in subsection
12 (b) and commercial buildings with major renovations, as a condition of approval, shall provide
13 bicycle parking in that building in accordance with this Section. Where a building undergoes
14 major renovations, its total square footage after the renovation shall be used in calculating
15 how many, if any, bicycle parking spaces are required.

16 ~~(e)~~ ~~(d)~~ **Types of Bicycle Parking**. New commercial buildings and commercial
17 buildings with major renovations shall offer either Class 1 bicycle parking, as defined in
18 Section 155.1(a)(6), or Class 2 bicycle parking, as defined in Section 155.1(a)(7), or a
19 combination of Class 1 and Class 2 bicycle parking.

20 ~~(d)~~ ~~(e)~~ **Bicycle Parking Spaces—Professional Services**. For new commercial
21 buildings and commercial buildings with major renovations, including individual buildings of
22 large, multiple-building developments, whose primary use consists of medical or other
23 professional services, general business offices, financial services, general business services,
24 business and trade schools, colleges and universities, research and development or
25 manufacturing, the following schedule of required bicycle parking applies:

1 (1) Where the gross square footage of the floor area exceeds 10,000 square feet but is
2 no greater than 20,000 feet, 3 bicycle spaces are required.

3 (2) Where the gross square footage of the floor area exceeds 20,000 square feet but is
4 no greater than 50,000 feet, 6 bicycle spaces are required.

5 (3) Where the gross square footage of the floor area exceeds 50,000 square feet, 12
6 bicycle spaces are required.

7 ~~(e)~~ (f) **Bicycle Parking Spaces—Retail and Hotel.** For new commercial buildings and
8 commercial buildings with major renovations whose primary use consists of retail, eating and
9 drinking or personal service, the following schedule of required bicycle parking applies:

10 (1) Where the gross square footage of the floor area exceeds 25,000 square feet but is
11 no greater than 50,000 feet, 3 bicycle spaces are required.

12 (2) Where the gross square footage of the floor area exceeds 50,000 square feet but is
13 no greater than 100,000 feet, 6 bicycle spaces are required.

14 (3) Where the gross square footage of the floor area exceeds 100,000 square feet, 12
15 bicycle spaces are required.

16 ~~(f)~~ (g) **Notice of Bicycle Parking.** New commercial buildings and commercial
17 buildings with major renovations subject to this Section must provide adequate signs or
18 notices to advertise the availability of bicycle parking.

19 ~~(g)~~ (h) **Layout of Spaces.** Owners of new commercial buildings and commercial
20 buildings with major renovations subject to this Section are encouraged to follow the
21 requirements set forth in Section 155.1(d) (Layout of Spaces) in installing Class 1 and Class 2
22 bicycle parking. The number of required automobile parking spaces may be lowered in
23 buildings where Class 1 bicycle parking is provided. The number of otherwise required
24 automobile parking spaces may be reduced, commensurate with the space necessary to
25 provide Class 1 or Class 2 bicycle parking spaces, in an amount that meets or exceeds the

1 requirements of this section. This provision only applies to the explicit area used for Class 1 or
2 Class 2 bicycle parking.

3 ~~(h)~~ (i) **Owners of Existing Buildings Encouraged to Provide Bicycle Parking**
4 **Spaces.** The City encourages building owners whose buildings are not subject to this Section
5 to provide bicycle parking spaces in such buildings.

6 ~~(i)~~ (j) **Exemption.** Where a new commercial building or building with major renovations
7 includes residential uses, the building's total non-residential square footage shall be used in
8 calculating how many, if any, bicycle parking spaces are required. Building owners shall be
9 required to allow tenants to bring their bicycles into buildings unless Class 1 bicycle parking is
10 provided.

11 ~~(j)~~ (k) This Section shall not be interpreted to interfere with the Planning Department's
12 ~~of Planning's~~ authority to require more than the minimum bicycle parking spaces required by
13 this Section as a condition of approval of a project, where appropriate.

14 ~~(k) For the purposes of this Section, commercial shall mean commercial and industrial.~~

15 **SEC. 156. PARKING LOTS.**

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

21 (b) Conditional Use.

22 (1) Where parking lots are specified in Articles 2 or 7 of this Code as a use for which
23 conditional use approval is required in a certain district, such conditional use approval shall be
24 required only for such parking lots in such district as are not qualified as accessory uses
25

1 under Section 204.5 of this Code. The provisions of this Section 156 shall, however, apply to
2 all parking lots whether classified as accessory, principal or conditional uses.

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

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

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

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

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

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

23 (f) ~~(h)~~ No permanent parking lot shall be permitted in ~~C-3-O, C-3-R, C-3-G~~ and NCT
24 Districts; temporary parking lots may be approved as conditional uses pursuant to the
25

1 provisions of Section 303 for a period not to exceed two years from the date of approval;
2 ~~permanent parking lots in C-3-S Districts shall be permitted only as a conditional use.~~

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

8 (h) (j) **Interior Landscaping and Street Trees.**

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

16 (2) (k) All parking lots shall meet the street tree requirements specified in Section 143.

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

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

23 (b) A non-accessory garage permitted with Conditional Use may not be permitted
24 under any condition to provide additional accessory parking for specific residential or non-
25 residential uses if the number of spaces in the garage, in addition to the accessory parking

1 permitted in the subject project or building, would exceed those amounts Not Permitted by
2 Section 151.1

3 (c) **Criteria.**

4 (1) Such facility shall meet all the design requirements for setbacks from facades and
5 wrapping with active uses at all levels per the requirements of Section 145.1; and

6 (2) Such parking shall not be accessed from any protected Transit or Pedestrian Street
7 described in Section 155(r); and

8 (3) Such parking garage shall be located in a building where the ratio of gross square
9 footage of parking uses to other uses that are permitted or Conditionally permitted in that
10 district is not more than 1 to 1; and

11 (4) Such parking shall be available for use by the general public on equal terms and
12 shall not be deeded or made available exclusively to tenants, residents, owners or users of
13 any particular use or building except in cases that such parking meets the criteria of
14 subsection (d) or (e) below; and

15 (5) Such facility shall provide spaces for car sharing vehicles per the requirements of
16 Section 166 and bicycle parking per the requirements of Section 155.2; and

17 (6) Such facility, to the extent open to the public per subsection (4) above, shall meet
18 the pricing requirements of Section 155(g) and shall generally limit the proposed parking to
19 short-term occupancy rather than long-term occupancy; and

20 (7) Vehicle movement on or around the facility does not unduly impact pedestrian
21 spaces or movement, transit service, bicycle movement, or the overall traffic movement in the
22 district; and

23 (8) Such facility and its access does not diminish the quality and viability of existing or
24 planned streetscape enhancements.

1 (d) **Parking of Fleet Vehicles.** Parking of fleet of commercial or governmental
2 vehicles intended for work-related use by employees and not used for parking of employees'
3 personal vehicles may be permitted with Conditional Use provided that the Commission
4 affirmatively finds all of the above criteria except criteria (4) and (6).

5 (e) **Pooled Residential Parking.** Non-accessory parking facilities limited to use by
6 residents, tenants or visitors of specific off-site development(s) may be permitted with
7 Conditional Use provided that the Commission affirmatively finds all of the above criteria
8 under (c) except criteria (4) and (6), and provided that the proposed parking on the subject lot
9 would not exceed the maximum amounts permitted by Section 151.1 with Conditional Use or
10 309 exception as accessory for the uses in the off-site residential development. For the
11 purpose of this subsection, an "off-site development" is a development which is existing or
12 has been approved by the Planning Commission or Planning Department in the previous 12
13 months, is located on a lot other than the subject lot, and does not include any off-street
14 parking.

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

18 (a) **Purpose.** It is the purpose of this Section to establish criteria, considerations, and
19 procedures by which non-accessory parking facilities in transit-oriented neighborhoods may
20 be reviewed, including the appropriateness of such facilities in the context of existing and
21 planned transit service, the location, size, utilization and efficiency of existing parking facilities
22 in the vicinity, and the effectiveness of Transportation Demand Management of institutions
23 and major destinations in the area.

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

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

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

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

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

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

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

24 (c) Review of any new publicly-owned non-accessory parking facilities or expansion of
25 existing publicly-owned parking facilities in C-3, RC, NCT and RTO Districts *and in the Van Ness*

1 ~~and Market Downtown Residential Special Use District~~ shall meet all of the following criteria, in
2 addition to those of subsection (b):

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

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

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

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

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

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

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

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

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

8 (c) **Protected street frontages and transit stops.** The Zoning Administrator may reduce or
9 waive required parking or loading for a project, subject to the procedures and conditions in Section
10 307(i) of this Code, when:

11 (1) the only feasible street frontage for a driveway or entrance to off-street parking or loading
12 is located on a protected pedestrian-, cycling-, or transit-oriented street frontage, as defined in Section
13 155(r) of this Code, or

14 (2) the only feasible street frontage for a driveway or entrance to off-street parking or loading
15 is located at a transit stop.

16 ~~In recognition of the compact and congested nature of the downtown area and portions of~~
17 ~~Chinatown, the accessibility of this area by public transit, and programs for provision of public parking~~
18 ~~facilities on an organized basis at specific locations, no off-street parking shall be required for any use,~~
19 ~~in any C-3 Districts, or for any use other than dwellings units where a requirement is specified, in~~
20 ~~Chinatown Visitor Retail, or Chinatown Residential Neighborhood Commercial Districts.~~

21 (d) ~~(e)~~ **Uses other than dwellings in CVR and CRNC districts.** In recognition of the
22 compact and congested nature of portions of Chinatown, the accessibility of this area by
23 public transit, and programs for provision of public parking facilities on an organized basis at
24 specific locations, no off-street parking shall be required for any use, other than dwelling units
25

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

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

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

15 ~~(g)~~ **Waterfront Special Use Districts SUDs.** In recognition of the policies set forth in
16 the Northeastern Waterfront Plan, a part of the General Plan, the unique nature of the area
17 and the difficulty of providing vehicular access thereto, the Zoning Administrator or Planning
18 Commission in specific cases may determine an appropriate reduction in off-street parking
19 requirements in Waterfront Special Use Districts ~~Numbers 1 and 3~~ as described in Sections
20 240.1, 240.2, and 240.3 of this Code, in authorizing any principal or conditional use,
21 respectively, under those sections. In considering any such reduction, the Zoning
22 Administrator for principal uses, and the Planning Commission for conditional uses, shall
23 consider the criteria set forth in Section 307(i) of this Code.

24 ~~(h)~~ **Public parking in lieu of required parking in NC districts.** In instances in
25 which all public agencies involved have certified by resolution that the requirements of this

1 Code (i) will be satisfied in whole or in part by public off-street parking facilities constructed or
2 authorized to be constructed for a special assessment district or upon any other basis, or (ii)
3 in NC Districts will be satisfied by a requirement of a cash contribution in an amount deemed
4 sufficient to provide for the future construction of the required number of parking stalls, or by
5 projects and programs which improve the management of on-street parking in the vicinity or which
6 reduce demand for parking. off-street parking required for individual buildings and uses may be
7 correspondingly reduced if the total off-street parking supply in the area will nevertheless meet
8 the requirements of this Code for all buildings and uses in the area.

9 (i) ~~(h)~~ **North of Market Special Use District SUD**. There shall be no minimum off-street
10 parking requirements in the North of Market Residential SUD ~~Special Use District~~ described in
11 Section 249.5 of this Code.

12 (j) ~~(i)~~ **Freight Loading and service vehicle spaces in C-3 Districts**. In recognition of
13 the fact that site constraints in C-3 Districts may make provision of required freight loading
14 and service vehicle spaces impractical or undesirable, a reduction in or waiver of the provision
15 of freight loading and service vehicle spaces for uses in C-3 Districts may be permitted, in
16 accordance with the provisions of Section 309 of this Code. In considering any such reduction
17 or waiver, 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 on-
22 site would result in the use of an unreasonable percentage of ground-floor area, and thereby
23 preclude more desirable use of the ground floor for retail, pedestrian circulation or open space
24 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 adverse
5 effect on pedestrian circulation, transit operations or general traffic circulation, and off-street
6 space permanently reserved for service vehicles is provided either on-site or in the immediate
7 vicinity of the building.

8 ~~(k)~~ **(j) NC and RC Districts.** The Zoning Administrator may reduce the off-street
9 parking requirements in NC Districts, as described in Article 7 of this Code, and in RC Districts
10 pursuant to the procedures and criteria of 307(g) and (i) of this Code.

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

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

1 ~~or waiver of the requirement, including, but not limited to, advertising of nearby transit and parking~~
2 ~~facilities, requiring valet parking services and/or leasing parking spaces on nearby lots during~~
3 ~~performance or exhibition activities.~~

4 (m) (4) **Geologic hazards.** Off-street parking requirements may be modified or waived by the
5 Zoning Administrator, subject to the requirements and procedures of Section 307(i) of this Code, when
6 the required parking cannot practically be provided without compromising the earthquake safety or
7 geologic stability of a building and/or neighboring structures and properties.

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

1 *and any interest accrued by such fee, shall be used for the purposes stated herein unless it is*
2 *demonstrated that it is no longer needed. This payment shall be paid in full to the City prior to the*
3 *issuance of any temporary or other certificate of occupancy for the subject property.*

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

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

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

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

1 ~~Beach-Telegraph Hill Special Use District, and the Chinatown Mixed Use Districts; Section 311 notice~~
2 ~~is required for a building of less than four units.~~

3 ~~In approving installation of the garage, the Commission shall find that: (1) the proposed garage~~
4 ~~opening/addition of off-street parking will not cause the "removal" or "conversion of residential unit,"~~
5 ~~as those terms are defined in Section 317 of this Code; (2) the proposed garage opening/addition of off-~~
6 ~~street parking will not substantially decrease the livability of a dwelling unit without increasing the~~
7 ~~floor area in a commensurate amount; (3) the building has not had two or more evictions with each~~
8 ~~eviction associated with a separate unit(s) within the past ten years, and (4) the proposed~~
9 ~~garage/addition of off-street parking installation is consistent with the Priority Policies of Section~~
10 ~~101.1 of this Code. Prior to the Planning Commission hearing, or prior to issuance of notification~~
11 ~~under Section 311(c)(2) of this Code, the Planning Department shall require a signed affidavit by the~~
12 ~~project sponsor attesting to (1), (2), and (3) above, which the Department shall independently verify.~~
13 ~~The Department shall also have made a determination that the project complies with (4) above, Section~~
14 ~~9. The San Francisco Public Works Code is hereby amended by amending Section 723.2, to read as~~
15 ~~follows:~~

16 ~~(g) **Protected Trees: Street Trees, Significant Trees and Landmark Trees.** The required off-~~
17 ~~street parking and loading may be reduced or waived by the Zoning Administrator pursuant to Section~~
18 ~~307(i) of this Code upon either (i) the recommendation of the Department of Public Works Bureau of~~
19 ~~Urban Forestry, or its successor agency, or (ii) the recommendation of a certified arborist as~~
20 ~~documented in the subject tree's required tree protection plan.~~

21 **SEC. 163. TRANSPORTATION MANAGEMENT PROGRAMS AND TRANSPORTATION**
22 **BROKERAGE SERVICES IN C-2, C-3, ~~EASTERN NEIGHBORHOODS MIXED USE~~, AND**
23 **~~SOUTH OF MARKET~~ MIXED USE DISTRICTS.**

24 (a) **Purpose.** This Section is intended to assure that adequate measures are
25 undertaken and maintained to minimize the transportation impacts of added office

1 employment in the downtown and South of Market area, in a manner consistent with the
2 objectives and policies of the General Plan, by facilitating the effective use of transit,
3 encouraging ridesharing, and employing other practical means to reduce commute travel by
4 single-occupant vehicles.

5 (b) **Requirement.** For any new building or additions to or conversion of an existing
6 building in ~~C-3, Eastern Neighborhoods Mixed Use, and South of Market~~ Commercial and Mixed Use
7 Districts where the gross square feet of new, converted or added floor area for ~~office~~ non-
8 residential use equals at least 100,000 square feet, or, in the case of the SSO or MUO District,
9 25,000 square feet, the project sponsor shall be required to provide on-site transportation
10 brokerage services for the actual lifetime of the project, as provided in this Subsection. Prior to
11 the issuance of a temporary permit of occupancy (for this purpose Section 149(d) shall apply),
12 the project sponsor shall execute an agreement with the Planning Department for the
13 provision of on-site transportation brokerage services and preparation of a transportation
14 management program to be approved by the Director of Planning and implemented by the
15 provider of transportation brokerage services. The transportation management program and
16 transportation brokerage services shall be designed:

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

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

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

24 (4) To promote and encourage the provision and proliferation of car-sharing services
25 convenient to tenants and employees of the subject buildings in addition to those required by

1 Section 166, and to promote and encourage those tenants and their employees to prioritize
2 the use of car-share services for activities that necessitate automobile travel, including the
3 promotion and sale of individual and business memberships in certified car-sharing
4 organizations, as defined by Section 166(b)(2).

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

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

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

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

14 The following provisions shall apply to nonconforming uses with respect to changes of
15 use:

16 (a) A nonconforming use shall not be changed or modified so as to increase the
17 degree of nonconformity under the use limitations of this Code, with respect to the type of use
18 or its intensity except as provided in Section 181 for nighttime entertainment activities within
19 the RSD, MUG, MUR, or SLR Districts and in Subsection (f) below. The degree of
20 nonconformity shall be deemed to be increased if the new or modified use is less widely
21 permitted by the use districts of the City than the nonconforming use existing immediately
22 prior thereto.

23 (b) Except as limited in this Subsection, a nonconforming use may be reduced in size,
24 extent or intensity, or changed to a use that is more widely permitted by the use districts of the
25

1 City than the existing use, subject to the other applicable provisions of this Code. Except as
2 otherwise provided herein, the new use shall still be classified as a nonconforming use.

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

15 ~~If the nonconforming use is located within 1/4 mile from any Individual Area Neighborhood~~
16 ~~Commercial District or Restricted Use Subdistrict described in Article 7 of this Code, the~~
17 ~~nonconforming use may change to another use which is permitted as a principal use at the first story~~
18 ~~and below in an NC-1 District and in the Individual Area Neighborhood Commercial District or~~
19 ~~Restricted Use Subdistrict or Districts within 1/4 mile of the use, or it may change to another use which~~
20 ~~is permitted as a conditional use at the first story and below in an NC-1 District and in the Individual~~
21 ~~Area Neighborhood Commercial District or Districts within 1/4 mile of the use only upon approval of a~~
22 ~~conditional use application pursuant to the provisions of Article 3 of this Code. If the nonconforming~~
23 ~~use is seeking to change in use to a retail sales activity or retail sales establishment which is also a~~
24 ~~formula retail use, as defined in Section 703.3 of this Code, it shall comply with the provisions of~~
25 ~~Section 703.3 of this Code. The nonconforming use shall comply with other building standards and use~~

1 ~~limitations of NC-1 Districts and any Individual Area NC District or Districts located within ¼ mile of~~
2 ~~the use, as set forth in Article 7 of this Code.~~

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

6 ~~(3) A nonconforming use in a Neighborhood Commercial District may be changed to~~
7 ~~another use as provided in Subsections (c) and (d) below or as provided in Section 186.1 of~~
8 ~~this Code.~~

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

12 ~~(3) (5) A nonconforming use in any South of Market Mixed Use District may not be~~
13 ~~changed to an office, retail, bar, restaurant, nighttime entertainment, adult entertainment,~~
14 ~~hotel, motel, inn, hostel, or movie theater use in any district where such use is otherwise not~~
15 ~~permitted or conditional, except as provided in Subsection (g) below.~~

16 (c) A nonconforming use may be changed to a use listed ~~in Articles 2 or 7 of this Code~~
17 ~~as a conditional use for the district in which the property is located, only upon approval of a~~
18 ~~conditional use application pursuant to the provisions of Article 3 of this Code, subject to the other~~
19 ~~applicable provisions of this Code, without the necessity of specific authorization by the City Planning~~
20 ~~Commission except where major work on a structure is involved, and the new use may thereafter~~
21 ~~be continued as a permitted conditional use, subject to the limitation of Section 178(b) of this~~
22 ~~Code.~~

23 (d) A nonconforming use may be changed to a use listed ~~in Articles 2, 7 or 8 of this Code~~
24 ~~as a principal use for the district in which the property is located, subject to the other~~
25

1 applicable provisions of this Code, and the new use may thereafter be continued as a
2 permitted principal use.

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

13 (f) Any nonconforming use in an RED District may change to any use falling within
14 zoning categories 816.36, 816.42 through 816.47, 816.55, or 816.64 through 816.67, subject
15 to the applicable provisions of this Code other than those controlling uses, and the new use
16 may thereafter continue as a nonconforming use.

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

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

23 ~~(2) Within any South of Market Mixed Use District, any area occupied by a~~
24 ~~nonconforming office use which is changed to an arts, home and/or business service use~~
25 ~~falling within zoning categories 102.2 or 816.42 through 816.47 or a wholesale, storage or~~

1 light manufacturing use falling within zoning categories 816.64 through 816.67 shall be
2 allowed to return to its former nonconforming office use.

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

9 (h) If a nonconforming use has been wrongfully changed to another use in violation of
10 any of the foregoing provisions, and the violation is not immediately corrected when required
11 by the Zoning Administrator, the wrongful change shall be deemed to be a discontinuance or
12 abandonment of the nonconforming use under Section 183 of this Code.

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

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

19 (a) Any nonconforming commercial or industrial use of land where no enclosed
20 building is involved in such use, ~~except for permanent off-street parking lots in the C-3-O, C-3-R~~
21 ~~and C-3-G Districts existing on the effective date of Ordinance No. 414-85, provided that such lots are~~
22 ~~screened in the manner required by Section 156(e);~~

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

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

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

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

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

19 The purpose of this Section is to provide for the further continuance in RH, RM, RTO,
20 and RED Districts of nonconforming uses of a limited commercial and industrial character, as
21 herein described, which are beneficial to, or can be accommodated within, the residential
22 areas in which they are located. It is hereby found and declared that, despite the general
23 incompatibility of nonconforming uses with the purposes of this Code, and with other nearby
24 uses, these limited commercial uses may be tolerated in residential areas, and tend to provide
25 convenience goods and services on a retail basis to meet the frequent and recurring needs of

1 neighborhood residents within a short distance of their homes or, within the South of Market
2 RED Districts, tend to provide jobs and continuation of small scale service and light industrial
3 activities. These uses tend to be small in scale, to serve primarily a walk-in trade, and cause a
4 minimum of interference with nearby streets and properties. Accordingly, this Section
5 recognizes the public advantages of these uses and establishes conditions for their continued
6 operation.

7 (a) Exemption from Termination Provisions. The following nonconforming uses in R
8 Districts shall be exempt from the termination provisions of Section 185, provided such uses
9 comply with all the conditions specified in Subsection (b) below:

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

15 (2) Any nonconforming use in an RH or RM District which is located within ¼ mile from
16 any Individual Area Neighborhood Commercial District or restricted use subdistrict and which
17 complies with the most restrictive use limitations specified for the first story and below of:

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

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

21 (C) Any Restricted Use Subdistrict within ¼ mile of the use, as set forth in Sections
22 781 through 781.7 of this Code.

23 (3) In the RED Districts, any nonconforming use which is a personal service use falling
24 within zoning category 816.31; home and business service use falling within zoning categories
25

1 816.42 through 816.47; live/work unit falling within zoning category 816.55; wholesale sales,
2 storage or light manufacturing uses falling within zoning categories 816.64 through 816.67.

3 (b) Conditions on Limited Nonconforming Uses. The limited nonconforming uses
4 described above shall meet the following conditions:

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

7 (2) Any signs on the property shall be made to comply with the requirements of Article
8 6 of this Code applying to nonconforming uses;

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

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

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

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

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

17 (c) **Formula Retail Uses.** All uses meeting the definition of "formula retail" use per
18 Section 703.3(b) shall not be permitted except by Conditional Use authorization under ~~through~~
19 the procedures of Section 303 of this Code.

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

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

24 (f) Compliance. Any use affected by this Section which does not comply with all of the
25 conditions herein specified shall be subject to termination in accordance with Section 185 at

1 the expiration of the period specified in that Section, but shall be qualified for consideration as
2 a conditional use under Section 185(e). Any such use which is in compliance with such
3 conditions at the expiration of such period but fails to comply therewith at any later date shall
4 be subject to termination when it ceases to comply with any of such conditions.

5 (g) **Reactivation.** Limited Commercial uses in RH, RM, RTO, and RED Districts that have
6 been discontinued or abandoned, as defined in Section 183, may be reactivated with Conditional Use
7 authorization. In addition to the findings of Section 303, the Planning Commission must find that:

8 (1) the subject space is located on or below the ground floor, and was in commercial or
9 industrial use prior to January 1, 1960;

10 (2) the subject space has not been converted to a dwelling unit; and

11 (3) the proposed commercial use meets all the requirements of this section, and other
12 applicable sections of this Code.

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

19 ~~(d)~~ (i) **Other Applicable Provisions.** The provisions for nonconforming uses contained in
20 Sections 180 through 183 shall continue to apply to all uses affected by this Section 186,
21 except that the cost limit for structural alterations contained in Section 181(b)(4) shall not be
22 applicable thereto.

23 **SEC. 188. NONCOMPLYING STRUCTURES; ENLARGEMENTS, ALTERATIONS AND**
24 **RECONSTRUCTION.**

1 (a) **No Increase in Noncompliance.** Within the limitations of this Article 1.7, and
2 especially Sections 172 and 180 hereof, a noncomplying structure as defined in Section 180
3 may be enlarged, altered or relocated, or undergo a change or intensification of use in
4 conformity with the use limitations of this Code, provided that with respect to such structure
5 there is no increase in any discrepancy, or any new discrepancy, at any level of the structure,
6 between existing conditions on the lot and the required standards for new construction set
7 forth in this Code, and provided the remaining requirements of this Code are met.

8 (b) **Structures Damaged or Destroyed by a Disaster.** A noncomplying structure that is
9 damaged or destroyed by fire, or other calamity, or by Act of God, or by the public enemy,
10 may be restored to its former condition; provided that such restoration is permitted by the
11 Building Code, and is started within one year and diligently prosecuted to completion. Except
12 as provided in Subsection (c) below, no noncomplying structure that is voluntarily razed or
13 required by law to be razed by the owner thereof may thereafter be restored except in full
14 conformity with the requirements of this Code.

15 (c) **Unreinforced Masonry Buildings.** In order that major life safety hazards in
16 noncomplying structures may be eliminated as expeditiously as possible, a noncomplying
17 structure constructed of unreinforced masonry that is inconsistent with the requirements of the
18 UMB Seismic Retrofit Ordinance, Ordinance No. 227-92, may be demolished and
19 reconstructed to the same level of noncompliance; provided that:

20 (1) The current requirements of the Building, Housing and Fire Codes and, as
21 applicable, Planning Code are met, provided that the Zoning Administrator may, and is hereby
22 empowered to, permit minor modifications to Planning Code requirements (which may include
23 permitting an increase in the building envelope or a reduction in the number of parking
24 spaces) to the extent necessary and required to bring the replacement building up to such
25 applicable Code requirements and to allow replacement of the demolished building with a

1 building which contains a comparable amount of square footage or the same number of
2 residential units as that of the demolished building. The Zoning Administrator shall provide a
3 written determination regarding such permitted Planning Code modifications; and

4 (2) Such restoration or reconstruction is started within one year after razing or other
5 demolition work on the structure and diligently prosecuted to completion.

6 (d) Addition of Nonusable Space to Historic Buildings. Notwithstanding Subsection (a) of
7 this Section, a noncomplying structure as defined in Section 180, may add nonusable space.
8 "Nonusable space" is space not used for living, sleeping, eating, cooking or working. Public
9 corridors, mechanical space, fire stairs and similar areas, are nonusable space. The
10 enlargement must:

11 (1) Facilitate the adaptive reuse or the rehabilitation of a landmark site or contributory
12 structure within a Historic District designated under Article 10 of this Code or a significant
13 structure or contributory structure within a Conservation District designated under Article 11 of
14 this Code; and

15 (A) Be necessary to comply with Building Code, Fire Code or Planning Code
16 requirements; or

17 (B) Enhance the life safety aspects of the building and/or mechanical, environmental
18 control systems; or

19 (2) Be located within a C-3 District, and:

20 (A) Be necessary to comply with Building Code, Fire Code or Planning Code
21 requirements; or

22 (B) Enhance aesthetic qualities and/or character; or

23 (C) Enhance the life safety aspects of the building and/or mechanical, environmental
24 control systems; or

1 (D) Accommodate rooftop features exempted from height limits under Section 260(b)
2 or as provided for under Sections 270, 271 or 272 of this Code.

3 (3) Application for enlargement of a non-complying structure under Subsection (d)(1)
4 shall be considered as part of an application for a Certificate of Appropriateness under Article
5 10 or a Permit to Alter under Article 11 of this Code. Any application to enlarge a
6 noncomplying structure under Article 11 shall be considered as a major alteration under
7 Section 1111 of the Planning Code. Application to alter a noncomplying structure not
8 designated an Article 11 significant or contributory building under Subsection (d)(2) shall be
9 considered under the provisions of Section 309(b) of this Code. These applications shall be
10 subject to the following additional criteria:

11 (A) That the enlargement promote the health, safety and welfare of the public; and

12 (B) That the enlargement not cause significant shadows or wind impacts on public
13 sidewalks and parks; and

14 (C) That the structure provides an appropriate transition to adjacent properties, as
15 necessary; and

16 (D) That the interior block open space formed by the rear yards of abutting properties
17 will not be adversely affected; and

18 (E) That the access of light and air to abutting properties will not be significantly
19 affected; and

20 (F) That public view corridors not be significantly affected; and

21 (4) The ~~City~~ Planning Commission, subject to the same application procedures of
22 Section 188(d)3 above, may grant an exception to the Planning Code requirements rather
23 than expansion of the structure to accommodate the Planning Code requirements. The
24 exception of the Planning Code requirement shall be subject to the criteria below:

25 (A) That the exception promote the health, safety and welfare of the public; and

1 (B) That the exception result in an increased benefit to the public and the adjacent
2 properties over the increase in nonconformance; and

3 (C) That the exception not be detrimental to either the occupants of the proposed
4 project or to the neighborhood.

5 (e) Historic Signs. Notwithstanding Subsection (a) of this Section, and in order that
6 certain character-defining signs and architectural elements of Qualified Movie Theaters be
7 preserved and enhanced, ~~historic signs a noncomplying Historic Movie Theater Projecting Sign, as~~
8 ~~defined in Section 602.25, and/or a noncomplying Historic Movie Theater Marquee, as defined in~~
9 ~~Section 602.26,~~ may be preserved, rehabilitated, or restored in accordance with the standards and
10 procedures of Section 602.9. ~~A noncomplying Historic Movie Theater Projecting Sign or a~~
11 ~~noncomplying Historic Movie Theater Marquee removed from a Qualified Movie Theater prior to or in~~
12 ~~absence of an application for replacement may be reconstructed.~~

13 ~~(1) For the purposes of this Section, "Qualified Movie Theater" shall mean a building that: (A)~~
14 ~~is currently or has been used as a movie theater; and (B) is listed on or eligible for listing on the~~
15 ~~National Register of Historic Places or the California Register of Historical Resources, designated a~~
16 ~~City Landmark or a contributor to a City Landmark District under Article 10, or designated as a~~
17 ~~Significant or Contributory Building under Article 11.~~

18 ~~(2) Any preservation, rehabilitation, restoration, or reconstruction permitted under this Section~~
19 ~~shall be in strict conformity with the overall design, scale, and character of the existing or previously~~
20 ~~existing Historic Movie Theater Sign or Historic Movie Theater Marquee and:~~

21 ~~(A) For a Qualified Movie Theater that retains its Historic Movie Theater Projecting Sign~~
22 ~~and/or Historic Movie Theater Marquee, the signage features shall be limited to the following:~~

23 ~~(i) On a Historic Movie Theater Projecting Sign, the historic name associated with a previous~~
24 ~~theater occupant;~~

1 ~~(ii) On a Historic Movie Theater Marquee, the historic name associated with a previous theater~~
2 ~~occupant and, where applicable, on the signboard, other information that is an Identifying Sign, as~~
3 ~~defined in Section 602.10, provided such information shall be contained within the signboard, shall not~~
4 ~~consist of any logos, and shall be in the character of lettering historically found on movie theater~~
5 ~~signboards in terms of size, font, and detail.~~

6 ~~(B) For a Qualified Movie Theater where the Historic Movie Theater Projecting Sign and/or~~
7 ~~Historic Movie Theater Marquee has been removed and is proposed to be reconstructed, the overall~~
8 ~~design and signage features shall be limited to the following:~~

9 ~~(i) On a Historic Movie Theater Projecting Sign, the historic name associated with a previous~~
10 ~~theater occupant;~~

11 ~~(ii) On a Historic Movie Theater Marquee, the historic name associated with a previous theater~~
12 ~~occupant and, where applicable, on the signboard, other information that is an Identifying Sign, as~~
13 ~~defined in Section 602.10, provided such information shall be contained within the signboard, shall not~~
14 ~~consist of any logos, and shall be in the character of lettering historically found on movie theater~~
15 ~~signboards in terms of size, font, and detail.~~

16 ~~(C) Any application to reconstruct shall include evidence of the dimensions, scale, materials,~~
17 ~~placement, and features of the previously existing Historic Movie Theater Projecting Sign and/or~~
18 ~~Historic Movie Theater Marquee, as well as any other information required by the Zoning~~
19 ~~Administrator.~~

20 ~~(D) General advertising signs shall not be permitted on either a Historic Movie Theater~~
21 ~~Projecting Sign or a Historic Movie Theater Marquee.~~

22 **SEC. 201. CLASSES OF USE DISTRICTS.**

23 In order to carry out the purposes and provisions of this Code, the City is hereby
24 divided into the following classes of use districts:

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| 1 | Public Use Districts (P) | |
| 2 | Residential Districts | |
| 3 | RH-1(D) | Residential, House Districts, One-Family (Detached Dwellings) |
| 4 | RH-1 | Residential, House Districts, One-Family |
| 5 | RH-1(S) | Residential, House Districts, One-Family with Minor Second Unit |
| 6 | RH-2 | Residential, House Districts, Two-Family |
| 7 | RH-3 | Residential, House Districts, Three-Family |
| 8 | RM-1 | Residential, Mixed Districts, Low Density |
| 9 | RM-2 | Residential, Mixed Districts, Moderate Density |
| 10 | RM-3 | Residential, Mixed Districts, Medium Density |
| 11 | RM-4 | Residential, Mixed Districts, High Density |
| 12 | <i>RTO</i> | <i>Residential, Transit-Oriented Neighborhood Districts</i> |
| 13 | <i>RTO-M</i> | <i>Residential, Transit-Oriented – Mission Neighborhood Districts</i> |
| 14 | Residential-Commercial Districts (RC) | |
| 15 | <i>RC-1</i> | <i>Residential-Commercial Combined Districts, Low Density</i> |
| 16 | <i>RC-2</i> | <i>Residential-Commercial Combined Districts, Moderate Density</i> |
| 17 | RC-3 | Residential-Commercial <i>Combined</i> Districts, Medium Density |
| 18 | RC-4 | Residential-Commercial <i>Combined</i> Districts, High Density |
| 19 | <i>Residential Transit-Oriented Neighborhood Districts</i> | |
| 20 | <i>RTO</i> | <i>Residential, Transit-Oriented Neighborhood Districts</i> |
| 21 | <i>RTO-M</i> | <i>Residential Transit-Oriented – Mission Neighborhood Districts</i> |
| 22 | Neighborhood Commercial Districts (NC) | |
| 23 | (Also see Article 7) | |
| 24 | General Area Districts | |
| 25 | NC-1 | Neighborhood Commercial Cluster District |
| 26 | NC-2 | Small-Scale Neighborhood Commercial District |
| 27 | NC-3 | Moderate-Scale Neighborhood Commercial District |
| 28 | NC-S | Neighborhood Commercial Shopping Center District |
| 29 | Individual Area Districts | |
| 30 | Broadway Neighborhood Commercial District | |
| 31 | Castro Street Neighborhood Commercial District | |
| 32 | Inner Clement Street Neighborhood Commercial District | |
| 33 | Outer Clement Street Neighborhood Commercial District | |
| 34 | Upper Fillmore Street Neighborhood Commercial District | |
| 35 | Haight Street Neighborhood Commercial District | |

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| 1 | Inner Sunset Neighborhood Commercial District | |
| | Upper Market Street Neighborhood Commercial District | |
| 2 | North Beach Neighborhood Commercial District | |
| 3 | <i>Pacific Avenue Neighborhood Commercial District</i> | |
| 4 | Polk Street Neighborhood Commercial District | |
| | Sacramento Street Neighborhood Commercial District | |
| 5 | Union Street Neighborhood Commercial District | |
| 6 | 24th Street-Noe Valley Neighborhood Commercial District | |
| | West Portal Avenue Neighborhood Commercial District | |
| 7 | Neighborhood Commercial Transit Districts (NCT) | |
| 8 | NCT-1 | Neighborhood Commercial Transit Cluster District |
| 9 | NCT-2 | Small-Scale Neighborhood Commercial Transit District |
| | NCT-3 | Moderate Scale Neighborhood Commercial Transit District |
| 10 | Individual Area Neighborhood Commercial Transit (NCT) Districts | |
| 11 | Hayes-Gough NCT | |
| | Upper Market Street NCT | |
| 12 | Valencia Street NCT | |
| 13 | 24th Street — Mission NCT | |
| | Mission Street NCT | |
| 14 | SoMa NCT | |
| 15 | Ocean Avenue NCT | |
| 16 | Commercial Districts (C) | |
| 17 | C-1 | Neighborhood Shopping Districts |
| | C-2 | Community Business Districts |
| 18 | C-M | Heavy Commercial Districts |
| 19 | C-3-O | Downtown Office District |
| | C-3-R | Downtown Retail District |
| 20 | C-3-G | Downtown General Commercial District |
| 21 | C-3-S | Downtown Support District |
| 22 | Industrial Districts | |
| | M-1 | Light Industrial Districts |
| 23 | M-2 | Heavy Industrial Districts |
| 24 | PDR-1-B | Production Distribution and Repair — Light Industrial Buffer |
| | PDR-1-D | Production Distribution and Repair — Design |
| 25 | PDR-1-G | Production Distribution and Repair - General |

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| 1 | PDR-2 | Core Production Distribution and Repair — Bayview |
| 2 | Chinatown Mixed Use Districts (Also see Article 8) | |
| 3 | CCB | Chinatown Community Business District |
| 4 | CR/NC | Chinatown Residential/Neighborhood Commercial District |
| 5 | CVR | Chinatown Visitor Retail District |

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| 8 | South of Market Use Mixed Use Districts (Also see Article 8) | |
| 9 | RED | Residential Enclave Districts |
| 10 | RSD | Residential Service District |
| 11 | SLR | Service/Light Industrial/Residential District |
| 12 | SLI | Service/Light Industrial District |
| 13 | SSO | Service/Secondary Office District |
| 14 | Eastern Neighborhoods Mixed Use Districts (Also see Article 8) | |
| 15 | SPD | South Park District |
| 16 | MUG | Mixed Use — General |
| 17 | MUO | Mixed Use — Office |
| 18 | MUR | Mixed Use — Residential |
| 19 | UMU | Urban Mixed Use |
| 20 | Downtown Residential Districts (<u>DTR</u>) (Also see Article 8) | |
| 21 | RH-DTR | Rincon Hill Downtown Residential |
| 22 | SB-DTR | South Beach Downtown Residential |
| 23 | <u>TB-DTR</u> | <u>Transbay Downtown Residential</u> |
| 24 | Mission Bay Districts (<u>MB</u>) (Also see Article 9) | |
| 25 | MB-R-1 | Mission Bay Lower Density Residential District |
| | MB-R-2 | Mission Bay Moderate Density Residential District |
| | MB-R-3 | Mission Bay High Density Residential District |
| | MB-NC-2 | Mission Bay Small Scale Neighborhood Commercial District |
| | MB-NC-3 | Mission Bay Moderate Scale Neighborhood Commercial District |

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| 1 | MB-NC-S | Mission Bay Neighborhood Commercial Shopping Center District |
| | MB-O | Mission Bay Office District |
| 2 | MB-CI | Mission Bay Commercial-Industrial District |
| 3 | MB-H | Mission Bay Hotel District |
| 4 | MB-CF | Mission Bay Community Facilities District |
| | MB-OS | Mission Bay Open Space District |

5 *In addition to the classes of use districts in the above table, the following terms shall apply:*

6 *"R District" shall mean any RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-1, RM-1, RM-3, RM-4,*
7 *RTO, RTO-M, RC-1, RC-2, RC-3, RC-4, or RED District;*

8 *"M District" shall mean any M-1 or M-2 District;*

9 *"PDR District" shall mean any PDR-1-B, PDR-1-D, PDR-1-or PDR-2 District;*

10 *"RH District" shall mean any RH-1(D), RH-1, RH-1(S), (RH-2, or RH-3 District;*

11 *"RM District" shall mean any RM-1, RM-2, RM-3, or RM-4 District;*

12 *"RTO District" shall mean any RTO or RTO-M District;*

13 *"C-3 District" shall mean any C-3-O, C-3-R, C-3-G, or C-3-S District. For the purposes of*
14 *Section 128 and Article 11 of this Code, the term "C-3- District" shall also include the South of Market*
15 *Extended Preservation District designated on Section Map SU03 of the Zoning Map;*

16 *"NCT District" shall mean any district listed in Section 702.1(b), including any NCT-1, NCT-2,*
17 *NCT-3, and any Neighborhood Commercial Transit District identified by street or area name; and*

18 *"Mixed Use District" shall mean all Chinatown Mixed use, South of Market Mixed Use, Eastern*
19 *Neighborhood Mixed use, and Downtown Residential Districts.*

20 **SEC 204.2. ACCESSORY USES FOR USES OTHER THAN DWELLINGS IN**
21 **RESIDENTIAL DISTRICTS.**

22 No use shall be permitted as an accessory use to a use other than a dwelling in any
23 Residential District which involves or requires any of the following:

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

4 (b) The use of show windows or window displays or advertising to attract customers or
5 clients, except for an identifying sign and regulated in Article 6 of this Code; or

6 (c) The conduct of any activity of a profit-making or commercial nature, except as an
7 integral part of the permitted principal or conditional use where such activity is expressly
8 permitted by Sections 209.1 through 209.9 of this Code.

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

10 (a) No use shall be permitted as an accessory use to a lawful principal or conditional
11 use in any Commercial or Residential-Commercial ~~C-1 or C-2~~ District which involves or requires
12 any of the following:

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

15 ~~(2) The use of any single machine of more than one horsepower in a C-1 District, or more than~~
16 ~~2½ horsepower in a C-2 District;~~

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

19 (4) (1) The use of more than $\frac{1}{4}$ one-third of the total floor area occupied by such use
20 and the principal or conditional use to which it is accessory, except in the case of accessory
21 off-street parking or loading; or

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

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

24 ~~(b) No use shall be permitted as an accessory use to a lawful principal or conditional use in~~
25 ~~any C-3 District which involves or requires the use of any single machine of more than five~~

1 ~~horsepower; or the use of more than ¼ one-third of the total floor area occupied by such use and the~~
2 ~~principal or conditional use to which it is accessory, except in the case of accessory off-street parking~~
3 ~~and loading. These limitations shall not apply to equipment or machines pertaining integrally to the~~
4 ~~lawful principal use itself.~~

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

11 ~~(d) (b)~~ No use shall be permitted as an accessory use to a lawful principal or
12 conditional use in any PDR District which involves or requires the use of more than one-third
13 (1/3) of the total floor area occupied by such use and the principal or conditional use to which
14 it is accessory, except in the case of accessory off-street parking and loading.

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

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

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

21 (b) Unless rented on a monthly basis to serve a dwelling unit within 1,250-feet
22 pursuant to Section 204.5(b)(1), below, accessory parking facilities for any dwelling in any R
23 District shall be limited, further, to storage of private passenger automobiles, private
24 automobile trailers and boats, and trucks of a rated capacity not exceeding ~~¾~~ three-quarters of

1 a ton. Notwithstanding any provision of this Code to the contrary, the following shall be
2 permitted as an accessory use:

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

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

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

21 These districts are intended to recognize, protect, conserve and enhance areas
22 characterized by structures combining residential uses with neighborhood-serving commercial
23 uses. The predominant residential uses are preserved, while provision is made for supporting
24 uses, usually in or below the ground story, which meet the frequent needs of nearby residents
25 without generating excessive vehicular traffic. The compact, walkable, transit-oriented, and mixed-

use nature of these districts is recognized by certain reductions in off-street parking requirements. The

RC Districts are composed of two separate districts, as follows:

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

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

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

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

SEC. 209.9. OTHER USES.

| | | | | | | | | | | | | | | | |
|------|------|------|------|------|------|------|------|------|-----|-------|-----------------|-----------------|------|------|---|
| 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) | | | | | | | | | | | | | |
| P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | |
| | | | | | | | | | | | | | | | (a) Sale or lease sign, as defined and regulated by |

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| | | | | | | | | | | | | | | | Article 6 of this Code. | |
| C | C | C | C | C | C | C | C | C | C | C | € | € | C | C | (b) Planned Unit Development, as defined and regulated by Section 304 and other applicable provisions of this Code. | |
| SEE SECTIONS 205 THROUGH 205.2 | | | | | | | | | | | | | | | (c) Temporary uses, as specified in and regulated by Sections 205 through 205.2 of this Code. | |
| | | | | | | | | | | | | P | P | P | P | (d) Any use as specified in, and regulated by, Sections 209.3(d), (f), (g), (h), (j); 209.4(a), |

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| | | | | | | | | | | | | | | <i>approved as a conditional use, and further subject to Section 303(c)(6)(B) where that Section applies.</i> |
| | | | | | | | | | | <i>P</i> | <i>P</i> | <i>P</i> | <i>P</i> | <i>(g) Subject to Section 233(a), live/work units, provided that one or more arts activities as defined in Section 102.2 of this Code are the primary non-residential use within the live/work unit, and that other nonresidential activities are limited to activities otherwise permitted in the</i> |

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| | | | | | | | | | | | | | | | <i>district or otherwise conditional in the district and specifically approved as a conditional use.</i> |
| € | € | € | € | € | € | € | € | € | € | € | P | P | P | P | — (h) Subject to Section 233(a), live/work units, whether or not included above, which satisfy the conditions of Section 233(b) of this Code. |
| | | | | | | | | | | | P | P | P | P | (i) (g) Arts activities except those uses subject to Sections 209.3(d) or (h). |
| C | C | C | C | C | C | C | C | C | C | C | € | € | C | C | (j) Mortuary and columbarium |

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| C-1 | C-2 | C-3-OR | C-3-ORG | C-3-ORG | C-3-ORG | C-M | M-1 | M-2 | PDR-1-G | PDR-1-D | PDR-1 | PDR-2 | |
| | | | | | | | | | | | | | SEC. 215. DWELLINGS. |
| P | P | P | P | P | P | C | C | € | | | | | (a) Dwelling at a density ratio not exceeding the number of dwelling units permitted in the nearest R District, with the distance to such R District measured from the midpoint of the front lot line or from a point directly across the street therefrom, whichever permits the greater density; provided, that the maximum density ratio in a C-1, C-2, M-1 or M-2 District shall in no case be less than for an RM-1 District, the maximum density ratio in a C-3 or C-M District shall in no case be less than for an RM-4 District, and the maximum density ratio in a C-3 District shall in no case be less than one dwelling unit for each 125 square feet of lot area. The |

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| | | | | | | | | | | | | <i>trucks, when conducted entirely within an enclosed building.</i> |
| <i>€*</i> | | | <i>€</i> | <i>€</i> | <i>P</i> | <i>P</i> | <i>P</i> | <i>P</i> | | <i>P</i> | <i>P</i> | <i>(e) (b) Automobile Lot for sSale or rRental, as defined in Section 890.13, when conducted on an open lot of new or used automobiles.</i> |
| <i>€*</i> | | | <i>€</i> | <i>€</i> | <i>P</i> | <i>P</i> | <i>P</i> | <i>P</i> | | <i>P</i> | <i>P</i> | <i>(d) Lot for sale or rental of new or used trucks.</i> |
| <i>€*</i> | | | <i>€</i> | <i>€</i> | <i>P</i> | <i>P</i> | <i>P</i> | <i>P</i> | | <i>P</i> | <i>P</i> | <i>(e) Sale or rental of new or used automobile trailers.</i> |
| <i>NA</i> | | | <i>NA</i> | <i>NA</i> | <i>NA</i> | <i>NA</i> | <i>NA</i> | <i>P</i> | <i>P</i> | <i>P</i> | <i>P</i> | <i>(f) Automobile service station for the sale and dispensing of gasoline, other motor fuels and lubricating oil directly into motor vehicles. The following activities shall be permitted at such a service station if normally conducted entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet of any R District:</i> |
| | | | | | | | | | | | | <i>(1) The sale and dispensing of</i> |

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| | | | | | | | | | | | | <i>polishing of an incidental nature, when performed primarily by hand and not including the use of any mechanical conveyor blower or steam-cleaning device.</i> |
| P* | | | P | P | P | P | P | P | P | P | P | <i>(g) (c) Automobile Automotive Service Station, as described in Section 890.18 above, with the following minor automobile repairs permitted therewith if conducted entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet on any R-District:</i> |
| | | | | | | | | | | | | <i>—(1) Tunecup, including the repair or replacement of distributors, sparkplugs and carburetors;</i> |
| | | | | | | | | | | | | <i>—(2) Brake repair;</i> |
| | | | | | | | | | | | | <i>—(3) Shock absorber replacement;</i> |
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| | | | | | | | | | | | | <i>pumps;</i> |
| | | | | | | | | | | | | <i>—(14) Such other repairs as may be designated by the Chief of the San Francisco Fire Department as minor repairs under Paragraph 8.09(a)(5)(o) of Part II, Chapter IV (Fire Code) of the San Francisco Municipal Code.</i> |
| <i>P</i> | | | <i>P</i> | <i>P</i> | <i>P</i> | <i>P</i> | <i>P</i> | <i>P</i> | <i>P</i> | <i>P</i> | <i>P</i> | <i>—(h) Repair garage for minor automobile repairs, limited to those repairs and other activities permitted at an automobile service station as described above, and in addition the following minor automobile repairs; all such repairs and other activities shall be conducted entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet of any R District.</i> |
| | | | | | | | | | | | | <i>—(1) Body and fender repair limited to replacement of parts and spot paint spraying; and</i> |

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| | | | | P | P | P | P | P | | | P | (k) <u>(f)</u> Tire recapping, if conducted on premises not less than 200 feet from any R District. |
| P* | | | | € | P | P | P | <u>P</u> € | <u>P</u> | <u>P</u> € | <u>P</u> € | (h) <u>(g)</u> Parking Lot , as <u>defined in Section 156, for accessory parking regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code.</u> |
| P | € | € | € | € | P | P | P | € | € | € | € | —(m)— Storage garage open to the public for passenger automobiles, as regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code, where such storage garage is not a public building requiring approval by the Board of Supervisors under other provisions of law and is completely enclosed. |
| €* | € | € | € | € | P | P | P | € | € | € | € | —(n)— Storage garage open to the public for passenger automobiles, as regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code, where such storage garage is |

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| | | | | | | | | | | | | | <i>not a public building requiring approval by the Board of Supervisors under other provisions of law and is not completely enclosed.</i> |
| <i>P*</i> | <i>P</i> | <i>P</i> | <i>P</i> | <i>P</i> | <i>P</i> | <i>P</i> | <i>P</i> | <i>P</i> | <i>P</i> | <i>P</i> | <i>P</i> | <i>P</i> | <i>(o) Storage garage open to the public for passenger automobiles, as regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code, where such storage garage is a public building requiring approval by the Board of Supervisors under other provisions of law.</i> |
| <i>P</i> | <i>€</i> | <i>€</i> | <i>€</i> | <i>€</i> | <i>P</i> | <i>P</i> | <i>P</i> | <i>€</i> | <i>€</i> | <i>€</i> | <i>€</i> | <i>€</i> | <i>(p) Major (nonaccessory) parking garage not open to the public, as defined in Section 158 and as regulated therein and in Sections 155 and 157 and other provisions of Article 1.5 of this Code.</i> |
| | | | | | | <u><i>C</i></u> | <u><i>C</i></u> | <u><i>C</i></u> | <u><i>C</i></u> | <u><i>C</i></u> | <u><i>C</i></u> | <u><i>C</i></u> | <i>(h) Public Parking Lot, as defined in Section 890.11.</i> |
| <u><i>C</i></u> | <u><i>C</i></u> | <u><i>C</i></u> | <u><i>C</i></u> | <u><i>C</i></u> | <u><i>C</i></u> | <u><i>C</i></u> | <u><i>C</i></u> | <u><i>C</i></u> | <u><i>C</i></u> | <u><i>C</i></u> | <u><i>C</i></u> | <u><i>C</i></u> | <i>(i) Public Parking Garage, as defined in Section 890.12.</i> |

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|---|---|---|---|---------------------------|---------------------------|----------|----------|---------------------------|---------------------------|---------------------------|---------------------------|--|
| C | C | C | C | <u>C</u> NA | <u>C</u> NA | NA | NA | <u>P</u> NA | <u>NA</u> P | <u>P</u> NA | <u>P</u> NA | (q) (<u>i</u>) Parcel delivery service, limited to facilities for the unloading, sorting and reloading of local retail merchandise for home deliveries, where the operation is conducted entirely within a completely enclosed building; including garage facilities for local delivery trucks, but excluding repair shop facilities. |
| | | | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | <u>P</u> | (r) (<u>k</u>) Parcel delivery service, not subject to the above limitations. |
| C | | | C | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | <u>P</u> | (s) (<u>l</u>) Ambulance s Service, <u>as defined in Section 890.2.</u> |
| | | | | | | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | (<u>m</u>) <u>Motor Vehicle Tow Service, as defined in Section 890.19.</u> |
| | | | € | <u>C</u> P | <u>C</u> P | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | <u>P</u> | (t) (<u>n</u>) Storage garage for commercial passenger vehicles and light delivery trucks. |
| | | | | € | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | | <u>P</u> | (tt) (<u>o</u>) Storage yard for commercial vehicles or trucks, if |

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

SEC. 228. CONVERSION OF AUTOMOTIVE SERVICE STATIONS FINDINGS.

(a) Findings.

(1) The recent trend toward conversion of service stations to non-service station use has resulted in the curtailment of essential services, including automobile refueling and emergency services, and is contrary to the public health, safety, peace and general welfare.

~~(b)~~ (2) To address this problem, the Board of Supervisors adopted Resolution No. 759-89 to impose interim controls on the conversion of service stations and to create a task force to study this problem and make recommendations to this Board regarding how to address this problem.

~~(c)~~ (3) In the 17 months since Resolution 759-89, 11 more service stations have been converted to other uses. The Service Station Conversion Task Force has recommended that the Board of Supervisors adopt permanent legislation to address this problem.

~~(d)~~ (4) The Board of Supervisors recognizes that service station operators and those who own property on which such stations are located are entitled to earn a fair rate of return on their investment. Where a fair rate of return is being earned, the Board finds that service stations should be allowed to convert to other uses only where it is determined that the conversion would benefit the public.

SEC. 228.1. DEFINITIONS.

1 **(b) Definitions.** Whenever used in this Sections ~~228.2 through 228.5~~, unless a different
2 meaning clearly appears from the context:

3 ~~(a) (1) "Gasoline Automotive sService sStation" or "service station" shall mean a retail~~
4 ~~automotive service use which provides an establishment that sells and dispenses gasoline and other~~
5 motor fuels and lubricating fluids directly into motor vehicles and performs minor auto repairs
6 and services which remain incidental to the principal sale of motor fuel, as defined in ~~may, in addition,~~
7 ~~provide the types of services specified in~~ Sections 223(f) or 223(g) 790.17 and 890.18 of this Code.

8 ~~(b) (2) "Conversion" shall mean to change the use of a property from a service station~~
9 use to a different type of use.

10 ~~(c) (3) "Return on investment" shall mean:~~

11 ~~(A) W~~where the property owner does not own the Automotive sService sStation business,
12 ~~"return on investment" shall mean~~ the before income tax total annual rent and other
13 compensation received from the service station business for the lease of the land and
14 buildings, less the expenses of the lessor, on a cash basis.

15 ~~(d) (B) W~~where the property owner also owns the Automotive sService sStation business,
16 ~~"return on investment" shall mean~~ the before income tax profit on the sale of all goods and
17 services at the service station, including the sale of gasoline, less the cost of goods sold and
18 operating costs, on a cash basis.

19 ~~(e) (4) "Total investment in the property" shall mean the fair market value of the~~
20 property at the time the application is filed with the Zoning Administrator.

21 ~~(f) (5) "Demolition" shall mean the physical removal of underground, and/or surface~~
22 tanks used in storage and dispensing of gasoline and/or any building or canopy without the
23 replacement of such equipment or structures to allow continued operation of the gasoline
24 service station.

25 ~~**SEC. 228.2. LIMITATION ON CONVERSIONS.**~~

1 (c) Limitation on Conversions.

2 ~~(a)~~ No owner of a property used as ~~a~~ an Automotive Service Station shall change the
3 use of the property to a different type of use without first applying for and receiving either a
4 conditional use authorization from the City Planning Commission, or a conversion
5 determination from the Zoning Administrator. Such authorizations shall be in addition to any
6 other permit or authorization required for a proposed service station conversion under any
7 applicable City, State or federal law or regulation. Automotive Service Stations which front on
8 Primary Transit Streets or Citywide Pedestrian Network Streets, as designated in the General Plan,
9 shall be exempt from the conversion limitations of this Section. The procedures for service station
10 conversion applications shall be as described in Sections 306 and 306.1 of this Code for
11 conditional use and variance actions.

12 ~~(b)~~ (1) Either the ~~City~~ Planning Commission or the Zoning Administrator shall
13 determine at a public hearing whether an applicant is entitled to convert the ~~gasoline~~-service
14 station, depending on the grounds on which the permit is sought. The ~~City~~ Planning
15 Commission shall make conditional use authorization determinations based on the criteria set
16 forth in ~~Section 228.3. Subsection (d)~~. The Zoning Administrator shall make service station
17 conversion determinations under the grounds set forth in ~~Subsection 228.4(a) (e)~~. An applicant
18 may, but need not, apply to the ~~City~~ Planning Commission for a conditional use authorization
19 pursuant to ~~Section 228.3 Subsection (d)~~ and apply to the Zoning Administrator for a conversion
20 authorization pursuant to ~~Section 228.4(a) Subsection (e)~~, provided that if either one approves
21 the application at the first hearing held on it, no hearing shall be necessary before the other.
22 The procedures for service station conversion hearings shall be as described in Sections 306
23 through 306.5 and 306.8 of this Code for conditional use action (~~City~~ Planning Commission
24 hearings) and variance action.

1 ~~SEC. 228.3. CRITERIA FOR PLANNING COMMISSION CONDITIONAL USE~~

2 ~~AUTHORIZATION.~~

3 (d) Criteria for Planning Commission Conditional Use Authorization. In acting on any
4 application for conditional use authorization for conversion, the Commission shall consider the
5 following criteria in lieu of the criteria set forth in Section 303(c) of this Code.

6 (1) The ~~City~~ Planning Commission shall approve the application and authorize the
7 service station conversion if it determines from the facts presented that the reduction in
8 availability of automotive goods and services resulting from the service station conversion
9 would not be unduly detrimental to the public because either:

10 (a) (A) Comparable automotive goods and services are available at other reasonably
11 accessible locations; or

12 (b) (B) The benefits to the public of the service station conversion would outweigh any
13 reduction in automotive goods and services availability because the proposed new use is
14 more necessary or desirable for the neighborhood or community than continued service
15 station use.

16 (e) (2) In making determinations under Subsection (a) (1)(A), the ~~City~~ Planning
17 Commission shall consider the following factors:

18 (1) (A) The types of services offered by the ~~gasoline~~ service station sought to be
19 converted and the hours and days during which such goods and services are available;

20 (2) (B) The volume of gasoline and other motor fuel sold and the number of vehicles
21 serviced at such ~~gasoline~~ service station during each of the 24 months preceding the filing of
22 the conditional use authorization application;

23 (3) (C) Whether the volume of gasoline and other motor fuel sold and the number of
24 vehicles serviced each month has increased or decreased during the 24-month period
25 immediately preceding the conditional use authorization;

1 ~~(4)~~ (D) The accessibility of comparable automotive goods and services offered by
2 other ~~gasoline~~ service stations and repair garages which serve the same geographic area and
3 population segments (e.g., neighborhood residents, in-town or out-of-town commuters,
4 tourists) as the service station sought to be converted.

5 ~~(4)~~ (3) In making determinations under Subsection ~~(b)~~ (1)(B), the Planning Commission
6 shall consider the following factors:

7 ~~(1)~~ (A) If the proposed use is a residential use, the total number of units to be provided
8 and the number of those units that are affordable units;

9 ~~(2)~~ (B) If the proposed new use is a commercial use, the types of goods and services
10 to be offered and the availability of comparable products and services in the vicinity;

11 ~~(3)~~ (C) The importance of the street on which the service station fronts to walking, cycling, and
12 public transit, and the impact of automobile access and egress to the service station and of the
13 proposed new uses and structures on the safety and comfort of pedestrians, cyclists, and transit riders.

14 (D) The relative environmental dangers posed by the current and proposed uses,
15 including but not limited to the quality and character of waste generated, noxious or offensive
16 emissions, fire and explosion hazards and noise, and whether the service station conversion
17 would facilitate the cleanup of existing contamination at the property;

18 ~~(4)~~ (E) The relative employment opportunities offered by the ~~gasoline~~ service station
19 and the proposed new use;

20 ~~(5)~~ (F) The relative amount of taxes or other revenues to be received by the City or
21 other governmental bodies from service station use and the proposed new use;

22 (G) The compatibility of the existing service station and of the proposed new use or structure
23 with the General Plan and area plan urban design policies and the street frontage standards of this
24 Code;

1 (6) (H) Whether the service station use and the proposed use are permitted principal
2 uses, conditional use~~s~~ or nonconforming use~~s~~.

3 ~~SEC. 228.4. CRITERIA FOR ZONING ADMINISTRATOR CONVERSION DETERMINATION.~~

4 (α) (e) Criteria for Zoning Administrator Conversion Determination. The Zoning
5 Administrator shall approve the application and authorize the service station conversion if the
6 Zoning Administrator determines from the facts presented that the owner of the subject
7 property is not earning a fair return on investment. The owner shall bear the burden of proving
8 that the owner is not earning a fair return on investment.

9 (1) Application. A property owner's application under this Section shall be signed by the
10 owner or an authorized representative of the owner and, under penalty of perjury, declared to
11 contain true and correct information. The application shall be accompanied by:

12 (1) (A) An independent appraisal of the property stating its value;

13 (2) (B) A written statement from an independent Certified Public Accountant
14 summarizing the applicant's financial records, including the property appraisal and stating the
15 return on investment calculated pursuant to this ~~Section~~ ordinance;

16 (3) (C) A certified statement from the Certified Public Accountant identifying the owner
17 of the property and the owner of the service station business;

18 (4) (D) Such other financial information as the Zoning Administrator may reasonably
19 determine is necessary to make the determination provided for in this Section.

20 (b) (2) Rebuttable Presumption. There shall be a rebuttable presumption that the
21 property owner is earning a fair return on investment if the property owner has earned at least
22 a nine percent return on the property owner's total investment in the property for the 24-month
23 period immediately preceding the filing of the application, or in the case of a service station
24 business that ceased operations after October 12, 1989, for the 24-month period immediately
25 preceding the date the service station ceased operations. The property owner may rebut this

1 presumption by offering evidence demonstrating that because of special facts regarding his or
2 her property the property owner is not earning a fair return on investment or that because of
3 special demonstrated circumstances the applicant would not earn a fair return on investment
4 from service station use during that 12-month period after the filing of the service station
5 conversion application.

6 ~~(e)~~ **(3) Notice of Hearing.** Prior to conducting ~~such the~~ hearing required by Subsection
7 (c)(1), the Zoning Administrator shall provide ~~public written~~ notice of the hearing ~~prior to the~~
8 ~~date of the hearing. Such notice shall include written notice~~ to each property owner within 300 feet
9 in every direction from the ~~gasoline~~-service station, as shown in the last equalized assessment
10 roll, such notice to be mailed at least 10 days before the hearing. The applicant also shall
11 provide posted notice in a visible location on the ~~gasoline~~ service station site at least 20 days
12 before the hearing.

13 ~~(d)~~ **(4) Determination.** The Zoning Administrator shall render written determination
14 within 60 days of the hearing.

15 ~~(e)~~ **(5) Consultation With Other City Departments.** If necessary, the Zoning Administrator
16 shall have the authority to consult with or retain the assistance of the staffs of the Department
17 of Public Works, Real Estate Department, and Mayor's Office of ~~Business Workforce and~~
18 ~~Economic Development, and Office of Community Development~~ in the review of applications for
19 service station conversion.

20 ~~**SEC. 228.5. DEMOLITION AND TANK REMOVAL.**~~

21 ~~(a)~~ **(f) Demolition and Tank Removal.**

22 (1) No service station shall be demolished except to enable a new service station to be
23 constructed on the property, unless:

1 ~~(1)~~ (A) The property owner has first obtained a conditional use authorization from the
2 Planning Commission pursuant to Section 228.3 or a conversion determination from the
3 Zoning Administrator pursuant to Section 228.4; or

4 ~~(2)~~ (B) The ~~Bureau~~ Department of Building Inspection and the Bureau of Fire Prevention
5 and Public Safety determines that the building is unsafe or dangerous and that demolition is
6 the only feasible means to secure the public safety.

7 ~~(b)~~ (2) Notwithstanding Subsections ~~(a)(1)~~ (f)(1)(A) and ~~(a)(2)~~ (f)(1)(B) above, if a
8 service station is owned by a lessee of the property and the property lease was signed prior to
9 the effective date of ~~this~~ Ordinance 288-91, which lease permits or requires the lessee to
10 remove the service station from the property before or after the expiration or termination of the
11 lease, and the lease has expired or terminated or will do so within 60 days, the lessee may
12 cease operation of the service station as permitted or required in the lease. Nothing in this
13 provision, however, shall relieve the property owner from continued use of property as ~~a~~
14 ~~gasoline~~ an Automotive sService sStation as defined by Section ~~228.1(f)~~ 890.18 or the
15 requirements of Subsection ~~(a)(1)~~ (f)(1)(A) above.

16 ~~(c)~~ (3) This ~~ordinance~~ Section shall not limit the removal of any underground storage
17 tank at a service station where removal of the tank is required to comply with any other local,
18 State or federal law or regulation or where the Director of Public Health or a State or federal
19 regulatory agency with jurisdiction over underground storage tanks determines that the tank
20 poses, or removal of the tank is necessary to mitigate, a threat to public health or safety,
21 including but not limited to waters of the State. All appropriate permits (other than the
22 authorizations required by this ~~ordinance~~ Section for conversions) shall be obtained prior to
23 such authorized tank removals. The removal of an underground tank pursuant to this Section
24 does not otherwise exempt a property owner from the requirement of obtaining conditional
25 use authorization to convert ~~a gasoline~~ an Automotive sService sStation.

1 **SEC. 239. WASHINGTON-BROADWAY SPECIAL USE DISTRICTS.**

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

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

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

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

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

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

23 **SEC. 240. WATERFRONT SPECIAL USE DISTRICTS.**

24 (a) **Purpose.** In order to provide for certain areas with unique natural and man-made
25 physical characteristics, distinct maritime character, special traffic, parking and use

1 considerations, recognized development potential, and proximity to residential, public and
2 commercial areas of regional, national and international significance which should be
3 protected from adverse adjacent development, there shall be three Waterfront Special Use
4 Districts, Numbers 1, 2 and 3, as designated on Sectional Map No. 1 SU* of the Zoning Map.
5 The original copy of said Sectional Map with these Special Use Districts indicated thereon is
6 on file with the Clerk of the Board of Supervisors *under File No. 171-70-4 and subsequent*
7 *amendments under File No. _____*. The provisions set forth in Sections 240.1 through
8 240.3 shall apply, respectively, within these Special Use Districts, and shall be applicable to
9 all property, whether public or private, including property under the jurisdiction of the San
10 Francisco Port Commission.

11 (b) **State and Regional Land Use Controls.** Much of the property within Waterfront
12 Special Use Districts ~~Numbers 1 and 3~~ is subject to land use controls in addition to those set
13 forth in this Code. Most of the land under the jurisdiction of the Port Commission is public trust
14 land and is subject to use limitations as provided in California Statutes of 1968, Chapter 1333,
15 as amended (the "Burton Act") and the San Francisco Charter. In the event of a conflict
16 between the provisions of the Burton Act and this Code, the State legislation prevails. A
17 portion of the property under the Port Commission's jurisdiction is further subject to use
18 limitations as provided ion the California Government Code, Sections 66600 et seq. (the
19 "McAteer-Petris Act"). The San Francisco Bay Conservation and Development Commission is
20 responsible for implementing the provisions of the McAteer-Petris Act. Other property within
21 this Waterfront Special Use District is subject to redevelopment plans adopted by the Board of
22 Supervisors.

23 (c) **Waterfront Design Review Process.**

24 (1) In order to best achieve the public objectives that have been established in law and
25 policy for the property under the jurisdiction of the Port Commission, a waterfront design

1 review process is hereby established to review the urban design of new development on
2 certain land under the Port Commission's jurisdiction within the Waterfront Special Use
3 District, consistent with applicable provisions of the Port's Waterfront Land Use Plan and its
4 Waterfront Design and Access goals, objectives and criteria, as provided below. The purpose
5 of the waterfront design review process is to identify and integrate the State, regional and
6 local objectives pertaining to the urban design of proposed uses in order to optimize the public
7 enjoyment and beneficial use of this public trust resource.

8 (2) The waterfront design review process shall be conducted by a Design Advisory
9 Committee. The Mayor shall appoint a qualified professional urban planner or architect
10 (general, historic or landscape) who resides or works in San Francisco as one member. The
11 Director of Planning and the Director of the Port of San Francisco shall each appoint two
12 members, consisting of (1) a senior member from their respective staffs and (2) a qualified
13 professional urban planner or architect (general, historic or landscape) who resides or works
14 in San Francisco, not employed within their agency. Of the original appointments, the Mayor's
15 appointment shall serve for a four-year term and the Planning Director and Port Director shall
16 each appoint one member for a two-year term and one member for a four-year term. After
17 expiration of the original terms, all appointments shall be for four-year terms. The Port
18 Commission is granted the authority to increase the number of Committee members by
19 adding representatives appointed by the Director of the Bay Conservation and Development
20 Commission. The Design Advisory Committee shall select a chairperson from among its
21 voting members, and shall establish rules and regulations for its own organization and
22 procedure. The Committee may establish subcommittees to which it may assign Committee
23 design review responsibilities. The Committee shall act by vote of a majority of those present
24 at a meeting with a quorum of Committee members.

1 (3) The Design Advisory Committee shall review proposed projects to be developed on
2 property of the Port of San Francisco, as set forth in Sections 240.1, 240.2, and 240.3 of this
3 Code.

4 (4) The Design Advisory Committee shall be advisory to the Planning Department and
5 Port of San Francisco, and shall provide its design recommendations to the Bay Conservation
6 and Development Commission for proposed projects within its jurisdiction. The Port shall
7 convene and provide staff assistance to the Committee and consult with the Committee on
8 non-maritime development projects as set forth in this Code and at such other times as the
9 Port deems appropriate.

10 (5) The Planning Commission and the Port Commission shall hold a joint hearing
11 within two years from the date of adoption of this ordinance to evaluate the design review
12 process and make recommendations to the Board of Supervisors for its improvement.

13 (6) The Committee shall hold a public hearing on a proposed project and make design
14 recommendations to ensure that the urban design of the proposed project is consistent with
15 applicable provisions of the Waterfront Land Use Plan's Waterfront Design and Access goals,
16 objectives and criteria. The Committee shall provide public notice for this hearing by mail to
17 the applicant or other person or agency initiating the action and other parties who have
18 requested mailed notice of such hearing on the project in writing.

19 (7) The Committee, as an advisory board, must review and consider any final
20 environmental documents, or draft documents if final documents are not yet available,
21 prepared pursuant to the California Environmental Quality Act before it makes its final
22 recommendations.

23 (8) The determination of the Committee on urban design issues related to the
24 proposed project shall be final as to those design issues, except as provided below. The
25 Committee shall transmit the design recommendations to the Planning Department and Port,

1 and to the Bay Conservation and Development Commission for proposed projects within its
2 jurisdiction, within five days following the Committee action for consideration by those
3 agencies prior to any action on the project.

4 (A) For a project that is permitted as a principal use, the Planning Commission can, by
5 majority vote within 14 days of receipt of the design recommendations of the Committee,
6 make a determination to review the design recommendations. If the item cannot be
7 calendared for Commission consideration within that period due to a canceled meeting, the
8 Commission may consider whether to review the design recommendations at its next
9 available meeting. If the Commission requests review, it shall conduct a public hearing on the
10 matter within 14 days following its determination to review the design recommendations, if
11 legally adequate environmental documents have been completed, or at its first public meeting
12 after such documents have been completed, unless the Port Director agrees to a different
13 date. At the request of the Port Director, the meeting shall be conducted as a joint public
14 hearing of the Planning Commission and the Port Commission. The Planning Commission, by
15 majority vote, may adopt, amend or reject the design recommendations of the Committee,
16 subject to the same standards and criteria that govern Committee decisions as provided in
17 Subsection (c)(6) above.

18 If the Port Commission accepts the design recommendations of the Committee or of
19 the Planning Commission, the Port Commission shall incorporate the design
20 recommendations into the Port action on the project.

21 If the Port Commission objects to or seeks to modify the design recommendations of
22 the Committee, the Port Commission may request Planning Commission review of the design
23 recommendations of the Committee. The Planning Commission shall schedule a public
24 hearing and review the design recommendations of the Committee within 20 days following
25 receipt of the request, if legally adequate environmental documents have been completed, or

1 at its first public meeting after such documents have been completed, unless the Port Director
2 agrees to a different date. At the request of the Port Director, the meeting shall be conducted
3 as a joint public hearing of the Planning Commission and the Port Commission.

4 If the Port Commission objects to or seeks to substantially modify design
5 recommendations that have been approved by the Planning Commission as set forth above,
6 the Port Commission may appeal the design recommendations to the Board of Supervisors
7 pursuant to the procedures set forth in Section 308.1 of this Code and in Charter Section
8 4.105 for appeals of conditional uses. The Board of Supervisors may disapprove the decision
9 of the Commission by a vote of not less than of the members of the Board.

10 (B) For a project that requires a conditional use authorization, the Director of Planning
11 shall incorporate the design recommendations of the Committee on urban design issues
12 related to the proposed project into the recommendation to the Planning Commission. The
13 Director of Planning may recommend specific modifications to the Committee's design
14 recommendations, in which case the Director's recommendation shall specify why the
15 Committee's design recommendations should not be considered final. The Director of
16 Planning shall schedule a public hearing before the Planning Commission within 30 days
17 following receipt of the Committee's design recommendations, if legally adequate
18 environmental documents have been completed, or at its first public meeting after such
19 documents have been completed, unless the Port Director agrees to a different date.

20 (C) ~~(A)~~ A project within a Waterfront Special Use District shall be reviewed under the
21 provisions set forth in the Waterfront Special Use District within which boundaries it is located,
22 and shall not be considered, for review purposes under this Code, as including or being part
23 of a project within an adjoining Waterfront Special Use District, notwithstanding the timing of
24 development, the physical proximity or type of uses associated with any other such projects,
25 or the applicant or other person or agency initiating the action.

1 **SEC. 240.2. WATERFRONT SPECIAL USE DISTRICT NO. 2.**

2 The following provisions shall apply within Waterfront Special Use District No. 2:

3 (a) Industrial, commercial and other operations directly related to the conduct of
4 waterborne commerce or navigation shall be permitted as principal uses, except in residential
5 zoning districts.

6 (b) A hotel or motel, if otherwise listed in this Code as a permitted use, shall be
7 permitted only upon approval by the Planning Commission as a conditional use under Section
8 303 of this Code.

9 (c) An automobile service station, if otherwise listed in this Code as a permitted use,
10 shall be permitted only upon approval by the Planning Commission as a conditional use under
11 Section 303 of this Code.

12 (d) Any building or use which provides a greater number of off-street parking spaces
13 than required under Section 151 of this Code shall be permitted only upon approval by the
14 Planning Commission as a conditional use under Section 303 of this Code; provided,
15 however, that this subsection shall not apply in any case where fewer than 10 such spaces
16 are provided. Off-street parking requirements may be reduced or waived by the Planning Department
17 or Planning Commission, as provided in Section 161(f) of this Code.

18 (e) Any new development on property under the jurisdiction of the Port Commission (excluding
19 alterations to existing development) which includes an area (excluding the area of public streets and
20 alleys) of at least one-half acre shall be subject to review of the urban design of the proposed use by the
21 waterfront design review process, as provided under Section 240(c) of this Code. Any use, whether
22 principal or accessory, not screened from view from adjacent streets and other public areas, with the
23 exception of accessory off-street parking areas for nine or fewer automobiles, shall be permitted only
24 upon approval by the Planning Commission as a conditional use under Section 303 of this Code.

1 (f) The basic floor area ratio limit shall be 5.0 to 1 to the extent provided in Section
2 124(e) of this Code.

3 **SEC. 240.3. WATERFRONT SPECIAL USE DISTRICT NO. 3.**

4 The following provisions shall apply within Waterfront Special Use District No. 3:

5 (a) Industrial, commercial and other operations directly related to the conduct of
6 waterborne commerce or navigation shall be permitted as principal uses.

7 (b) A wholesale establishment conducted entirely within an enclosed building shall be
8 permitted as a principal use.

9 (c) Any development on property not under the jurisdiction of the Port Commission
10 which includes an area (excluding the area of public streets and alleys) of at least three acres
11 shall be permitted only upon approval by the Planning Commission according to the
12 procedures for conditional use approval in Section 303 of this Code. In considering any
13 application for such a development under Section 303, the Planning Commission shall
14 consider the following criteria in addition to those stated in Section 303(c):

15 (1) Conformance to the Northeastern Waterfront Plan, a part of the General Plan,
16 including streets and roadways as indicated therein;

17 (2) Assurance of a general profile for development having higher portions near
18 Telegraph Hill or other inland areas and lower portions near The Embarcadero;

19 (3) Assurance of view corridors along public streets between Telegraph Hill or other
20 inland areas and the waterfront and Bay;

21 (4) Provision of open spaces available to the public; and

22 (5) Adherence to the character of surrounding areas of the City.

23 (d) Any new development on property under the jurisdiction of the Port Commission,
24 (excluding alterations to existing development) which includes an area (excluding the area of
25 public streets and alleys) of at least $\frac{1}{2}$ one-half acre shall be subject to review of the urban

1 design of the proposed use by the waterfront design review process, as provided under
2 Section 240(c) of this Code.

3 (e) In considering any application for development on property under the jurisdiction of
4 the Port Commission on which a specific use or uses require a conditional use, the specific
5 use or uses requiring a conditional use within a project, and not the project in its entirety, shall
6 be subject to the provisions set forth in Section 303 and Article 3.5 of this Code. The Planning
7 Commission shall consider the following criteria in lieu of those stated in Section 303(c):

8 (1) That such use or feature as proposed is consistent with the Waterfront Land Use
9 Plan (WLUP) and its WLUP Waterfront Design and Access goals, policies and criteria,
10 adopted by the Port Commission, including any amendments thereto which the Planning
11 Commission has found to be consistent with the General Plan;

12 (2) Assurance of a general profile for development having higher portions near
13 Telegraph Hill or other inland areas and lower portions near The Embarcadero;

14 (3) [Reserved.]

15 (4) Assurance of view corridors along public streets between Telegraph Hill or other
16 inland areas and the waterfront and Bay, in accordance with the view policies of the
17 Northeastern Waterfront Plan, a part of the General Plan;

18 (5) Provision of open spaces available to the public consistent with the Waterfront
19 Design and Access goals, policies and criteria; and

20 (6) Adherence to the character of surrounding areas of the City.

21 (f) A hotel or motel, if otherwise listed in this Code as a permitted use, shall be
22 permitted only upon approval by the Planning Commission as a conditional use under Section
23 303 of this Code.

1 (g) An automobile service station, if otherwise listed in this Code as a permitted use,
2 shall be permitted only upon approval by the Planning Commission as a conditional use under
3 Section 303 of this Code.

4 (h) **Parking.** Any building or use which provides a greater number of off-street parking
5 spaces than required under Section 151 of this Code shall be permitted only upon approval by
6 the Planning Commission as a conditional use under Section 303 of this Code; provided,
7 however, that this subsection shall not apply (1) in any case where fewer than 10 such spaces
8 are provided, ~~or (2) for property under the jurisdiction of the Port of San Francisco, to the extent such~~
9 ~~off-street parking spaces existed as of the effective date of this Subsection. Off-street parking~~
10 ~~requirements may be reduced or waived by the Planning Department or Planning Commission, as~~
11 ~~provided in Section 161(f) of this Code.~~

12 ~~(i) Any use, whether principal or accessory, not screened from view from adjacent streets and~~
13 ~~other public areas, with the exception of temporary uses pursuant to Section 205.1, accessory off-street~~
14 ~~parking areas for nine or fewer automobiles, or off-street parking areas on property under the~~
15 ~~jurisdiction of the Port of San Francisco in existence as of the effective date of this subsection, shall be~~
16 ~~permitted only upon approval by the Planning Commission as a conditional use under Section 303 of~~
17 ~~this Code.~~

18 ~~(j) (i) **Floor area ratio.**~~ The basic floor area ratio limit shall be 5.0 to 1 to the extent
19 provided in Section 124(e) of this Code.

20 ~~(k) Off-street parking requirements may be modified by the Planning Department or Planning~~
21 ~~Commission, as provided in Section 161(f) of this Code.~~

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

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

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

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

10 (1) **Basic Floor Area Ratio.** The basic floor area ratio limit shall be 7.0 to 1 in the 130-
11 foot height district and 4.8:1 in the 80-foot height district. These limits shall apply to dwellings
12 notwithstanding Section 124(b) of this Code, including floor space used for nonaccessory off-
13 street parking, driveways, and maneuvering areas, *except for dwellings in an affordable housing*
14 *project as defined in Section 401.* For definitions of floor area ratio and gross floor area, see
15 Sections 102.11 and 102.9, respectively. The provisions allowing a floor area premium set
16 forth in Section 125(a) shall not apply in the Van Ness Special Use District.

17 (2) **Housing Density.** The restrictions on density set forth in Sections 207, 207.1, 208,
18 209.1 and 209.2 of this Code shall not apply.

19 (3) **Height and Bulk Restrictions.** See Height and Bulk Map No. HT-02 2H. See
20 Section 270 of this Code for bulk limits.

21 (4) **Awnings, canopies and marquees.** Awnings, canopies and marquees, as *defined*
22 *in Sections 790.20, 790.26 and 790.58 of this Code, and further* regulated by the Building Code and
23 Sections 243(c)(5), 136.~~12~~ and 607.~~13~~ of this Code, are permitted.

24 ~~(5) **Signs.**~~

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

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

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

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

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

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

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

17 ~~(7)~~ (6) **Required Setbacks.** Setbacks for buildings exceeding a height of 50 feet shall
18 be regulated as provided in Section 253.2 of this Code.

19 ~~(8)~~ (7) **Limitation of Nonresidential Uses.**

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

1 nonresidential uses shall be permitted in the addition in excess of 20 percent only if the ratio
2 between the amount of occupied floor area for residential use, as defined in this paragraph
3 below, to the area of occupied floor area for nonresidential use is 3 to 1 or greater. This
4 residential use ratio shall not apply to development sites in the Van Ness Special Use District
5 which have less than 60 feet of street frontage on Van Ness Avenue and have no street
6 frontage other than the Van Ness Avenue frontage. For purposes of this Section,
7 "nonresidential uses" shall mean any use except Dwelling Units or Group Housing ~~those uses~~
8 ~~described in Sections 209.2(d) and (e) (hotel, inn, hostel), 209.3(a) (hospital, medical center or other~~
9 ~~medical institution with in-patient care facilities), 209.4 (community facilities), 209.6 (public facilities~~
10 ~~and utilities), 209.7 (vehicle storage and access) and 209.8 (commercial establishments); in the~~
11 ~~Automotive Special Use District nonresidential uses include automotive uses as described in Section~~
12 ~~237; "residential use" shall mean those uses described in Sections 209.1 and 209.2(a), (b) and (c)~~
13 ~~(dwelling units and group housing).~~

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

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

24 (1)

25 $(\text{Lot Area} \times \text{FAR}) / 4 \times 3 = \text{Residential}$

SQ. FT.
Requirement

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(2)

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

(3)

LOSS X \$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

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

1 **(iii) Annual Reporting, Evaluation and Adjustments to Affordability and Fee**

2 **Calculations.** The Department shall report annually to the Planning Commission on the
3 activity and utilization of Section 243(c)(8)(B). Based on an evaluation of this report, the
4 Planning Commission may initiate a modification or deletion of Section 243(c)(8)(B).

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

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

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

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

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

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

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

1 (C) **Off-Site Provision of Required Residential Space.** For the purpose of
2 calculating the 3 to 1 ratio between residential and nonresidential use, two or more projects
3 for new construction within the Van Ness Special Use District may be considered and
4 approved together as linked projects. The requirements of Paragraph (A) above may be
5 satisfied if the aggregate amount of occupied floor area for residential use in two or more
6 linked projects is at least three times greater than the aggregate amount of occupied floor
7 area for nonresidential use.

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

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

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

1 (iv) No building or portion of a building approved as a linked project that contains
2 residential use required to meet the 3 to 1 residential to nonresidential ratio requirement shall
3 be used for any nonresidential purposes; provided, however, that this restriction shall no
4 longer apply if 50 percent or more of the non-residential occupied floor area in the linked
5 projects has been converted to residential use, or has been demolished, or has been
6 destroyed by fire or other act of God;

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

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

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

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

21 (E) **Demolitions.** All demolitions of buildings containing residential use and all
22 conversions from residential uses to nonresidential uses above the ground floor shall be
23 permitted only if authorized as a conditional use under Section 303 of this Code, unless the
24 Director of the Department of Building Inspection or the Chief of the Bureau of Fire Prevention
25 and Public Safety determines that the building is unsafe or dangerous and that demolition is

1 the only feasible means to secure the public safety. When considering whether to grant a
2 conditional use permit for the demolition or conversion, in lieu of the criteria set forth in
3 Planning Code Section 303, consideration shall be given to the adverse impact on the public
4 health, safety and general welfare of the loss of housing stock in the district and to any
5 unreasonable hardship to the applicant if the permit is denied. The definition of residential use
6 shall be as set forth in Section 243(c)(8)(A), but shall not include any guest room in a building
7 classified as a residential hotel subject to the Residential Hotel Unit Conversion and
8 Demolition Ordinance.

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

20 ~~*(F) **Parking.** Pursuant to Table 151 in Article 1.5 of this Code, the residential parking*~~
21 ~~*requirement shall be one space for each dwelling unit; provided, however, that the Zoning*~~
22 ~~*Administrator may reduce the parking requirement to not less than one space for each four dwelling*~~
23 ~~*units pursuant to the procedures and criteria of Sections 307(g) and (i) of this Code.*~~

24 ~~*(F) (G)*~~ **Adult Entertainment Enterprises.** The uses described in Section ~~*790.36*~~ ~~*221(k)*~~
25 of this Code are not permitted.

1 ~~(G)~~ **(H) Other Entertainment Uses.** Other Entertainment Uses as defined in Section
2 790.38 of this Code shall require notification as set forth in Section 312 of this Code.

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

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

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

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

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

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

24 **SEC. 249.5. NORTH OF MARKET RESIDENTIAL SPECIAL USE DISTRICT.**

1 (a) **General.** A special use district entitled the "North of Market Residential Special
2 Use District," which includes RC-4 and P Use Districts, the boundaries of which are shown on
3 Sectional Map No. ~~ISUB~~ SU01 of the Zoning Map, is hereby established for the purposes set
4 forth below.

5 (b) **Purposes.** In order to protect and enhance important housing resources in an area
6 near downtown, conserve and upgrade existing low and moderate income housing stock,
7 preserve buildings of architectural and historic importance and preserve the existing scale of
8 development, maintain sunlight in public spaces, encourage new infill housing at a compatible
9 density, limit the development of tourist hotels and other commercial uses that could
10 adversely impact the residential nature of the area, and limit the number of commercial
11 establishments which are not intended primarily for customers who are residents of the area,
12 the following controls are imposed in the North of Market Residential Special Use District.

13 (c) **Controls.** The following zoning controls are applicable in the North of Market
14 Residential Special Use District. Certain controls are set forth in other Sections of this Code
15 and are referenced herein.

16 (1) **Conditional Use Criteria.** In making determinations on applications for conditional
17 use authorizations required for uses located within the North of Market Residential Special
18 Use District, the City Planning Commission shall consider the purposes as set forth in
19 Subsection (b) above, in addition to the criteria of Section 303(c) of this Code.

20 (2) Notwithstanding other the provisions ~~of Section 209.8~~ of this Code, commercial
21 establishments shall be limited to the ground floor and the first basement floor, except that
22 such establishments may be permitted on the second story as a conditional use if authorized
23 pursuant to Section 303 and Section 249.5(c)(1) of this Code.

1 (3) *Garment shops that meet the qualifications set forth in Section 236(a) may be permitted on*
2 *the ground floor and first basement floor as a conditional use if authorized pursuant to Section 303 and*
3 *Section 249.5(c)(1) of this Code.*

4 (4) The following uses are not permitted: (A) A *Tourist hHotel, inn, hostel or motel;* and
5 (B) massage establishments which are not incidental to *a Hospital or Other Institution the*
6 *institutional uses permitted in Sections 217(a) through (d) of the Planning Code* or are not incidental
7 to a health club, gymnasium or other facility with a regular membership or other facility which
8 is used primarily for instruction and training in body building, exercising, reducing, sports,
9 dancing or other similar physical activities.

10 (4) (5) In the portion of the area designated as Subarea No. 1 of the North of Market
11 Residential Special Use District, as shown on Section Map ~~ISUB~~ *SU01* of the Zoning Map, the
12 density ratio shall be one dwelling unit for each 125 square feet of lot area; in Subarea No. 2,
13 as shown on Section Map ~~ISUB~~ *SU01* of the Zoning Map, the density ratio shall be one
14 dwelling unit for each 200 feet of lot area. The double density provisions of Section 209.1(m)
15 shall not result in greater density than that permitted in an RC-4 District.

16 (6) (5) *No off-street parking requirements shall be required for any use may be modified*
17 *by the City Planning Commission, as provided in Section 161(h) of this Code.*

18 (6) (7) A bulk district "T" shall apply pursuant to the provisions of Section 270, Table
19 270 of this Code.

20 (7) (8) Special exceptions to the 80-foot base height limit in height and bulk districts 80-
21 120-T and 80-130-T may be granted pursuant to the provisions of Section 263.7 of this Code.

22 (8) (9) Building setbacks are required in this district pursuant to Section 132.2;
23 provisions for exceptions are also set forth in Section 132.2 of this Code.

24 (9) (10) Exceptions to the rear yard requirements for an RC-4 District may be granted
25 pursuant to Section 134(f) of this Code.

1 ~~(11) Awnings, canopies and marquees, as defined in Sections 790.20, 790.26 and 790.58 of this~~
2 ~~Code, and further regulated by the Building Code and Sections 249.5(c)(12), 136.2 and 607.4 of this~~
3 ~~Code are permitted.~~

4 ~~(12) Signs located in the RC-4 portion of this district shall be regulated as provided in Section~~
5 ~~607.4 of this Code.~~

6 (10) ~~(13)~~ All provisions of the ~~City~~ Planning Code applicable in an RC-4 Use District
7 shall apply within that portion of the district zoned RC-4, except as specifically provided
8 above. All provisions of the ~~City~~ Planning Code applicable in a P Use District shall apply within
9 that portion of the district zoned P, except as specifically provided above.

10 (11) ~~(14)~~ All demolitions of buildings containing residential units shall be permitted only
11 if authorized as a conditional use under Section 303 of this Code, unless the Director of the
12 Department of Building Inspection or the Chief of the Bureau of Fire Prevention and Public
13 Safety determines that the building is unsafe or dangerous and that demolition is the only
14 feasible means to secure the public safety. When considering whether to grant a conditional
15 use permit for the demolition, in lieu of the criteria set forth in City Planning Code Section
16 303(c), consideration shall be given to the purposes of the North of Market Residential Special
17 Use District set forth in Section 249.5(b), above, to the adverse impact on the public health,
18 safety and general welfare due to the loss of existing housing stock in the district and to any
19 unreasonable hardship to the applicant if the permit is denied. Demolition of residential hotel
20 units shall also comply with the provisions of the Residential Hotel Ordinance.

21 (d) **Liquor Establishments.** In addition to all other applicable controls set forth in this
22 Code, Liquor Establishments in the North of Market Residential Special Use District shall be
23 subject to the controls set forth in this Section.

24 (1) No Off-Sale Liquor Establishments shall be permitted in the North of Market
25 Residential Special Use District.

1 (2) An Off-Sale Liquor Establishment lawfully existing in the North of Market
2 Residential Special Use District and selling alcoholic beverages as licensed by the State of
3 California prior to the effective date of this legislation may continue operation only under the
4 following conditions, as provided by California Business and Professions Code Section 23790:

5 (A) The premises shall retain the same type of retail liquor license within a license
6 classification; and

7 (B) The licensed premises shall be operated continuously without substantial change
8 in mode or character of operation.

9 (3) The prohibition on Off-Sale Liquor Establishments shall not be interpreted to
10 prohibit the following, provided that the type of California liquor license does not change, the
11 location of the establishment does not change, and the square footage used for the display
12 and sale of alcoholic beverages does not increase:

13 (A) A change in ownership of an Off-Sale Liquor Establishment or an owner-to-owner
14 transfer of a California liquor license; or

15 (B) Re-establishment, restoration or repair of an existing Off-Sale Liquor
16 Establishment on the same lot after total or partial destruction or damage due to fire, riot,
17 insurrection, toxic accident or act of God; or

18 (C) Temporary closure of an existing Off-Sale Liquor Establishment for not more than
19 ninety (90) days for repair, renovation or remodeling.

20 (4) The prohibition on Off-Sale Liquor Establishments shall not be interpreted to
21 prohibit the following:

22 (A) Temporary uses, as described in Planning Code Section 205.1; or

23 (B) Establishment of an Off-Sale Liquor Establishment if application for such Off-Sale
24 Liquor Establishment is on file with the California Department of Alcoholic Beverage Control
25 prior to the effective date of this legislation; or

1 (C) Re-location of an existing Off-Sale Liquor Establishment in the North of Market
2 Residential Special Use District to another location within the North of Market Residential
3 Special Use District with conditional use authorization from the ~~City~~ Planning Commission,
4 provided that (i) the type of California liquor license does not, change, (ii) the square footage
5 used for the display and sale of alcoholic beverages does not increase, and (iii) the original
6 premises shall not be occupied by an Off-Sale Liquor Establishment unless by another Off-
7 Sale Liquor Establishment that is also relocating from within the North of Market Residential
8 Special Use District. Any such conditional use authorization shall include a requirement that
9 the establishment comes with the "Good Neighbor Policies" set forth in Subsection (d)(6)
10 below; or

11 (D) A change in liquor license from a Type 21 (Off-Sale General) to a Type 20 (Off-
12 Sale Beer and Wine), provided that the square footage used for the display and sale of
13 alcoholic beverages does not increase.

14 (5) The prohibition on Off-Sale Liquor Establishments shall be interpreted to prohibit
15 the transfer of any California Alcoholic Beverage Control Board off-sale liquor license from a
16 location outside of the North of Market Residential Special Use District to a location within the
17 North of Market Residential Special Use District or the issuance of any original California
18 Alcoholic Beverage Control Board off-sale liquor license for a location within the North of
19 Market Residential Special Use District.

20 (6) The following "Good Neighbor Policies" shall apply to all Liquor Establishments in
21 the North of Market Residential Special Use District in order to maintain the safety and
22 cleanliness of the premises and vicinity:

23 (A) Employees of the establishment shall walk a 100-foot radius from the premises
24 some time between 30 minutes after closing time and 8:00 a.m. the following morning, and
25

1 shall pick up and dispose of any discarded beverage containers and other trash left by
2 patrons;

3 (B) The establishment shall provide outside lighting in a manner sufficient to illuminate
4 street and sidewalk areas and adjacent parking, as appropriate to maintain security, without
5 disturbing area residences;

6 (C) No alcoholic beverages shall be consumed on any outdoor property adjacent to
7 the establishment and which is under the control of the establishment, excepting those areas
8 of the property that are enclosed and not visible from the sidewalk. are intended for patron
9 services, are supervised by the establishment, and are not located adjacent to any sidewalk
10 areas;

11 (D) No more than 33 percent of the square footage of the windows and clear doors of
12 the establishment shall bear advertising or signage of any sort, and all advertising and
13 signage shall be placed and maintained in a manner that ensures that law enforcement
14 personnel have a clear and unobstructed view of the interior of the premises, including the
15 area in which the cash registers are maintained, from the exterior public sidewalk or entrance
16 to the premises. This requirement shall not apply to premises where there are no windows, or
17 where existing windows are located at a height that precludes a view of the interior of the
18 premises to a person standing outside the premises;

19 (E) No person under the age of 21 shall sell or package alcoholic beverages;

20 (F) Employees of the establishment shall regularly police the area under the control of
21 the establishment in an effort to prevent the loitering of persons about the premises; and

22 (G) The establishment shall promptly remove any graffiti from the exterior of the
23 premises.

24 (7) For purposes of this Section, the following definitions shall apply:
25

1 (A) "Liquor Establishment" shall mean any enterprise selling alcoholic beverages
2 pursuant to a California Alcoholic Beverage Control Board license.

3 (B) "Off-Sale Liquor Establishment" shall mean any establishment that is defined in
4 Section 790.55 of this Code.

5 (C) "Alcoholic Beverages" shall mean "alcoholic beverages," as defined by California
6 Business and Professions Code Sections 23004 and 23025;

7 (D) "Sell" or "Sale" shall mean and include any retail transaction whereby, for any
8 consideration, an alcoholic beverage is transferred from one person to another.

9 (e) **Fringe Financial Services.** In addition to all other applicable controls set forth in
10 this Code, properties in the North of Market Residential Special Use District are within the
11 Fringe Financial Service Restricted Use District established by Section 249.35 and are subject
12 to the controls and exemptions set forth in Section 249.35.

13 **SEC. 249.15. RESTRICTED LIGHT INDUSTRIAL SPECIAL USE DISTRICT.**

14 (a) **Purpose.** There shall be a special use district known as the Restricted Light
15 Industrial Special Use District, consisting of certain portions of the City and County of San
16 Francisco zoned M-1 or P which border residential or recreational areas. The purpose of this
17 district will be to restrict the more intensive light industrial activities in order to reduce conflict
18 between uses adjacent or in close proximity to one another. These uses include: industrial
19 areas, residential areas, recreation areas (both existing and proposed), large sports facilities
20 or other large parking generators.

21 (b) **Controls.**

22 (1) In the Restricted Light Industrial Special Use District, the following uses (otherwise
23 permitted or conditionally permitted in M-1 districts) shall not be permitted:

- 24 - Yard for storage or sale of livestock feed or coal;
25 - Stone or monument yard;

- 1 - Storage or transfer of junk, waste, garbage, refuse, secondhand, discarded, or
- 2 salvaged materials;
- 3 - Automobile wrecking operation;
- 4 - Rendering or reduction of animal materials;
- 5 - Automobile assembling;
- 6 - Bottling plant, brewery, dairy products, plant, malt manufacturing or processing;
- 7 - Ice manufacturing;
- 8 - Concrete products mixing or manufacturing;
- 9 - Foundry;
- 10 - Metalworking or blacksmith shop;
- 11 - Enameling, lacquering, wholesale paint mixing;
- 12 - Woodworking mill or manufacturing of wood-fibre, sawdust, or excelsior products.

13 (2) In the Restricted Light Industrial Special Use District, the following uses shall
14 require conditional use approval pursuant to Section 303(c) and (d) of the Planning Code:

- 15 - Parcel delivery services (as set forth in Planning Code Section 223(j) ~~(g)~~ and ~~(k)~~ ~~(r)~~);
- 16 - Ambulance services (as set forth in Planning Code Section 890.2 ~~223(s)~~);
- 17 - Storage for commercial vehicles (as set forth in Planning Code Sections 890.131 and
18 890.132 ~~223(t)~~ and ~~(u)~~);
- 19 - Cold storage plant (as set forth in Planning Code Section 225(g));

20 In addition to the criteria for conditional use review already stated in Section 303, conditional
21 use review for any new development in this special use district shall also consider the
22 following issues:

- 23 (A) The impact on human health imposed by soil toxicity;
- 24 (B) Mitigation of adverse environmental impacts of industry on housing or open space
25 (including but not limited to: noise, trash, dust);

- 1 (C) Conflict between industrial vehicular traffic and residential uses;
- 2 (D) Impacts of spillover parking from adjacent uses that generate high parking
- 3 demands;
- 4 (E) Compatibility of appearance and landscaping with residential or parks;
- 5 (F) Any other related problems or issues resulting from the conflict of different land use
- 6 activities in this area.

7 (3) **Enforcement.** All requirements of Article 1.7 of the ~~City~~ Planning Code with regard
8 to enforcement and compliance with these restrictions shall be monitored by the Zoning
9 Administrator in cooperation with the Department of Building Inspection and the Department
10 of Public Health. Specifically, termination of legal nonconforming uses and abatement of
11 illegal uses will be pursued to the extent permitted by the Municipal Code.

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

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

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

- 23 (1) Continuation and enhancement of existing ground floor retail uses are of critical
- 24 importance to the character of the District and displacement of such uses should be
- 25 discouraged;

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

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

6 (b) **Controls.**

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

11 (2) **Conditional Uses.**

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

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

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

24 ~~(B) (b)~~ Subsection (b)(2)(a) shall not apply to any use that fronts Pacific Street.
25

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

3 **SEC. 249.49. TELEGRAPH HILL – NORTH BEACH RESIDENTIAL SPECIAL USE**
4 **DISTRICT.**

5 (a) **Purposes.**

6 (±) To regulate off-street parking and the installation of garages in existing residential
7 structures in order to ensure that they do not significantly increase the level of automobile
8 traffic, increase pollution, or impair pedestrian use on narrow public rights-of-way in the
9 District; and to prevent the ability to add parking from providing an incentive to convert
10 existing residential buildings from rental buildings to tenancies-in-common.

11 (b) **Applicability.** The provisions of this Special Use District shall apply to the RH and RM
12 zoned parcels within the area bounded by Bay Street on the north, The Embarcadero and Sansome
13 Street on the east, Broadway on the South, and Columbus Avenue on the west, as shown on Sectional
14 Map SU01 of the Zoning Map.

15 (b) **Controls.**

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

20 (2) **Installation of a Parking Garage.** Installation of a garage in an existing residential
21 building of four or more units requires a mandatory discretionary review hearing by the
22 Planning Commission; Section 311 notice is required for a building of less than four units. In
23 approving installation of the garage, the Commission shall find that: (1) the proposed garage
24 opening/addition of off-street parking will not cause the "removal" or "conversion of residential
25 unit," as those terms are defined in Section 317 of this Code; (2) the proposed garage

1 opening/addition of off-street parking will not substantially decrease the livability of a dwelling
2 unit without increasing the floor area in a commensurate amount; (3) the building has not had
3 two or more "no-fault" evictions, as defined in 37.9(a)(7)—(13) of the San Francisco
4 Administrative Code, with each eviction associated with a separate unit(s) within the past ten
5 years, (4) the garage would not front on a public right-of-way narrower than 41 feet, and (5)
6 the proposed garage/addition of off-street parking installation is consistent with the Priority
7 Policies of Section 101.1 of this Code.

8 Prior to the Planning Commission hearing, or prior to issuance of notification under
9 Section 311(c)(2) of this Code, the Planning Department shall require a signed affidavit by the
10 project sponsor attesting to (1), (2), and (3) above, which the Department shall independently
11 verify. The Department shall also have made a determination that the project complies with
12 (4) and (5) above.

13 **SEC. 262. ADDITIONAL HEIGHT LIMITS APPLICABLE TO SIGNS.**

14 (a) The height limits established by this Article 2.5 shall apply to all signs regulated by
15 this Code, except those identified as ~~an Historic Sign within an Historic Sign District~~ pursuant
16 to Sections ~~302, 303 and 608.14~~ 602.9 of this Code. No sign shall be erected, placed, replaced,
17 reconstructed or relocated except in conformity with the provisions of this Article, whether
18 such sign is freestanding or attached to a building or structure.

19 (b) The height of signs is also regulated by Article 6 of this Code, and in each case the
20 most restrictive of the applicable height limitations shall prevail, except for historic signs ~~within~~
21 ~~Historic Sign Districts~~ which are exempt from height limits pursuant to Section 260 of this Code

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

23 In addition to those specified in Sections 302 through 306, and Sections 316 through
24 316.8 of this Code, the Zoning Administrator shall have the following powers and duties in
25 administration and enforcement of this Code. The duties described in this Section shall be

1 performed under the general supervision of the Director of Planning, who shall be kept
2 informed of the actions of the Zoning Administrator.

3 (a) **Rules, Regulations and Interpretations.** The Zoning Administrator shall,
4 consistent with the expressed standards, purposes and intent of this Code and pursuant to its
5 objectives, issue and adopt such rules, regulations and interpretations as are in the Zoning
6 Administrator's opinion necessary to administer and enforce the provisions of this Code.
7 Such rules and regulations, and any such interpretations that will be of general application in
8 future cases, shall be made a part of the permanent public records of the Planning
9 Department. The Zoning Administrator shall respond to all written requests for determinations
10 regarding the classification of uses and the interpretation and applicability of the provisions of
11 this Code.

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

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

22 (d) **Code Maintenance.** The Zoning Administrator shall periodically review and study
23 the effectiveness and appropriateness of the provisions of this Code, for the purpose of
24 recommending necessary changes to the Director of Planning and the Planning Commission.
25

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

5 (f) **Cooperation With Other Departments.** The Zoning Administrator shall furnish to
6 the various departments, officers and employees of the City vested with the duty or authority
7 to issue permits or licenses (including but not limited to the Department of Public Works,
8 Department of Public Health, Police Department and Fire Department) such information as
9 will insure the proper administration of this Code and of all the rules, regulations,
10 interpretations and other determinations of the Planning Department relative thereto. It shall
11 be the duty of said departments, officers and employees to cooperate with the Zoning
12 Administrator in the performance of the Zoning Administrator's duties, and to assist in the
13 enforcement of the provisions of this Code.

14 (g) **Exceptions from Certain Specific Code Standards through Administrative**
15 **Review in the Chinatown Mixed Use Districts and the South of Market Mixed Use**
16 **Districts.** The Zoning Administrator may allow complete or partial relief from parking, rear
17 yard, open space and wind and shadow standards as authorized in the applicable sections of
18 this Code, when modification of the standard would result in a project better fulfilling the
19 criteria set forth in the applicable section. The procedures and fee for such review shall be
20 the same as those which are applicable to variances, as set forth in Sections 306.1 through
21 306.5 and 308.2

22 (h) **Exceptions from Certain Specific Code Standards through Administrative**
23 **Review ~~in the Eastern Neighborhoods Mixed Use Districts.~~ ~~In the Eastern Neighborhoods Mixed~~**
24 **~~Use Districts,~~ the The** Zoning Administrator may allow complete or partial relief from certain
25 standards specifically identified below and elsewhere in this Code when modification of the

1 standard would result in a project fulfilling the criteria set forth below and in the applicable
2 section.

3 (1) **Applicability.**

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

8 (B) Dwelling Unit Exposure for Historic Buildings. Relief may also be provided for
9 dwelling unit exposure requirements for buildings which are designated landmark buildings or
10 contributory buildings within designated historic districts per Article 10 of this Code, any
11 building designated Category I-IV per Article 11 of this Code, and/or buildings recorded with the
12 State Historic Preservation Office as eligible for the California Register, when the following
13 criteria are met: (i) literal enforcement of Section 140 would result in the material impairment
14 of the historic resource; and (ii) the project complies with the Secretary of the Interior's
15 Standards, (36 C.F.R. § 67.7 (2001)) and/or Section 1006 and any related Article 10
16 appendices of this Code. This administrative exception does not apply to new additions to historic
17 buildings.

18 (C) Residential Open Space for Historic Buildings. For a landmark building designated per
19 Article 10 of this Code, a contributing building located within a designated historic district per Article
20 10, or any building designated Category I-IV per Article 11 of this Code, the provision of off-site
21 publicly accessible open space, meeting the requirements of Section 135(h), may be credited toward the
22 residential usable open space requirement.

23 (D) Conversion of Non-conforming Uses to Residential Uses. The Zoning Administrator may
24 modify or waive dwelling unit exposure requirements, rear yard requirements, open space
25

1 requirements for inner courts, and the substitution of off-site publicly accessible open space for
2 required residential open space, provided:

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

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

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

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

16 (i) **Criteria for the Reduction or Modification of Off-Street Parking Requirements.**

17 In approving a reduction or modification of off-street requirements authorized by this Code,
18 the Zoning Administrator or the Planning Commission shall consider and apply the following
19 criteria:

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

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

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

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

1 (5) the pattern of land use and character of development in the vicinity; and
2 (6) such other criteria as the Zoning Administrator deems appropriate in the
3 circumstances of the particular case.

4 **SEC. 309.1 PERMIT REVIEW IN DOWNTOWN RESIDENTIAL DISTRICTS.**

5 The provisions and procedures set forth in this Section shall govern the review of
6 project authorization and building and site permit applications for the construction or
7 substantial alteration of structures in Downtown Residential districts, the granting of
8 exceptions to requirements of this Code, and the imposition of modifications necessary to
9 achieve the objectives and policies of the General Plan and the purposes of this Code as
10 provided for in Section ~~827~~ 825 and elsewhere. When any action authorized by this Section is
11 taken, any determination with respect to the proposed project required or authorized pursuant
12 to CEQA may also be considered.

13 (a) **Design Review.**

14 (1) In addition to the standard permit review process, the design of projects greater
15 than 50,000 gross square feet or 85 feet in height shall be subject to design review and
16 approval by Department staff. A detailed design review will be initiated by Department staff
17 working with the project sponsor, at the time an application for 309.1 review or building permit
18 is filed, and may take place in advance of filing a building permit application. This
19 comprehensive review shall resolve issues related to the project's design, including the
20 following:

21 (A) Overall building massing and scale;

22 (B) Architectural treatments, facade design and building materials;

23 (C) The design of lower floors, including building setback areas, townhouses, entries
24 and parking and loading access;

1 (D) On sloping sites, parking provided above ground pursuant to Section ~~827(7)(A)~~
2 825(b)(7)(A);

3 (E) The provision of required open space, both on- and off-site;

4 (F) Streetscape and other public improvements, including tree planting, street
5 furniture, and lighting;

6 (G) Circulation, including streets, alleys and mid-block pedestrian pathways

7 (H) Other changes necessary to bring a project into conformance with the *Rincon Hill*
8 *Plan and other applicable* elements and area plans of the General Plan.

9 (2) If the project sponsor opposes project modifications and conditions recommended
10 by the Director of Planning pursuant to the design review, the Director shall prepare a report
11 of recommended modifications which shall be presented to the Planning Commission for a
12 hearing pursuant to Subsection (e) and which shall be available to the public upon mail
13 notification of said hearing.

14 (b) **Exceptions.**

15 (1) Exceptions to the following provisions of this Code may be granted as provided for
16 below:

17 (A) Exceptions to the tower separation requirements of Section 270(e), pursuant to the
18 criteria described in Section 270(e)(3) and 270(e)(4).

19 (B) Provision for exceeding an accessory residential parking ratio *principally permitted*
20 *and up to the maximum permitted by Table 151.1 of 0.5 off-street car parking spaces per dwelling unit,*
21 *up to a maximum of one car parking space per dwelling unit, pursuant to the criteria described in*
22 *Section 151.1.*

23 (C) Exceptions to the lot coverage requirements of Section ~~827(d)(2)~~ 825(b)(2) for
24 conversions of existing non-residential structures to residential use.

25 (D) Reductions in the dwelling unit exposure requirements of Section 140

1 (E) Allowing parking access from Folsom Street, pursuant to ~~827(d)(7)~~ 827(a)(8)(A0(ii))
2 and 155(r).

3 (F) Reduction of required on-site residential open space of 36 square feet per unit
4 described in Section ~~827(e)(2)(A)~~ 827(a)(9) to create additional off-site publicly-accessible open
5 space and superior building design.

6 (G) Design, location, and size of publicly-accessible open space as allowed by ~~Section~~
7 ~~827(e)~~ 827(a)(9) and equivalence of proposed publicly-accessible open space in size and
8 quality with required on-site open space.

9 (H) Modifications to the required upper story setback above a height of 45 feet on the
10 north side of mid-block pedestrian pathways as allowed in Section ~~827(d)(4)(C)(i)~~
11 827(a)(5)(C)(i).

12 (I) On development lots larger than ½-acre, minor deviations from the provisions for
13 measurement of height in Sections 260 of the Code as otherwise provided in Section
14 304(d)(6), in cases where the Planning Commission finds that such minor measurement
15 modification is necessary for a project of outstanding overall design, complementary to the
16 design of the surrounding area, and necessary to meet the intent and policies of the relevant
17 area plan of the General Plan.

18 (c) **Hearing and Determination on Design Modifications and Applications for**
19 **Exceptions.**

20 (1) **Hearing.** The Planning Commission shall hold a public hearing for all projects
21 greater than 50,000 gross square feet, for all projects 85 feet in height or greater, and for
22 applications that require exceptions as provided in Subsection (b).

23 (2) **Notice of Hearing.** Notice of such hearing shall be mailed not less than 10 days
24 prior to the date of the hearing to the project applicant, to property owners within 300 feet of
25 the project that is the subject of the application, using for this purpose the names and

1 addresses as shown on the citywide Assessment Roll in the Assessor's Office, and to any
2 person who has requested such notice. Such notice shall also be published at least once in
3 an official newspaper of general circulation at least 10 days prior to the date of the hearing.
4 The notice shall state that the written recommendation of the Director of Planning regarding
5 design modifications to the project and regarding any requests for exceptions is available for
6 public review at the office of the Planning Department.

7 (3) **Director's Recommendations on Modifications and Exceptions.** At the
8 hearing, the Director of Planning shall review for the Commission key urban design issues
9 related to the project based on the design review pursuant to Subsection (a) and recommend
10 to the Commission modifications to the project and conditions for approval as necessary. The
11 Director shall also make recommendations to the Commission on any proposed exceptions
12 pursuant to Subsection (b).

13 (4) **Decision and Imposition of Conditions.** The Commission may, after public
14 hearing and, after making appropriate findings, approve, disapprove or approve subject to
15 conditions, the project and any applications for exception. In addition to the requirements set
16 forth in this Code, additional requirements, modifications, and limitations may be imposed on
17 a proposed project, through the imposition of conditions, in order to achieve the objectives
18 and policies of the General Plan or the purposes of this Code, including any modifications
19 recommended by the Planning Director arising from design review. If pursuant to the
20 provisions of this Section, the Planning Commission determines that conditions should be
21 imposed on the approval of a building or site permit application or an application for
22 exceptions to conform the building to the standards and intent of the Rincon Hill Plan and
23 other elements of the General Plan and the applicant agrees to comply, the Commission may
24 approve the application subject to those conditions.

1 (5) **Appeal.** The decision of the Planning Commission on the granting of any
2 exceptions pursuant to Subsection (b) may be appealed to the Board of Appeals by any
3 person aggrieved within 15 days after the date of the decision by filing a written notice of
4 appeal with that body, setting forth wherein it is alleged that there was an error in the
5 interpretation of the provisions of this Code or abuse of discretion on the part of the Planning
6 Commission.

7 (6) **Decision on Appeal.** Upon the hearing of an appeal, the Board of Appeals may,
8 subject to the same limitations as are placed on the Planning Commission by Charter or by
9 this Code, approve, disapprove or modify the decision appealed from the Planning
10 Commission. If the determination of the Board differs from that of the Commission it shall, in a
11 written decision, specify the error in interpretation or abuse of discretion on the part of the
12 Commission and shall specify in the findings, as part of the written decision, the facts relied
13 upon in arriving at its determination.

14 (7) **Discretionary Review.** No requests for discretionary review, other than through
15 the procedures set forth in this Subsection, shall be accepted by the Planning Department or
16 heard by the Planning Commission for permits in a DTR district.

17 (d) **Change of Conditions.** Authorization of a change in any condition previously
18 imposed pursuant to this Section shall require an application for a change in conditions, which
19 application shall be subject to the procedures set forth in this Section.

20 (e) **Unbuilt Tower Projects; Progress Requirement and Approval Revocation.**

21 (1) Construction of any development in an "R" bulk district containing a building taller
22 than 110 feet (herein referred to as a "tower project") shall commence within 24 months of the
23 date the tower project is first approved by the Planning Commission or Board of Appeals
24 pursuant to the provisions of this Section. For tower projects that contain more than one tower
25 structure, each tower structure shall be considered as a separate phase of development, with

1 a requirement for commencement of construction for each subsequent tower phase of 18
2 months beginning after the Certificate of Final Completion and Occupancy is issued on the
3 previous tower phase. Failure to begin construction work within that period, or thereafter to
4 carry the development diligently to completion, shall be grounds for the Planning Commission
5 to revoke approval of the tower project or phase. Neither the Department of Public Works nor
6 the Board of *Permit* Appeals shall grant any extension of time inconsistent with the
7 requirements of this Subsection (e)(1). For the purposes of this Subsection, "carry the
8 development diligently to completion" shall mean continuous construction work without
9 significant stoppage toward the completion of a tower structure beyond any site clearance,
10 grading, excavation, or demolition of existing buildings on the project site.

11 (2) The Department of Building Inspection shall notify the Planning Department in
12 writing of its approval for issuance and issuance of a site or building permit for any tower
13 project and of the revocation, cancellation, or expiration of any such permit.

14 (3) At the first regularly scheduled Planning Commission meeting after the time period
15 described in Subsection (e)(1) or this Subsection (e)(3) has elapsed for any tower project or
16 tower phase, the Planning Commission shall hold a hearing requiring the tower project
17 sponsor to report on the construction progress of the subject tower project or phase. If the
18 Commission finds that the tower project or phase does not meet the progress requirement of
19 Subsection (e)(1), the Commission may revoke or extend, up to a maximum of 12 months for
20 each extension, the approvals for the tower project or phase.

21 (4) Appeals of Planning Commission decisions pursuant to this Subsection (e) shall be
22 conducted pursuant to the procedures of Subsections (c)(5) and (c)(6).

23 **SEC. 602.3. BUSINESS SIGN.**

24 A sign which directs attention to a business, commodity, service, industry or other
25 activity which is sold, offered, or conducted, other than incidentally, on the premises upon

1 which such sign is located, or to which it is affixed. Where a number of commodities, services,
2 or other activities with different brand names or symbols are sold, offered or conducted, other than
3 incidentally, on the premises, up to 1/3 of the area of a business sign, or 25 square feet of sign
4 area, whichever is the lesser, may be devoted to the advertising of one or more of those
5 commodities by brand name or symbol as an accessory function of the business sign,
6 provided that such advertising is integrated with the remainder of the business sign, and
7 provided also that any limits which may be imposed by this Code on the area of individual
8 signs and the area of all signs on the property are not exceeded.

9 **SEC. 602.9. HISTORIC SIGNS ~~AND HISTORIC SIGN DISTRICTS.~~**

10 (a) Purpose. The purpose of this section is to designate and to preserve, maintain, and restore
11 a sign which depicts in text or graphic form a particular residential, business, cultural, economic,
12 recreational, or other valued resource which is deemed by the Planning Commission to be of historic
13 value and contributes to the visual identity and historic character of a City neighborhood or the City as
14 a whole. Historic signs can contribute to the character of historic buildings and districts. Historic
15 signs can also be valued in themselves, apart from the buildings to which they may be attached.
16 Exceptions from the requirements of this Article 6 may be granted via Conditional Use Authorization,
17 subject to the procedures and standards of Section 303 and of this section.

18 (b) Definitions.

19 (1) Historic Sign. An Historic Sign is a sign that depicts a land use, a business activity,
20 a public activity, a social activity or historical figure or an activity or use that recalls the City's
21 historic past, as further defined in Section 608.14 of this Code, and as permitted by Sections
22 303 and 608.14 of this Code.

23 An historic sign district is a specific geographic area depicted on the Zoning Map of the City
24 and County of San Francisco, pursuant to Section 302 of this Code, within which historic signs may be
25

1 ~~permitted by conditional use authorization by the Planning Commission pursuant to Sections 303 and~~
2 ~~608.14 of this Code.~~

3 (A) **Historic Movie Theater Marquee.** A marquee, as defined in Section 136.1(c), attached to a
4 Qualified Movie Theater, when such marquee was originally constructed in association with a movie
5 theater or similar historic use. Elimination or change of any lettering or other inscription from a movie
6 theater marquee, such as that which may occur with a change of ownership, change of use or closure,
7 does not preclude classification of the marquee under this Section.

8 (B) **Historic Movie Theater Projecting Sign.** A projecting business sign attached to a
9 Qualified Movie Theater when such sign was originally constructed in association with the Qualified
10 Movie Theater or similar historic use. Such signs are typically characterized by (A) perpendicularity to
11 the primary facade of the building, (B) fixed display of the name of the establishment, often in large
12 lettering descending vertically throughout the length of the sign; (C) a narrow width that extends for a
13 majority of the vertical distance of a building's facade, typically terminating at or slightly above the
14 roofline, and (D) an overall scale and nature such that the sign comprises a significant and character
15 defining architectural feature of the building to which it is attached. Elimination or change of any
16 lettering or other inscription from a movie theater projecting sign, such as that which may occur with a
17 change of ownership, change of use, or closure does not preclude classification of the sign under this
18 Section.

19 (2) **Qualified Movie Theater.** A building that: (A) is currently or has been used as a movie
20 theater; and (B) is listed on or eligible for listing on the National Register of Historic Places or the
21 California Register of Historical Resources, designated a City Landmark or a contributor to a City
22 Landmark District under Article 10, or designated as a Significant or Contributory Building under
23 Article 11.

24 (c) **Application for Historic Sign Authorization.** Prior to the scheduling of the Conditional
25 Use hearing before the Planning Commission required by subsection (a), the applicant for a historic

1 sign authorization shall provide to the Department evidence in the form of photographs and/or
2 documents demonstrating that:

3 (1) the sign proposed for historic authorization is at least 40 years old; and

4 (2) the sign depicts a particular residential, business, cultural, economic, recreational, or other
5 valued resource of historic value and contributes to the visual identity and historic character of a City
6 neighborhood or the City as a whole.

7 (d) **Referral to Historic Preservation Commission.** If the application for a historic sign
8 authorization under this Section 608.14 is not otherwise required to be referred to the Historic
9 Preservation Commission under the San Francisco Charter or this Code, it is not required to be
10 referred. However, the Department may refer the application to that Commission for an advisory
11 opinion as to the eligibility of the sign for historic sign status, and/or of any proposed alteration,
12 restoration, or reconstruction to an eligible sign.

13 (e) **Criteria and Requirements for Preservation, maintenance, restoration, and**
14 **reconstruction.** In addition to the requirements of Section 303, the Planning Commission shall
15 consider the following criteria in granting Conditional Use Authorization for exceptions from the
16 requirements of Article 6 for signs, and the requirements of Section 136.1 for Historic Movie Theater
17 Marquees.

18 (1) **Minimizing alterations.** Historic signs shall be maintained unaltered and in their historic
19 location to the extent possible, even when the new business is of a different nature from the old. Signs
20 painted directly on walls, doors, windows, or other building surfaces may not be changed, but may be
21 repaired or restored.

22 (2) **Relocation.** A Historic Sign may be relocated elsewhere on the building to accommodate a
23 new sign. A Historic Sign may also be relocated to a public space inside the building, such as in the
24 lobby or above the bar in a restaurant. This option is less preferable than keeping the sign outside the
25

1 building, but preserves the sign on site, and leaves open the possibility of putting it back in its historic
2 location.

3 (3) **Modification.** Signs other than those painted directly onto building surfaces may be
4 modified for use with a new business. Modifications to signs should be minimized, and should take
5 care not to destroy essential features. New text and images shall maintain continuity with the character
6 of the sign, building, and district. General Advertising Signs shall not be permitted on historic
7 Projecting Signs or Roof Signs.

8 (4) **General Advertising Signs.** General Advertising Signs shall not be permitted on historic
9 signs.

10 (5) **Historic Movie Theater Projecting Signs and Historic Movie Theater Marquees.** In order
11 that certain character-defining architectural elements of Qualified Movie Theaters be preserved and
12 enhanced, a noncomplying Historic Movie Theater Projecting Sign and/or a noncomplying Historic
13 Movie Theater Marquee, as defined in this Section, may be preserved, rehabilitated, or restored. A
14 noncomplying Historic Movie Theater Projecting Sign or a noncomplying Historic Movie Theater
15 Marquee removed from a Qualified Movie Theater prior to or in absence of an application for
16 replacement may be reconstructed.

17 (A) Any preservation, rehabilitation, restoration, or reconstruction permitted under this Section
18 shall be in strict conformity with the overall design, scale, and character of the existing or previously
19 existing Historic Movie Theater Sign or Historic Movie Theater Marquee and:

20 (B) For a Qualified Movie Theater that retains its Historic Movie Theater Projecting Sign
21 and/or Historic Movie Theater Marquee, the signage features shall be limited to the following:

22 (i) On a Historic Movie Theater Projecting Sign, the historic name associated with a previous
23 theater occupant;

24 (ii) On a Historic Movie Theater Marquee, the historic name associated with a previous theater
25 occupant and, where applicable, on the signboard, other information that is an Identifying Sign, as

1 defined in Section 602.10, provided such information shall be contained within the signboard, shall not
2 consist of any logos, and shall be in the character of lettering historically found on movie theater
3 signboards in terms of size, font, and detail.

4 (C) For a Qualified Movie Theater where the Historic Movie Theater Projecting Sign and/or
5 Historic Movie Theater Marquee has been removed and is proposed to be reconstructed, the overall
6 design and signage features shall be limited to the following:

7 (i) On a Historic Movie Theater Projecting Sign, the historic name associated with a previous
8 theater occupant;

9 (ii) On a Historic Movie Theater Marquee, the historic name associated with a previous theater
10 occupant and, where applicable, on the signboard, other information that is an Identifying Sign, as
11 defined in Section 602.10, provided such information shall be contained within the signboard, shall not
12 consist of any logos, and shall be in the character of lettering historically found on movie theater
13 signboards in terms of size, font, and detail.

14 (D) Any application to reconstruct shall include evidence of the dimensions, scale, materials,
15 placement, and features of the previously existing Historic Movie Theater Projecting Sign and/or
16 Historic Movie Theater Marquee, as well as any other information required by the Zoning
17 Administrator.

18 (E) General advertising signs shall not be permitted on either a Historic Movie Theater
19 Projecting Sign or a Historic Movie Theater Marquee.

20 **SEC. 602.24. WINDOW SIGN.**

21 A sign painted directly on the surface of a window glass or placed ~~in front of or~~ behind
22 the surface of a window glass.

23 **SEC. 604. PERMITS AND CONFORMITY REQUIRED.**

24 (a) Approval of Application. An application for a permit for a sign that conforms to the
25 provisions of this Code shall be approved by the Planning Department ~~of Planning~~ without

1 modification or disapproval by the Planning Department ~~of Planning~~ or the Planning
2 Commission, pursuant to the authority vested in them by Section 26, ~~Part III,~~ of the San
3 Francisco ~~Municipal~~ Business & Tax Regulations Code or any other provision of said Municipal
4 Code; provided, however, that applications pertaining to (a) signs subject to the regulations
5 set forth in Article 10 of the Planning Code, Preservation of Historical, Architectural and
6 Aesthetic Landmarks, Article 11, Preservation of Buildings and Districts of Architectural,
7 Historical and Aesthetic Importance in the C-3 Districts and Sections 602.9 and 608.14 may be
8 disapproved pursuant to the relevant provisions thereof, and (b) preservation, restoration,
9 rehabilitation, or reconstruction of Historic Movie Theater Projecting Signs or Historic Movie
10 Theater Marquees as set forth in Section 188(e) may be modified or disapproved subject to
11 applicable sections of the General Plan, this Code, relevant design guidelines, Department or
12 Commission policy, or the Secretary of the Interior Standards for the Treatment of Historic
13 Properties. No sign, other than those signs exempted by Section 603 of this Code, shall be
14 erected, placed, replaced, reconstructed or relocated on any property, intensified in
15 illumination or other aspect, or expanded in area or in any dimension except in conformity with
16 Article 6 of this Code. No such erection, placement, replacement, reconstruction, relocation,
17 intensification, or expansion shall be undertaken without a permit having been duly issued
18 therefor, except as specifically provided otherwise in this Section 604.

19 (b) Applicability of Section. The provisions of this Section 604 shall apply to work of the
20 above types on all signs unless specifically exempted by this Code, whether or not a permit
21 for such sign is required under the San Francisco Building Code. In cases in which permits
22 are not required under the Building Code, applications for permits shall be filed with the
23 Central Permit Bureau of the Department of Building Inspection on forms prescribed by the
24 Planning Department ~~of Planning~~, together with a permit fee of \$5.00 for each sign, and the
25

1 permit number shall appear on the completed sign in the same manner as required by the
2 Building Code.

3 (c) Sign Painted on Door or Window. No permit shall be required under this Code for a
4 sign painted or repainted directly on a door or window in an NC, C or M District. Permits shall
5 be required for all other painted signs in NC, C and M Districts, and for all painted signs in P
6 and R Districts. Repainting of any painted sign shall be deemed to be a replacement of the
7 sign, except as provided in Subsection (f) below.

8 (d) Ordinary Maintenance and Repairs. Except as provided in Subsection (c) above, no
9 permit shall be required under this Code for ordinary maintenance and minor repairs which do
10 not involve replacement, alteration, reconstruction, relocation, intensification or expansion of
11 the sign.

12 (e) Temporary Sale or Lease Signs. No permit shall be required under this Code for
13 temporary sale or lease signs, temporary signs of persons and firms connected with work on
14 buildings under actual construction or alteration, and temporary business signs, to the extent
15 that such signs are permitted by this Code.

16 (f) Change of Copy. A mere change of copy on a sign the customary use of which
17 involves frequent and periodic changes of copy shall not be subject to the provisions of this
18 Section 604, except that a change from general advertising to nongeneral advertising sign
19 copy or from nongeneral advertising to general advertising sign copy or an increase in area
20 including, but not limited to, any extensions in the form of writing, representation, emblem or
21 any figure of similar character shall in itself constitute a new sign subject to the provisions of
22 this Section 604. In the case of signs the customary use of which does not involve frequent
23 and periodic changes of copy, a change of copy shall in itself constitute a new sign subject to
24 the provisions of this Section 604 if the new copy concerns a different person, firm, group,
25 organization, place, commodity, product, service, business, profession, enterprise or industry.

1 (g) Scaled Drawing. Each application for a permit for a sign shall be accompanied by a
2 scaled drawing of the sign, including the location of the sign on the building or other structure
3 or on the lot, and including (except in the case of a sign the customary use of which involves
4 frequent and periodic changes of copy) such designation of the copy as is needed to
5 determine that the location, area and other provisions of this Code are met.

6 (h) Nonconforming Signs; Replacement, Alteration, Reconstruction, Relocation,
7 Intensification, or Expansion. Unless otherwise provided in this Code or in other Codes or
8 regulations, a lawfully existing sign which fails to conform to the provisions of this Article 6
9 ~~shall be brought into conformity~~ ~~may remain until~~ when the activity for which the sign has been posted
10 ceases operation or moves to another location, when a new building is constructed, or at the end of ~~its~~
11 the sign's normal life. Such sign may not, however, be replaced, altered, reconstructed,
12 relocated, intensified or expanded in area or in any dimension except in conformity with the
13 provisions of this Code, including Subsection (i) below and Section 602.9 for historic signs.
14 Ordinary maintenance and minor repairs shall be permitted, but such maintenance and
15 repairs shall not include replacement, alteration, reconstruction, relocation, intensification or
16 expansion of the sign; provided, however, that alterations of a structural nature required to
17 reinforce a part or parts of a lawfully existing sign to meet the standards of seismic loads and
18 forces of the Building Code, to replace a damaged or weathered signboard, to ensure safe
19 use and maintenance of that sign, to remediate hazardous materials, or any combination of
20 the above alterations shall be considered ordinary maintenance and shall be allowed. A sign
21 which is damaged or destroyed by fire or other calamity shall be governed by the provisions of
22 Sections 181(d) and 188(b) of this Code.

23 A sign which is voluntarily destroyed or removed by its owner or which is required by
24 law to be removed may be restored only in full conformity with the provisions of this Code,
25 except as authorized in Subsection (i) below. A general advertising sign that has been

1 removed shall not be reinstalled, replaced, or reconstructed at the same location, and the
2 erection, construction, and/or installation of a general advertising sign at that location to
3 replace the previously existing sign shall be deemed to be a new sign in violation of Section
4 611(a) of this Code; provided, however, that such reinstallation, replacement, or
5 reconstruction pursuant to a permit duly issued prior to the effective date of this requirement
6 shall not be deemed a violation of Section 611(a) and shall be considered a lawfully existing
7 nonconforming general advertising sign; and further provided that this prohibition shall not
8 prevent a general advertising sign from being relocated to that location pursuant to a
9 Relocation Agreement and conditional use authorization under Sections 611 and 303(I) of this
10 Code and Section 2.21 of the San Francisco Administrative Code.

11 (i) ***Business Signs.*** When the activity for which a business sign has been posted has ceased
12 operation for more than 90 days, all signs pertaining to that business activity shall be removed after
13 that time. A lawfully existing business that is relocating to a new location within 300 feet of its
14 existing location within the North Beach Neighborhood Commercial District described in
15 Sections 702.1 and 722.1 of this Code may move to the new location within said North Beach
16 Neighborhood Commercial District one existing business sign together with its associated sign
17 structure, whether or not the sign is nonconforming in its new location; provided, however, that
18 the sign is not intensified or expanded in area or in any dimension except in conformity with
19 the provisions of this Code. With the approval of the Zoning Administrator, however, the sign
20 structure may be modified to the extent mandated by the Building Code. In no event may a
21 painted sign or a sign with flashing, blinking, fluctuating or other animated light be relocated
22 unless in conformity with current code requirements applicable to its new location. In addition,
23 the provisions of Articles 10 and 11 of this Code shall apply to the relocation of any sign to a
24 location regulated by the provisions of said Articles.

1 (j) Nothing in this Article 6 shall be deemed to permit any use of property that is
2 otherwise prohibited by this Code, or to permit any sign that is prohibited by the regulations of
3 any special sign district or the standards or procedures of any Redevelopment Plan or any
4 other Code or legal restriction.

5 (k) **Public Areas.** No sign shall be placed upon any public street, alley, sidewalk, public plaza
6 or right-of-way, or in any portion of a transit system, except such projecting signs as are otherwise
7 permitted by this Code and signs, structures and features as are specifically approved by the
8 appropriate public authorities under applicable laws and regulations and under such conditions as
9 may be imposed by such authorities.

10 (l) **Maintenance.** Every sign shall be adequately maintained in its appearance. When the
11 activity for which a business sign has been posted has ceased operation for more than 90 days, all signs
12 pertaining to that business activity shall be removed after that time.

13 ~~An historic sign is a sign that depicts a land use, a business activity, a public activity, a social~~
14 ~~activity or historical figure or an activity or use that recalls the City's historic past, as further defined~~
15 ~~in Section 608.14 of this Code, and as permitted by Sections 303 and 608.14 of this Code.~~

16 ~~An historic sign district is a specific geographic area depicted on the Zoning Map of the City~~
17 ~~and County of San Francisco, pursuant to Section 302 of this Code, within which historic signs may be~~
18 ~~permitted by conditional use authorization by the Planning Commission pursuant to Sections 303 and~~
19 ~~608.14 of this Code.~~

20 **SEC. 606. RESIDENTIAL DISTRICTS.**

21 Signs in Residential and Residential Enclave Districts, other than those signs exempted
22 by Section 603 of this Code, shall conform to the following provisions:

23 (a) **General Provisions for All Signs.**

24 (1) No sign shall project beyond a street property line or legislated setback line, or into
25 a required front setback area.

1 (2) No sign shall have or consist of any moving, rotating or otherwise animated part, or
2 (if permitted to be illuminated) any flashing, blinking, fluctuating or otherwise animated light.

3 (3) No roof sign, wind sign, or general advertising sign shall be permitted.

4 (4) No sign shall extend above the roofline of a building to which it is attached, or
5 above a height of 12 feet.

6 (b) **Signs for Uses Permitted in Residential and RED Districts.** The following types
7 of signs, subject to the limitations prescribed for them, shall be the only signs permitted for
8 uses authorized as principal or conditional uses in Residential and RED Districts, except that
9 signs for any limited commercial establishments ~~so authorized in RC Districts~~ shall be subject to
10 the limitations of Paragraph (c)~~(3)~~ below.

11 (1) One nonilluminated or indirectly illuminated nameplate for each street frontage of
12 the lot, not exceeding a height of 12 feet, and having an area not exceeding one square foot
13 in RH Districts or two square feet in RM or RED Districts.

14 (2) One identifying sign for each street frontage of the lot, not exceeding a height of 12
15 feet, and meeting the following additional requirements:

16 (A) In RH Districts: nonilluminated or indirectly illuminated only; maximum area 12
17 square feet;

18 (B) In RM-~~I~~, RTO, or RED Districts: maximum area eight square feet if directly
19 illuminated, and 20 square feet if nonilluminated or indirectly illuminated.

20 ~~(C) In RTO Districts: nonilluminated or indirectly illuminated only; maximum area 12 square~~
21 ~~feet; signage related to commercial uses permitted under Sections 209.8(e) and 230 is regulated~~
22 ~~according to the provisions described in Section 230.~~

23 (3) **Sale or Lease Signs.** One temporary nonilluminated or indirectly illuminated sale or
24 lease sign for each street frontage of the total parcel involved, not exceeding a height of 24
25 feet if freestanding and not above the roofline if attached to a building, and having an area not

1 exceeding six square feet for each lot or for each 3,000 square feet in such total parcel,
2 whichever ratio permits the larger area, provided that no such sign shall exceed 50 square
3 feet in area and any such sign exceeding 18 square feet in area shall be set back at least 25
4 feet from all street property lines. Any sale or lease sign shall be removed within seven days
5 following removal of the property from the market.

6 (4) **Construction Signs.** Temporary nonilluminated signs of persons and firms
7 connected with work on buildings under actual construction or alteration, giving their names
8 and information pertinent to the project, not exceeding a height of 12 feet, with the combined
9 area of all such signs not to exceed 10 square feet for each street frontage of the project.

10 (c) **Business Signs for Limited Commercial Uses.** *For Limited Commercial Uses, as*
11 *described in Section 186 of this Code, and for Limited Corner Commercial Uses, as permitted by*
12 *Section 231, the following controls shall apply:*

13 (1) **Wall Signs.** *One wall sign is permitted for each street frontage occupied by the use, placed*
14 *flat against the wall that faces such street and not located above the ground floor. Such sign shall not*
15 *exceed an area of one square foot for each linear foot of street frontage occupied by the building or*
16 *part thereof that is devoted to the commercial use or 50 square feet per street frontage, whichever is*
17 *less. Any such sign may be nonilluminated or indirectly illuminated.*

18 (2) **Window Signs.** *Window signs, limited to signs painted or similarly applied directly on the*
19 *surface of the window glass, are permitted. The total area of all window signs, as defined in Section*
20 *602.1(b), shall not exceed one-quarter the area of the window on which the signs are located. Such*
21 *signs may be nonilluminated or indirectly illuminated.*

22 (3) **Projecting Signs.** *The number of projecting signs shall not exceed one per business. The*
23 *area of such sign, as defined in Section 602.1(a), shall not exceed six square feet. The height of such*
24 *sign shall not exceed 14 feet, or the height of the lowest residential windowsill above the commercial*
25 *use, whichever is lower. No part of the sign shall project more than 75 percent of the horizontal*

1 distance from the street property line to the curblin, or four feet, whichever is less. Any such sign may
2 be nonilluminated or indirectly illuminated.

3 (4) Signs on Awnings. Sign copy may be located on permitted awnings in lieu of wall signs
4 and projecting signs. The area of such sign copy as defined in Section 602.1(c) shall not exceed 20
5 square feet per business. Such sign copy may be nonilluminated or indirectly illuminated.

6 (5) Illumination. Any illumination permitted for signs covered by this Subsection (c) shall be
7 extinguished at all times when the commercial use is not open for business.

8 (e) (d) Signs for **Other Nonconforming Uses.** Signs for any use in an R District which is
9 nonconforming under the provisions of Sections 180 through 187 of this Code, or which is given
10 conditional use status under said sections, shall be subject to the provisions of this Subsection (e),
11 except that any such use that would first be permitted as either a principal or a conditional use in some
12 other R District under Article 2 of this Code, other than an RC District, shall be subject to the
13 provisions of Subsection 606(b) above. Any illumination permitted for signs covered by this
14 Subsection ~~(e)~~ (d) shall be extinguished at all times when the nonconforming use is not open
15 for business.

16 (1) **Automobile Service Stations.** The following business signs are permitted for an
17 automobile service station. Any such signs may be nonilluminated or indirectly or directly
18 illuminated. Directly illuminated signs may be illuminated only during open business hours.

19 (A) **Oil Company Signs.** A maximum of two oil company signs, which shall not extend
20 more than 10 feet above the roofline if attached to a building, or exceed a height of 24 feet if
21 freestanding. The area of any such sign shall not exceed 180 square feet, and along each
22 street frontage all parts of such a sign or signs that are within 10 feet of the street property line
23 shall not exceed 80 square feet in area. The areas of other permanent and temporary signs
24 as covered in Subparagraph 606(c)(1)(B) below shall not be included in the calculation of the
25 areas specified in this Subparagraph.

1 (B) **Other Permanent and Temporary Signs Customarily Incidental to the Service**
2 **Station Business.** No such sign shall extend above the roofline if attached to a building, or
3 exceed a height of 12 feet if freestanding. The area of such signs shall not exceed 20 square
4 feet for each such sign or a total of 80 square feet for all such signs on the premises.

5 (2) **Open Land Uses.** If there is no building with more than 50 square feet of floor
6 area involved in the use, one business sign is permitted for each street frontage occupied by
7 such use, not exceeding a height of 12 feet and having an area not exceeding one square
8 foot for each foot of such street frontage. The total area of all signs for such a use shall not
9 exceed 50 square feet. Any such sign may be nonilluminated or indirectly illuminated.

10 (3) **Other Uses.** For a use not listed in Paragraph 606(c)(1) or 606(c)(2) above, one
11 business sign is permitted for each street frontage occupied by the use, placed flat against the
12 wall that faces such street and not located above the ground floor. Such sign shall not exceed
13 an area of ~~two~~ one square feet for each foot of street frontage occupied by the building or part
14 thereof that is devoted to the nonconforming use. The total area of all signs for such a use
15 shall not exceed 100 square feet. Any such sign may be nonilluminated or indirectly
16 illuminated. *In RM, RED and RC Districts, any such sign may be directly illuminated.*

17 **SEC. 607. COMMERCIAL AND INDUSTRIAL DISTRICTS.**

18 Signs in C, M, and PDR Districts, other than those signs exempted by Section 603 of
19 this Code, shall conform to the following provisions:

20 (a) **General Advertising Signs.** No general advertising sign shall be permitted ~~in any~~
21 ~~C-1 District or~~ within 200 feet of the park known as Union Square and visible from said park.
22 No general advertising sign shall be permitted to cover part or all of any windows. except that a
23 replacement sign of the same size or smaller, of the same type as defined in this Code or as interpreted
24 by the Zoning Administrator, and at the same approximate location as an existing sign would be
25 allowed within 200 feet of said park provided that the sign is otherwise permitted by the Planning

1 ~~Code, would cast no additional shadow upon Union Square, has no intensification of lighting as~~
2 ~~determined by the Zoning Administrator, and is not internally lighted or backlighted. Use of neon is not~~
3 ~~precluded by this provision. Temporary general advertising signs determined by the Zoning~~
4 ~~Administrator to be at pedestrian level and less than 50 square feet in size are not precluded by this~~
5 ~~provision.~~

6 (b) **Roof Signs.** Roof signs are not permitted in C Districts, and shall be permitted in all
7 C, M and PDR Districts ~~other than C-1~~ only if Subsections (1) through (3) below are satisfied;
8 except that a roof sign that is designated historic pursuant to Sections 303 and 608.14 of this
9 Code may be permitted without regard to Subsections (1) through (3) below:

10 (1) The sign does not extend more than 25 feet above the roofline of the building on or
11 over which the sign is placed; and

12 (2) All parts of the sign are within 25 feet of, and the sign is mounted at not more than
13 a 45-degree angle from, a wall of a building the roofline of which is at least as high as the top
14 of the sign; and

15 (3) Such wall forms a complete backdrop for the sign, as the sign is viewed from all
16 points from which the sign is legible from a public street or alley.

17 (c) **Wind Signs.** No wind sign shall be permitted in any C, ~~or~~ M or PDR District.

18 (d) **Moving Parts.** No sign shall have or consist of any moving, rotating, or otherwise
19 physically animated part (as distinguished from lights that give the appearance of animation
20 by flashing, blinking or fluctuating), except as follows:

21 (1) Moving or rotating or otherwise physically animated parts may be used for the
22 rotation of barber poles and the indication of time of day and temperature.

23 (2) In the case of a general advertising sign in C-2, C-3, C-M, M-1, M-2, and PDR
24 Districts, except for signs located within 200 feet of the park known as Union Square and
25 visible from said park and signs located so as to be primarily viewed by persons traveling on

1 any portion of a freeway, moving or otherwise physically animated parts may be used if such
2 parts do not exceed a velocity of one complete cycle in a four-second period where such parts
3 constitute less than 30 percent of the area of the sign or if, where such parts constitute a
4 greater area of the sign, they do not exceed a velocity of one complete cycle in a four-second
5 period and are stationary at least half of each eight-second period; except that signs
6 designated historic pursuant to Sections 303 and 608.14 of this Code may have such moving
7 features otherwise prohibited for signs located so as to be primarily viewed by persons
8 traveling on any portion of a freeway.

9 (3) Notwithstanding the type of signs permissible under Subparagraph (d), a video sign
10 is prohibited.

11 (4) Notwithstanding the type of signs permissible under Subparagraph (d)(2), a sign
12 that rotates is prohibited.

13 (e) **Illumination.** Any sign may be nonilluminated or indirectly or directly illuminated.
14 Signs in PDR, C-3, C-M, M-1 and M-2 Districts shall not be limited in any manner as to type of
15 illumination, but no sign in a C-1 or C-2 District shall have or consist of any flashing, blinking,
16 fluctuating or otherwise animated light except ~~in each of the following special sign districts, all~~ as
17 specifically designated as "Special Districts for Sign Illumination" on Sectional Map SSD of the
18 Zoning Map of the City and County of San Francisco, described in Section 608 of this Code,:

19 ~~(1) In the C-2 area consisting of five blocks in the vicinity of Fisherman's Wharf;~~

20 ~~(2) In the C-2 area in the vicinity of Van Ness Avenue from Golden Gate Avenue and Eddy~~
21 ~~Street to Sacramento Street, and Polk Street from Eddy Street to Geary Street, also known as the~~
22 ~~Automotive Special Use District;~~

23 ~~(3) In the C-2 area in the vicinity of Stockton, Washington and Kearny Streets and Broadway,~~
24 ~~also known as Washington-Broadway Special Use District Number 1.~~

1 (4) Notwithstanding the type of signs permissible under subparagraph (e), a video sign
2 is prohibited in the districts ~~described in subparagraphs (1)–(3).~~

3 (f) **Projection.** No sign shall project more than 75 percent of the horizontal distance
4 from the street property line to the curblineline and in no case shall a sign project more than 10
5 feet beyond the street property line or building setback line ~~in C-1 Districts, or 12 feet beyond the~~
6 ~~street property line or building setback line in any other C, M, and PDR District.~~

7 (g) **Height and Extension Above Roofline.**

8 (1) **Signs Attached to Buildings.** Except as provided in Section 260 for historic signs
9 in historic districts, no sign attached to a building shall extend or be located above the roofline
10 of the building to which it is attached; ~~except that up to ½ the area of a business sign attached to the~~
11 ~~street wall of a building may extend above the roofline, up to the maximum height permitted for~~
12 ~~freestanding signs in the same district or 10 feet above the roofline, whichever is the lesser.~~ In
13 addition, no sign attached to a building shall under any circumstances exceed 40 feet in height
14 ~~the following maximum heights:~~

15 ~~In C-1: 40 feet;~~

16 ~~In C-3: 100 feet;~~

17 ~~In all other C, and M Districts: 40 feet.~~

18 ~~The 100-foot height limitation stated herein shall not apply to the modification or replacement~~
19 ~~of any currently existing wall signs so long as such modified or replacement sign is generally in the~~
20 ~~same location and not larger in surface area and projection than existing signs being modified or~~
21 ~~replaced.~~ Such signs may contain letters, numbers, a logo, service mark and/or trademark and
22 may be nonilluminated or indirectly illuminated.

23 (2) **Freestanding Signs.** The maximum height for freestanding signs shall be as
24 follows:

25 ~~In C-1: 24 feet;~~

1 In C-2: 36 feet;

2 In all other C and M Districts: 40 feet.

3 (h) **Special Standards for Automobile Service Stations.** For automobile service
4 stations, only the following signs are permitted, subject to the standards in this Subsection (h)
5 and to all other standards in this Section 607.

6 (1) A maximum of two oil company signs, which shall not extend *more than 10 feet*
7 above the roofline if attached to a building, or exceed the maximum height permitted for
8 freestanding signs in the same district if freestanding. The area of any such sign shall not
9 exceed 180 square feet, and along each street frontage all parts of such a sign or signs that
10 are within 10 feet of the street property line shall not exceed 80 square feet in area. No such
11 sign shall project more than five feet beyond any street property line or building setback line.
12 The areas of other permanent and temporary signs as covered in Paragraph 607(h)(2) below
13 shall not be included in the calculation of the areas specified in this paragraph.

14 (2) Other permanent and temporary business signs, not to exceed 30 square feet in
15 area for each such sign or a total of 180 square feet for all such signs on the premises. No
16 such sign shall extend above the roofline if attached to a building, or in any case project
17 beyond any street property line or building setback line.

18 (3) General advertising signs meeting the provisions of this Section 607.

19 (i) Other Sign Requirements. Within C, M, and PDR Districts the following requirements shall
20 apply:

21 (1) Public Areas. No sign shall be placed upon any public street, alley, sidewalk, public plaza
22 or right-of-way, or in any portion of a transit system, except such projecting signs as are otherwise
23 permitted by this Code and signs, structures and features as are specifically approved by the
24 appropriate public authorities under applicable laws and regulations and under such conditions as
25 may be imposed by such authorities.

1 (2) Maintenance. Every sign shall be adequately maintained in its appearance. When the
2 activity for which a business sign has been posted has ceased operation for more than 90 days, all signs
3 pertaining to that business activity shall be removed after that time.

4 **SEC. 607.1. NEIGHBORHOOD COMMERCIAL AND RESIDENTIAL-COMMERCIAL**
5 **DISTRICTS.**

6 Signs located in Neighborhood Commercial Districts shall be regulated as provided
7 herein, except for those signs which are exempted by Section 603 of this Code. In the event
8 of conflict between the provisions of Section 607.1 and other provisions of Article 6, the
9 provisions of Section 607.1 shall prevail in Neighborhood Commercial and Residential-
10 Commercial Districts, provided that with respect to properties also located in the Upper Market
11 Special Sign District, the provisions of Section 608.10 of this Code shall prevail.

12 (a) **Purposes and Findings.** In addition to the purposes stated in Sections 101 and
13 601 of this Code, the following purposes apply to Neighborhood Commercial and Residential-
14 Commercial Districts. These purposes constitute findings that form a basis for regulations and
15 provide guidance for their application.

16 (1) As Neighborhood Commercial Districts change, they need to maintain their
17 attractiveness to residents, customers and potential new businesses alike. Physical amenities
18 and a pleasant appearance will profit both existing and new enterprises.

19 (2) The character of signs and other features projecting from buildings is an important
20 part of the visual appeal of a street and the general quality and economic stability of the area.
21 Opportunities exist to relate these signs and projections more effectively to street design and
22 building design. These regulations establish a framework that will contribute toward a
23 coherent appearance of Neighborhood Commercial Districts.

24 (3) Neighborhood Commercial Districts are typically mixed use areas with commercial
25 units on the ground or lower stories and residential uses on upper stories. Although signs *and*

1 ~~other advertising devices~~ are essential to a vital commercial district, they should not be allowed
2 to interfere with or diminish the livability of residential units within a Neighborhood Commercial
3 District or in adjacent residential districts.

4 (4) The scale of most Neighborhood Commercial Districts as characterized by building
5 height, bulk, and appearance, and the width of streets and sidewalks differs from that of other
6 commercial and industrial districts. Sign sizes should relate and be compatible with the
7 surrounding district scale.

8 (b) **Signs or Sign Features Not Permitted in NC and RC Districts.** Roof signs as
9 defined in Section 602.16 of this Code, wind signs as defined in Section 602.22 of this Code,
10 and signs on canopies, as defined in Section 136.1(b) of this Code, are not permitted in NC
11 and RC Districts. No sign shall have or consist of any moving, rotating, or otherwise physically
12 animated part, or lights that give the appearance of animation by flashing, blinking, or
13 fluctuating, except as permitted by Section 607.1(i) of this Code. In addition, all signs or sign
14 features not otherwise specifically regulated in this Section 607.1 shall be prohibited.

15 (c) **Identifying Signs.** Identifying signs, as defined in Section 602.10, shall be
16 permitted in all Neighborhood Commercial and Residential-Commercial Districts subject to the
17 limits set forth below.

18 (1) One sign per lot shall be permitted and such sign shall not exceed 20 square feet
19 in area. The sign may be a freestanding sign, if the building is recessed from the street
20 property line, or may be a wall sign or a projecting sign. The existence of a freestanding
21 identifying sign shall preclude the erection of a freestanding business sign on the same lot. A
22 wall or projecting sign shall be mounted on the first-story level; a freestanding sign shall not
23 exceed 15 feet in height. Such sign may be nonilluminated, indirectly illuminated, or directly
24 illuminated.

1 (2) One sign identifying a shopping center or shopping mall shall be permitted subject
2 to the conditions in Paragraph (1), but shall not exceed 30 square feet in area. Any sign
3 identifying a permitted use listed in zoning categories .40 through .70 in Section 703.2(a) in an
4 NC District shall be considered a business sign and subject to Section 607.1(f) of this Code.
5 Such signs may be nonilluminated, indirectly illuminated, or directly illuminated during the
6 hours of operation of the businesses in the shopping center or shopping mall.

7 (d) **Nameplates.** One nameplate, as defined in Section 602.12 of this Code, not
8 exceeding an area of two square feet, shall be permitted for each noncommercial use in NC
9 Districts.

10 (e) **General Advertising Signs.** General advertising signs, as defined in Section
11 602.7, ~~shall are not be permitted in Neighborhood Commercial and Residential-Commercial~~
12 ~~Districts, except in the Inner Sunset Neighborhood Commercial District where they are not permitted,~~
13 ~~as provided for below. In NC Districts where such signs are permitted, general advertising signs may~~
14 ~~be either a wall sign or freestanding, provided that the surface of any freestanding sign shall be~~
15 ~~parallel to and within three feet of an adjacent building wall. In either case, the building wall shall~~
16 ~~form a complete backdrop for the sign, as the sign is viewed from all points from a street or alley from~~
17 ~~which it is legible. No general advertising sign shall be permitted to cover part or all of any windows.~~
18 ~~Any extension of the copy beyond the rectangular perimeter of the sign shall be included in the~~
19 ~~calculation of the sign, as defined in Section 602.1(a) of this Code.~~

20 ~~(1) **NC-2, NCT-2, and NC-S Districts.** No more than one general advertising sign shall be~~
21 ~~permitted per lot or in NC-S Districts, per district. Such sign shall not exceed 72 square feet in area nor~~
22 ~~exceed 12 feet in height. Such sign may be either nonilluminated or indirectly illuminated.~~

23 ~~(2) **NC-3, NCT-3, and Broadway Districts.** No more than one general advertising sign not~~
24 ~~exceeding 300 square feet or two general advertising signs of 72 square feet each shall be permitted~~
25 ~~per lot. The height of any such sign shall not exceed 24 feet, or the height of the wall to which it is~~

1 ~~attached, or the height of the lowest of any residential windowsills on the wall to which it is attached,~~
2 ~~whichever is lower, if a wall sign, or the adjacent wall or the top of the adjacent wall if a freestanding~~
3 ~~sign, whichever is lower.~~

4 ~~(A) NC-3 and NCT-3 Districts. Signs may be either nonilluminated or indirectly illuminated.~~

5 (f) **Business Signs.** Business signs, as defined in Section 602.3 shall be permitted in
6 all Neighborhood Commercial and Residential Commercial Districts subject to the limits set forth
7 below.

8 (1) **NC-1 and NCT-1 Districts.**

9 (A) **Window Signs.** The total area of all window signs, as defined in Section 602.1(b),
10 shall not exceed 1/3 the area of the window on or in which the signs are located. Such signs
11 may be nonilluminated, indirectly illuminated, or directly illuminated.

12 (B) **Wall Signs.** The area of all wall signs shall not exceed one square foot per square
13 foot of street frontage occupied by the business measured along the wall to which the signs
14 are attached, or 50 square feet for each street frontage, whichever is less. The height of any
15 wall sign shall not exceed 15 feet or the height of the wall to which it is attached. Such signs
16 may be nonilluminated or indirectly illuminated; or during business hours, may be directly
17 illuminated.

18 (C) **Projecting Signs.** The number of projecting signs shall not exceed one per
19 business. The area of such sign, as defined in Section 602.1(a), shall not exceed 24 square
20 feet. The height of such sign shall not exceed 15 feet or the height of the wall to which it is
21 attached. No part of the sign shall project more than 75 percent of the horizontal distance from
22 the street property line to the curblin, or six feet six inches, whichever is less. The sign may
23 be nonilluminated or indirectly illuminated, or during business hours, may be directly
24 illuminated.

1 (D) **Signs on Awnings.** Sign copy may be located on permitted awnings in lieu of wall
2 signs and projecting signs. The area of such sign copy as defined in Section 602.1(c) shall not
3 exceed 20 square feet. Such sign copy may be nonilluminated or indirectly illuminated.

4 (2) **NC-2, NCT-2, NC-S, RC, Broadway, Castro Street, Inner Clement Street, Outer**
5 **Clement Street, Upper Fillmore Street, Inner Sunset, Haight Street, Hayes-Gough,**
6 **Upper Market Street, North Beach, Ocean Avenue, Polk Street, Sacramento Street,**
7 **SoMa, Union Street, Valencia Street, 24th Street-Mission, 24th Street—Noe Valley, and**
8 **West Portal Avenue Neighborhood Commercial Districts.**

9 (A) **Window Signs.** The total area of all window signs, as defined in Section 602.1(b),
10 shall not exceed 1/3 the area of the window on or in which the signs are located. Such signs
11 may be nonilluminated, indirectly illuminated, or directly illuminated.

12 (B) **Wall Signs.** The area of all wall signs shall not exceed two square feet per foot of
13 street frontage occupied by the use measured along the wall to which the signs are attached,
14 or 100 square feet for each street frontage, whichever is less. The height of any wall sign shall
15 not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest
16 of any residential windowsill on the wall to which the sign is attached, whichever is lower.
17 Such signs may be nonilluminated, indirectly, or directly illuminated.

18 (C) **Projecting Signs.** The number of projecting signs shall not exceed one per
19 business. The area of such sign, as defined in Section 602.1(a), shall not exceed 24 square
20 feet. The height of such sign shall not exceed 24 feet, or the height of the wall to which it is
21 attached, or the height of the lowest of any residential windowsill on the wall to which the sign
22 is attached, whichever is lower. No part of the sign shall project more than 75 percent of the
23 horizontal distance from the street property line to the curbline, or six feet six inches,
24 whichever is less. Such signs may be nonilluminated or indirectly illuminated; or during
25 business hours, may be directly illuminated.

1 (D) **Signs on Awnings and Marquees.** Sign copy may be located on permitted
2 awnings or marquees in lieu of projecting signs. The area of such sign copy as defined in
3 Section 602.1(c) shall not exceed 30 square feet. Such sign copy may be nonilluminated or
4 indirectly illuminated; except that sign copy on marquees for movie theaters or places of
5 entertainment may be directly illuminated during business hours.

6 (E) **Freestanding Signs and Sign Towers.** With the exception of automotive gas and
7 service stations, which are regulated under Paragraph 607.1(f)(4), one freestanding sign or
8 sign tower per lot shall be permitted in lieu of a projecting sign, if the building or buildings are
9 recessed from the street property line. The existence of a freestanding business sign shall
10 preclude the erection of a freestanding identifying sign on the same lot. The area of such
11 freestanding sign or sign tower, as defined in Section 602.1(a), shall not exceed 20 square
12 feet nor shall the height of the sign exceed 24 feet. No part of the sign shall project more than
13 75 percent of the horizontal distance from the street property line to the curblin, or six feet,
14 whichever is less. Such signs may be nonilluminated or indirectly illuminated; or during
15 business hours, may be directly illuminated.

16 (3) **Mission Street NCT. NC-3, and NCT-3 Neighborhood Commercial Districts.**

17 (A) **Window Signs.** The total area of all window signs, as defined in Section 602.1(b),
18 shall not exceed 1/3 the area of the window on or in which the signs are located. Such signs
19 may be nonilluminated, indirectly illuminated, or directly illuminated.

20 (B) **Wall Signs.** The area of all wall signs shall not exceed three square feet per foot of
21 street frontage occupied by the use measured along the wall to which the signs are attached,
22 or 150 square feet for each street frontage, whichever is less. The height of any wall sign shall
23 not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest
24 of any residential windowsill on the wall to which the sign is attached, whichever is lower.
25 Such signs may be nonilluminated, indirectly, or directly illuminated.

1 (C) **Projecting Signs.** The number of projecting signs shall not exceed one per
2 business. The area of such sign, as defined in Section 602.1(a), shall not exceed 32 square
3 feet. The height of the sign shall not exceed 24 feet, or the height of the wall to which it is
4 attached, or the height of the lowest of any residential windowsill on the wall to which the sign
5 is attached, whichever is lower. No part of the sign shall project more than 75 percent of the
6 horizontal distance from the street property line to the curblin, or six feet six inches,
7 whichever is less. Such signs may be nonilluminated, indirectly, or directly illuminated.

8 (D) **Sign Copy on Awnings and Marquees.** Sign copy may be located on permitted
9 awnings or marquees in lieu of projecting signs. The area of such sign copy, as defined in
10 Section 602.1(c), shall not exceed 40 square feet. Such sign copy may be nonilluminated or
11 indirectly illuminated; except that sign copy on marquees for movie theaters or places of
12 entertainment may be directly illuminated during business hours.

13 (E) **Freestanding Signs and Sign Towers.** With the exception of automotive gas and
14 service stations, which are regulated under Paragraph 607.1(f)(4) of this Code, one
15 freestanding sign or sign tower per lot shall be permitted in lieu of a projecting sign if the
16 building or buildings are recessed from the street property line. The existence of a
17 freestanding business sign shall preclude the erection of a freestanding identifying sign on the
18 same lot. The area of such freestanding sign or sign tower, as defined in Section 602.1(a),
19 shall not exceed 30 square feet nor shall the height of the sign exceed 24 feet. No part of the
20 sign shall project more than 75 percent of the horizontal distance from the street property line
21 to the curblin, or six feet, whichever is less. Such signs may be nonilluminated or indirectly
22 illuminated, or during business hours, may be directly illuminated.

23 (4) **Special Standards for Automotive Gas and Service Stations.** For automotive
24 gas and service stations in Neighborhood Commercial Districts, only the following signs are
25

1 permitted, subject to the standards in this Paragraph (f)(4) and to all other standards in this
2 Section 607.1.

3 (A) A maximum of two oil company signs, which shall not extend *more than 10 feet*
4 above the roofline if attached to a building, or exceed the maximum height permitted for
5 freestanding signs in the same district if freestanding. The area of any such sign shall not
6 exceed 180 square feet, and along each street frontage, all parts of such a sign or signs that
7 are within 10 feet of the street property line shall not exceed 80 square feet in area. No such
8 sign shall project more than five feet beyond any street property line. The areas of other
9 permanent and temporary signs as covered in Subparagraph (B) below shall not be included
10 in the calculation of the areas specified in this Subparagraph.

11 (B) Other permanent and temporary business signs, not to exceed 30 square feet in
12 area for each such sign or a total of 180 square feet for all such signs on the premises. No
13 such sign shall extend above the roofline if attached to a building, or in any case project
14 beyond any street property line or building setback line.

15 (g) **Temporary Signs.** One temporary nonilluminated or indirectly illuminated sale or
16 lease sign or nonilluminated sign of persons and firms connected with work on buildings under
17 actual construction or alteration, giving their names and information pertinent to the project
18 per lot, shall be permitted. Such sign shall not exceed 50 square feet and shall conform to all
19 regulations of Subsection 607.1(f) for business signs in the respective NC or RC District in
20 which the sign is to be located. All temporary signs shall be promptly removed upon
21 completion of the activity to which they pertain.

22 (h) **Special Sign Districts.** Additional controls apply to certain Neighborhood
23 Commercial and Residential-Commercial Districts that are designated as Special Sign Districts.
24 Special Sign Districts are described within Sections 608.1 through 608.11 of this Code and
25 with the exception of Sections 608.1, 608.2 and 608.11, their designations, locations and

1 boundaries are provided on Sectional Map SSD of the Zoning Map of the City and County of
2 San Francisco.

3 (i) **Restrictions on Illumination.** Signs in Neighborhood Commercial and Residential-
4 Commercial Districts shall not have nor consist of any flashing, blinking, fluctuating or
5 otherwise animated light except those moving or rotating or otherwise physically animated
6 parts used for rotation of barber poles and the indication of time of day and temperature, and
7 in the following special districts, all specifically designated as "Special Districts for Sign
8 Illumination" on Sectional Map SSD of the Zoning Map of the City and County of San
9 Francisco.

10 (1) **Broadway Neighborhood Commercial District.** Along the main commercial
11 frontage of Broadway between west of Columbus Avenue and Osgood Place.

12 (2) **NC-3.** NC-3 District along Lombard Street from Van Ness Avenue to Broderick
13 Street.

14 (3) Notwithstanding the type of signs permissible under subparagraph (i), a video sign
15 is prohibited in the districts described in subparagraphs (1) and (2).

16 (j) **Other Sign Requirements.** Within Neighborhood Commercial and Residential-
17 Commercial Districts, the following additional requirements shall apply:

18 ~~(1) **Public Areas.** No sign shall be placed upon any public street, alley, sidewalk, public plaza~~
19 ~~or right of way, or in any portion of a transit system, except such projecting signs as are otherwise~~
20 ~~permitted by this Code and signs, structures, and features as are specifically approved by the~~
21 ~~appropriate public authorities under applicable laws and regulations not inconsistent with this Code~~
22 ~~and under such conditions as may be imposed by such authorities.~~

23 ~~(2) **Maintenance.** Every sign pertaining to an active establishment shall be adequately~~
24 ~~maintained in its appearance. When the activity for which the business sign has been posted has ceased~~
25

1 ~~operation for more than 90 days within the Chinatown Mixed Use Districts, all signs pertaining to that~~
2 ~~business activity shall be removed after that time.~~

3 (3) (1) **Temporary Signs.** The provisions of Section 607.1(g) of this Code shall apply.

4 (4) (2) **Special Standards for Automotive Gas and Service Stations.** The
5 provisions of Section 607.1(f)(4) of this Code shall apply.

6 **SEC. 607.2. MIXED USE DISTRICTS.**

7 Signs located in Mixed Use Districts shall be regulated as provided herein, except for
8 signs in Residential Enclave Districts, which are regulated by Section 606, and those signs which are
9 exempted by Section 603. Signs not specifically regulated in this Section 607.2 shall be
10 prohibited. In the event of conflict between the provisions of Section 607.2 and other
11 provisions of Article 6, the provisions of Section 607.2 shall prevail in Mixed Use Districts.

12 (a) **Purposes and Findings.** In addition to the purposes stated in Sections 101 and
13 601 of this Code, the following purposes apply to Mixed Use Districts. These purposes
14 constitute findings that form a basis for regulations and provide guidance for their application.

15 (1) As Mixed Use Districts change, they need to maintain their attractiveness to
16 customers and potential new businesses alike. Physical amenities and a pleasant appearance
17 will profit both existing and new enterprises.

18 (2) The character of signs and other features projecting from buildings is an important
19 part of the visual appeal of a street and the general quality and economic stability of the area.
20 Opportunities exist to relate these signs and projections more effectively to street design and
21 building design. These regulations establish a framework that will contribute toward a
22 coherent appearance of Mixed Use Districts.

23 (3) Mixed Use Districts are typically mixed use areas with commercial units on the
24 ground or lower stories and residential uses on upper stories or have housing and commercial
25 and industrial activities interspersed. Although signs and other advertising devices are

1 essential to a vital commercial district, they should not be allowed to interfere with or diminish
2 the livability of residential units within a Mixed Use District or in adjacent residential districts.

3 (4) The scale of most Mixed Use Districts as characterized by building height, bulk,
4 and appearance, and the width of streets and sidewalks differs from that of other commercial
5 and industrial districts. Sign sizes should relate and be compatible with the surrounding district
6 scale.

7 (b) **Signs or Sign Features Not Permitted in Mixed Use Districts.** General
8 advertising signs are not permitted in the Eastern Neighborhoods and South of Market Mixed
9 Use districts, except in the South of Market General Advertising Special Sign District. Roof
10 signs as defined in Section 602.16 of this Code, wind signs as defined in Section 602.21 of
11 this Code, and signs on canopies, as defined in Section 136.1(b) of this Code, are not
12 permitted in Mixed Use Districts. No sign shall have or consist of any moving, rotating, or
13 otherwise physically animated part, or lights that give the appearance of animation by
14 flashing, blinking, or fluctuating. In addition, all signs or sign features not otherwise
15 specifically regulated in this Section 607.2 shall be prohibited.

16 (c) **Identifying Signs.** Identifying signs, as defined in Section 602.10, shall be
17 permitted in all Mixed Use Districts subject to the limits set forth below.

18 (1) One sign per lot shall be permitted and such sign shall not exceed 20 square feet
19 in area. The sign may be a freestanding sign, if the building is recessed from the street
20 property line, or may be a wall sign or a projecting sign. The existence of a freestanding
21 identifying sign shall preclude the erection of a freestanding business sign on the same lot. A
22 wall or projecting sign shall be mounted on the first-story level; a freestanding sign shall not
23 exceed 15 feet in height. Such sign may be nonilluminated, indirectly illuminated, or directly
24 illuminated.

1 (2) One sign identifying a shopping center or shopping mall shall be permitted subject
2 to the conditions in Paragraph (1), but shall not exceed 30 square feet in area. Such signs
3 may be nonilluminated, indirectly illuminated, or directly illuminated during the hours of
4 operation of the businesses in the shopping center or shopping mall.

5 (d) **Nameplate.** One nameplate, as defined in Section 602.12 of this Code, not
6 exceeding an area of two square feet, shall be permitted for each noncommercial use in

7 (e) **General Advertising Signs.** General advertising signs, as defined in Section
8 602.7, shall be permitted in Mixed Use Districts as provided for below. General advertising
9 signs are not allowed in the South of Market Mixed Use Districts, except in the Eastern
10 Neighborhoods and South of Market General Advertising Special Sign District or where a
11 permit was approved by the City prior to January 1, 2001. In Mixed Use Districts where such
12 signs are permitted, general advertising signs may be either a wall sign or freestanding,
13 provided that the surface of any freestanding sign shall be parallel to and within three feet of
14 an adjacent building wall. In either case, the building wall shall form a complete backdrop for
15 the sign, as the sign is viewed from all points from a street or alley from which it is legible. No
16 general advertising sign shall be permitted to cover part or all of any windows. Any extension
17 of the copy beyond the rectangular perimeter of the sign shall be included in the calculation of
18 the sign area, as defined in Section 602.1(a) of this Code.

19 (1) **Chinatown Residential Neighborhood Commercial District.** No more than one
20 general advertising sign shall be permitted per lot. Such sign shall not exceed 72 square feet
21 in area nor exceed 12 feet in height. Such sign may be either nonilluminated or indirectly
22 illuminated.

23 (2) **Chinatown Visitor Retail and Chinatown Community Business Districts.** No
24 more than one general advertising sign not exceeding 300 square feet in area or two general
25 advertising signs of 72 square feet each shall be permitted per lot. The height of any such wall

1 sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of
2 the lowest of any residential windowsills on the wall to which it is attached, whichever is lower.
3 If the advertising sign is a freestanding sign, the height shall not exceed 24 feet or the height
4 of the adjacent wall, whichever is lower.

5 ~~(A)~~ Signs may be either nonilluminated or indirectly or directly illuminated.

6 (3) **South of Market General Advertising Special Sign District.** Within the area
7 designated as a South of Market General Advertising Special Sign District, as described in
8 Section 821 of this Code and shown on Sectional Map SSD of the Zoning Map, the following
9 provisions shall apply to general advertising signs: (1) No more than two general advertising
10 signs not to exceed 300 square feet in area or one general advertising sign not to exceed 672
11 square feet in area shall be permitted per lot; (2) No more than one double-sided or multiple-
12 sided sign shall be permitted per lot; and (3) Roof signs shall be permitted and shall not
13 exceed the standards established by Section 607(b) of this Code for roof signs lying within M
14 Districts.

15 (f) **Business Signs.** Business signs, as defined in Section 602.3 shall be permitted in
16 all Mixed Use Districts subject to the limits set forth below.

17 (1) **Chinatown Residential Neighborhood Commercial District.**

18 (A) **Window Signs.** The total area of all window signs, as defined in Section 602.1(b),
19 shall not exceed 1/3 the area of the window on or in which the signs are located. Such signs
20 may be nonilluminated, indirectly illuminated, or directly illuminated.

21 (B) **Wall Signs.** The area of all wall signs shall not exceed one square foot per foot of
22 street frontage occupied by the business measured along the wall to which the signs are
23 attached, or 50 square feet for each street frontage, whichever is less; provided, however, that
24 in no case shall the wall sign or combination of wall signs cover more than 75 percent of the
25 surface of any wall, excluding openings. The height of any wall sign shall not exceed 15 feet

1 or the height of the wall to which it is attached. Such signs may be nonilluminated or indirectly
2 illuminated; or during business hours, may be directly illuminated.

3 (C) **Projecting Signs.** The number of projecting signs shall not exceed one per
4 business. The area of such sign or signs combined when there are multiple signs, as defined
5 in Section 602.1(a), shall not exceed 24 square feet. The height of such sign shall not exceed
6 15 feet or the height of the wall to which it is attached. No part of the sign shall project more
7 than 75 percent of the horizontal distance from the street property line to the curblin, or six
8 feet six inches, whichever is less. The sign may be nonilluminated or indirectly illuminated, or
9 during business hours, may be directly illuminated.

10 (D) **Signs on Awnings.** Sign copy may be located on permitted awnings in lieu of
11 wall signs and projecting signs. The area of such sign copy as defined in Section 602.1(c)
12 shall not exceed 20 square feet. Such sign copy may be nonilluminated or indirectly
13 illuminated.

14 (2) **Chinatown Visitor Retail District.**

15 (A) **Window Signs.** The total area of all window signs, as defined in Section 602.1(b),
16 shall not exceed 1/3 the area of the window on or in which the signs are located. Such signs
17 may be nonilluminated, indirectly illuminated, or directly illuminated.

18 (B) **Wall Signs.** The area of all wall signs shall not exceed two square feet per foot of
19 street frontage occupied by the use measured along the wall to which the signs are attached,
20 or 100 square feet for each street frontage, whichever is less. The height of any wall sign
21 shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the
22 lowest of any residential windowsill on the wall to which the sign is attached, whichever is
23 lower. Such signs may be nonilluminated, indirectly, or directly illuminated.

24 (C) **Projecting Signs.** The number of projecting signs shall not exceed one per
25 business. The area of such sign, as defined in Section 602.1(a), shall not exceed 24 square

1 feet. The height of such sign shall not exceed 24 feet, or the height of the wall to which it is
2 attached, or the height of the lowest of any residential windowsill on the wall to which the sign
3 is attached, whichever is lower. No part of the sign shall project more than 75 percent of the
4 horizontal distance from the street property line to the curblineline, or six feet six inches,
5 whichever is less. Such signs may be nonilluminated or indirectly illuminated; or during
6 business hours, may be directly illuminated.

7 (D) **Signs on Awnings and Marquees.** Sign copy may be located on permitted
8 awnings or marquees in lieu of projecting signs. The area of such sign copy as defined in
9 Section 602.1(c) shall not exceed 30 square feet. Such sign copy may be nonilluminated or
10 indirectly illuminated, except that sign copy on marquees for movie theaters or places of
11 entertainment may be directly illuminated during business hours.

12 (E) **Freestanding Signs and Sign Towers.** One freestanding sign or sign tower per
13 lot shall be permitted in lieu of a projecting sign, if the building or buildings are recessed from
14 the street property line. The existence of a freestanding business sign shall preclude the
15 erection of a freestanding identifying sign on the same lot. The area of such freestanding sign
16 or sign tower, as defined in Section 602.1(a), shall not exceed 20 square feet nor shall the
17 height of the sign exceed 24 feet. No part of the sign shall project more than 75 percent of the
18 horizontal distance from the street property line to the curblineline, or six feet, whichever is less.
19 Such signs may be nonilluminated or indirectly illuminated; or during business hours, may be
20 directly illuminated.

21 (3) **Chinatown Community Business District, Eastern Neighborhoods and South**
22 **of Market Mixed Use Mixed Use Districts.**

23 (A) **Window Signs.** The total area of all window signs, as defined in Section 602.1(b),
24 shall not exceed 1/3 the area of the window on or in which the signs are located. Such signs
25 may be nonilluminated, indirectly illuminated, or directly illuminated.

1 (B) **Wall Signs.** The area of all wall signs shall not exceed three square feet per foot
2 of street frontage occupied by the use measured along the wall to which the signs are
3 attached, or 150 square feet for each street frontage, whichever is less; provided, however,
4 that in no case shall the wall sign or combination of wall signs cover more than 75 percent of
5 the surface of any wall, excluding openings. The height of any wall sign shall not exceed 24
6 feet, or the height of the wall to which it is attached, or the height of the lowest of any
7 residential windowsill on the wall to which the sign is attached, whichever is lower. Such signs
8 may be nonilluminated, indirectly, or directly illuminated.

9 (C) **Projecting Signs.** The number of projecting signs shall not exceed one per
10 business. The area of such sign or signs combined when there are multiple signs, as defined
11 in Section 602.1(a), shall not exceed 32 square feet. The height of the sign shall not exceed
12 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any
13 residential windowsill on the wall to which the sign is attached, whichever is lower. No part of
14 the sign shall project more than 75 percent of the horizontal distance from the street property
15 line to the curblineline, or six feet six inches, whichever is less. Such signs may be
16 nonilluminated, indirectly, or directly illuminated.

17 (D) **Sign Copy on Awnings and Marquees.** Sign copy may be located on permitted
18 awnings or marquees in lieu of projecting signs. The area of such sign copy, as defined in
19 Section 602.1(c), shall not exceed 40 square feet. Such sign copy may be nonilluminated or
20 indirectly illuminated; except that sign copy on marquees for movie theaters or places of

21 (E) **Freestanding Signs and Sign Towers.** One freestanding sign or sign tower per
22 lot shall be permitted in lieu of a projecting sign if the building or buildings are recessed from
23 the street property line. The existence of a freestanding business sign shall preclude the
24 erection of a freestanding identifying sign on the same lot. The area of such freestanding sign
25 or sign tower, as defined in Section 602.1(a), shall not exceed 30 square feet nor shall the

1 height of the sign exceed 24 feet. No part of the sign shall project more than 75 percent of the
2 horizontal distance from the street property line to the curblineline, or six feet, whichever is less.

3 Such signs may be nonilluminated or indirectly illuminated, or during business hours, may be

4 (g) **Special Sign Districts.** Additional controls apply within certain Mixed Use Districts
5 that are designated as Special Sign Districts. The designations, locations, and boundaries of
6 these Special Sign Districts are provided on Sectional Map SSD of the Zoning Map of the City
7 and County of San Francisco, and are described within Sections 608.1 through 608.10 of this
8 Code.

9 (h) ~~Special Districts for Sign Illumination.~~ *Signs in Mixed Use Districts shall not have nor*
10 *consist of any flashing, blinking, fluctuating or otherwise animated light except in the following special*
11 *districts, all specifically designated as "Special Districts for Sign Illumination" on Sectional Map SSD*
12 *of the Zoning Map of the City and County of San Francisco, and described in Section 607(e) of this*
13 *Code.*

14 (1) ~~Broadway District.~~ *Along the main commercial frontage of Broadway between Wayne and*
15 *Osgood.*

16 (i) **Other Sign Requirements.** Within Mixed Use Districts, the following additional
17 requirements shall apply:

18 (1) ~~Public Areas.~~ *No sign shall be placed upon any public street, alley, sidewalk, public plaza*
19 *or right of way, or in any portion of a transit system, except such projecting signs as are otherwise*
20 *permitted by this Code and signs, structures, and features as are specifically approved by the*
21 *appropriate public authorities under applicable laws and regulations not inconsistent with this Code*
22 *and under such conditions as may be imposed by such authorities or posted pursuant to the Police*
23 *Code.*

24 (2) ~~Maintenance.~~ *Every business sign pertaining to an active establishment shall be*
25 *adequately maintained in its appearance. When the activity for which the business sign has been posted*

1 ~~has ceased operation for more than 90 days within the Chinatown Mixed Use Districts, all signs~~
2 ~~pertaining to that business activity shall be removed after that time.~~

3 (3) (1) **Temporary Signs.** The provisions of Section 607.1(g) of this Code shall apply.

4 (4) (2) **Special Standards for Automotive Gas and Service Stations.** The provisions
5 of Section 607.1(f)(4) of this Code shall apply.

6 **SEC. 608.6. NEAR CERTAIN SCENIC STREETS.**

7 No general advertising sign, and no other sign exceeding 200 square feet in area, shall
8 be located within the areas along the scenic streets that are listed below and designated as
9 special sign districts on Sectional Map SSD of the Zoning Map of the City and County of San
10 Francisco, if any face of such sign is visible from any such street. These limitations shall apply
11 to any portion of any property that is within 200 feet of any such street, unless a greater depth
12 or area is indicated on said Sectional Map. Historic Signs may exceed the size limit in this section.

13 Telegraph Hill Boulevard for its entire length;

14 Twin Peaks Boulevard for its entire length;

15 The Embarcadero for its entire length;

16 Market Street extension east side from Mono Street to Portola Drive;

17 Portola Drive for its entire length;

18 Roosevelt Way for its entire length;

19 El Camino Del Mar for its entire length;

20 Point Lobos Avenue from El Camino Del Mar to its intersection with the Great Highway,
21 including the Cliff House and Sutro Baths areas;

22 Sunset Boulevard for its entire length;

23 Great Highway and Esplanade from Point Lobos Avenue to Sloat Boulevard;

24 Great Highway extension south from Sloat Boulevard to its junction with Skyline
25 Boulevard near Harding Boulevard;

1 Nineteenth Avenue from Lincoln Way to Junipero Serra Boulevard;
2 Sloat Boulevard from the Great Highway to Junipero Serra Boulevard;
3 Junipero Serra Boulevard from Sloat Boulevard to the County Line;
4 Skyline Boulevard from Sloat Boulevard to the County Line;
5 Lake Merced Boulevard for its entire length;
6 John Muir Drive for its entire length;
7 Zoo Road for its entire length;
8 Harding Boulevard for its entire length;
9 Alemany Boulevard from Mission Street viaduct to Junipero Serra Boulevard;
10 Marina Boulevard for its entire length;
11 Lyon Street from Marina Boulevard to Lombard Street;
12 Baker Street from Marina Boulevard to Lombard Street;
13 Broderick Street from Marina Boulevard to Lombard Street;
14 Jefferson Street from Lyon Street to Broderick Street;
15 Beach Street from Baker Street to Broderick Street;
16 North Point Street from Baker Street to Broderick Street;
17 Bay Street from Lyon Street to Broderick Street;
18 Francisco Street from Lyon Street to Broderick Street;
19 Chestnut Street from Lyon Street to Broderick Street;
20 Lombard Street from Broderick Street to Lyon Street;
21 Richardson Avenue from Lyon Street to Lombard Street.

22 **SEC. 608.8. MARKET STREET SPECIAL SIGN DISTRICT ~~ON AND NEAR MARKET STREET~~**
23 **~~FROM THE EMBARCADERO TO THE CENTRL SKYWAY OVERPASS.~~**

24 There shall be a special sign district known as the "Market Street Special Sign District"
25 in the vicinity of Market Street, from The Embarcadero to Octavia Boulevard ~~the Central Skyway~~

1 ~~overpass~~ as designated on Sectional Map ~~SSD~~ SS02 of the Zoning Map of the City and County
2 of San Francisco. The original copy of said Sectional Map with this Special Sign District
3 indicated thereon is on file with the Clerk of the Board of Supervisors under File No. 112-70.
4 With respect to said Special Sign District, the following regulations shall apply:

5 (a) **Purpose and Findings.** In addition to the purposes stated in Sections 101 and 601
6 of this Code, the following purposes apply to the Market Street Special Sign District. These
7 purposes constitute findings that form a basis for these regulations and provide guidance for
8 their application.

9 (1) In November 1962, the electorate of San Francisco voted approval of an
10 investment in a City and regional rapid transit system that will run beneath Market Street. In
11 June 1968, the electorate approved a bonded indebtedness of \$24,500,000, including
12 payment for reconstruction and improvement of Market Street from The Embarcadero to the
13 Central Skyway overpass. The street ~~is being~~ has been completely rebuilt at public expense,
14 with special paving, furnishings, plazas and landscaping. ~~When rebuilt,~~ Market Street ~~will be~~ is
15 the transit spine of the ~~d~~Downtown area, ~~will have~~ with heavy concentrations of pedestrians,
16 and ~~will be~~ is more than ever a central domain of the people of the City and of the region. It is a
17 purpose of the Market Street Special Sign District to further this public endeavor.

18 (2) ~~As Market Street is rebuilt, the area is attracting and will continue to attract investments,~~
19 ~~d~~Development and design efforts along Market Street rely ~~in reliance~~ upon the promise of a
20 street of high quality. Both existing and new enterprises will be strengthened by the high
21 standards of their environment and by the joint efforts of owners, residents, and business people
22 businessmen.

23 (3) The character of signs along the street and of other features projecting from
24 buildings is especially significant to street appearance and to the general quality and
25 economic stability of the area. Opportunities exist to relate these signs and projections more

1 effectively to the street design and to the design of buildings, and it is a purpose of these
2 regulations to set a framework that will contribute toward those ends.

3 (4) The standards established by these regulations are reasonable standards related
4 to the unique nature of the Market Street area and to its present and future needs. ~~Where~~
5 ~~removal of existing signs and other features is required, the periods for removal are related to the~~
6 ~~schedule for reconstruction of Market Street, including installation of the street trees with which~~
7 ~~projecting signs and other features would conflict. The removal periods recognize the revocable nature~~
8 ~~of past permits for erection of features projecting over public streets, and will help to promote equality~~
9 ~~among establishments, adding greater significance to the improvement efforts.~~

10 (5) The standards established by these regulations are deemed to be minimum
11 requirements, forming a basic framework for development and remodeling. They are not
12 intended in any way to preclude further design refinement or review by individuals or duly
13 constituted organizations which might consider more restrictive requirements as to any
14 aspects limited herein, or as to additional aspects such as materials, color, graphics, types of
15 representation, relationship of signs to one another and to architectural features, or the
16 general quality of design. It is anticipated that private efforts along such lines will and should
17 be made for the further improvement of Market Street.

18 (b) **General Advertising Signs.** Except as specified in Paragraph 608.8~~(f)~~(e)(2)
19 below,

20 (1) No general advertising sign shall be permitted at any location within said Special
21 Sign District; and

22 (2) No general advertising sign shall be located within 200 feet of said Special Sign
23 District, if any portion of a face of such sign would be visible from any point on a street, alley
24 or plaza within the Special Sign District.

1 ~~(c) Roof Signs. Notwithstanding the exceptions stated in Subsection 607(b) of this Code, no roof~~
2 ~~sign shall be permitted within said Special Sign District.~~

3 (c) ~~(d)~~ **Projection of Signs and Other Features.** Within said Special Sign District:

4 (1) No projection shall exceed a horizontal distance of six feet beyond any street
5 property line. This limitation shall apply to signs and to all other features including but not
6 limited to marquees, awnings and canopies, with the sole exception of flagpoles for flags of
7 any nation or political subdivision.

8 (2) Projecting signs for each establishment shall be limited to one sign on each street
9 frontage occupied by the establishment, in addition to any signs that are placed flat upon or
10 otherwise integrated in the design of marquees and awnings.

11 (d) ~~(e)~~ **Height and Extension Above Roofline.** Within said Special Sign District, all of
12 the following limitations shall apply:

13 (1) With the exception of Historic Signs ~~Notwithstanding the exceptions stated in Subsection~~
14 ~~607(g) of this Code~~, no sign attached to a building shall extend or be located above the roofline
15 of the building to which it is attached.

16 (2) A projecting sign with lettering or other inscription arranged in a vertical manner
17 shall have a maximum height of 60 feet; except that a greater height shall be permitted, up to
18 a maximum height of 100 feet, provided the height of the sign shall remain at least 20 feet
19 below the roofline of the building as measured directly above the sign.

20 (3) Except as provided in Paragraph 608.8(d)~~(e)~~(5) below, all other signs shall be
21 located no higher than the windowsill level of the lowest story (if any) that has a window or
22 windows on the building facade on which the signs are placed, exclusive of the ground story
23 and mezzanine, provided that no such sign shall in any case exceed a height of 60 feet.

1 (4) In addition, except as provided in Paragraph 608.8(~~d~~)(~~e~~)(3) and (4) above,
2 uniformity of height shall be maintained in both the upper and lower edges of signs placed flat
3 upon or essentially parallel to each facade of a single building.

4 (5) As to the requirements of Paragraphs 608.8(e)(3) and (4) above, deviation from the
5 requirements may be permitted to the extent an alternative placement of signs is made
6 necessary by the location of arches, entrances and other architectural features, as determined
7 by the Zoning Administrator, or for the purpose of installing special lighting effects and
8 temporary holiday decorations, or for the purpose of modifying or replacing currently existing
9 noncomplying business wall signs as provided by Subsection 607(g).

10 (~~e~~) (~~f~~) **Other Requirements.** Within said Special Sign District, the following additional
11 requirements shall apply:

12 (1) **Temporary Signs.** With the exception of holiday decorations, no sign composed
13 of paper or other temporary material shall be placed on the outside of any building or structure
14 or affixed to the glass on the outside or inside of any window, unless such sign is placed in a
15 frame or on a structure specifically designed for this purpose.

16 (2) **Public Areas.** No sign or other structure or feature shall be placed upon any
17 public street, alley or public plaza, or in any portion of a transit system, except such signs,
18 structures and features as are specifically approved by the appropriate public authorities
19 under applicable laws and regulations not inconsistent with this Code and under such
20 conditions as may be imposed by such authorities.

21 (3) **Maintenance.** Every sign pertaining to an active establishment shall be
22 adequately maintained in its appearance, or else removed or obscured. When the space
23 occupied by any establishment has been vacated, all signs pertaining to such establishment
24 shall be removed or obscured within 60 days following the date of vacation.

1 **SEC. 608.10. UPPER MARKET SPECIAL SIGN DISTRICT ON AND NEAR MARKET STREET**
2 **FROM THE CENTRAL SKYWAY OVERPASS TO DIAMOND STREET.**

3 There shall be a special sign district known as the Upper Market Special Sign District in
4 the vicinity of Market Street from Octavia Boulevard ~~the Central Skyway overpass~~ to Diamond
5 Street as designated on Sectional Map ~~SSD~~ SS01 of the Zoning Map of the City and County of
6 San Francisco. The original copy of said Sectional Map with this Special Sign District
7 indicated thereon is on file with the Clerk of the Board of Supervisors under File No. 324-76-2.
8 With respect to said Special Sign District, the following regulations shall apply:

9 (a) **Purposes and Findings.** In addition to the purposes stated in Sections 101 and
10 601 of this Code, the following purposes apply to the Upper Market Special Sign District.
11 These purposes constitute findings that form a basis for these regulations and provide
12 guidance for their application.

13 (1) In November 1962, the electorate of San Francisco voted approval of an
14 investment in a City and regional rapid transit system that will run beneath Market Street,
15 including a city subway along Upper Market. In June 1968, the electorate approved a bonded
16 indebtedness of \$24,500,000, including payment for reconstruction and improvement of
17 Market Street from the Central Skyway overpass to the vicinity of Castro Street. The street ~~is~~
18 ~~being~~ has been rebuilt at public expense, with special paving, furnishings and landscaping.
19 ~~When rebuilt,~~ This portion of Market Street ~~will have~~ has heavy concentrations of pedestrians,
20 and ~~will increase in importance as a~~ is an important transit and shopping corridor. It is a purpose
21 of the Upper Market Special Sign District to further this public endeavor.

22 (2) ~~As the street is rebuilt, the area is attracting and will continue to attract investments,~~
23 ~~Development and design efforts~~ along Market Street ~~in reliance~~ rely upon the promise of a
24 street of high quality. Both existing and new enterprises will be strengthened by the high
25

1 standards of their environment and by the joint efforts of owners, residents, and business
2 people.

3 (3) The character of signs along the street and of other features projecting from
4 buildings is especially significant to street appearance and to the general quality and
5 economic stability of the area. Opportunities exist to relate these signs and projections more
6 effectively to the street design and to the design of buildings, and it is a purpose of these
7 regulations to set a framework that will contribute toward those ends.

8 (4) The standards established by these regulations are reasonable standards related
9 to the unique nature of the Upper Market area and to its present and future needs. Where
10 removal or alteration of existing signs is required, the periods for removal or alteration allow
11 adequate time for amortization of the signs, consistent with other improvements along the
12 street. The removal or alteration will help to promote equality among establishments, adding
13 greater significance to the improvement efforts.

14 (5) The standards established by these regulations are deemed to be minimum
15 requirements, forming a basic framework for development and remodeling. They are not
16 intended in any way to preclude further design refinement or review by individuals or duly
17 constituted organizations which might consider more restrictive requirements as to any
18 aspects limited herein, or as to additional aspects such as materials, color, graphics, types of
19 representation, relationship of signs to one another and to architectural features, or the
20 general quality of design. It is anticipated that private efforts along such lines will and should
21 be made for the further improvement of the Upper Market area.

22 (b) **General Advertising Signs.** Except as permitted specified in Subsection 604(k)
23 608.10(f) below:

24 (1) No general advertising sign shall be permitted at any location within said Special
25 Sign District; and

1 (2) No general advertising sign shall be located within 200 feet of said Special Sign
2 District, if any portion of a face of such sign would be visible from any point on a street, alley
3 or plaza within the Special Sign District.

4 ~~(c) **Roof Signs.** Notwithstanding the exceptions stated in Subsection 607(b) of this Code, no~~
5 ~~roof sign shall be permitted within said Special Sign District.~~

6 ~~(d) **Projection of Signs and Other Features.** Within said Special Sign District:~~

7 ~~(1) No projection shall exceed a horizontal distance of six feet beyond any street property line.~~
8 ~~This limitation shall apply to signs and to all other features including but not limited to marquees,~~
9 ~~awnings and canopies, with the sole exception of flagpoles for flags of any nation or political~~
10 ~~subdivision.~~

11 ~~(2) Projecting signs for each establishment shall be limited to one sign on each street frontage~~
12 ~~occupied by the establishment, in addition to any signs that are placed flat upon or otherwise~~
13 ~~integrated in the design of marquees and awnings.~~

14 ~~(e) **Height and Extension Above Roofline.** Within said Special Sign District, all of the~~
15 ~~following limitations shall apply:~~

16 ~~(1) Notwithstanding the exceptions stated in Subsection 607(g) of this Code, no sign attached to~~
17 ~~a building shall extend or be located above the roofline of the building to which it is attached.~~

18 ~~(2) A projecting sign attached to a building with lettering or other inscription arranged in a~~
19 ~~vertical manner shall have a maximum height of 50 feet or the roofline of the building to which it is~~
20 ~~attached, whichever is the lesser.~~

21 ~~(3) Except as provided in Paragraph 608.10(e)(5) below, all other signs attached to a building~~
22 ~~shall be located no higher than the windowsill level of the lowest story (if any) that has a window or~~
23 ~~windows on the building facade on which the signs are placed, exclusive of the ground story and~~
24 ~~mezzanine, provided that no such sign shall in any case exceed a height of 50 feet or the roofline of the~~
25 ~~building to which it is attached, whichever is the lesser.~~

1 ~~(4) In addition, except as provided in Paragraph 608.10(e)(5) below, uniformity of height shall~~
2 ~~be maintained in both the upper and lower edges of signs placed flat upon or essentially parallel to~~
3 ~~each facade of a single building.~~

4 ~~(5) As to the requirements of Paragraphs 608.10(e)(3) and (4) above, deviation from the~~
5 ~~requirements may be permitted to the extent an alternative placement of signs is made necessary by the~~
6 ~~location of arches, entrances and other architectural features, as determined by the Zoning~~
7 ~~Administrator, or for the purpose of installing special lighting effects and temporary holiday~~
8 ~~decorations.~~

9 ~~(6) The maximum height for freestanding signs shall be 24 feet.~~

10 ~~(f) **Public Areas.** No sign or other structure or feature shall be placed upon any public street,~~
11 ~~alley or public plaza, or in any portion of a transit system, except such signs, structures and features as~~
12 ~~are specifically approved by the appropriate public authorities under applicable laws and regulations~~
13 ~~not inconsistent with this Code and under such conditions as may be imposed by such authorities.~~

14 **SEC. 609.8. MISCELLANEOUS SERVICE STATION SIGNS IN R DISTRICTS.**

15 Any lawfully existing sign at an automobile service station in an R District (other than
16 those signs covered by Paragraph 606(d)(e)(A) of this Code) which does not conform to
17 Paragraph 606(d)(e)(1)(B) of this Code shall be removed or altered to conform therewith within
18 one year after the effective date of this Article 6 or such later date as the sign becomes
19 nonconforming.

20 **SEC. 714.1. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.**

21 The Broadway Neighborhood Commercial District, located in the northeast quadrant of
22 San Francisco, extends along Broadway from west of Columbus Avenue to Osgood Place. It
23 is part of a larger commercial area which includes North Beach to the north, Chinatown to the
24 south and west, and Jackson Square to the southeast. Broadway's fame and popularity as a
25 Citywide and regional entertainment district is derived from a concentration of nightclubs,

1 music halls, adult theaters, bars, and restaurants between Grant Avenue and Montgomery
 2 Street. These places attract locals and visitors alike, mainly in the evening and late-night
 3 hours. In addition to the entertainment and some retail businesses, Broadway contains many
 4 upper-story residential hotels. Due to its proximity to downtown, there is strong pressure to
 5 develop upper-story offices.

6 The Broadway District controls are designed to encourage development that is
 7 compatible with the existing moderate building scale and mixed-use character, and maintain
 8 the district's balance of entertainment uses, restaurants, and small-scale retail stores. New
 9 buildings exceeding 40 feet in height will be carefully reviewed and rear yards at residential
 10 levels are protected. Most commercial uses in new buildings are permitted at the first two
 11 stories. Neighborhood-serving businesses are strongly encouraged. In order to protect the
 12 livability of the area, limitations apply to new fast-food restaurants and adult entertainment
 13 uses at the first and second stories, as well as late-night activity. Financial services are
 14 allowed on the ground story subject to certain limitations. Nonretail offices are prohibited in
 15 order to prevent encroachment of the adjoining downtown office uses. Due to the high traffic
 16 volume on Broadway, most automobile and drive-up uses are prohibited in order to prevent
 17 further traffic congestion. Parking garages are permitted if their ingress and egress do not
 18 disrupt the traffic flow on Broadway.

19 Housing development in new buildings is encouraged above the second story. Existing
 20 housing is protected by limitations on demolitions and upper-story conversions.

21 **SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT**
 22 **ZONING CONTROL TABLE**

| | | | |
|---------------------------|------------------------|---------------------|-----------------|
| | | | Broadway |
| No. | Zoning Category | § References | Controls |
| BUILDING STANDARDS | | | |

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| 714.10 | Height and Bulk Limit | §§ 102.12, 105, 106, 250—252, 260, 270, 271 | P up to 40 ft. C 40 to 65 ft. § 253.1 |
| 714.11 | Lot Size [Per Development] | §§ 790.56, 121.1 | P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1 |
| 714.12 | Rear Yard | §§ 130, 134, 136 | Required at residential level only § 134(a) (e) |
| 714.13 | Street Frontage | | Required § 145.1 |
| 714.14 | Awning | § 136.1(a) 790.20 | P § 136.1(a) |
| 714.15 | Canopy | § 136.1(b) 790.26 | P § 136.1(b) |
| 714.16 | Marquee | § 136.1(c) 790.58 | P § 136.1(e) |
| 714.17 | Street Trees | | Required § 143 <u>138.1</u> |
| COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES | | | |
| 714.20 | Floor Area Ratio | §§ 102.9, 102.11, 123 | 2.5 to 1 § 124(a) (b) |
| 714.21 | Use Size | § 790.130 | P up to 2,999 sq. ft.; |

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| | [Non-Residential] | | C 3,000 sq. ft. & above § 121.2 |
| 714.22 | Off-Street Parking, Commercial/Institutional | §§ 150, 153—157, 159— 160, 204.5 | Generally, none required. Limits set forth in § 151.1 if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g) |
| 714.23 | Off-Street Freight Loading | §§ 150, 153—155, 204.5 | Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b) |
| 714.24 | Outdoor Activity Area | § 790.70 | P if located in front; C if located elsewhere § 145.2(a) |
| 714.25 | Drive-Up Facility | § 790.30 | |
| 714.26 | Walk-Up Facility | § 790.140 | P if recessed 3 ft.; C if not recessed § 145.2(b) |
| 714.27 | Hours of Operation | § 790.48 | P 6 a.m.—2 a.m.; C 2 a.m.—6 a.m. |
| 714.30 | General Advertising Sign | §§ 262, 602—604, 608, 609 | |
| 714.31 | Business Sign | §§ 262, 602—604, 608, | P |

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| | | 609 | § 607.1(f)2 |
| 714.32 | Other Signs | §§ 262, 602—604, 608, 609 | P § 607.1(c) (d) (g) |

| No. | Zoning Category | § References | Broadway | | |
|----------------------------------|--|--------------|-------------------|-----|------|
| | | | Controls by Story | | |
| | | § 790.118 | 1st | 2nd | 3rd+ |
| 714.38 | Residential Conversion | § 790.84 | P | C | |
| 714.39 | Residential Demolition | § 790.86 | P | C | C |
| Retail Sales and Services | | | | | |
| 714.40 | Other Retail Sales and Services [Not Listed Below] | § 790.102 | P # | P # | |
| 714.41 | Bar | § 790.22 | P | P | |
| 714.42 | Full-Service Restaurant | § 790.92 | P | P | |
| 714.43 | Large Fast Food Restaurant | § 790.90 | | | |
| 714.44 | Small Self-Service Restaurant | § 790.91 | C | C | |

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| 714.45 | Liquor Store | § 790.55 | C | | |
| 714.46 | Movie Theater | § 790.64 | P | P | |
| 714.47 | Adult Entertainment | § 790.36 | C | C | |
| 714.48 | Other Entertainment | § 790.38 | P | P | |
| 714.49 | Financial Service | § 790.110 | C | | |
| 714.50 | Limited Financial Service | § 790.112 | C | | |
| 714.51 | Medical Service | § 790.114 | P | P | |
| 714.52 | Personal Service | § 790.116 | P | P | |
| 714.53 | Business or Professional Service | § 790.108 | P | P | |
| 714.54 | Massage Establishment | § 790.60, § 1900 Health Code | C | C | |
| 714.55 | Tourist Hotel | § 790.46 | C | C | C |
| 714.56 | Automobile Parking | §§ 790.8, 156, 160 | C | C | C |
| 714.57 | Automotive Gas Station | § 790.14 | | | |

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| 1 | 714.58 | Automotive | § 790.17 | | | |
| 2 | | Service Station | | | | |
| 3 | 714.59 | Automotive Repair | § 790.15 | | | |
| 4 | 714.60 | Automotive Wash | § 790.18 | | | |
| 5 | 714.61 | Automobile Sale | § 790.12 | | | |
| 6 | | or Rental | | | | |
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| 8 | 714.62 | Animal Hospital | § 790.6 | C | | |
| 9 | 714.63 | Ambulance | § 790.2 | | | |
| 10 | | Service | | | | |
| 11 | 714.64 | Mortuary | § 790.62 | | | |
| 12 | 714.65 | Trade Shop | § 790.124 | P # | C # | |
| 13 | 714.66 | Storage | § 790.117 | | | |
| 14 | 714.67 | Video Store | § 790.135 | <u>P €</u> | <u>P €</u> | |
| 15 | | | | | | |
| 16 | 714.68 | Fringe Financial | § 790.111 | | | |
| 17 | | Service | | | | |
| 18 | 714.69 | Tobacco | § 790.123 | C | | |
| 19 | | Paraphernalia | | | | |
| 20 | | Establishments | | | | |
| 21 | 714.69A | Self-Service | § 790.93 | C | C | |
| 22 | | Specialty Food | | | | |
| 23 | 714.69B | Amusement Game | § 790.04 | C | | |
| 24 | | Arcade | | | | |
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| | (Mechanical Amusement Devices) | | | | |
| 714.69C | Neighborhood Agriculture | § 102.35(a) | P | P | P |
| 714.69D | Large-Scale Urban Agriculture | § 102.35(b) | C | C | C |
| Institutions and Non-Retail Sales and Services | | | | | |
| 714.70 | Administrative Service | § 790.106 | | | |
| 714.80 | Hospital or Medical Center | § 790.44 | | | |
| 714.81 | Other Institutions, Large | § 790.50 | P | C | C |
| 714.82 | Other Institutions, Small | § 790.51 | P | P | P |
| 714.83 | Public Use | § 790.80 | C | C | C |
| 714.84 | Medical Cannabis Dispensary | § 790.141 | P | | |
| RESIDENTIAL STANDARDS AND USES | | | | | |
| 714.90 | Residential Use | § 790.88 | P | P | P |
| 714.91 | Residential Density, Dwelling Units | §§ 207, 207.1, 790.88(a) | Generally, 1 unit per 400 sq. ft. lot area § 207.4 | | |

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| 1 | 714.92 | Residential Density, Group Housing | §§ 207.1, 790.88(b) | Generally, 1 bedroom per 140 sq. ft. lot area § 208 | | |
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| 4 | 714.93 | Usable Open Space [Per Residential Unit] | §§ 135, 136 | Generally, either 60 sq. ft if private, or 80 sq. ft. if common § 135(d) | | |
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| 8 | 714.94 | Off-Street Parking, Residential | §§ 150, 151.1, 153—157, 159—160, 204.5 | <p><i>None required. P up to 0.5 parking spaces for each one car for each two dwelling units; C up to .75 cars parking spaces for each dwelling unit, subject to the criteria and procedures of Section 151.1 (f); NP above 0.75 cars for each dwelling unit.</i></p> <p>§§ 151.1, <u>166, 167, 145.1</u> 161(a)(g)</p> <p><i># Mandatory discretionary review by the Planning Commission if installing a garage in an existing residential building of four or more units and Section 311 notice for a building of less than four units.</i></p> | | |
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| 20 | 714.95 | Community Residential Parking | § 790.10 | C | C | C |
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**SPECIFIC PROVISIONS FOR THE BROADWAY
NEIGHBORHOOD COMMERCIAL DISTRICT**

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| Article 7 Code Section | Other Code Section | Zoning Controls |
|---------------------------------------|-------------------------------|---|
| § 714.10 | § 253.1 | <p>65-A-1 HEIGHT AND BULK DISTRICT</p> <p>Boundaries: Applicable for all of the Broadway NCD from Columbus Avenue to Osgood Place as mapped on Sectional Map 1H</p> <p>Controls: Building height and bulk limits are P up to 40 feet; C between 40 feet and 65 feet</p> |
| § 714.40 | § 790.102(n) | <p>BROADWAY SPECIALTY RETAIL USES</p> <p>Boundaries: Broadway NCD</p> <p>Controls: Retail coffee stores defined pursuant to Code § 790.102(n) are not permitted without conditional use authorization except to the extent qualifying as specialty grocery permitted pursuant to § 790.102(b)</p> |
| § 714.65 | § 236 | GARMENT SHOP SPECIAL USE DISTRICT |
| <u>§ 714.68</u> | <u>§ 249.35</u> | <p><u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD).</u></p> <p><u>Boundaries: The FFSRUD and its ¼ mile buffer includes, but is not limited to, the Broadway Neighborhood Commercial Districts.</u></p> <p><u>Controls: Within the FFSRUD and its ¼ mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its ¼ mile buffer, fringe financial services are P subject to the restrictions set forth in Section 259.35(c)(3).</u></p> |

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| <p>1 § 2 <u>714722.94</u></p> | <p>§§ 150, 153- 157, 159-160, 204.5</p> | <p><u>BROADWAY OFF-STREET PARKING RESIDENTIAL</u> <u>Boundaries: Broadway NCD</u> <u>Controls: Installing a garage in an existing residential building of four or more units requires a mandatory discretionary review by the Planning Commission; Section 311 notice is required for a building of less than four units. In approving installation of the garage, the Commission shall find that:</u> (1) the proposed garage opening/addition of off-street parking will not cause the "removal" or "conversion of residential unit," as those terms are defined in Section 317 of this Code; (2) the proposed garage opening/addition of off-street parking will not substantially decrease the livability of a dwelling unit without increasing the floor area in a commensurate amount; (3) the building has not had two or more "no-fault" evictions, as defined in 37.9(a)(7)—(13) of the San Francisco Administrative Code, with each eviction associated with a separate unit(s) within the past ten years, (4) the garage would not front on a public right-of-way narrower than 41 feet, and (5) the proposed garage/addition of off-street parking installation is consistent with the Priority Policies of Section 101.1 of this Code. Boundaries: Applicable only for the portion of Broadway NCD as mapped on Sectional Map 1 SUa Controls: Garment shops are P at the 1st and 2nd stories</p> |
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24 **SEC. 722.1. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.**

1 The North Beach Neighborhood Commercial District is a nonlinear district centered on
2 Columbus Avenue, located in the valley between Telegraph Hill and Russian Hill north of
3 Broadway. North Beach functions as a neighborhood-serving marketplace, citywide specialty
4 shopping, and dining district, and a tourist attraction, as well as an apartment and residential
5 hotel zone. Traditionally, the district has provided most convenience goods and services for
6 residents of North Beach and portions of Telegraph and Russian Hills. North Beach's eating,
7 drinking, and entertainment establishments remain open into the evening to serve a much
8 wider trade area and attract many tourists. The balance between neighborhood-serving
9 convenience stores and Citywide specialty businesses has shifted , as convenience stores
10 have been replaced by restaurants and bars. The proliferation of financial services, limited
11 financial services, and business and professional services has also upset the district's
12 balance of uses. The relocation of business and professional offices from downtown to North
13 Beach threatens the loss of upper-story residential units.

14 The North Beach District controls are designed to ensure the livability and
15 attractiveness of North Beach. Building standards limit new development to a small to
16 moderate scale. Rear yards are protected above the ground story and at residential levels.
17 Most new commercial development is permitted at the first two stories. Small-scale,
18 neighborhood-serving businesses are strongly encouraged and formula retail uses are
19 prohibited. Use sizes are controlled to limit future consolidation of spaces and to encourage
20 conversion back to the traditional small-scale commercial spaces. Special controls are
21 necessary because an over-concentration of food and beverage service establishments limits
22 neighborhood-serving retail sales and personal services in an area that needs them to thrive
23 as a neighborhood. In order to maintain neighborhood-serving retail sales and personal
24 services and to protect residential livability, additional eating and drinking establishments are
25 prohibited in spaces that have been occupied by neighborhood-serving retail sales and

1 personal services. Special controls limit additional ground-story entertainment uses and
2 prohibit new walk-up automated bank teller machines (ATMs). Financial services, limited
3 financial services, and ground-story business and professional office uses are prohibited from
4 locating in the portion of the district south of Greenwich Street, while new financial services
5 locating in the portion of the district north of Greenwich Street are limited. Restrictions on
6 automobile and drive-up uses are intended to promote continuous retail frontage and maintain
7 residential livability.

8 In keeping with the district's existing mixed-use character, housing development in new
9 buildings is encouraged above the second story. Existing residential units are protected by
10 prohibitions of upper-story conversions and limitations on demolitions.

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**SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

| | | | North Beach |
|---------------------------|-------------------------------|---|--|
| No. | Zoning Category | § References | Controls |
| BUILDING STANDARDS | | | |
| 722.10 | Height and Bulk Limit | §§ 102.12, 105, 106, 250—252, 260, 270, 271 | P up to 40 ft. |
| 722.11 | Lot Size [Per Development] | §§ 790.56, 121.1 | P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1 |
| 722.12 | Rear Yard | §§ 130, 134, 136 | Required at the second story and above and at all residential levels § 134(a) (e) |
| 722.13 | Street Frontage | | Required § 145.1 |
| 722.14 | Awning | § 136.1(a) 790.20 | P § 136.1(a) |
| 722.15 | Canopy | § 136.1(b) 790.26 | P § 136.1(b) |
| 722.16 | Marquee | § 136.1(c) 790.58 | P § 136.1(e) |

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| 1 | 722.17 | Street Trees | | Required § 143 <u>138.1</u> |
| 2 | COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES | | | |
| 3 | 722.20 | Floor Area Ratio | §§ 102.9, 102.11, 123 | 1.8 to 1 § 124(a) (b) |
| 4 | 722.21 | Use Size [Nonresidential] | § 790.130 | P up to 1,999 sq. ft.; C# 2,000 sq. ft. to 3,999 sq. ft. NP 4,000 sq. ft. and above § 121.2 |
| 5 | 722.22 | Off-Street Parking, Commercial/Institutional | §§ 150, 153—157, 159—160, 204.5 | <i>Generally, nNone required. <u>Limits set forth in if occupied floor area is less than 5,000 sq. ft.</u></i> §§-151.1, -161(g) |
| 6 | 722.23 | Off-Street Freight Loading | §§ 150, 153—155, 204.5 | Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b) |
| 7 | 722.24 | Outdoor Activity Area | § 790.70 | P if located in front; C if located elsewhere § 145.2(a) |
| 8 | 722.25 | Drive-Up Facility | § 790.30 | |
| 9 | 722.26 | Walk-Up Facility | § 790.140 | P if recessed 3 ft.; C if not recessed |

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| | | | § 145.2(b) |
| 722.27 | Hours of Operation | § 790.48 | P 6 a.m.—2 a.m. C 2 a.m.—6 a.m. |
| 722.30 | General Advertising Sign | §§ 262, 602—604, 608, 609 | |
| 722.31 | Business Sign | §§ 262, 602—604, 608, 609 | P § 607.1(f)2 |
| 722.32 | Other Signs | §§ 262, 602—604, 608, 609 | P § 607.1(c) (d) (g) |

| No. | Zoning Category | § References | North Beach | | |
|----------------------------------|--|--------------|-------------------|-----|------|
| | | | Controls by Story | | |
| | | § 790.118 | 1st | 2nd | 3rd+ |
| 722.38 | Residential Conversion | § 790.84 | P | | |
| 722.39 | Residential Demolition | § 790.86 | P | C | C |
| Retail Sales and Services | | | | | |
| 722.40 | Other Retail Sales and Services [Not Listed | § 790.102 | P # | P # | |

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| | Below] | | | | |
| 722.41 | Bar | § 790.22 § 780.3 | C# | | |
| 722.42 | Full-Service Restaurant | § 790.92 § 780.3 | C# | C # | |
| 722.43 | Large Fast Food Restaurant | § 790.90 | | | |
| 722.44 | Small Self- Service Restaurant | § 790.91 § 780.3 | C# | | |
| 722.45 | Liquor Store | § 790.55 | C | | |
| 722.46 | Movie Theater | § 790.64 | P | | |
| 722.47 | Adult Entertainment | § 790.36 | | | |
| 722.48 | Other Entertainment | § 790.38 | C | | |
| 722.49 | Financial Service | § 790.110 | C/NP # | | |
| 722.50 | Limited Financial Service | § 790.112 | C/NP# | | |
| 722.51 | Medical | § 790.114 | P | P | |

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| | Service | | | | |
| 722.52 | Personal Service | § 790.116 | P | P | |
| 722.53 | Business or Professional Service | § 790.108 | C/NP# | P | |
| 722.54 | Massage Establishment | § 790.60, § 1900 Health Code | C | | |
| 722.55 | Tourist Hotel | § 790.46 | C | C | C |
| 722.56 | Automobile Parking | §§ 790.8, 156, 160 | C | C | C |
| 722.57 | Automotive Gas Station | § 790.14 | | | |
| 722.58 | Automotive Service Station | § 790.17 | | | |
| 722.59 | Automotive Repair | § 790.15 | C | | |
| 722.60 | Automotive Wash | § 790.18 | | | |
| 722.61 | Automobile Sale or Rental | § 790.12 | | | |
| 722.62 | Animal | § 790.6 | C | | |

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| | Hospital | | | | |
| 722.63 | Ambulance Service | § 790.2 | | | |
| 722.64 | Mortuary | § 790.62 | | | |
| 722.65 | Trade Shop | § 790.124 | P# | C # | |
| 722.66 | Storage | § 790.117 | | | |
| 722.67 | Video Store | § 790.135 | <u>P</u> € | <u>P</u> € | |
| 722.68 | Fringe Financial Service | § 790.111 | | | |
| 722.69 | Tobacco Paraphernalia Establishments | § 790.123 | C | | |
| 722.69A | Self-Service Specialty Food | § 790.93 | C | | |
| 722.69B | Amusement Game Arcade (Mechanical Amusement Devices) | § 790.04 | | | |
| 722.69C | Neighborhood Agriculture | § 102.35(a) | P | P | P |
| 722.69C | Large-Scale Urban Agriculture | § 102.35(b) | C | C | C |

Institutions and Non-Retail Sales and Services

| | | | | | |
|---------------------------------------|-------------------------------------|--------------------------|---|---|---|
| 722.70 | Administrative Service | § 790.106 | | | |
| 722.80 | Hospital or Medical Center | § 790.44 | | | |
| 722.81 | Other Institutions, Large | § 790.50 | P | C | C |
| 722.82 | Other Institutions, Small | § 790.51 | P | P | P |
| 722.83 | Public Use | § 790.80 | C | C | C |
| 722.84 | Medical Cannabis Dispensary | § 790.141 | P | | |
| RESIDENTIAL STANDARDS AND USES | | | | | |
| 722.90 | Residential Use | § 790.88 | P | P | P |
| 722.91 | Residential Density, Dwelling Units | §§ 207, 207.1, 790.88(a) | Generally, 1 unit per400 sq. ft. lot area § 207.4 | | |
| 722.92 | Residential Density, Group | §§ 207.1, 790.88(b) | Generally, 1 bedroom per140 sq. ft. lot area § 208 | | |

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|--------|--|--|--|---|---|
| | Housing | | | | |
| 722.93 | Usable Open Space [Per Residential Unit] | §§ 135, 136 | Generally, either 60 sq. ft if private, or 80 sq. ft. if common § 135(d) | | |
| 722.94 | Off-Street Parking, Residential | §§ 150, 151.1, 153—157, 159—160, 204.5 | <i>None required. P up to 0.5 parking spaces one car for each two dwelling units; C up to .75 cars parking spaces for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); NP above 0.75 cars for each dwelling unit. §§ 151.1, 166, 167, 145.1 161(a)(g) # if installing a garage in an existing residential building</i> | | |
| 722.95 | Community Residential Parking | § 790.10 | C | C | C |

SPECIFIC PROVISIONS FOR THE NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT

| Article 7 Code Section | Other Code Section | Zoning Controls |
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| § 722.26 | § 790.140 | NORTH BEACH WALK UP FACILITIES Boundaries: North Beach NCD Controls: Walk-up automated bank teller machines (ATMs) are |

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| | | not permitted. |
| § 722.40 | § 790.102(n) | <p>NORTH BEACH SPECIALTY RETAIL USES</p> <p>Boundaries: North Beach NCD</p> <p>Controls: Retail coffee stores defined pursuant to Code § 790.102(n) are not permitted without conditional use authorization except to the extent qualifying as specialty grocery permitted pursuant to § 790.102(b)</p> |
| §§ 722.42, 722.44, 722.41 | § 780.3 | <p>NORTH BEACH SPECIAL USE DISTRICT</p> <p>Boundaries: North Beach NCD</p> <p>Controls: Full-service restaurants and small self-service restaurants as defined in Sections 790.92 and 790.91 of this Code and bars as defined in Section 780.22 may be permitted as a conditional use on the first story if, in addition to the criteria set forth in Section 303, the Planning Commission finds that the full-service restaurant, small self-service restaurant, or bar does not occupy:</p> |
| | | (1) a space that is currently or was last occupied by a Basic Neighborhood Sale or Service, as defined in Section 780.3(b), or by a permitted principal use under Section 722 (North Beach Controls); or |
| | | (2) a vacant space last occupied by a nonconforming use or a permitted conditional use under Section 722 (North Beach Controls) that has been discontinued or abandoned pursuant to Section 186.1(d) or Section 178(d) of this Code. |

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| <p>§§ 722.42, 722.44</p> | <p>§§ 790.92, 790.91</p> | <p>NORTH BEACH LIQUOR LICENSES FOR FULL-SERVICE AND SMALL SELF-SERVICE RESTAURANTS</p> <p>Boundaries: North Beach NCD</p> <p>Controls: (a) In order to allow full-service restaurants, as defined in § 790.92, and small self-service restaurants, as defined in § 790.91 to seek or maintain an ABC license type 41, so that they may provide on-site beer and/or wine sales for drinking on the premises, the restaurant shall be required to operate as a 'bona-fide eating place' as defined in § 790.142.</p> |
| | | <p>(b) In order to allow full service restaurants, as defined in § 790.91, to seek and maintain an ABC license type 47, so that liquor may be served for drinking on the premises, a bar use, as defined in § 790.22, may be permitted as a conditional use on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission finds that:</p> |
| | | <p>(1) The bar function is operated as an integral element of an establishment which is classified both as: (A) a full-service restaurant as defined in § 790.92 and (B) a 'bona-fide eating place' as defined in § 790.142; and</p> |
| | | <p>(2) (2) The establishment maintains only an ABC license type 47, 40, 41 or 60.</p> |
| | | <p>(c) The Commission may consider immediate revocation of a previous conditional use authorization should an establishment no longer comply with any of the criteria set forth above in (a) or (b)</p> |

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| | | of this Section for any length of time. |
| | | (d) A small self-service restaurant use as defined in § 790.91 may not provide liquor for drinking on the premises (with ABC licenses 42, 47, 48, or 61). |
| §§ 722.49, 722.50 722.53 | § 781.6 | NORTH BEACH FINANCIAL SERVICE, LIMITED FINANCIAL SERVICE, AND BUSINESS OR PROFESSIONAL SERVICE SUBDISTRICT Boundaries: Applicable only for portions of the North Beach NCD south of Greenwich Street as mapped on Sectional Map SU01 Controls: Financial services and limited financial services are NP at all stories; business or professional services are NP at the 1st story |
| § 722.65 | § 236 | GARMENT SHOP SPECIAL USE DISTRICT |
| § 722.94 | §§ 150, 153-157, 159-160, 204.5 | NORTH BEACH OFF-STREET PARKING, RESIDENTIAL Boundaries: North Beach NCD A. Controls: Installing a garage in an existing residential building of four or more units requires a mandatory discretionary review by the Planning Commission; Section 311 notice is required for a building of less than four units. <u>In approving installation of the garage, the Commission shall find that:</u> (1) the proposed garage opening/addition of off-street parking will not cause the "removal" or "conversion of residential unit," as those terms are defined in Section 317 of this Code; (2) the proposed garage |

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| | | <p>opening/addition of off-street parking will not substantially decrease the livability of a dwelling unit without increasing the floor area in a commensurate amount; (3) the building has not had two or more "no-fault" evictions, as defined in 37.9(a)(7)—(13) of the San Francisco Administrative Code, with each eviction associated with a separate unit(s) within the past ten years, (4) the garage would not front on a public right-of-way narrower than 41 feet, and (5) the proposed garage/addition of off-street parking installation is consistent with the Priority Policies of Section 101.1 of this Code.</p> <p>B. Prior to the Planning Commission hearing, or prior to issuance of notification under Section 311(c)(2) of this Code, the Planning Department shall require a signed affidavit by the project sponsor attesting to (1), (2), and (3) above, which the Department shall independently verify. The Department shall also have made a determination that the project complies with (4) and (5) above.</p> <p>Boundaries: Applicable only for the portion of North Beach NCD as mapped on Sectional Map SU01a</p> <p>Controls: Garment shops are P at the 1st and 2nd stories</p> |
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SEC. 790.20. AWNING. An awning in a Neighborhood Commercial District shall be as defined and regulated in Section 136.1(a) of this Code. ~~A light roof-like structure, supported entirely by the exterior wall of a building; consisting of a fixed or movable frame covered with cloth, plastic or metal; extending over doors, windows, and/or show windows; with the purpose of providing protection from sun and rain and/or embellishment of the facade; as further regulated in Sections 4506 and 5211 of the Building Code.~~

1 **SEC. 790.26. CANOPY.**

2 A canopy in a Neighborhood Commercial District shall be as defined and regulated in Section
 3 136.1(b) of this Code ~~A light roof-like structure, supported by the exterior wall of a building and on~~
 4 ~~columns or wholly on columns, consisting of a fixed or movable frame covered with approved cloth,~~
 5 ~~plastic or metal, extending over entrance doorways only, with the purpose of providing protection from~~
 6 ~~sun and rain and embellishment of the facade, as further regulated in Sections 4504, 4506, 4508, and~~
 7 ~~5213 of the Building Code.~~

8 **SEC. 790.58. MARQUEE.**

9 A marquee in a Neighborhood Commercial District shall be as defined and regulated in Section
 10 136.1(c). ~~A permanent roofed structure attached to and supported entirely by a building; including any~~
 11 ~~object or decoration attached to or part of said marquee; no part of which shall be used for occupancy~~
 12 ~~or storage; with the purpose of providing protection from sun and rain or embellishment of the facade;~~
 13 ~~as further regulated in Sections 414 and 4506 of the Building Code.~~

14 **SEC. 799. OTHER APPLICABLE SECTIONS OF THE CITY PLANNING CODE.**

15 Reference should be made to other sections which also apply to Neighborhood
 16 Commercial Districts. These sections and their titles are listed below.

| | |
|---------------------------|--|
| General Provisions | |
| Section 101 | Purposes |
| <u>Section 101.1</u> | <u>General Plan Consistency and Implementation</u> |
| Section 109 | Severability |
| Definitions | |
| Sections 102—102.25 | Definitions |

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| Zoning Map | |
| Section 105 | Zoning Map |
| Section 106 | Zoning Map Incorporated Herein |
| Building Standards | |
| Section 121 | Minimum Lot Width |
| Section 121.1 | Development on Large Lots, Neighborhood Commercial Districts |
| Section 121.2 | Use Size Limits (Nonresidential), Neighborhood Commercial Districts |
| Section 124 | Basic Floor Area Ratio |
| <i>Section 125</i> | <i>Floor Area Premiums, Districts Other than NC and C-3</i> |
| Section 130 | Yard and Setback Requirements |
| Section 131 | Legislated Setback Line |
| Section 134 | Rear Yards, R, NC, C, and M Districts |
| Section 135 | Usable Open Space, R, NC, C, and M Districts |
| Section 136 | Obstructions Over Streets and Alleys and in Required Setbacks, Yards, and Usable Open Space |
| Section 136.1 | Awnings, Canopies, and Marquees <i>in NC Districts</i> |
| <i>Section 138.1</i> | <i>Streetscape and Pedestrian Improvements</i> |
| Section 140 | All Dwelling Units <i>in All Use Districts</i> to Face on Open Area, R, NC, and M Districts |
| Section 141 | Screening of Rooftop Features R, NC, C, and M Districts |
| Section 142 | Screening <i>and Greening</i> of Parking <i>and Vehicle Use</i> Areas, R and NC Districts |

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| <i>Section 143</i> | <i>Street Trees, R, NC, C-3 Districts</i> |
| Section 145.1 | Street Frontages; <i>in</i> Neighborhood Commercial, <i>Residential-Commercial</i> , <i>Commercial</i> , and <i>Mixed Use</i> Districts |
| Section 145.2 | Outdoor Activity Areas and Walk-up Facilities in NC Districts |
| <i>Section 145.4</i> | <i>Required Ground Floor Commercial Uses</i> |
| Parking | |
| Section 150 | Off-Street Parking and Loading Requirements |
| Section 151 | Schedule of Required Off-Street Parking Spaces |
| <i>Section 151.1</i> | <i>Schedule of Permitted Off-Street Parking Spaces in Specified Districts</i> |
| Section 152 | Schedule of Required Off-Street Freight Loading Spaces in District Other than C-3 |
| Section 153 | Rules for Calculation of Required Spaces |
| Section 154 | Minimum Dimensions for Required Off-Street Parking, Freight Loading and Service Vehicle Spaces |
| Section 155 | General Standards as to Location and Arrangement of Off-Street Parking, Freight Loading, and Service Vehicle Facilities |
| <i>Section 155.1 to 155.5</i> | <i>Bicycle Parking Requirements</i> |
| Section 156 | Parking Lots |
| Section 157 | Conditional Use Applications for Parking Exceeding Accessory Amounts: Additional Criteria |

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| 1 | Section 159 | Required Off-Street Parking Not on the Same Lot as the Structure or Use Served |
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| 3 | Section 160 | Collective Provision and Joint Use of Required Off-Street Parking |
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| 5 | Section 161 | Exemptions From Off-Street Parking, Freight Loading and Service Vehicle Requirements |
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| 7 | Compliance | |
| 8 | Section 170 | Applicability of Requirements |
| 9 | Section 171 | Compliance of Uses Required |
| 10 | Section 172 | Compliance of Structures, Open Spaces, and Off-Street Parking and Loading |
| 11 | | |
| 12 | Section 173 | Compliance of Lots Required |
| 13 | Section 174 | Compliance With Conditions, Stipulations, and Special Restrictions Required |
| 14 | Section 175 | Approval of Permits |
| 15 | Section 176 | Enforcement Against Violations |
| 16 | Section 178 | Conditional Uses |
| 17 | | |
| 18 | Section 179 | Uses Located in Neighborhood Commercial Districts |
| 19 | Section 180 | Nonconforming Uses, Noncomplying Structures, and Substandard Lots of Record: General |
| 20 | | |
| 21 | Section 181 | Nonconforming Uses: Enlargements, Alterations, or Reconstruction |
| 22 | Section 182 | Nonconforming Uses: Changes of Use |
| 23 | | |
| 24 | Section 183 | Nonconforming Uses: Discontinuance and Abandonment |
| 25 | Section 184 | Short-term Continuance of Certain Nonconforming Uses |

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| 1 | Section 185 | Continuance of Other Nonconforming Uses |
| 2 | <i>Section 186</i> | <i>Exemption of Limited Commercial Nonconforming Uses</i> |
| 3 | Section 186.1 | Exemption of Nonconforming Uses in Neighborhood Commercial Districts |
| 4 | <i>Section 187</i> | <i>Garment Shops and Garment Factories as Nonconforming Uses</i> |
| 5 | Section 188 | Noncomplying Structures: Enlargements, Alterations and Reconstruction |
| 6 | Section 189 | Substandard Lots of Record: Construction and Other Actions |
| 7 | Uses | |
| 8 | | |
| 9 | Section 201 | Classes of Use Districts |
| 10 | Section 202 | Uses Permitted by This Code |
| 11 | Section 203 | Effect on Certain Public Services |
| 12 | Section 204 | Accessory Uses, General |
| 13 | Section 204.1 | Accessory Uses for Dwellings in R and NC Districts |
| 14 | Section 204.4 | Dwelling Units Accessory to Other Uses |
| 15 | Section 204.5 | Parking and Loading as Accessory Uses |
| 16 | Section 205 | Temporary Uses, General |
| 17 | Section 205.1 | Temporary Uses, Sixty-day Limit |
| 18 | Section 205.2 | Temporary Uses, Two-year Limit |
| 19 | Section 207.1 | Rules for Calculation of Dwelling Unit Densities |
| 20 | <i>Section 207.4</i> | <i>Density of Dwelling Units in Neighborhood Commercial Districts</i> |
| 21 | Section 208 | Density Limitations for Group Housing in R and NC Districts |
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| 1 | Section 209.1 | Dwellings |
| 2 | <i>Section 210</i> | <i>Description and Purpose of Commercial and Industrial Districts</i> |
| 3 | Section 234 | P Districts |
| 4 | Section 234.1 | Principal Uses Permitted, P Districts |
| 5 | Section 234.2 | Conditional Uses, P Districts |
| 6 | Section 235 | Special Use Districts |
| 7 | <i>Section 236</i> | <i>Garment Shop Special Use District</i> |
| 8 | Height and Bulk | |
| 9 | Height and Bulk | |
| 10 | Section 122 | Height and Bulk |
| 11 | Section 250 | Height and Bulk Districts Established |
| 12 | Section 251 | Height and Bulk Districts: Purposes |
| 13 | Section 252 | Classes of Height and Bulk Districts |
| 14 | Section 253.1 | Review of Proposed Buildings and Structures in North Beach and Broadway Neighborhood Commercial Districts |
| 15 | Section 260 | Height Limits: Measurement |
| 16 | <u>Section 261.1</u> | <u>Additional Height Limits for Narrow Streets and Alleys in RTO, NC, NCT, Eastern Neighborhoods Mixed Use, and South of Market Mixed Use Districts</u> |
| 17 | Section 262 | Additional Height Limits Applicable to Signs |
| 18 | Section 270 | Bulk Limits: Measurement |
| 19 | Section 271 | Bulk Limits: Special Exceptions, In Districts Other than C-3 |
| 20 | Section 295 | Height Restrictions on Structures Shadowing Property Under the Jurisdiction of |
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| | the Recreation and Park Commission |
| Procedures | |
| Section 301 | General Description of Zoning Procedures |
| Section 302 | Amendments |
| Section 303 | Conditional Uses |
| Section 304 | Planned Unit Developments |
| Section 304.5 | Institutional Master Plans |
| Section 305 | Variances |
| Section 306 | Applications and Hearings |
| Section 306.1 | Applications and Filing Fees |
| Section 306.2 | Scheduling of Hearings |
| Section 306.3 | Notice of Hearings |
| Section 306.4 | Conduct of Hearings |
| Section 306.5 | Reconsideration |
| Section 306.6 | Initiation of Amendments |
| Section 306.7 | Interim Zoning Controls |
| Section 306.8 | Posting of Signs Required |
| Section 307 | Other Powers and Duties of the Zoning Administrator |
| Section 308 | Appeals |
| Section 308.1 | Appeals: Amendments and Conditional Uses |

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| 1 | Section 308.2 | Appeals: Variances and Administrative Actions |
| 2 | Section 313 | Housing Requirements for Office Development Projects |
| 3 | Section 314 | Child Care Requirements for Office Development Projects (Outside C-3 |
| 4 | | Districts) |
| 5 | Section 315 | Procedures for Conditional Use Authorization in Neighborhood Commercial |
| 6 | | Districts |
| 7 | Section 315.1 | Applications and Filing Fees |
| 8 | Section 315.2 | Zoning Administrator Review, Scheduling of Hearing, and Recommendation |
| 9 | Section 315.3 | Notice of Recommendation and Determination |
| 10 | Section 315.4 | Request for Reconsideration of Consent Calendar Items at a Public Hearing |
| 11 | Section 315.5 | Conduct of Consent Calendar and Determination |
| 12 | Section 315.6 | Conduct of Public Hearings and Determination |
| 13 | Section 315.7 | Reconsideration |
| 14 | Section 315.8 | Appeal |
| 15 | Sections | Permit Review in the San Francisco Coastal Zone Area |
| 16 | 330—330.18 | |
| 17 | Fees | |
| 18 | Section 350 | Fees, General |
| 19 | Section 351 | Fees for Applications to Establish, Abolish or Modify a Setback Line, to |
| 20 | | Reclassify Property, to Authorize a Conditional Use, to Consider a Variance, or |
| 21 | | to Review a Coastal Zone Permit |
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| 1 | Section 352 | Fee for Review of Building Permit Applications |
| 2 | Section 353 | Fee for Review of Permit Applications Issued by the Fire Department, the |
| 3 | | Police Department, and the Department of Public Health |
| 4 | Section 355 | Fee for Reviewing Notices and Special Restrictions |
| 5 | Section 356 | Fee for Reviewing Proposals Which Cast a Shadow on Recreation and Park |
| 6 | | Commission Property |
| 7 | Signs | |
| 8 | Section 601 | Special Purposes |
| 9 | Sections | Special Definitions |
| 10 | 602—602.21 | |
| 11 | Section 603 | Exempted Signs |
| 12 | Section 604 | Permits and Conformity Required |
| 13 | Section 607 | Commercial and Industrial Districts |
| 14 | Section 607.1 | Neighborhood Commercial Districts |
| 15 | Sections | Special Sign Districts |
| 16 | 608—608.11 | |
| 17 | Sections | Amortization Periods |
| 18 | 609—609.13 | |
| 19 | Landmarks | |
| 20 | Article 10 | Preservation of Historical, Architectural and Aesthetic Landmarks (Inclusive) |
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SEC. 819. SOUTH OF MARKET EXTENDED PRESERVATION DISTRICT.

1 The South of Market Extended Preservation District, as shown on Sectional Map #PD01
2 and #PD07 of the Zoning Map, incorporates an area, formerly zoned C-3-S, in which
3 provisions of Article 11 and Section 128 continue to be in effect.

4 **SEC. 890.21. AWNING.**

5 An awning in a Mixed Use District shall be as defined and regulated in Section 136.1(a) of this
6 Code. A light roof-like structure, supported entirely by the exterior wall of a building; consisting of a
7 fixed or movable frame covered with cloth, plastic or metal; extending over doors, windows, and/or
8 show windows; with the purpose of providing protection from sun and rain and/or embellishment of the
9 façade; as further regulated in Sections 4505 and 5211 of the Building Code.

10 **SEC. 890.24. CANOPY.**

11 A canopy in a Mixed Use District shall be as defined and regulated in Section 136.1(b) of this
12 Code. A light roof-like structure, supported by the exterior wall of a building and on columns or
13 wholly on columns, consisting of a fixed or movable frame covered with approved cloth, plastic or
14 metal, extending over entrance doorways only, with the purpose of providing protection from sun and
15 rain and embellishment of the façade, as further regulated in Sections 4505, 4506, 4508, and 5213 of
16 the Building Code.

17 **SEC. 890.58. MARQUEE.**

18 A marquee in a Mixed Use District shall be as defined and regulated in Section 136.1(c) of this
19 Code. A permanent roofed structure attached to and supported entirely by a building, including any
20 object or decoration attached to or part of said marquee, no part of which shall be used for occupancy
21 or storage. The purpose of the structure is to provide protection from sun and rain or embellishment of
22 the façade, as further regulated in Sections 414 and 4506 of the Building Code.

23 **SEC. 899. OTHER APPLICABLE SECTIONS OF THE CITY PLANNING CODE.**

24 Certain sections of the ~~City~~ Planning Code in Articles other than this Article also apply
25 to Mixed Use Districts. Such sections and their titles are listed below. The following listing is

1 set forth for convenience; in the event of any omission of a provision, that provision shall
 2 nevertheless still apply.

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| General Provisions | |
| Section 101 | Purposes |
| Section 101.1 | Master <u>General</u> Plan Consistency and Implementation |
| Section 109 | Severability |
| Definitions | |
| Sections 102— 102.28 | Definitions |
| Zoning Map | |
| Section 105 | Zoning Map |
| Section 106 | Zoning Map Incorporated Herein |
| Building Standards | |
| <u>Section 121</u> | <u>Minimum Lot Width</u> |
| Section 122 | Height and Bulk |
| Section 124 | Basic Floor Area Ratio |
| Section 128 | Transfer of Development Rights in C-3 Districts |
| <u>Section 130</u> | <u>Yard and Setback Requirements</u> |
| <u>Section 131</u> | <u>Legislated Setback Line</u> |
| <u>Section 134</u> | <u>Rear Yard Requirements</u> |
| <u>Sections 135 –</u> | <u>Usable Open Space</u> |

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| 1 | <u>135.3</u> | |
| 2 | <u>Section 136</u> | <u>Obstructions Over Streets and Alleys and in Required Setbacks, Yards, and Usable</u> |
| 3 | | <u>Open Spaces</u> |
| 4 | <u>Section 136.1</u> | <u>Awnings, Canopies and Marquees</u> |
| 5 | | |
| 6 | <u>Section 138.1</u> | <u>Streetscape and Pedestrian Improvements</u> |
| 7 | <u>Section 140</u> | <u>All Dwelling Units in All Zoning Districts to Face on an Open Space</u> |
| 8 | <u>Section 141</u> | <u>Screening of Rooftop Features</u> |
| 9 | <u>Section 142</u> | <u>Screening of Parking Areas</u> |
| 10 | | |
| 11 | <u>Section 143</u> | <u>Street Trees</u> |
| 12 | <u>Section 145.1</u> | <u>Street Frontages in Neighborhood Commercial, Residential-Commercial,</u> |
| 13 | | <u>Commercial, and Mixed-Use Districts</u> |
| 14 | <u>Section 147</u> | <u>Reduction of Shadows on Certain Public Open Spaces</u> |
| 15 | Section 250 | Height and Bulk Districts Established |
| 16 | Section 251 | Height and Bulk Districts—Purpose |
| 17 | | |
| 18 | Section 252 | Classes of Height and Bulk Districts |
| 19 | Section 253 | Review of Buildings Exceeding 40 Feet in R Districts |
| 20 | Section 260 | Height Limits—Method of Measurement |
| 21 | Section 262 | Additional Height Limits—Applicable to Signs |
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| 23 | Section 263 | Height Limits: Special Exceptions |
| 24 | Section 270 | Bulk Limits—Measurement |
| 25 | Section 271 | Bulk Limits-Special Exceptions |

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| 1 | Section 295 | Height Restrictions on Structures Shadowing Property Under the |
| 2 | | Jurisdiction of the Recreation and Park Commission |
| 3 | <i>Section 121</i> | <i>Minimum Lot Width</i> |
| 4 | <i>Section 130</i> | <i>Yard and Setback Requirements</i> |
| 5 | <i>Section 131</i> | <i>Legislated Setback Line</i> |
| 6 | <i>Section 134</i> | <i>Rear Yard Requirements</i> |
| 7 | <i>Sections 135—</i> | <i>Usable Open Space</i> |
| 8 | <i>135.3</i> | |
| 9 | <i>Section 136</i> | <i>Obstructions Over Streets and Alleys</i> |
| 10 | <i>Section 136.1</i> | <i>Awnings, Canopies and Marquees</i> |
| 11 | <i>Section 136.1</i> | <i>Awnings, Canopies and Marquees</i> |
| 12 | <i>Section 141</i> | <i>Screening of Rooftop Features</i> |
| 13 | <i>Section 142</i> | <i>Screening of Parking Areas</i> |
| 14 | <i>Section 143</i> | <i>Street Trees</i> |
| 15 | <i>Section 147</i> | <i>Reduction of Shadows on Certain Public Open Spaces</i> |
| 16 | Parking | |
| 17 | Section 150 | Off-Street Parking and Loading Requirements |
| 18 | Section 151 | Schedule of Required Off-Street Parking Spaces |
| 19 | Section 152 | Schedule of Required Off-Street Freight Loading Spaces |
| 20 | Section 153 | Rules for Calculation of Required Spaces |
| 21 | Section 154 | Minimum Dimensions for Required Off-Street Parking and Loading Spaces |

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| Section 155 | General Standards as to Location and Arrangement of Off-Street Parking and Loading Spaces |
| Section 156 | Parking Lots |
| Section 157 | Conditional Use Applications for Parking Exceeding Accessory Amounts |
| Section 159 | Required Off-Street Parking Not on the Same Lot as Structure or Use Served |
| Section 160 | Collective Provision and Joint Use of Required Off-Street Parking |
| Section 161 | Exemptions from Off-Street Parking, Freight Loading |
| Section 163 | Transportation Management Programs |
| Signs | |
| Sections 602— 602.21 | Definitions |
| Section 603 | Exemptions |
| Section 604 | Permits and Conformity |
| Section 606 | Residential Districts |
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| Section 188 | Noncomplying Structures: Enlargements, Alterations and Reconstruction |

APPROVED AS TO FORM:
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By: _____
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