

1 [Planning Code - Zoning - Consistent Street Frontages Controls]

2

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

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

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

20 Section 1. Findings.

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

25

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

(c) The Board finds that these Planning Code amendments are consistent with the General Plan and with the Priority Policies of Planning Code Section 101.1 for the reasons set forth in Planning Commission Resolution No. _____, and the Board hereby incorporates such reasons herein by reference.

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

SEC. 124. - BASIC FLOOR AREA RATIO.

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

TABLE 124 BASIC FLOOR AREA RATIO LIMITS

District	Basic Floor Area Ratio Limit
RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-1, RM-2, RTO, RTO-M	1.8 to 1
RM-3	3.6 to 1
RM-4	4.8 to 1
RC-1, RC-2	1.8 to 1
RC-3	3.6 to 1

1	RC-4	4.8 to 1
2	RED	1.0 to 1
3	RSD, SPD	1.8 to 1
4	NC-1, NCT-1	1.8 to 1
5	NC-S	
6	Inner Clement	
7	Inner Sunset	
8	Outer Clement	
9	Haight	
10	North Beach	
11	Sacramento	
12	24th Street—Noe Valley	
13	West Portal	
14	NC-2, NCT-2, SoMa, Ocean Avenue	2.5 to 1
15	Broadway	
16	Upper Fillmore	
17	Polk	
18	Valencia	
19	24th Street-Mission	
20	Castro	3.0 to 1
21	Hayes-Gough	
22	Upper Market	
23	Union	
24	NC-3, NCT-3, Mission Street	3.6 to 1

1	Chinatown R/NC	1.0 to 1
2	Chinatown VR	2.0 to 1
3	Chinatown CB	2.8 to 1
4	C-1, C-2	3.6 to 1
5	C-2-C	4.8 to 1
6	C-3-C	6.0 to 1
7	C-3-O	9.0 to 1
8	C-3-R	6.0 to 1
9	C-3-G	6.0 to 1
10	C-3-S	5.0 to 1
11	C-3-O (SD)	6.0 to 1
12	C-3-S (SU)	7.5 to 1
13	C-M	9.0 to 1
14	M-1, M-2	5.0 to 1
15	SLR, SLI	2.5 to 1
16	SSO and in a 40 or 50 foot height district	3.0 to 1
17	SSO and in a 65 or 80 foot height district	4.0 to 1
18	SSO and in a 130 foot height district	4.5 to 1
19	MUG, MUO, MUR, UMU, PDR-1-B, PDR-1-D,	3.0 to 1
20	PDR-1-G, and PDR-2 in a 40, 45, or 48 foot	
21	height district	
22	MUG, MUO, MUR, UMU, PDR-1-B, PDR-1-D,	4.0 to 1
23	PDR-1-G, and PDR-2 in a 50, 55, or 58 foot	
24	height district	
25		

1 2 3	MUG, MUO, MUR, UMU, PDR-1-B, PDR-1-D, PDR-1-G, and PDR-2 in a 65 or 68 foot height district	5.0 to 1
4 5 6	MUG, MUO, MUR, UMU, PDR-1-B, PDR-1-D, PDR-1-G, and PDR-2 in a 85 foot height district	6.0 to 1
7 8 9	MUG, MUO, MUR, UMU, PDR-1-B, PDR-1-D, PDR-1-G, and PDR-2 in a height district over 85 feet	7.5 to 1

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

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

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

23 (e) In the Waterfront Special Use Districts, as described in Sections 240 through
24 240.3 of this Code, the basic floor area ratio limit in any C District shall be 5.0 to 1.
25

1 (f) For buildings in C-3-G and C-3-S Districts other than those designated as
2 Significant or Contributory pursuant to Article 11 of this Code, additional square footage above
3 that permitted by the base floor area ratio limits set forth above may be approved for
4 construction of dwellings on the site of the building affordable for 20 years to households
5 whose incomes are within 150 percent of the median income as defined herein, in accordance
6 with the conditional use procedures and criteria as provided in Section 303 of this Code. For
7 buildings in the C-3-G District designated as Significant or Contributory pursuant to Article 11
8 of this Code, additional square footage above that permitted by the base floor area ratio limits
9 set forth above up to the gross floor area of the existing building may be approved, in
10 accordance with the conditional use procedures and criteria as provided in Section 303 of this
11 Code, where: (i) TDRs (as defined by Section 128(a)(5)) were transferred from the lot
12 containing the Significant or Contributory building prior to the effective date of the amendment
13 to Section 124(f) adding this paragraph when the floor area transferred was occupied by a
14 non-profit corporation or institution meeting the requirements for exclusion from gross floor
15 area calculation under Planning Code Section 102.9(b)(15); (ii) the additional square footage
16 includes only the amount necessary to accommodate dwelling units and/or group housing
17 units that are affordable for not less than 50 years to households whose incomes are within 60
18 percent of the median income as defined herein together with any social, educational, and
19 health service space accessory to such units; and (iii) the proposed change in use to dwelling
20 units and accessory space and any construction associated therewith, if it requires any
21 alternation to the exterior or other character defining features of the Significant or Contributory
22 Building, is undertaken pursuant to the duly approved Permit to Alter, pursuant to Section
23 1110; provided, however, that the procedures otherwise required for a Major Alteration as set
24 forth in sections 1111.2—1111.6 shall be deemed applicable to any such Permit to Alter.

25

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

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

15 (3) Each designated unit shall be subject to the provisions of Section 313(i) of this
16 Code. For purposes of this Subsection and the application of Section 313(i) of this Code to
17 designated units constructed pursuant to this Subsection, the definitions set forth in Section
18 313(a) shall apply, with the exception of the following definitions, which shall supersede the
19 definitions of the terms set forth in Section 313(a):

20 (A) "Base price" shall mean 3.25 times the median income for a family of four
21 persons for the County of San Francisco as set forth in California Administrative Code Section
22 6932 on the date on which a housing unit is sold.

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

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

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

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

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

16 (h) In calculating the permitted floor area of a new structure in a C-3 District, the lot
17 on which an existing structure is located may not be included unless the existing structure and
18 the new structure are made part of a single development complex, the existing structure is or
19 is made architecturally compatible with the new structure, and, if the existing structure is in a
20 Conservation District, the existing structure meets or is made to meet the standards of Section
21 1109(c), and the existing structure meets or is reinforced to meet the standards for seismic
22 loads and forces of the 1975 Building Code. Determinations under this Paragraph shall be
23 made in accordance with the provisions of Section 309.

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

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

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

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

15 Section 3. The San Francisco Planning Code is hereby amended by amending Section
16 132.2, to read as follows:

17 SEC. 132.2. – SETBACKS: IN THE NORTH OF MARKET RESIDENTIAL SPECIAL
18 USE DISTRICT.

19 (a) General. In order to maintain the continuity of a predominant street wall along
20 the street, setbacks of the upper portion of a building which abuts a public sidewalk may be
21 required of buildings located within the boundaries of the North of Market Residential Special
22 Use District, as shown on Sectional Map 1Sub of the Zoning Map, as a condition of approval
23 of conditional use authorization otherwise required by Section 253 of this Code for building in
24 RC Districts which exceed ~~40~~50 feet in height.

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

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

19 Section 4. The San Francisco Planning Code is hereby amended by amending Section
20 144, to read as follows:

21 SEC. 144. ~~TREATMENT OF GROUND STORY ON~~ STREET FRONTAGES, IN RH-2, ~~RH-~~
22 ~~3~~, RTO, RTO-M, ~~RM-1~~ AND RM-2 DISTRICTS.

23 (a) Purpose General. This Section is enacted to assure that in RH-2, ~~RH-3~~, RM-1, ~~RM-~~
24 ~~2~~, RTO and RTO-M Districts the ground story of dwellings as viewed from the street is
25 compatible with the scale and character of the existing street frontage, visually interesting and

1 attractive in relation to the pattern of the neighborhood, and so designed that adequate areas
2 are provided for front landscaping, street trees and on-street parking between driveways. The
3 design of ground story frontages subject to this Section shall also be reviewed for consistency
4 with applicable design guidelines, including the Ground Floor Residential Design Guidelines.

5 (b) Controls.

6 (1) Entrances to Off-Street Parking. Except as otherwise provided herein, in the
7 case of every dwelling in such districts no more than one-third ~~30 percent~~ of the width of the
8 ground story along the front lot line, or along a street side lot line, or along a building wall that
9 is set back from any such lot line, shall be devoted to entrances to off-street parking, except
10 that in no event shall a lot be limited by this requirement to a single such entrance of less than
11 eight ~~16~~ feet in width, ~~or to a single such entrance of less than 8 feet in RTO and RTO-M districts.~~ In
12 addition, no entrance to off-street parking ~~for a dwelling~~ on any lot shall be wider than 20 feet,
13 and where two or more separate entrances are provided there shall be a minimum separation
14 between such entrances of six feet. Lots in RTO and RTO-M districts are limited to a total of
15 20 feet per block frontage devoted to entrances to off-street parking. Street-facing garage
16 structures and garage doors may not extend closer to the street than the street-facing residential or
17 commercial building frontage. The placement of parking and loading entrances should minimize
18 interference with street-fronting active uses and with the movement of pedestrians, cyclists and public
19 transit, and should minimize the loss of on-street parking and loading spaces. Entrances to off-street
20 parking shall be located at least six feet from a lot corner located at the intersection of two public
21 rights-of-way.

22 (A) Exceptions. The requirements of this Subsection (1) ~~(b)~~ may be modified or waived
23 ~~shall not be applicable~~ where the lot has an upward or downward slope from the front lot line to
24 the forward edge of the required rear yard, along the centerline of the building, of more than
25 20 percent; or where the lot depth and the requirements of this Code for dimensions, areas

1 and open spaces are such that the permitted building depth is less than 40 feet in an RH-2
2 District or less than 65 feet in an RH-3, ~~RM-1~~ or RM-2 District.



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

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

20 Section 5. The San Francisco Planning Code is hereby amended by amending Section
21 145, to read as follows:

22 Sec. SEC. 1454.1. MODERATION OF ~~BUILDING FRONT OF~~ BUILDING, FRONTS IN
23 RM-1 AND RM-2 DISTRICTS.

24 (a) General. This Section is enacted to assure than in RM-1 and RM-2 Districts new
25 dwellings will be compatible with the established mixture of houses and apartment buildings in

1 terms of apparent building width, requiring that on wider lots the front of the building be
2 divided visually into narrower segments, according to the predominant existing scale in such
3 areas.

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

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

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

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

23 Section 6. The San Francisco Planning Code is hereby amended by amending Section
24 145.1, to read as follows:

1 SEC. 145.1. STREET FRONTAGES, ~~IN~~ NEIGHBORHOOD COMMERCIAL,
2 DOWNTOWN RESIDENTIAL, RESIDENTIAL-COMMERCIAL, COMMERCIAL, ~~C-M,~~
3 CHINATOWN MIXED USE, SOUTH OF MARKET MIXED USE, AND EASTERN
4 NEIGHBORHOOD MIXED USE DISTRICTS.

5 (a) Purpose. The purpose of this Section is to preserve, enhance and promote
6 attractive, clearly defined street frontages that are pedestrian-oriented, fine-grained, and
7 which are appropriate and compatible with the buildings and uses in Neighborhood
8 Commercial Districts, Commercial Districts, Downtown Residential Districts, Residential-
9 Commercial Districts, ~~C-M, Districts,~~ Chinatown Mixed Use Districts, South of Market Mixed
10 Use Districts, and Eastern Neighborhoods Mixed Use Districts.

11 (b) Definitions.

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

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

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

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

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

22 ~~(A) A.~~ Residential uses are considered active uses above the ground floor; on the
23 ground floor, residential uses are considered active uses only if more than 50 percent of the
24 linear residential street frontage at the ground level features walk-up dwelling units which
25 provide direct, individual pedestrian access to a public sidewalk, and are consistent with the

1 Ground Floor Residential Design Guidelines, as adopted and periodically amended by the
2 Planning Commission.

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

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

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

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

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

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

24 (2) Parking and Loading Entrances. No more than one-third of the width or 20 feet,
25 whichever is less, of any given street frontage of a new or altered structure parallel to and

1 facing a street shall be devoted to parking and loading ingress or egress. In NC-S Districts, no
2 more than ~~1/3~~ one-third or 50 feet, whichever is less, of each lot frontage shall be devoted to
3 ingress/egress of parking. Street-facing garage structures and garage doors may not extend further
4 towards the street than the street-fronting residential or commercial building frontage. The total
5 street frontage dedicated to parking and loading access should be minimized, and combining
6 entrances for off-street parking with those for off-street loading is encouraged. The placement
7 of parking and loading entrances should minimize interference with street-fronting active uses
8 and with the movement of pedestrians, cyclists, public transit, and autos. Entrances to off-street
9 parking shall be located at least six feet from a lot corner located at the intersection of two public
10 rights-of-way. Off-street parking and loading entrances should minimize the loss of on-street
11 parking and loading spaces. Off-street parking and loading are also subject to the provisions
12 of Section 155 of this Code. In C-3 Districts, so as not to preclude the conversion of parking space
13 to other uses in the future, parking at the ground-level shall not be sloped, and the floors shall be
14 aligned as closely as possible to sidewalk level along the principal pedestrian frontage and/or to those
15 of the street-fronting commercial spaces and shall have a minimum clear ceiling height of 14 feet or
16 equal to that of street-fronting commercial spaces, whichever is greater.

17 (3) Active Uses Required. With the exception of space allowed for parking and
18 loading access, building egress, and access to mechanical systems, space for active uses as
19 defined in Subsection (b)(2) and permitted by the specific district in which it is located shall be
20 provided within the first 25 feet of building depth on the ground floor and 15 feet on floors
21 above from any facade facing a street at least 30 feet in width. Building systems including
22 mechanical, electrical, and plumbing features may be exempted from this requirement by the
23 Zoning Administrator only in instances where those features are provided in such a fashion as
24 to not negatively impact the quality of the ground floor space.

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

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

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

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

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

19 (6) Transparency and Fenestration. Frontages with active uses that are not
20 residential or PDR must be fenestrated with transparent windows and doorways for no less
21 than 60 percent of the street frontage at the ground level and allow visibility to the inside of the
22 building. The use of dark or mirrored glass shall not count towards the required transparent
23 area.

24 (7) Gates, Railings, and Grillwork. Any decorative railings or grillwork, other than
25 wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75

1 percent open to perpendicular view. Rolling or sliding security gates shall consist of open
2 grillwork rather than solid material, so as to provide visual interest to pedestrians when the
3 gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both
4 open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid
5 flush with, the building facade.

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

13 Section 7. The San Francisco Planning Code is hereby amended by amending Section
14 145.5. to read as follows:

15 Sec. 145.5. GROUND FLOOR STANDARDS IN ~~PDR~~ INDUSTRIAL DISTRICTS.

16 All new buildings constructed in ~~PDR~~ Industrial Districts shall provide ground floor
17 spaces with a minimum clear ceiling height of 15 feet, as measured from grade. In existing
18 buildings, a minimum clear ceiling height of 15 feet shall be retained where currently existing, and in
19 buildings undergoing major renovations or changes of use, restored where practically feasible to do so.

20 Section 8. The San Francisco Planning Code is hereby amended by amending Section
21 150, to read as follows:

22 SEC. 150. OFF-STREET PARKING AND LOADING REQUIREMENTS.

23 (a) General. This Article 1.5 is intended to assure that off-street parking and loading
24 facilities are provided in amounts and in a manner that will be consistent with the objectives
25 and policies of the San Francisco General Plan, as part of a balanced transportation system

1 that makes suitable provision for ~~use of both~~ walking, cycling, public transit, private vehicles, and
2 ~~transit~~ the movement of goods. With respect to off-street parking, this Article is intended to
3 require ~~needed~~ facilities where needed but discourage excessive amounts of automobile parking,
4 to avoid adverse effects upon surrounding areas and uses, and to encourage effective use of
5 walking, cycling, and public transit as ~~an~~ alternative_s to travel by private automobile.

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

10 (c) Additions to Structure and Uses.

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

16 (2) For these purposes, a "major addition" is hereby defined as any enlargement,
17 alteration, change of occupancy or increase in intensity of use which would increase the
18 number of off-street parking spaces required for dwelling units by ~~one~~ two or more spaces;
19 which would increase the number of off-street parking spaces required for uses other than
20 dwelling units by at least 15 percent or by at least five spaces, whichever is greater; or which
21 would increase the requirement for off-street loading spaces by at least 15 percent.

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

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

13 ~~(e³) Parking in excess of the maximum permitted. Any off-street parking space or spaces~~
14 ~~which existed lawfully at the effective date of this Section and which have a total number in~~
15 ~~excess of the maximum permitted off-street parking spaces permitted under Section 151.1~~
16 ~~shall be considered noncomplying features pursuant to Section 180(a)(2) and shall be~~
17 ~~regulated as set forth in Section 188.~~

18 ~~(e) — *Conditional Use Cases. When authorizing a conditional use under Section 303 of this*~~
19 ~~*Code, the Planning Commission may require such additional off-street parking and loading spaces,*~~
20 ~~*and apply such other standards in addition to those stated in this Article.*~~

21 Section 9. The San Francisco Planning Code is hereby amended by amending the
22 Table in Section 151.1, to read as follows:

23 SECTION 151.1. SCHEDULED OF PERMITTED OFF-STREET PARKING SPACES IN
24 SPECIFIED DISTRICTS.

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(d); 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(e); 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(e); NP above one car for each dwelling unit.
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(e); NP above two cars for each four dwelling units.
Dwelling units and SRO units in MUG, MUR, MUO, SPD Districts, except as	P up to one car for each four dwelling units; up to 0.75 cars for each dwelling unit, subject to the

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

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	each six beds, whichever results in the greater requirement, plus one for the manager's dwelling unit if any. NP above.
All non-residential uses in C-3 Districts	Not to exceed 7% of gross floor area of such uses. See requirements in Section 204.5.
Hotel, inn, or hostel	P up to one for each 16 guest bedrooms, plus one for the manager's dwelling unit, if any.
Motel	P up to one for each guest unit, plus one for the manager's dwelling unit, if any.
Hospital or other inpatient medical institution	P up to one for each 8 16 guest excluding bassinets or for each 2,400 square feet of gross floor area devoted to sleeping rooms, whichever results in the lesser requirement
Residential care facility	P up to one for each 10 residents.
Child care facility	P up to one for each 25 children to be accommodated at any one time.
Elementary school	P up to one for each six classrooms.
Secondary school	P up to one for each two classrooms.
Post-secondary educational institution	P up to one for each two classrooms.
Church or other religious institutions	P up to one for each 20 seats.
Theater or auditorium	P up to one for each eight seats up to 1,000 seats, plus one for each 10 seats in excess of 1,000.

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

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<p>with over 20,000 square feet of occupied floor area</p>	<p>area, and subject to the conditions and criteria of Section 151.1(f). C up to 1 space per 250 square feet of occupied floor area for that area in excess of 20,000 square feet, subject to the conditions and criteria of Section 151.1(f). NP above.</p>
<p>All retail in the Eastern Neighborhoods Mixed Use Districts where any portion of the parcel is less than ¼ mile from Market, Mission, 3rd and 4th Streets, except grocery stores of over 20,000 gross square feet.</p>	<p>P up to one for each 1,500 square feet of gross floor area.</p>
<p>With the exception of Eastern Neighborhoods Mixed Use Districts as set forth above, all other restaurant, bar, nightclub, pool hall, dance hall, bowling alley or other similar enterprise</p>	<p>P up to one for each 200 square feet of occupied floor area.</p>
<p>With the exception of Eastern Neighborhoods Mixed Use Districts as set forth above, all other retail space devoted to the handling of bulky merchandise such as motor vehicles, machinery or furniture</p>	<p>P up to one for each 1,000 square feet of occupied floor area.</p>
<p>With the exception of Eastern Neighborhoods Mixed Use Districts as</p>	<p>P up to one for each 4,000 square feet of occupied floor area.</p>

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set forth above, all other greenhouse or plant nursery	
With the exception of Eastern Neighborhoods Mixed Use Districts as set forth above, all other retail space	P up to one for each 500 square feet of gross floor area up to 20,000 square feet, plus one for each 250 square feet of gross floor area in excess of 20,000.
Service, repair or wholesale sales space, including personal, home or business service space in South of Market Districts	P up to one for each 1,000 square feet of occupied floor area.
Mortuary	P up to five.
Storage or warehouse space, and space devoted to any use first permitted in an M-2 District	P up to one for each 2,000 square feet of occupied floor area.
Arts activities and spaces except theater or auditorium spaces	P up to one for each 2,000 square feet of occupied floor area.
Laboratory	P up to one for each 1,500 square feet of occupied floor area.
Small Enterprise Workspace Building	P up to one for each 1,500 square feet of occupied floor area.
Integrated PDR	P up to one for each 1,500 square feet of occupied floor area.

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	Other manufacturing and industrial uses P up to one for each 1,500 square feet of occupied floor area.
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Section 10. The San Francisco Planning Code is hereby amended by amending Section 155 to read as follows:

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

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

- (a) Every required off-street parking or loading space shall be located on the same lot as the use served by it, except as provided in Sections 159, 160 and 161 of this Code.
- (b) Every required off-street parking or loading space shall be located in its entirety within the lot lines of private property.
- (c) Every off-street parking or loading space shall have adequate means of ingress from and egress to a street or alley. Access to off-street loading spaces shall be from alleys in preference to streets, except where otherwise specified in this Code.

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

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

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

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

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

17 (g) In order to discourage long-term commuter parking, any off-street parking
18 spaces provided for a structure or use other than residential or hotel in a C-3 District, whether
19 classified as an accessory or conditional use, which are otherwise available for use for long-
20 term parking by downtown workers shall maintain a rate or fee structure for their use such that
21 the rate charge for four hours of parking duration is no more than four times the rate charge
22 for the first hour, and the rate charge for eight or more hours of parking duration is no less
23 than 10 times the rate charge for the first hour. Additionally, no discounted parking rate shall
24 be permitted for weekly, monthly or similar time-specific periods.

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

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

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

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

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

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

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

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

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

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

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

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

14 (2) Not permitted:

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

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

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

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

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

22 (F) Embarcadero in the DTR Districts,

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

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

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

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

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

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

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

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

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

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

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

3 (2) Residential accessory parking. For residential accessory off-street parking in C-
4 3 Districts, two additional floors of above-grade parking beyond the at-grade parking allowed
5 by Section 155(s)(1), to a maximum ceiling height of 35 feet from grade, may be permitted
6 subject to the provisions of subsections 155(s)(2)(A) or 155(s)(2)(B) below:

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

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

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

24 (A) As a conditional use in accordance with the criteria set forth in Section 303,
25 provided it can be clearly demonstrated that transportation easements or contaminated soil

1 conditions make it practically infeasible to build parking below-ground. The determination of
2 practical infeasibility shall be made based on an independent, third-party geotechnical
3 assessment conducted by a licensed professional and funded by the project sponsor. The
4 Planning Director shall make a determination as to the objectivity of the study prior to the
5 Planning Commission's consideration of the conditional use permit application.

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

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

25 (5) Parking and Loading Access.

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

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

11 Section 11. The San Francisco Planning Code is hereby amended by amending
12 Section 161, to read as follows:

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

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

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

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

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

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

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

20 (f) Waterfront SUDs. In recognition of the policies set forth in the Northeastern
21 Waterfront Plan, a part of the General Plan, the unique nature of the area and the difficulty of
22 providing vehicular access thereto, the Planning Department or Planning Commission in
23 specific cases may determine an appropriate reduction in off-street parking requirements in
24 Waterfront Special Use District Numbers 1 and 3 as described in Sections 240.1 and 240.3 of
25 this Code, in authorizing any principal or conditional use, respectively, under those sections.

1 In considering any such reduction, the Planning Department for principal uses, and the
2 Planning Commission for conditional uses, shall consider the following criteria:

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

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

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

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

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

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

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

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

24 (h) North of Market SUD. The off-street parking requirements ~~for dwelling units~~ in the
25 North of Market Residential Special Use District, as described in Section 249.5 of this Code,

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (k) Arts Activities in South of Market Mixed-Use Districts. For arts activities in the RED,
20 RSD, SLR, SLI or SSO Districts which will operate primarily during evenings and weekends,
21 the Zoning Administrator may reduce or waive the off-street parking requirement when he or
22 she determines pursuant to Section 307(g) that within an 800 foot walking distance from the
23 site the anticipated demand from the proposed project, in combination with the existing
24 nighttime and/or weekend demand for parking within the same geographic area at the time of
25 the permit application, would not exceed 90 percent of the on-street or off-street parking

1 spaces available to the public within the subject area. The applicant shall provide to the
2 Zoning Administrator an acceptable parking survey and study which shows evidence of
3 existing parking resources and demand and anticipated demand generated by the proposed
4 project and nearby land uses. The Zoning Administrator may impose conditions on reduction
5 or waiver of the requirement, including, but not limited to, advertising of nearby transit and
6 parking facilities, requiring valet parking services and/or leasing parking spaces on nearby lots
7 during performance or exhibition activities.

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

1 City and County of San Francisco, which parking is reasonably expected to be used by
2 persons who live, work, shop, do business or visit in the South of Market Mixed Use District.
3 Said fee, and any interest accrued by such fee, shall be used for the purposes stated herein
4 unless it is demonstrated that it is no longer needed. This payment shall be paid in full to the
5 City prior to the issuance of any temporary or other certificate of occupancy for the subject
6 property.

7 (m) Historic Buildings. ~~Within the South of Market Mixed Use District, the~~ required off-
8 street parking or loading for any ~~nonresidential~~ principal or conditional use in structures
9 designated as landmarks, as significant or contributory buildings within a historic district, or
10 buildings of merit identified in the approved South of Market Plan or as significant or contributory
11 buildings pursuant to Article 11 of this Code, may be reduced modified or waived by the Zoning
12 Administrator ~~pursuant to Section 307(g) of this Code~~ when the ~~Landmark Preservation Advisory~~
13 ~~Board~~ Historic Preservation Commission advises that the provision of parking or loading would
14 adversely affect the landmark, significant, ~~or~~ contributory or meritorious character of the
15 structure or that reduction modification or waiver would enhance the economic feasibility of
16 preservation of the landmark or structure.

17 (n) Dwellings in Chinatown Mixed-Use Districts. With respect to dwelling units in the
18 Chinatown Mixed Use Districts, the parking requirement may be reduced to not less than one
19 space for each four dwelling units, if the Zoning Administrator determines pursuant to Section
20 307(g) that the reduced parking requirement is sufficient to serve the reasonably anticipated
21 auto ownership by residents of and auto usage by visitors to the project.

22 (o) Parking Management Programs in South of Market Mixed Use Districts. Within the
23 South of Market Mixed Use District, upon approval by the Zoning Administrator pursuant to
24 Section 307(g), the required off-street parking for bars, restaurants, arts, nighttime
25 entertainment, pool halls, and neighborhood-serving retail or personal service activities may

1 be modified, reduced or waived through participation in a Parking Management Program
2 approved by the Zoning Administrator which may include, but need not be limited to,
3 participation in a coordinated off-site satellite parking facilities program, shuttle service,
4 specified signage and designated advertising procedures.

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

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

23 (q) Landmark or Significant Trees. The required off-street parking and loading may be
24 reduced or waived if the Zoning Administrator determines that provision of required off-street parking

1 or loading would result in the loss or damage to a designated Landmark Tree or Significant Tree, as
2 defined in the Public Works Code.

3 Section 12. The San Francisco Planning Code is hereby amended by amending
4 Section 175.1, to read as follows:

5 ~~SEC. 175.1.—TRANSITIONAL INTERIM EXTENSION OF PLANNING CODE PROVISIONS~~
6 ~~FOR PERMITS APPROVED PRIOR TO ADOPTION OF AMENDMENTS IMPLEMENTING THE~~
7 ~~DOWNTOWN PLAN.~~

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

13 (b) — ~~Effect of Amendments. Notwithstanding the provisions of Sections 175 or 302 or any~~
14 ~~other provision of this Code, but subject to the provisions set forth in the last sentence of this~~
15 ~~Subsection, any project that has received one or more approvals by the City Planning Commission or~~
16 ~~the Zoning Administrator, whether by approval of an application for a building permit, site permit,~~
17 ~~conditional use, variance, or other license (other than approvals that are required as part of the~~
18 ~~environmental review process), prior to the effective date of Ordinance No. 414-85, shall continue to be~~
19 ~~governed by the provisions of this Code in effect at the time of such approval; provided, however, that~~
20 ~~such permit or permit application is subject to any time limits imposed pursuant to the Building Code~~
21 ~~or as a condition of approval of the project. If the project has received more than one type of approval,~~
22 ~~the approval that is referred to herein is the first. The provisions of this Subsection shall apply to such~~
23 ~~project even if the project is modified, after the effective date of Ordinance No. 414-85; provided,~~
24 ~~however, that any modification resulting in a change of use or increase in square footage may be~~
25 ~~approved only as a conditional use by the City Planning Commission, and in no case may an increase~~

1 of square feet in excess of 15,000 be allowed. Any project for which a public hearing was held on a
2 Draft Environmental Impact Report prior to May 9, 1985 and for which Responses to Comments were
3 published on or before July 1, 1985, which project receives its first approval by the City Planning
4 Commission, as approval is described in this Subsection, after July 1, 1985, shall be subject to all of
5 the provisions of Ordinance No. 414-85, other than Sections 320 through 324 (except that Section
6 321(a)(2) applies).

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

17 Section 13. The San Francisco Planning Code is hereby amended by amending
18 Section 172.2, to read as follows:

19 ~~SEC. 175.2. — EXEMPTION FROM APPLICATION OF AMENDMENTS IMPLEMENTING~~
20 ~~THE DOWNTOWN PLAN.~~

21 (a) — *Exemptions.*

22 (1) — *The amendments to Section 124 of this Code contained in Ordinance No. 414-85 shall*
23 *not apply to projects for the substantial rehabilitation and adaptive reuse of buildings designated as*
24 *landmarks by the Board of Supervisors pursuant to Article 10 of this Code and for which a building*
25

1 *permit application and an application for environmental review have been filed with the Department of*
2 *City Planning prior to October 11, 1984.*

3 *(2) — The amendments of this Code contained in Ordinance No. 414-85 shall not apply to:*

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

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

15 *(b) — Conditional Use Requirement. Applications for a permit authorizing a project covered*
16 *by Subsection (a) may be approved only as a conditional use. In addition to the criteria set forth in*
17 *Planning Code Section 303, the City Planning Commission shall consider the provisions of Ordinance*
18 *No. 414-85 insofar as they govern:*

19 *(A) — Density, height, bulk and setbacks;*

20 *(B) — Off-street loading facilities;*

21 *(C) — Building appearance;*

22 *(D) — Open space;*

23 *(E) — Sunlight access;*

24 *(F) — Pedestrian circulation;*

25 *(G) — Streetscape; and*

1 (H) — *Preservation of architecturally Significant and Contributory Buildings.*

2 Section 14. The San Francisco Planning Code is hereby amended by amending
3 Section 175.3, to read as follows:

4 ~~SEC. 175.3. EXEMPTION OF THE YERBA BUENA CENTER REDEVELOPMENT PROJECT~~
5 ~~AREA.~~

6 *The amendments of this Code contained in Ordinance No. 414-85, other than Code Sections*
7 *320 through 324, shall not apply in the Yerba Buena Center Redevelopment area as described in*
8 *Ordinance No. 538-81. Provisions of this Code which, pursuant to the provisions of the Yerba Buena*
9 *Center Redevelopment Plan, were applicable to the Yerba Buena Center Redevelopment area prior to*
10 *the effective date of Ordinance No. 414-85 shall remain in full force and effect with respect to Yerba*
11 *Buena Center Redevelopment area.*

12 Section 15. The San Francisco Planning Code is hereby amended by amending
13 Section 175.4, to read as follows:

14 ~~SEC. 175.4. EXEMPTION OF THE RINCON POINT SUBAREA OF THE RINCON POINT~~
15 ~~SOUTH BEACH REDEVELOPMENT AREA.~~

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

22 Section 16. The San Francisco Planning Code is hereby amended by amending
23 Section 175.5, to read as follows:

1 ~~SEC. 175.5.—TRANSITIONAL EXTENSION OF INTERIM PLANNING CODE PROVISIONS~~
2 ~~FOR PROJECTS APPROVED PRIOR TO ADOPTION OF AMENDMENTS IMPLEMENTING THE~~
3 ~~NEIGHBORHOOD COMMERCIAL REZONING PROPOSAL.~~

4 ~~(a) — Intent. It is the intent of this Section to provide for an orderly transition from prior~~
5 ~~interim zoning and planning requirements to the requirements imposed in implementing the~~
6 ~~Neighborhood Commercial Rezoning Proposal (Ordinance 69-87), without impairing the validity of~~
7 ~~prior actions by the City, or frustrating completion of actions authorized prior to the effective date of~~
8 ~~such Ordinance.~~

9 ~~(b) — Effect of Amendments. Notwithstanding the provisions of Sections 175 or 302 or any~~
10 ~~other provision of this Code, any project that has received either (1) a conditional use authorization on~~
11 ~~or before March 19, 1987, or (2) a conditional use authorization on or before April 16, 1987, which~~
12 ~~authorization was made contingent upon the adoption of an amendment to the provisions of the~~
13 ~~Planning Code regulating Neighborhood Commercial districts by the Board of Supervisors, shall~~
14 ~~continue to be governed by the restrictions set forth in interim Neighborhood Commercial zoning~~
15 ~~controls imposed by City Planning Commission Resolution No. 10779, and ratified by the Board of~~
16 ~~Supervisors on October 27, 1986, for purposes of receiving any demolition permit, building permit, site~~
17 ~~permit or other authorization necessary to achieve the project authorized pursuant to such conditional~~
18 ~~use authorization; provided, however, that any modifications in the project which exceed the scope of~~
19 ~~the conditional use authorization will be subject to any then applicable laws.~~

20 Section 17. The San Francisco Planning Code is hereby amended by amending
21 Section 186, to read as follows:

22 SEC. 186. EXEMPTION OF LIMITED COMMERCIAL AND INDUSTRIAL
23 NONCONFORMING USES IN R AND RED DISTRICTS.

24 The purpose of this Section is to provide for the further continuance in R and RED
25 Districts of nonconforming uses of a limited commercial and industrial character, as herein

1 described, which are beneficial to, or can be accommodated within, the residential areas in
2 which they are located. It is hereby found and declared that, despite the general
3 incompatibility of nonconforming uses with the purposes of this Code, and with other nearby
4 uses, these limited commercial uses may be tolerated in residential areas, and tend to provide
5 convenience goods and services on a retail basis to meet the frequent and recurring needs of
6 neighborhood residents within a short distance of their homes or, within the South of Market
7 RED Districts, tend to provide jobs and continuation of small scale service and light industrial
8 activities. These uses tend to be small in scale, to serve primarily a walk-in trade, and cause a
9 minimum of interference with nearby streets and properties. Accordingly, this Section
10 recognizes the public advantages of these uses and establishes conditions for their continued
11 operation.

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

15 (1) Any nonconforming use at any story in an RH or RM District which is located
16 more than ¼ mile from the nearest Individual Area Neighborhood Commercial District or
17 Restricted Use Subdistrict described in Article 7 of this Code, and which complies with the use
18 limitations specified for the first story and below of an NC-1 District, as set forth in Sections
19 710.10 through 710.95 of this Code.

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

24 (A) NC-1 District, as set forth in Sections 710.10 through 710.95 of this Code; and
25

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

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

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

10 (b) The limited nonconforming uses described above shall meet the following
11 conditions:

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

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

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

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

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

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

23 (7) The street frontage requirements for non-residential uses in Section 145.1 shall apply;

24 and

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

1 (c) Any use affected by this Section which does not comply with all of the conditions
 2 herein specified shall be subject to termination in accordance with Section 185 at the
 3 expiration of the period specified in that Section, but shall be qualified for consideration as a
 4 conditional use under Section 185(e). Any such use which is in compliance with such
 5 conditions at the expiration of such period but fails to comply therewith at any later date shall
 6 be subject to termination when it ceases to comply with any of such conditions.

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

10 Section 18. The San Francisco Planning Code is hereby amended by amending the
 11 Table in Section 209.8, to read as follows:

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

14	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	
15	(D)		(S)													
16																
17																SEC. 209.8.
18																COMMERCIAL
19																ESTABLISHMENTS.
20																
21												P	NA	NA	NA	(a) Except for
22													<u>P</u>	<u>P</u>	<u>P</u>	massage
23																establishments as
24																noted in Section
25																218.1, retail, personal

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															service or other commercial establishment if permitted as a principal use in the <u>nearest NC an NCT-3</u> District, <u>unless</u> <u>otherwise specified in this Code</u> , which is located within or below the ground story of a building; excluding any establishment designed primarily for customers arriving at that establishment by private motor vehicle.
										C	NA <u>C</u>	NA <u>C</u>	NA <u>C</u>	(b) Except for massage establishments as noted in Section 218.1, retail, personal service or other	

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														<i>permitted as a principal use in the nearest NC District, which is located within or below the ground story of a building; excluding any establishment designed primarily for customers arriving at that establishment by private motor vehicle.</i>
											€	€	€	<i>(d) Except for massage establishments as noted in Section 218.1, retail, personal service or other commercial establishment if permitted as a principal use in the nearest NC District,</i>

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															<i>which is located in a building above the ground story; excluding any establishment designed primarily for customers arriving at that establishment by private motor vehicle.</i>	
							<u>P</u>	<u>P</u>	P	P			€	€	€	(e) (c) Any use meeting the standards and limitations set forth in Section 231: Limited Corner Commercial Uses in RTO <u>and RM</u> Districts.

Section 19. The San Francisco Planning Code is hereby amended by amending Section 210.3, to read as follows:

SEC. 210.3. - C-3 DISTRICTS: DOWNTOWN COMMERCIAL.

Downtown San Francisco, a center for City, regional, national and international commerce, is composed of four separate districts, as follows:

1 C-3-O District: Downtown Office. This district, playing a leading national role in finance,
2 corporate headquarters and service industries, and serving as an employment center for the
3 region, consists primarily of high-quality office development. The intensity of building
4 development is the greatest in the City, resulting in a notable skyline symbolizing the area's
5 strength and vitality. The district is served by City and regional transit reaching its central
6 portions and by automobile parking at peripheral locations. Intensity and compactness permit
7 face-to-face business contacts to be made conveniently by travel on foot. Office development
8 is supported by some related retail and service uses within the area, with inappropriate uses
9 excluded in order to conserve the supply of land in the core and its expansion areas for further
10 development of major office buildings.

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

20 C-3-G District: Downtown General Commercial. This district covers the western
21 portions of downtown and is composed of a variety of uses: Retail, offices, hotels,
22 entertainment, clubs and institutions, and high-density residential. Many of these uses have a
23 Citywide or regional function, although the intensity of development is lower here than in the
24 downtown core area. As in the case of other downtown districts, no off-street parking is
25 required for individual commercial buildings, ~~but in portions of this district automobile parking is a~~

1 ~~major land use, serving this district and the adjacent office and retail core areas.~~ In the vicinity of
2 Market Street, the configuration of this district reflects easy accessibility by rapid transit.

3 C-3-S District: Downtown Support. This district encompasses Yerba Buena Gardens, which
4 includes San Francisco's Convention Center, hotels, museums and cultural facilities, housing, retail,
5 and offices arranged around public gardens and plazas. The district continues to accommodates ~~near~~
6 ~~the intensive downtown core areas~~ important supporting functions such as wholesaling, printing,
7 building services, and secondary office space ~~and parking~~. It also contains unique housing
8 resources. ~~Motor vehicle access from freeway ramps to this district is good, and truck and automobile~~
9 ~~traffic is heavy; at the same time, t~~The district is within walking distance of rapid transit on Market
10 Street, and is served by transit lines on Third, Fourth, Mission and Folsom streets. ~~In its eastern~~
11 ~~portion, the district also serves in part as an expansion area for offices, at a lesser intensity than in the~~
12 ~~Downtown Office District. The district has for the most part been underdeveloped in the past, and~~
13 ~~opportunities exist for major developments of new uses covering substantial areas.~~

14 Section 20. The San Francisco Planning Code is hereby amended by amending
15 Section 212, to read as follows:

16 SEC. 212. ADDITIONAL REQUIREMENTS FOR USES IN CERTAIN C AND M
17 DISTRICTS.

18 In the following C and M Districts, the permitted uses indicated in Sections 215 through
19 227 shall be subject to the additional requirements contained in this Section 212.

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

- 25 (1) Accessory off-street parking and loading area;

1 (2) Accessory outdoor dining areas;

2 (3) Accessory recreation areas.

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

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

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

10 (2) Applicability.

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

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

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

19 (3) Controls.

20 (1) Only those permitted uses listed in Sections 218 and 227 and art spaces as
21 defined in Section 102.2 shall be located facing such street in the ground story of any building.
22 At least 1/2 the total width of any new or reconstructed building, parallel to and facing such
23 street, shall be devoted at the ground story to entrances, show windows or other displays of
24 such uses. The street frontage controls of Section 145.1 shall apply.

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

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

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

17 Section 21. The San Francisco Planning Code is hereby amended by amending
18 Section 231, to read as follows:

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

20 Purpose. Corner stores enhance and support the character and traditional pattern of
21 RTO and RM Districts. These small neighborhood-oriented establishments provide
22 convenience goods and services on a retail basis to meet the frequent and recurring needs of
23 neighborhood residents within a short walking distance of their homes. These uses tend to be
24 small in scale, to serve primarily walk-in trade, and cause minimum interference with nearby
25 streets and properties. These uses are permitted only on the ground floor of corner buildings,

1 and their intensity and operating hours are limited to ensure compatibility with the
2 predominantly residential character of the district. Accessory off-street parking is prohibited for
3 these uses to maintain the local neighborhood walk-in character of the uses.

4 (b) Location. Uses permitted under this section must be located:

5 (1) completely within an RTO, RTO-M, RM-3, or RM-4 District;

6 (2) on or below the ground floor; and

7 (3) on a corner lot as defined by Section 102.15, with no part of the use extending
8 more than 50 feet in depth from said corner, as illustrated in Figure 231.

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

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

17 (e) 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 through the procedures of
19 Section 303.

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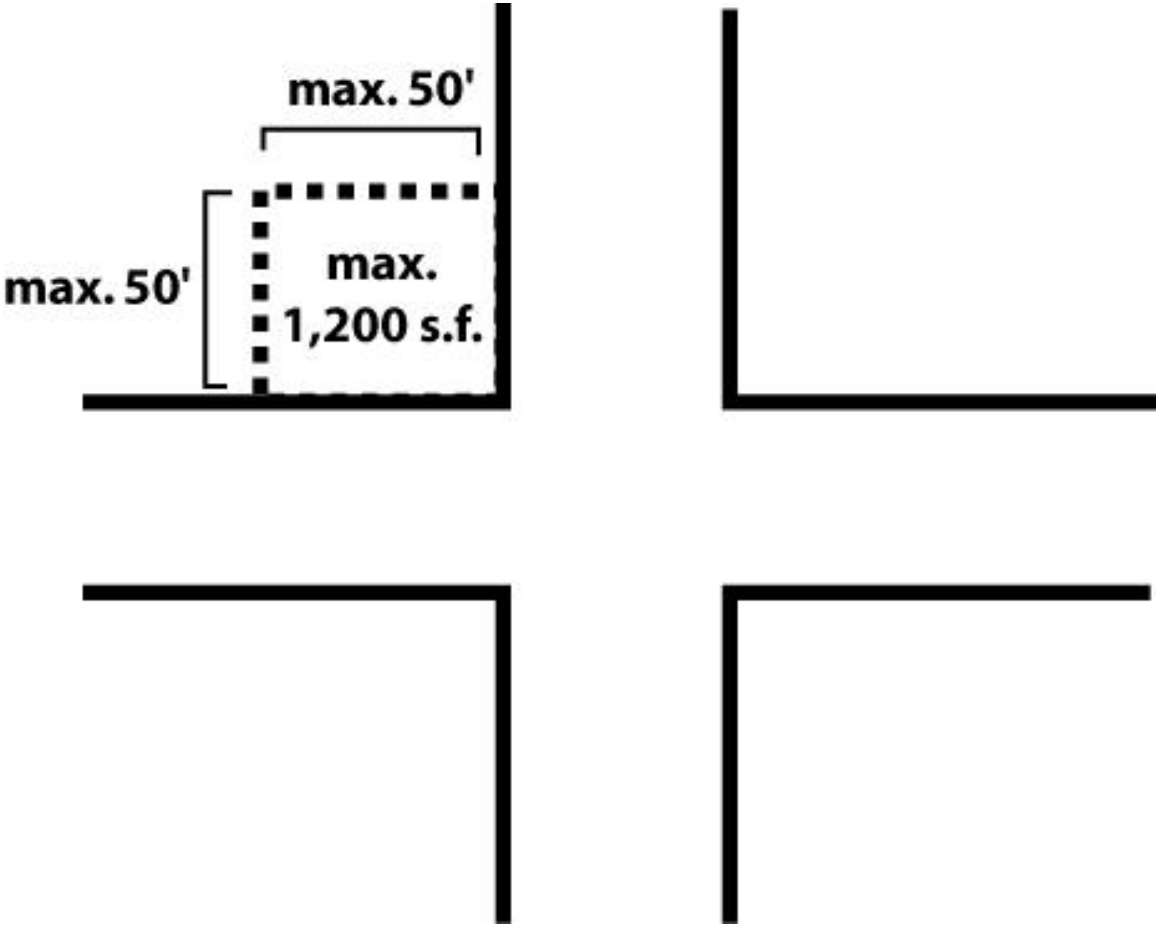


Figure 231.

Limitations on Corner Retail in RTO *and RM* Districts

(f) Parking. No accessory parking shall be permitted for uses permitted under this Section.

(g) Operating Hours. The hours during which the use is open to the public shall be limited to the period between 6:00 a.m. and 10:00 p.m.

(h) Conditions. Any uses described above shall meet all of the following conditions:

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

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

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

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

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

7 (i) Street Frontage. Commercial uses subject to this section shall comply with the street
8 frontage requirements of Section 145.1.

9 Section 22. The San Francisco Planning Code is hereby amended by amending
10 Section 243, to read as follows:

11 SEC. 243. VAN NESS SPECIAL USE DISTRICT.

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

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

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

24 (1) Basic Floor Area Ratio. The basic floor area ratio limit shall be 7.0 to 1 in the
25 130-foot height district and 4.58:1 in the 80-foot height district. These limits shall apply to

1 dwellings notwithstanding Section 124(b) of this Code, ~~but shall not apply to floor space used for~~
2 ~~nonaccessory off-street parking and driveways and maneuvering areas incidental thereto provided such~~
3 ~~parking is located entirely below curb level at the centerline of the building containing such parking~~
4 ~~and replaces parking spaces displaced by the building or buildings.~~ For definitions of floor area ratio
5 and gross floor area, see Sections 102.11 and 102.9, respectively. The provisions allowing a
6 floor area premium set forth in Section 125(a) shall not apply in the Van Ness Special Use
7 District.

8 (2) Housing Density. The restrictions on density set forth in Sections 207, 207.1,
9 208, 209.1 and 209.2 of this Code shall not apply.

10 (3) Height and Bulk Restrictions. See Height and Bulk Map No. 2H. See Section
11 270 of this Code for bulk limits.

12 (4) Awnings, canopies and marquees, as defined in Sections 790.20, 790.26 and
13 790.58 of this Code, and further regulated by the Building Code and Sections 243(c)(5), 136.2
14 and 607.3 of this Code, are permitted.

15 (5) Signs.

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

20 (B) Signs on structures designated as landmarks under the provisions of Section
21 1004 shall be regulated as provided in Section 607.3(d).

22 (6) Rear Yards. The requirements of this Code applicable to rear yards may be
23 modified or waived by the Zoning Administrator pursuant to Section 307(g) if all of the
24 following conditions are met:
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1 (A) The interior block open space formed by the rear yards of abutting properties will
2 not be adversely affected; and

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

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

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

9 (7) Required Setbacks. Setbacks for buildings exceeding a height of ~~40~~50 feet shall
10 be regulated as provided in Section 253.2 of this Code.

11 (8) Limitation of Nonresidential Uses.

12 (A) Residential Uses; Ratio Established. In newly constructed structures,
13 nonresidential uses shall only be permitted if the ratio between the amount of net additional
14 occupied floor area for residential uses, as defined in this paragraph below, to the amount of
15 occupied floor area for nonresidential uses in excess of the occupied floor area of structures
16 existing on the site at the time the project is approved is 3 to 1 or greater. In additions to
17 existing structures which exceed 20 percent of the gross floor area of the existing structure,
18 nonresidential uses shall be permitted in the addition in excess of 20 percent only if the ratio
19 between the amount of occupied floor area for residential use, as defined in this paragraph
20 below, to the area of occupied floor area for nonresidential use is 3 to 1 or greater. This
21 residential use ratio shall not apply to development sites in the Van Ness Special Use District
22 which have less than 60 feet of street frontage on Van Ness Avenue and have no street
23 frontage other than the Van Ness Avenue frontage. For purposes of this Section,
24 "nonresidential uses" shall mean those uses described in Sections 209.2(d) and (e) (hotel,
25 inn, hostel), 209.3(a) (hospital, medical center or other medical institution with in-patient care

1 facilities), 209.4 (community facilities), 209.6 (public facilities and utilities), 209.7 (vehicle
 2 storage and access) and 209.8 (commercial establishments); in the Automotive Special Use
 3 District nonresidential uses include automotive uses as described in Section 237; "residential
 4 use" shall mean those uses described in Sections 209.1 and 209.2(a), (b) and (c) (dwelling
 5 units and group housing).

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

10 (i) In-Lieu Fee. By conditional use, the developer may elect to fulfill the obligation to
 11 build housing by paying an in-lieu fee to the Affordable Housing Fund as provided in Section
 12 313 of this Code. No more than a 50 percent reduction of the required housing for a specific
 13 project can be fulfilled by paying an in-lieu fee. Use of these funds shall provide affordable
 14 housing within 2,000 feet of the Van Ness Special Use District. The in-lieu fee shall be
 15 determined by the following formula:

16 (1)

(Lot Area x FAR) / 4) x 3 =	Residential SQ. FT. Requirement
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19 (2)

Residential SQ. FT. Requirement	--	Residential SQ. FT. Developed	=	LOSS
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22 (3)

23 LOSS x \$15 = In-Lieu Fee

24 (ii) Providing Affordable Housing. By conditional use, the developer may reduce up
 25 to 50 percent of the required amount of on-site housing by maintaining a portion of that

1 housing as permanently affordable for the life of the project. Affordable units shall be
 2 managed by a nonprofit housing agency through a duly executed agreement between the
 3 project sponsor, the nonprofit agency and the Planning Department. The mix of affordable
 4 units retained in the project shall conform to the overall dwelling unit size mix of the project.
 5 The portion of retained residential which shall be affordable will be determined by calculating
 6 the number of market rate units which could be subsidized by the amount of "in-lieu fee"
 7 calculated in Paragraph (i) above. The number of square feet of affordable housing shall be
 8 calculated in the following manner:

9 (1)

In-Lieu Fee \$30/square foot subsidy	=	Square Feet of Affordable Housing Retained in the Project
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12 (iii) Annual Reporting, Evaluation and Adjustments to Affordability and Fee
 13 Calculations. The Department shall report annually to the Planning Commission on the activity
 14 and utilization of Section 243(c)(8)(B). Based on an evaluation of this report, the Planning
 15 Commission may initiate a modification or deletion of Section 243(c)(8)(B).

16 The dollar amounts used in the calculation for Paragraphs (i) and (ii) of this Subsection shall
 17 be subject to annual adjustments in accord with Section 313.6(1) of this Code. Affordability
 18 shall be defined by rents or sale prices affordable by households with no more than 80
 19 percent of median income standards developed by HUD.

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

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

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

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

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

13 (C) Off-Site Provision of Required Residential Space. For the purpose of calculating
14 the 3 to 1 ratio between residential and nonresidential use, two or more projects for new
15 construction within the Van Ness Special Use District may be considered and approved
16 together as linked projects. The requirements of Paragraph (A) above may be satisfied if the
17 aggregate amount of occupied floor area for residential use in two or more linked projects is at
18 least three times greater than the aggregate amount of occupied floor area for nonresidential
19 use.

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

24 (ii) When the Department of City Planning approves an application for a project
25 containing only nonresidential use and the project is linked to one or more other projects

1 pursuant to the statement of intent filed with the Department, it shall include as a condition of
2 approval a requirement prohibiting the project sponsor from commencing any work on the site
3 until the Zoning Administrator issues a written determination that such work may proceed. The
4 Zoning Administrator shall not issue such a determination until those permits authorizing the
5 projects containing residential use have been issued and foundations have been completed at
6 each such site;

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

12 (iv) No building or portion of a building approved as a linked project that contains
13 residential use required to meet the 3 to 1 residential to nonresidential ratio requirement shall
14 be used for any nonresidential purposes; provided, however, that this restriction shall no
15 longer apply if 50 percent or more of the non-residential occupied floor area in the linked
16 projects has been converted to residential use, or has been demolished, or has been
17 destroyed by fire or other act of God;

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

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

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

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

7 (E) Street Frontages. Street frontages and parking setbacks shall conform to
8 Section 145.1 of this Code. Ground floor non-residential uses shall have a minimum floor-to-
9 floor height of 14 feet.

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

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

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

19 (H) Demolitions. All demolitions of buildings containing residential use and all
20 conversions from residential uses to nonresidential uses above the ground floor shall be
21 permitted only if authorized as a conditional use under Section 303 of this Code, unless the
22 Superintendent of the Bureau of Building Inspection or the Chief of the Bureau of Fire
23 Prevention and Public Safety determines that the building is unsafe or dangerous and that
24 demolition is the only feasible means to secure the public safety. When considering whether
25 to grant a conditional use permit for the demolition or conversion, in lieu of the criteria set forth

1 in Planning Code Section 303, consideration shall be given to the adverse impact on the
2 public health, safety and general welfare of the loss of housing stock in the district and to any
3 unreasonable hardship to the applicant if the permit is denied. The definition of residential use
4 shall be as set forth in Section 243(c)(8)(A), but shall not include any guest room in a building
5 classified as a residential hotel subject to the Residential Hotel Unit Conversion and
6 Demolition Ordinance.

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

18 (I) Parking. Pursuant to Table 151 in Article 1.5 of this Code, the residential parking
19 requirement shall be one space for each dwelling unit; provided, however, that the parking
20 requirement may be reduced to not less than one space for each four dwelling units, if the
21 Zoning Administrator determines that the reduced parking requirement is sufficient to serve
22 the reasonably anticipated auto usage by residents and visitors to the project. The procedures
23 and fee for such review shall be the same as those which are applicable to variances, as set
24 forth in Sections 306.1 through 306.5 and 308.2.

1 (J) Adult Entertainment Enterprises. The uses described in Section 221(k) of this
2 Code are not permitted.

3 (K) Formula Retail Uses. Formula Retail uses, as defined in Section 303(i) of this Code,
4 shall be permitted, subject to a Conditional Use Authorization, in parcels zoned RC-3 or RC-4 that are
5 within the Van Ness SUD.

6 (9) Reduction of Ground Level Wind Currents.

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

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

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

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

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

4 Section 23. The San Francisco Planning Code is hereby amended by amending
5 Section 249.26, to read as follows:

6 ~~SEC. 249.26.—DOWNTOWN HOUSING DEMONSTRATION SPECIAL USE DISTRICT.~~

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

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

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

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

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

21 (4) ~~Exposure of Dwelling Units: Exceptions to the provisions of Planning Code Section 140~~
22 ~~may be granted through the process set forth in Section 309(a) in lieu of the process set forth in Section~~
23 ~~305 of this Code. An exception shall only be granted upon a determination that the proposed design~~
24 ~~provides adequate access to air and light consistent with the intent of Section 140 of this Code.~~

1 (b) — ~~Height and Bulk Restrictions. The applicable Height and Bulk for this Special Use~~
2 ~~District shall be 285-S.~~

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

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

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

15 Section 24. The San Francisco Planning Code is hereby amended by amending
16 Section 253, to read as follows:

17 SEC. 253. – REVIEW OF PROPOSED BUILDINGS AND STRUCTURES EXCEEDING
18 A HEIGHT OF 40 FEET IN RH DISTRICTS, OR 50 FEET IN RM AND RC DISTRICTS.

19 (a) Notwithstanding any other provision of this Code to the contrary, in any RH, RM,
20 or RC District, ~~except in RTO Districts,~~ established by the use district provisions of Article 2 of
21 this Code, wherever a height limit of more than 40 feet in a RH District, or 50 feet in a RM or RC
22 District, is prescribed by the height and bulk district in which the property is located, any
23 building or structure exceeding 40 feet in height in a RH District, or 50 feet in height in a RM or
24 RC District, shall be permitted only upon approval by the City Planning Commission according
25 to the procedures for conditional use approval in Section 303 of this Code.

1 (b) In reviewing any such proposal for a building or structure exceeding 40 feet in
2 height in a RH District, 50 feet in height in a RM or RC District, the ~~City~~ Planning Commission
3 shall consider the expressed purposes of this Code, of the RH, RM, or RC Districts, and of the
4 height and bulk districts, set forth in Sections 101, 206 through 206.3 and 251 hereof, as well
5 as the criteria stated in Section 303(c) of this Code and the objectives, policies and principles
6 of the Master Plan, and may permit a height of such building or structure up to but not
7 exceeding the height limit prescribed by the height and bulk district in which the property is
8 located.

9 (1) On narrow streets and alleys. In reviewing a proposal for a building exceeding 50 feet
10 in RM and RC districts, the Planning Commission may require that the permitted bulk and required
11 setbacks of a building be arranged to maintain appropriate scale on and maximize sunlight to narrow
12 streets (rights-of-way 40 feet in width or narrower) and alleys.

13 Section 25. The San Francisco Planning Code is hereby amended by amending
14 Section 253.2, to read as follows:

15 SEC. 253.2. - REVIEW OF PROPOSED BUILDINGS AND STRUCTURES IN THE
16 VAN NESS SPECIAL USE DISTRICT.

17 (a) Setbacks. In the Van Ness Special Use District, as designated on Sectional Map
18 2SU of the Zoning Map, any new construction exceeding ~~40~~50 feet in height or any alteration
19 that would cause a structure to exceed ~~40~~50 feet in height shall be permitted only as a
20 conditional use upon approval by the ~~City~~ Planning Commission according to Section 303 of
21 this Code. When acting on any conditional use application pursuant to this Section, the City
22 Planning Commission may impose the following requirements in addition to any others
23 deemed appropriate:

24 (1) On Van Ness Avenue. The ~~City~~ Planning Commission may require a setback of
25 up to 20 feet at a height of 50 feet or above for all or portions of a building if it determines that

1 this requirement is necessary in order to maintain the continuity of the prevailing street wall
2 height established by the existing buildings along Van Ness Avenue within two blocks of the
3 proposed building.

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

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

12
13 APPROVED AS TO FORM:
14 DENNIS J. HERRERA, City Attorney

15 By: _____
16 JUDITH A. BOYAJIAN
17 Deputy City Attorney

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