File No. 110548 Committee Item No. 1
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development **Date** October 22, 2012

Board of Supervisors Meeting **Date** _____

Cmte	Board	
☐	☐	**Motion**
☐	☐	**Resolution**
☒	☐	**Ordinance**
☒	☐	**Legislative Digest**
☐	☐	**Budget and Legislative Analyst Report**
☐	☐	**Legislative Analyst Report**
☐	☐	**Youth Commission Report**
☒	☐	**Introduction Form**
☒	☐	**Department/Agency Cover Letter and/or Report**
☐	☐	**MOU**
☐	☐	**Grant Information Form**
☐	☐	**Grant Budget**
☐	☐	**Subcontract Budget**
☐	☐	**Contract/Agreement**
☐	☐	**Form 126 – Ethics Commission**
☐	☐	**Award Letter**
☐	☐	**Application**
☐	☐	**Public Correspondence**

OTHER **(Use back side if additional space is needed)**

☒	☐	Planning Commission Resolution Nos. 18553, 18615, 18626
☒	☐	Environmental Review Exemption, dtd 8/25/11
☒	☐	Small Business Commission Recommendation, dtd 10/13/11
☐	☐	
☐	☐	
☐	☐	
☐	☐	
☐	☐	
☐	☐	
☐	☐	

Completed by: Alisa Miller **Date** October 19, 2012
Completed by: _____ **Date** _____

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

FILE NO. 110548 ORDINANCE NO.

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

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

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

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

Section 1. Findings.

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

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

(c) This 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 Nos. 18553, 18615, and 18626, and the Board hereby incorporates such reasons herein by reference.

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

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

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

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

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

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

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

~~*(b) **Canopies.***~~

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

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

~~*(c) **Marquees.***~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~*(3) Minimization of conflict of the proposed parking garage with pedestrian movements and amenities, resulting from the placement of driveways and ramps, the breaking of continuity of shopping facilities along sidewalks, and the drawing of traffic through areas of heavy pedestrian concentration;*~~

~~*(4) The service patterns of other forms of transportation;*~~

~~*(5) Establishment of a parking rate structure or fee favorable to short term parking (four hours or less) and designed to discourage long term parking, as set forth in Section 155(g) of this Code;*~~

~~*(6) Minimization of conflict of the proposed parking garage with transit operations and loading points, resulting from the location of driveways, ramps and vehicle queuing areas;*~~

~~*(7) The objectives and policies of the Downtown Plan, a component of the Master Plan; and*~~

~~*(8) Such other criteria as may be deemed appropriate in the circumstances of the particular case.*~~

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

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

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

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

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

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

~~*(b)* ***Controls.***~~

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

~~*- Yard for storage or sale of livestock feed or coal;*~~

~~*- Stone or monument yard;*~~

~~*- Storage or transfer of junk, waste, garbage, refuse, secondhand, discarded, or salvaged materials;*~~

~~*- Automobile wrecking operation;*~~

~~*- Rendering or reduction of animal materials;*~~

~~*- Automobile assembling;*~~

~~*- Bottling plant, brewery, dairy products, plant, malt manufacturing or processing;*~~

~~*- Ice manufacturing;*~~

~~*- Concrete products mixing or manufacturing;*~~

~~*- Foundry;*~~

~~*- Metalworking or blacksmith shop;*~~

~~*- Enameling, lacquering, wholesale paint mixing;*~~

~~*- Woodworking mill or manufacturing of wood fibre, sawdust, or excelsior products.*~~

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

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

~~*- Ambulance services (as set forth in Planning Code Section 223(s));*~~

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

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

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

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

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

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

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

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

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

~~*(3) **Enforcement.** All requirements of Article 1.7 of the City Planning Code with regard to enforcement and compliance with these restrictions shall be monitored by the Zoning Administrator in cooperation with the Department of Building Inspection and the Department of Public Health. Specifically, termination of legal nonconforming uses and abatement of illegal uses will be pursued to the extent permitted by the Municipal Code.*~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~*(F) igns are permitted:*~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 102.5. DISTRICT.

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

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

SEC. 102.9. FLOOR AREA, GROSS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

District	Lot Size Limits
~~*Chinatown*~~	5,000 sq. ft.
Chinatown Community Business	
Chinatown Residential/Neighborhood Commercial	
Chinatown Visitor Retail	

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

(1) The mass and facade of the proposed structure are compatible with the existing scale of the district.

(2) The facade of the proposed structure is consistent with design features of adjacent facades that contribute to the positive visual quality of the district.

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

(a) **Definitions.**

(1) "Development Lot." A lot to which TDR may be transferred to increase the allowable gross floor area of development thereon beyond that otherwise permitted by Section 124

(2) "Owner of Record." The owner or owners of record in fee.

(3) "Preservation Lot." A parcel of land on which is either (i) a Significant or Contributory building (as designated pursuant to Article 11); or (ii) a Category V Building that has complied with the eligibility requirement for transfer of TDR as set forth in Section

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

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

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

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

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

(c) **Eligibility of Development Lots and Limitation on Use of TDR on Development Lots.** TDR may be used to increase the allowable gross floor area of a development on a Development Lot if the following requirements and restrictions are satisfied:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) **Cancellation of Eligibility.**

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

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

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

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

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

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

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

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

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

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

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

(i) For transfers from the Transfer Lot only:

(aa) Execution and acknowledgement by the original owner of TDR as the transferor(s) of the TDR; and

(bb) Execution and acknowledgment by the Zoning Administrator; and

(cc) A notice, prominently placed and in all capital letters, preceded by the underlined heading "Notice of Restriction," stating that the transfer of TDR from the Transfer Lot permanently reduces the development potential of the Transfer Lot by the amount of TDR transferred, with reference to the provisions of this Section.

(ii) For all transfers:

(aa) The address, legal description, Assessor's Block and Lot, and C-3 use district of the Transfer Lot from which the TDR originates; and

(bb) The amount and sale price of TDR transferred; and

(cc) Numerical identification of the TDR being transferred; and

(dd) The names and mailing addresses of the transferors and transferees of the TDR; and

(ee) Execution and acknowledgment by the transferors and transferees of the TDR; and

(ff) A reference to the Statement of Eligibility, including its recorded instrument number and date of recordation, and a recital of all previous transfers of the TDR, including the names of the transferors and transferees involved in each transfer and the recorded instrument number and date of recordation of each Certificate of Transfer involving the TDR, including the transfer from the Transfer Lot which generated the TDR.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(cc) a construction schedule; and

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) **Permitted Obstructions.** In the calculation of either private or common usable open space, those obstructions listed in Sections 136 and136.1 of this Code for usable open space shall be permitted.

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

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

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

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

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

(3) For dwellings specifically designed for and occupied by senior citizens ~~*or physically handicapped persons*~~, as defined and regulated by *Section 102.6.1* ~~*209.1*~~(m) of this Code, the minimum amount of usable open space to be provided for use by each dwelling unit shall be ~~½~~ *one-half* the amount required for each dwelling unit as specified in Paragraph (d)(1) above.

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

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

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

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

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

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

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

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

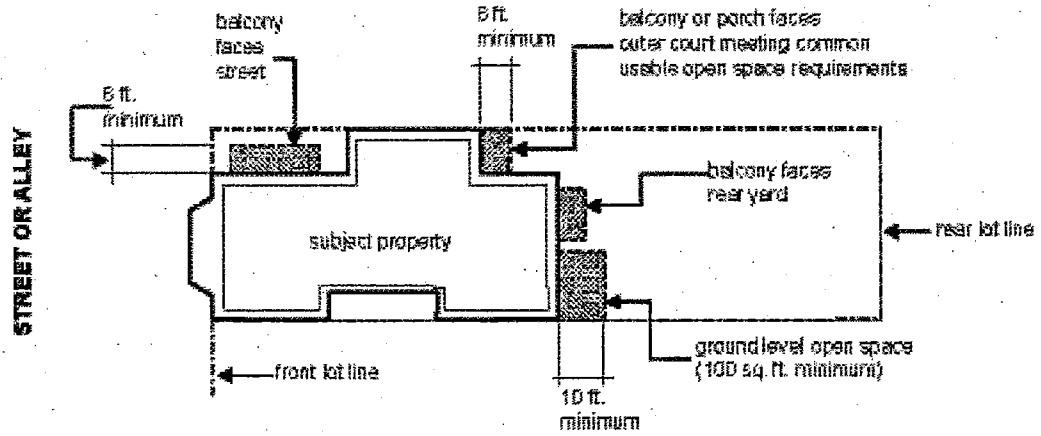
(f) **Private Usable Open Space: Additional Standards.**

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

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

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

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



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

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

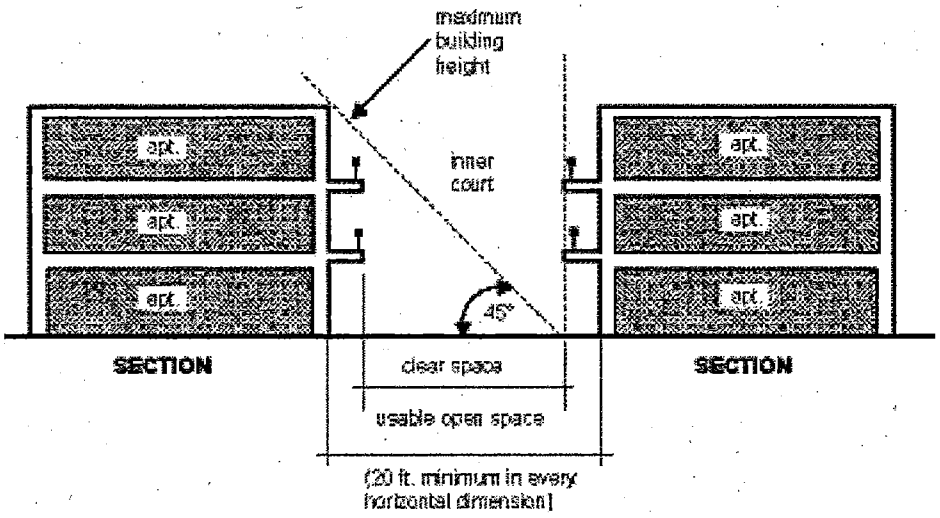
shall not be credited as usable open space. But the mere potential use of a balcony area for an emergency fire exit by occupants of other dwelling units (or bedrooms in group housing) shall not prevent it from being credited as usable open space on grounds of lack of privacy or usability.

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

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

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

(2) **Use of Inner Courts.** The area of an inner court, as defined by this Code, may be credited as common usable open space, if the enclosed space is not less than 20 feet in every horizontal dimension and 400 square feet in area; and if (regardless of the permitted obstructions referred to in Subsection 135(c) above) the height of the walls and projections above the court on at least three sides (or 75 percent of the perimeter, whichever is greater) is such that no point on any such wall or projection is higher than one foot for each foot that such point is horizontally distant from the opposite side of the clear space in the court. *Exceptions from these requirements for certain qualifying historic buildings may be permitted, subject to the requirements and procedures of Section 307(h) of this Code.*



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

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

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

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

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

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

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

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

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

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

(B) Be appropriately landscaped;

(C) Be protected from uncomfortable winds;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

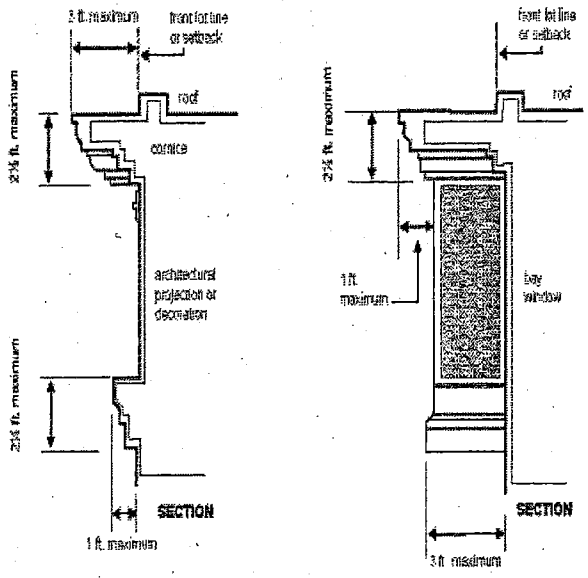
may be satisfied off-site. The publicly accessible off-site usable open space shall be constructed, completed, and ready for use no later than the project itself, and shall receive its certificate of final completion from the Department of Building Inspection prior to the issuance of any certificate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

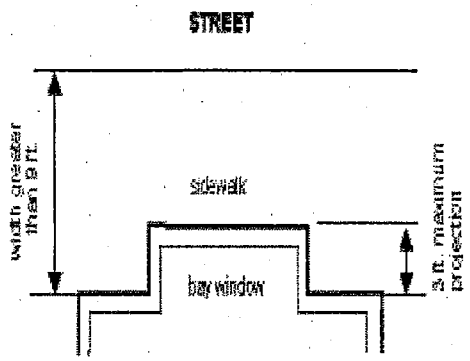
(4) ***Historic Buildings.*** *For a landmark building designated per Article 10 of this Code, a contributing building located within a designated historic district per Article 10, or any building designated Category I-IV per Article 11 of this Code, the provision of off-site publicly accessible open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

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

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

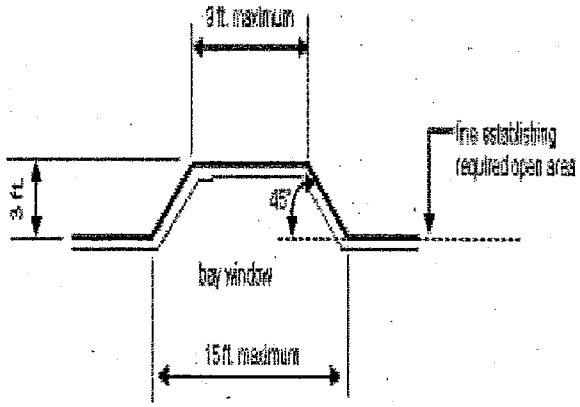
				(3) Obstructions within side yards and rear yards, as required by Sections 133 and 134 of this Code;
				(4) Obstructions within usable open space, as required by Section 135 of this Code.
				(b) No obstruction shall be constructed, placed or maintained in any such required open area except as specified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

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

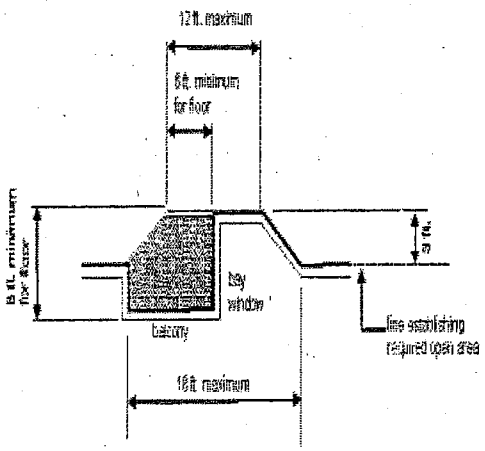
				(A) The minimum headroom shall be 7˝ feet.
				(B) Projection into the required open area shall be limited to three feet, provided that projection over streets and alleys shall be further limited to two feet where the sidewalk width is nine feet or less, and the projection shall in no case be closer than eight feet to the centerline of any alley. 

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

(D) The maximum length of each bay window or balcony shall be 15 feet at the line establishing the required open area, and shall be reduced in proportion to the distance from such line by means of 45 degree angles drawn inward from the ends of such 15-foot dimension, reaching a maximum of nine feet along a line parallel to and at a distance of three feet from the line establishing the required open area.

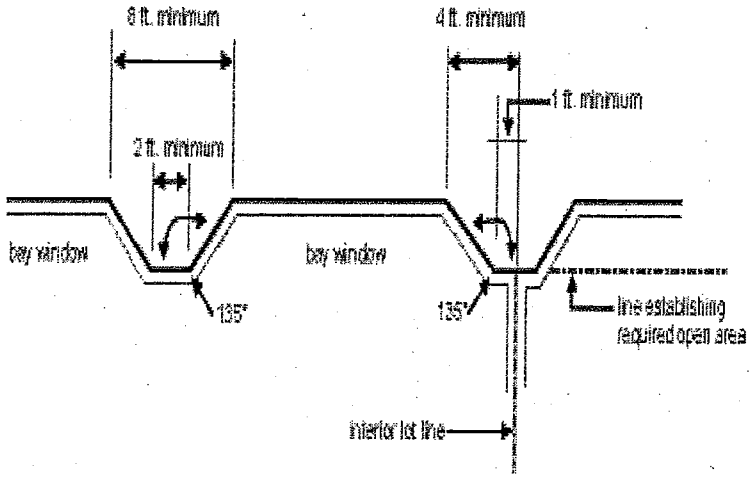


(E) Where a bay window and a balcony are located immediately adjacent to one another, and the floor of such balcony in its entirety has a minimum horizontal dimension of six feet, the limitations of Subparagraph (c)(2)(D) above shall be increased to a maximum length of 18 feet at the line establishing the required open area, and a maximum of 12 feet along a line parallel to and at a distance of three feet from the line establishing the required open area.



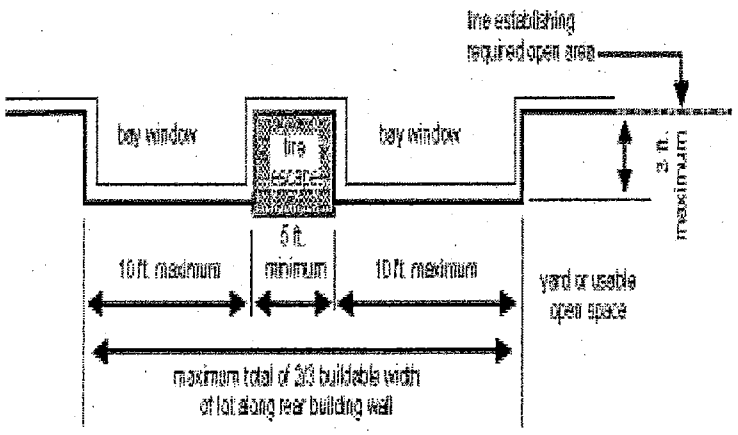
				(F) The minimum horizontal separation between bay windows, between balconies, and between bay windows and balconies (except where a bay window and a balcony are located immediately adjacent to one another, as provided for in Subparagraph (c)(2)(E) above), shall be two feet at the line establishing the required open area, and shall be increased in proportion to the distance from such line by means of 135-degree angles drawn outward from the ends of such two-foot dimension, reaching a minimum of eight feet along a line parallel to and at a distance of three feet from the line establishing the required open area.

(G) Each bay window or balcony over a street or alley, setback or rear yard shall also be horizontally separated from interior lot lines (except where the wall of a building on the adjoining lot is flush to the interior lot line immediately adjacent to the projecting portions of such bay window or balcony) by not less than one foot at the line establishing the required open area, with such separation increased in proportion to the distance from such line by means of a 135-degree angle drawn outward from such one-foot dimension, reaching a minimum of four feet along a line parallel to and at a distance of three feet from the line establishing the required open area;

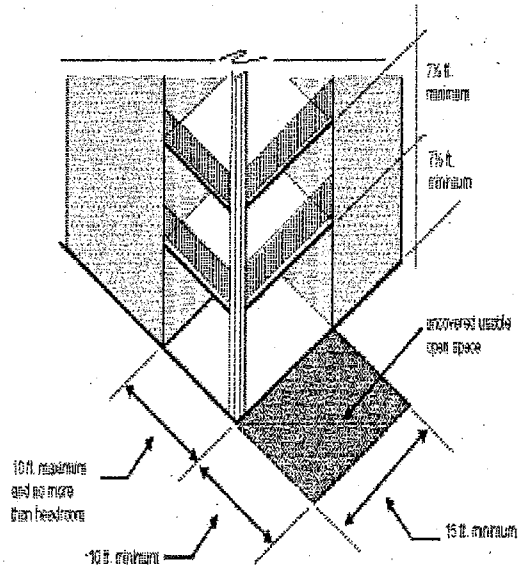


		x	x	(3) Bay (projecting) windows, balconies (other than balconies used for primary access to two or more dwelling units or two or more bedrooms in group housing), and similar features that increase either the floor area of the building or the volume of space enclosed by the building above grade, when limited as specified herein. With respect to obstructions within yards and usable open space, the bay windows and balconies specified in Paragraph (c)(2) above shall be permitted as an alternative to those specified in this Paragraph (c)(3).
				(A) The minimum headroom shall be 7″ feet.
				(B) Projection into the required open area shall be limited to three feet, or 1/6 of the required minimum dimension (when specified) of the open area, whichever is less.
				(C) In the case of bay windows, the maximum length of each bay window shall be 10 feet, and the minimum horizontal separation between bay windows shall be five feet, above all parts of the required open area.

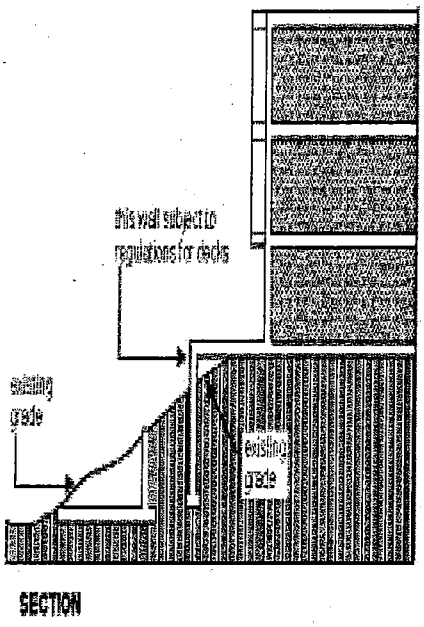
(D) The aggregate length of all bay windows and balconies projecting into the required open area shall be no more than 2/3 the buildable width of the lot along a rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the length of all open areas along the buildable length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



				(4) Fire escapes, leaving at least 7″ feet of headroom exclusive of drop ladders to grade, and not projecting more than necessary for safety or in any case more than four feet six inches into the required open area. In the case of yards, the aggregate length of all bay windows, balconies, fire escapes and chimneys that extend into the required open area shall be no more than 2/3 the buildable width of the lot along a rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the buildable length of an interior side lot line;

			x	(5) Overhead horizontal projections other than those listed in Paragraphs (c)(1), (2), (3) and (4) above, leaving at least 7′′ feet of headroom, where the depth of any such projection is no greater than the headroom it leaves, and in no case is greater than 10 feet; and provided that, in the case of common usable open space at ground level, the open space under the projection directly adjoins uncovered usable open space that is at least 10 feet in depth and 15 feet in width; 

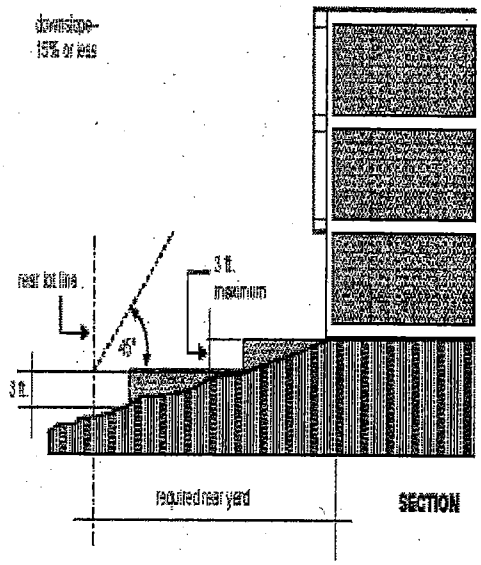
		x		(6) Chimneys not extending more than three feet into the required open area or 1/6 of the required minimum dimension (when specified) of the open area, whichever is less; provided, that the aggregate length of all bay windows, balconies, fire escapes and chimneys that extend into the required open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

x	x			(12) *Awnings, canopies, and* ~~*M*~~*m*arquees~~*, awnings and canopies in P, NC, C, M, MUG, MUO, MUR, UMU, RSD, SPD, SLR, SLI, DTR and SSO districts,*~~ as regulated by the Building Code, and as further limited in Section 136.1 and other provisions of this Code;
	x	x	x	(13) Retaining walls that are necessary to maintain approximately the grade existing at the time of construction of a building. Other retaining walls and the grade maintained by them shall be subject to the same regulations as decks (see Paragraphs (c)(24) and (c)(25) below);  SECTION

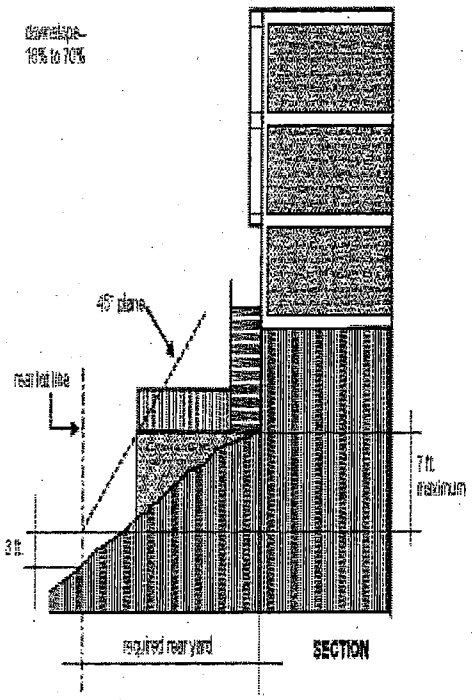
	x	x	x	(14) Steps of any type not more than three feet above grade, and uncovered stairways and landings not extending higher than the floor level of the adjacent first floor of occupancy above the ground story, and, in the case of yards and usable open space, extending no more than six feet into the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

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

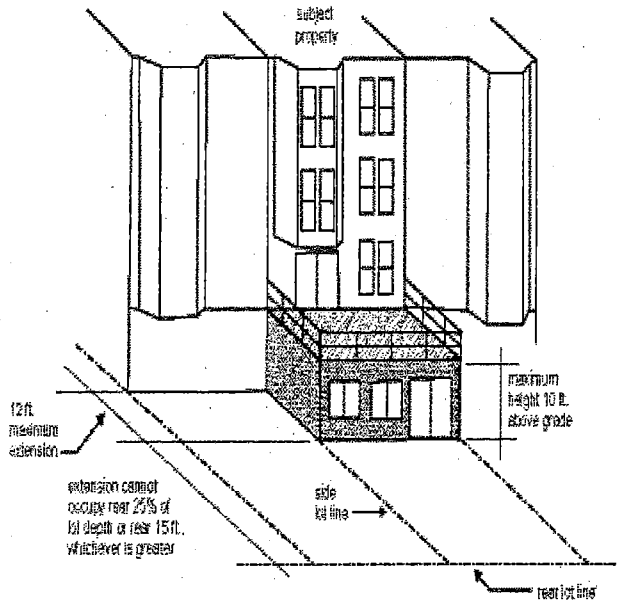
(A) Slope of 15 percent or less. The floor of the deck shall not exceed a height of three feet above grade at any point in the required open area, nor shall such floor penetrate a plane made by a vertical angle 45 degrees above horizontal with its vertex three feet above grade at any lot line bordering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

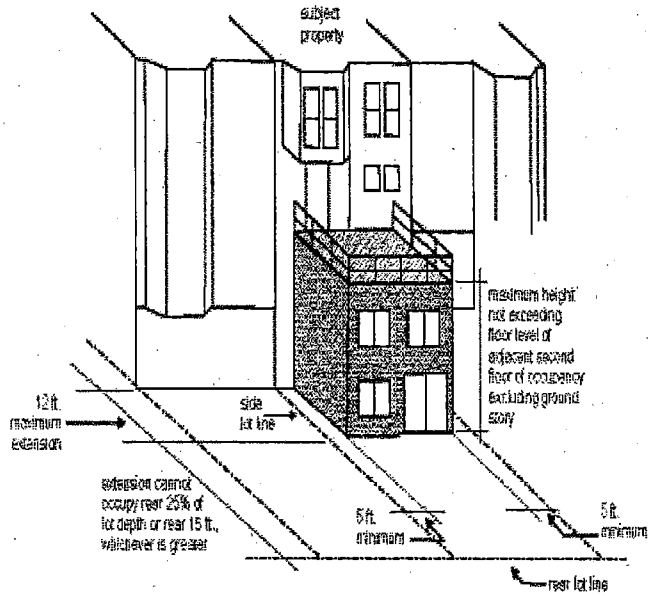


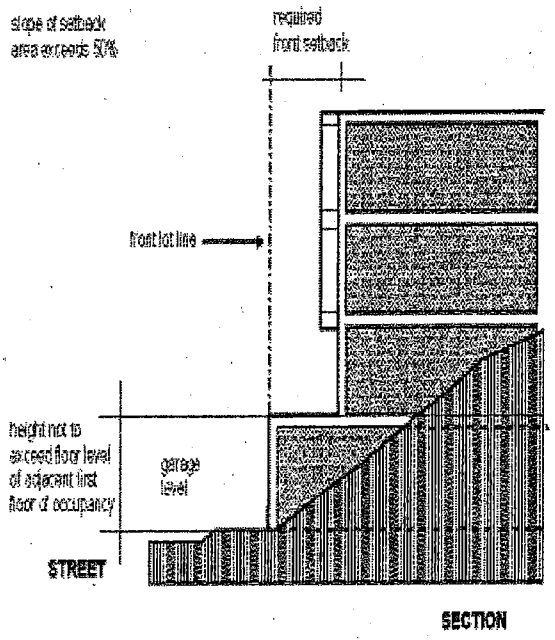
(B) Slope of more than 15 percent and no more than 70 percent. The floor of the deck shall not exceed a height of three feet above grade at any point along any lot line bordering the required open area, nor shall such floor penetrate a plane made by a vertical angle 45 degrees above horizontal with its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



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

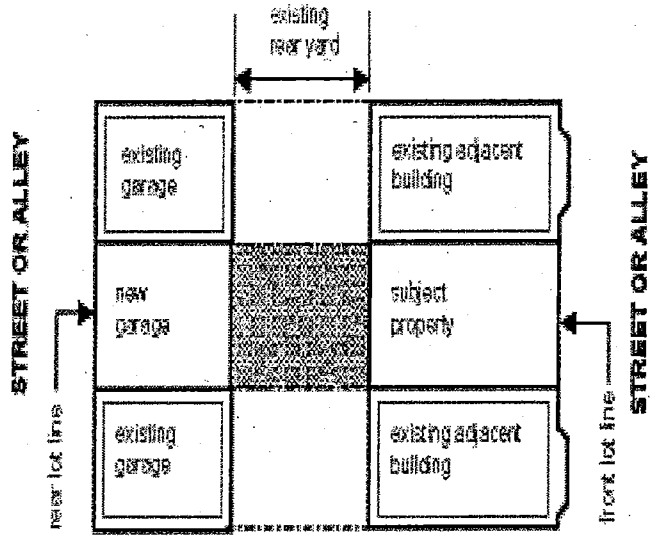
				(A) The structure shall extend no more than 12 feet into the required open area; and shall not occupy any space within the rear 25 percent of the total depth of the lot, or within the rear 15 feet of the depth of the lot, whichever is greater,
				(B) Within all parts of the required open area, the structure shall be limited in height to either:
				(i) 10 feet above grade, or 

	x			(ii) A height not exceeding the floor level of the second floor of occupancy, excluding the ground story, at the rear of the building on the subject property, in which case the structure shall be no closer than five feet to any interior side lot line, 
				(C) Any fence or wind screen extending above the height specified in Subparagraph (c)(25)(B) shall be limited to six feet above such height; shall be no closer to any interior side lot line than one foot for each foot above such height; and shall have not less than 80 percent of its surfaces above such height composed of transparent or translucent materials;

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

	*			~~*(28) Garages, where both adjoining lots (or the one adjoining lot where the subject property is a corner lot) contain a garage structure within the required setback line or front setback area on the same street or alley frontage, provided the garage on the subject property does not exceed the average of the two adjacent garage structures (or the one adjacent garage structure where the subject property is a corner lot) in either height above grade or extension into the required setback;*~~

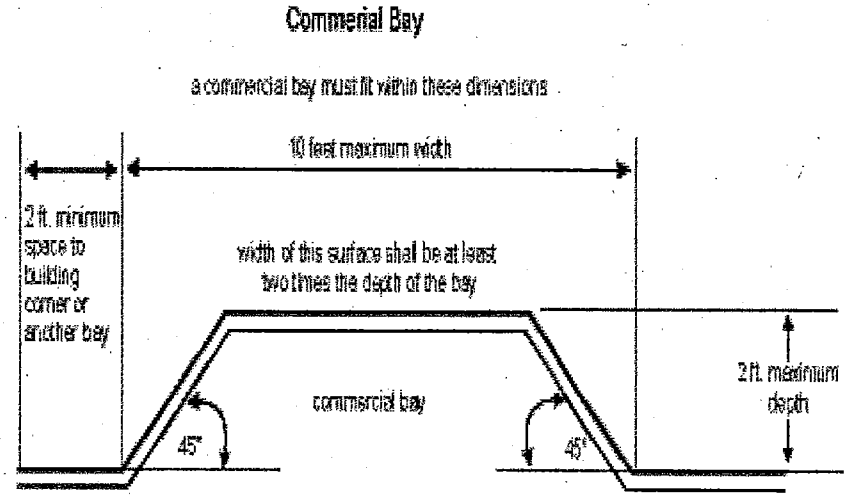
		x		*(28)* ~~*(29)*~~ Garages, where the subject property is a through lot having both its front and its rear lot line along streets, alleys, or a street and an alley, and both adjoining lots (or the one adjoining lot where the subject property is also a corner lot) contain a garage structure adjacent to the required rear yard on the subject property, provided the garage on the subject property does not exceed the average of the two adjacent garage structures (or the one adjacent garage structure where the subject property is a corner lot) in either height above grade or encroachment upon the required rear yard;



x	x	x		*(29)* ~~*(30)*~~ Driveways, for use only to provide necessary access to required or permitted parking that is located in the buildable area of the subject property other than in a required open area, and where such driveway has only the minimum width needed for such access, and in no case shall parking be allowed in the setback;
		x	x	*(30)* ~~*(31)*~~ In the Outer Clement Street Neighborhood Commercial District, outdoor activity area if used in connection with a commercial use on a contiguous lot and which existed in 1978 and has remained in said use since 1978.
				(d) Notwithstanding the limitations of Subsection (c) of this Section, the following provisions shall apply in C-3 districts:
				(1) **Decorative Architectural Features.** Decorative architectural features not increasing the interior floor area or volume of the space enclosed by the building are permitted over streets and alleys and into setbacks within the maximum vertical and horizontal dimensions described as follows:
				(A) At roof level, decorative features such as cornices, eaves, and brackets may project four feet with a maximum vertical dimension no greater than six feet.

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

(2) **Bay Windows.** Notwithstanding the provisions of Subsections (c)(2)(D) and (F) of this Section, bay windows on nonresidential floors of a structure are permitted only if the width of the bay is at least two times its depth, the total width of all bays on a facade plane does not exceed ˝ of the width of the facade plane, and the maximum horizontal (plan) dimensions of the bay fit within the dimensions set forth in the diagram below.



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

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

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

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

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

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

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

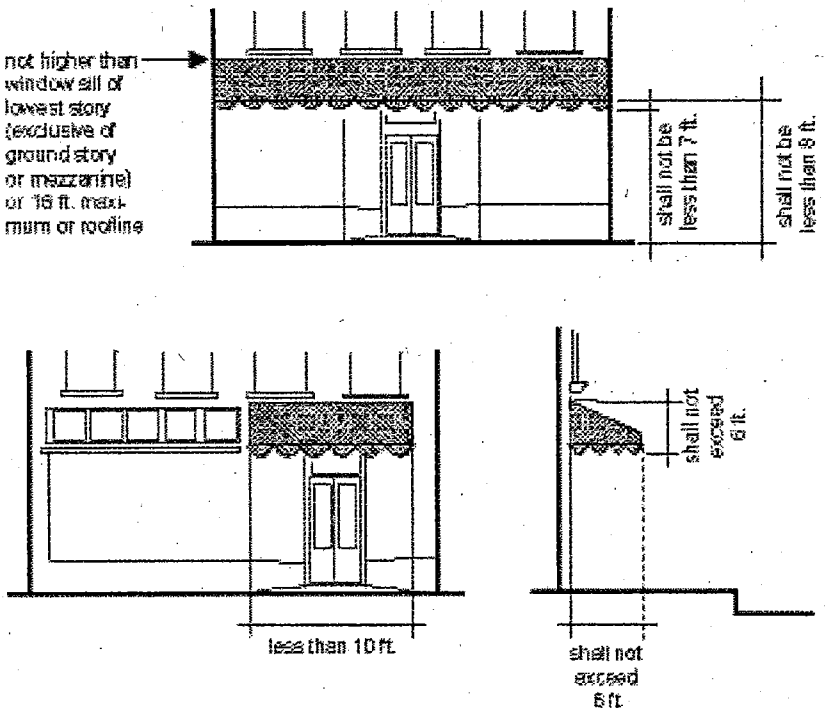
All portions of any permitted awning shall be not less than eight feet above the finished grade, excluding any valance which shall not be less than seven feet above the finished grade. No portion of any awning shall be higher than the windowsill level of the lowest story (if any) exclusive of the ground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

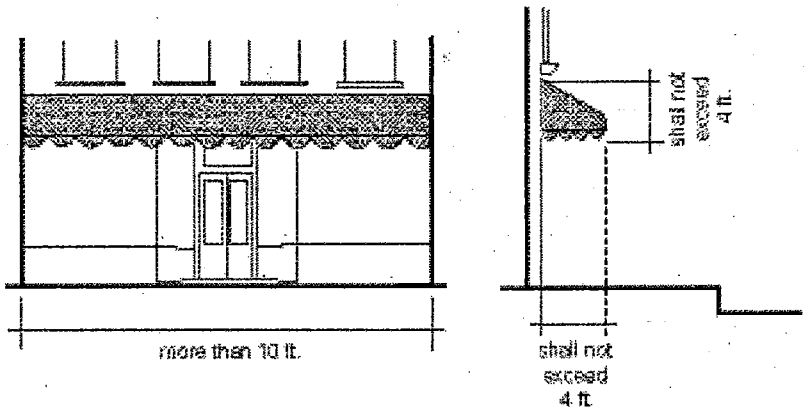
(1) ***Residential, Residential Enclave,*** **NC-1,** ***NCT-1, and CRNC*** **Districts.** The horizontal projection of any awning shall not exceed four feet from the face of a building. The vertical distance from the top to the bottom of any awning shall not exceed four feet, including any valance.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

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

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

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





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

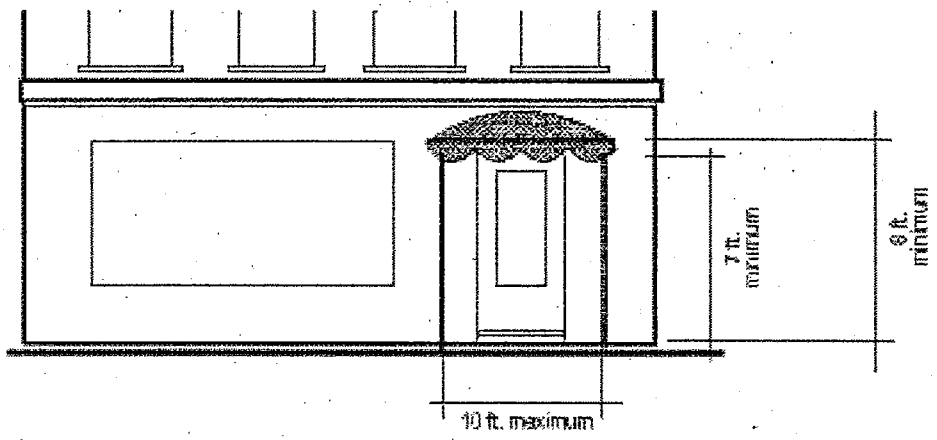
A canopy is a light roof-like structure supported by the exterior wall of a building and on columns or wholly on columns; consisting of a fixed or movable frame covered with approved cloth, plastic or metal; extending over entrance doorways only; with the purpose of providing protection from sun and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

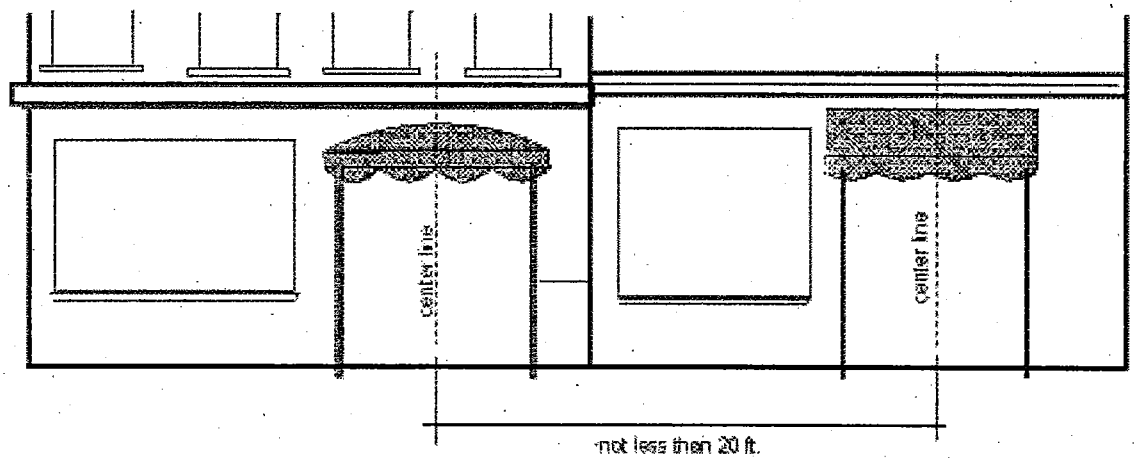
(1) ***Residential, Residential Enclave,*** **NC-1,** ***NCT-1, and CRNC*** **Districts.** No canopy shall be permitted in any *Residential, Residential Enclave,* NC-1, *NCT-1, or CRNC* District.

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

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

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





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

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

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

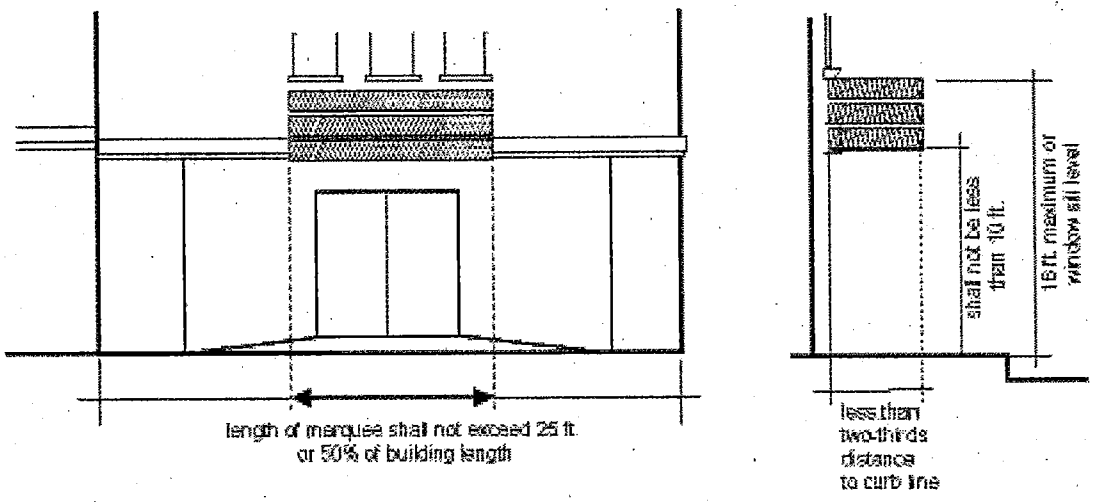
Exceptions to these requirements may be permitted for Historic Movie Theater Marquees, subject to the standards and procedures of Section 602.9.3.

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

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

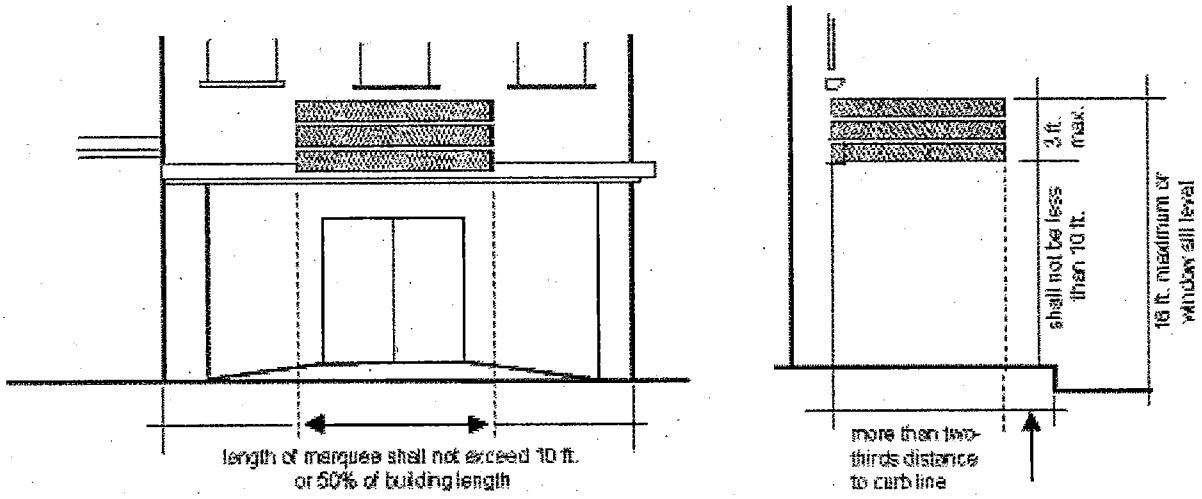
(A) A marquee projecting more than 2/3 of the distance from the property line to the curb line shall not exceed 10 feet or 50 percent of the length of the building along the direction of the street, whichever is less. All portions of such marquee shall be not less than 12 feet nor more than 16 feet in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

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



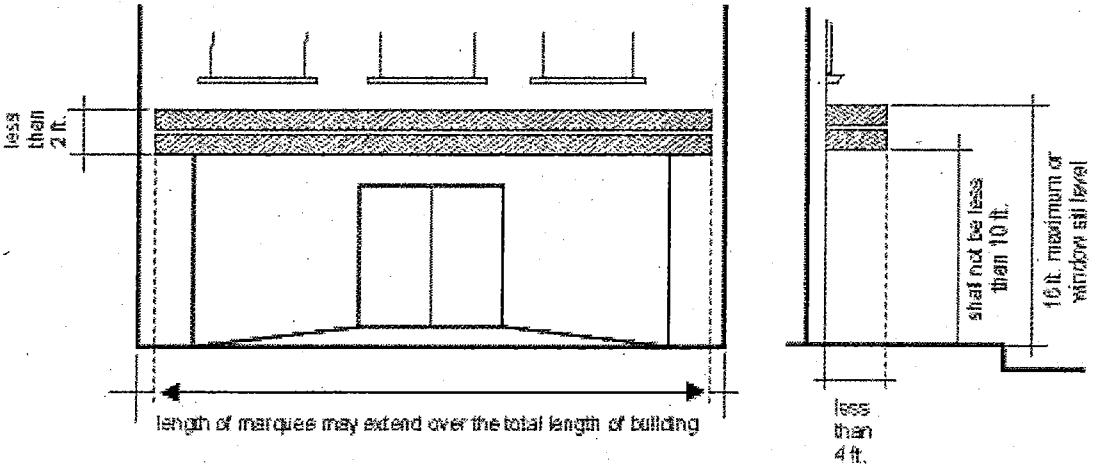
(B) A marquee projecting less than 2/3 of the distance from the property line to the curb line shall not exceed 25 feet or 50 percent of the length of the building along the direction of the street, whichever is less. All portions of such marquee shall be not less than 10 feet nor more than 16 feet above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

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



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

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



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

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

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

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

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

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

(1) Be of adequate size;

(2) Be situated in such locations and provide such ingress and egress as will make the area easily accessible to the general public;

(3) Be well-designed, and where appropriate, be landscaped;

(4) Be protected from uncomfortable wind;

(5) Incorporate various features, including ample seating and, if appropriate, access to food service, which will enhance public use of the area;

(6) Have adequate access to sunlight if sunlight access is appropriate to the type of area;

(7) Be well-lighted if the area is of the type requiring artificial illumination;

(8) Be open to the public at times when it is reasonable to expect substantial public use;

(9) Be designed to enhance user safety and security;

(10) If the open space is on private property, provide toilet facilities open to the public;

(11) Have at least 75 percent of the total open space approved be open to the public during all daylight hours.

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

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

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

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

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

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

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

SEC. 138.1. STREETSCAPE AND PEDESTRIAN IMPROVEMENTS.

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

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

(b) **Better Streets Plan.**

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

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

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

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

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

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

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

(1) **Street trees.**

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

(ii) **Standards.**

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

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

(bb) Be suitable for the site;

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

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

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

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

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

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

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

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

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

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

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

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

(iii) **Approvals and waivers.**

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

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

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

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

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

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

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

(i) **Application.**

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

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

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

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

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

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

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

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

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

Table 2. Recommended Sidewalk Widths by Street Type

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

-	Shared public way	n/a
-	Paseo	varies

(iii) **Review and approvals.**

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

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

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

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

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

(1) **Downtown Streetscape Plan.**

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

(A) Any new construction;

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

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

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

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

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

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

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

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

(e) **Additional provisions.**

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

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

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

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

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

(A) construct new buildings;

(B) include building alterations which increase the gross square footage of a structure by20 percent or more;

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

(D) add off-street parking or loading;

(E) remove off-street parking or loading.

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

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

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

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

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

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

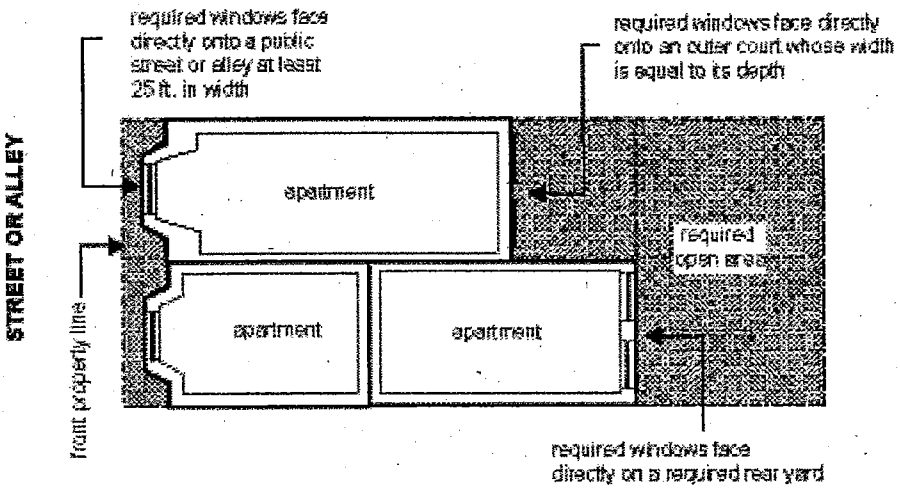
(a) ***Requirements.*** With the exception of dwelling units in single room occupancy buildings in the South of Market Mixed Use Districts, in each dwelling unit in any use district, the required windows (as defined by Section 504 of the San Francisco Housing Code) of at

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

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

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

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



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

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

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

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

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

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

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

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

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

(b) Minimum parking required.

Table 151
OFF-STREET PARKING SPACES REQUIRED

Use or Activity	Number of Off-Street Parking Spaces Required
Dwelling, except as specified below, and except in the Bernal Heights Special Use District as provided in Section 242	One for each dwelling unit.
~~*Dwelling, in the Broadway and North Neighborhood Commercial Districts and the Chinatown Mixed Use Districts*~~	~~*P up to one car for each two dwelling units; C up to Beach .75 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); NP above 0.75 cars for each dwelling unit.*~~
Dwelling, in the Telegraph Hill – North Beach Residential Special Use District	P up to three cars for each four dwelling units; C up to one car for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); NP above one car for each dwelling unit.
Dwelling, RC-4~~, *RSD except in the Van Ness Special Use*~~ District*s*	One for each four dwelling unit*s*.
Dwelling, specifically designed for and occupied by senior citizens *or persons with physical disabilities* ~~*as defined and regulated by Section 209.1(m) of this Code*~~	None in districts other than RH-1 and RH-2, except, for purposes of determining spaces required by this Code in Section 204.5 the number of spaces specified above for the district in which the dwelling is located. In RH-1 and RH-2 Districts, one-fifth the number of spaces specified above for the district in which the dwelling is located.
Dwelling, in an affordable housing project as defined by Section `	None in districts other than RH-1 and RH-2, except, for purposes of determining spaces

401 ~~*313.1 or 315.1*~~ of this Code.	required by this Code in Section 204.5, the number otherwise required in this Table 151 for a dwelling unit for the district in which the dwelling is located.
Group housing of any kind	None in districts other than RH-2, except for purposes of determining spaces required by this Code in Section 204.5 one for each three bedrooms or for each six beds, whichever results in the greater requirements, plus one for the manager's dwelling unit if any, with a minimum of two spaces required. In RH-2 Districts, for each three bedrooms or for each six beds, whichever results in the greater requirement, plus one for the manager's dwelling unit if any, with a minimum of two spaces required.
~~*SRO units*~~	~~*None, except for purposes of determining spaces, required by this Code in Section 204.5 in the South of Market base area, one for each 20 units, plus one for the manager's dwelling unit, if any, with a minimum of two spaces*~~
Hotel, inn or hostel in NC Districts	0.8 for each guest bedroom.
Hotel, inn or hostel in districts other than NC	One for each 16 guest bedrooms where the number of guest bedrooms exceeds 23, plus one for the manager's dwelling unit, if any.

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

Theater or auditorium	One for each eight seats up to 1,000 seats where the number of seats exceeds 50 seats, plus one for each 10 seats in excess of 1,000.
Stadium or sports arena	One for each 15 seats.
Medical or dental office or outpatient clinic	One for each 300 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.
Offices or studios of architects, engineers, interior designers and other design professionals and studios of graphic artists	One for each 1,000 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.
Other business office	One for each 500 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet~~, *except one for each 750 square feet within the SSO District, where the occupied floor area exceeds 5,000 square feet*~~
Restaurant, bar, nightclub, pool hall, dancehall, bowling alley or other similar enterprise	One for each 200 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.
Retail space devoted to the handling of bulky merchandise such as motor vehicles, machinery or furniture	One for each 1,000 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.
Greenhouse or plant nursery	One for each 4,000 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Table 151.1
OFF-STREET PARKING PERMITTED AS ACCESSORY

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

Dwelling units and SRO units in *SLI, SSO,* MUG, MUR, MUO, SPD Districts, except as specified below	P up to one car for each four dwelling units; up to 0.75 cars for each dwelling unit, subject to the criteria and conditions and procedures of Section 151.1(g); NP above 0.75 cars for each dwelling unit.
Dwelling units in *SLI, SSO,* MUG, MUR, MUO, SPD Districts with at least 2 bedrooms and at least 1,000 square feet of occupied floor area	P up to one car for each four dwelling units; up to one car for each dwelling unit, subject to the criteria and conditions and procedures of Section 151.1(g); NP above one car for each dwelling unit.
Dwelling units *and SRO units* in NCT, *C-M, RSD, ~~and~~ SLR, Chinatown Mixed Use, Broadway NCD, North Beach NCD, and Upper Market NCD* 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(g); NP above 0.75 cars for each dwelling unit.
Dwelling units in the Ocean Avenue NCT Districts	P up to one car for each unit; NP above.
Dwelling units and SRO units in RTO *and RED* Districts, except as specified below	P up to three cars for each four dwelling units; C up to one car for each dwelling unit unit, subject to the criteria and procedures of Section 151.1(g); NP above one car for each dwelling unit.
Dwelling units and SRO units in UMU Districts, except as specified below	P up to 0.75 cars for each dwelling unit and subject to the conditions of 151.1(g); NP above.

Dwelling units in UMU District with at least 2 bedrooms and at least 1,000 square feet of occupied floor area	P up to 1 car for each dwelling unit and subject to the conditions of 151.1(g); NP above.
Group housing of any kind	P up to one car for each three bedrooms or for each six beds, whichever results in the greater requirement, plus one for the manager's dwelling unit if any. NP above.
All non-residential uses in C-3 *and* *C-M* 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 guest beds 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.
Stadium or sports arena	P up to one for each 15 seats.
Medical or dental office or outpatient clinic	P up to one for each 300 square feet of occupied floor area.
All office uses in C-3, DTR, *C-M, SLR SSO, SPD,* MUG, MUR, and MUO Districts	P up to seven percent of the gross floor area of such uses and subject to the pricing conditions of Section 155 (g); NP above.
All office uses in Chinatown Mixed Use Districts	*P up to seven percent of the gross floor area of such uses; NP above.*
Office uses in *M-1,* UMU, PDR-1-D, and PDR-1-G Districts, except as below specified below	P up to one car per 1,000 square feet of gross floor area and subject to the pricing conditions of Section 155 (g); NP above.
Office uses in *M-1,* UMU, PDR-1-D, and PDR-1-G Districts where the entire parcel is greater than ¼-mile from Market, Mission, 3rd and 4th Streets	P up to one car per 500 square feet of gross floor area; NP above.
Non-residential uses in RTO and RM districts permitted under Sections 209.8(c) and 231. None permitted.	None permitted.
All non-residential uses in NCT, *RSD, and SLR* districts *and the Broadway, North Beach, and* Upper Market NCD*s*, except for retail grocery stores with over 20,000	For uses in Table 151 that are described as a ratio of occupied floor area, P up to 1 space per 1,500 square feet of occupied floor area or the quantity specified in Table 151, whichever is less, and subject to the conditions and criteria of Section 151.1(g).

	gross square feet as specified below	NP above.
	Retail grocery store uses in NCT, *RSD, and SLR* districts and the *Broadway, North Beach, and* Upper Market NCD*s* with over 20,000 square feet of occupied floor area	P up 1 space per 500 square feet of occupied floor area, and subject to the conditions and criteria of Section 151.1(g). C up to 1 space per 250 square feet of occupied floor area for that area in excess of 20,000 square feet, subject to the conditions and criteria of Section 151.1(g). NP above.
	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 up to one for each 1,500 square feet of gross floor area .
	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 up to one for each 200 square feet of occupied floor area. *In South of Market Mixed Use Districts, participation in transportation programs may be required per Section 151.1(i).*
	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 up to one for each 1,000 square feet of occupied floor area.
	With the exception of Eastern	P up to one for each 4,000 square feet

Neighborhoods Mixed Use Districts as set forth above, all other greenhouse or plant nursery	of occupied floor area.
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. *In South of Market Mixed Use Districts, participation in transportation programs may be required per Section 151.1(i).*
Laboratory	P up to one for each 1,500 square feet of occupied floor area.
Small Enterprise Workspace Building	P up to one for each 1,500 square feet of occupied floor area.
Integrated PDR	P up to one for each 1,500 square feet of occupied floor area.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) **Parking for all uses**

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

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

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

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

(B) **Parking for Residential Uses**

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Not permitted:

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

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

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

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

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

(F) Embarcadero in the DTR Districts,

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

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

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

(J) 24th Street for the entirety of the 24th Street-Mission NCT,

(K) 16th Street between Guerrero and Capp Streets within the Valencia Street NCT and Mission Street NCT Districts,

(L) 16th Street between Kansas and Mississippi Streets in the UMU and PDR-1-D Districts,

(M) 6th Street for its entirety within the SoMa NCT District,

(N) 3rd Street, in the UMU districts for 100 feet north and south of Mariposa and 100 feet north and south of 20th Streets, and 4th Street between Bryant and Townsend in the SLI and MUO District,

(O) Ocean Avenue within the Ocean Avenue NCT District,

(P) Geneva Avenue from I-280 to San Jose Avenue within the NCT-2 District,

(Q) Columbus Avenue between Washington and North Point Streets.,

(R) Broadway from the Embarcadero on the east to Mason Street on the west, and

(S) All alleyways in the Chinatown Mixed Use Districts.

(T) Destination Alleyways, as designated in the Downtown Streetscape Plan.

(U) The western (inland) side of the Embarcadero between Townsend and Jefferson Streets.

(3) Not permitted except with a Conditional Use authorization:

(A) The entire portion of California Street,

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

(C) Grant Avenue from Market Street to Bush Street,

(D) Montgomery Street from Market Street to Columbus Avenue,

(E) Haight Street from Market Street to Webster Street,

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

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

(H) Octavia Street from Fell Street to Market Street, *and*

(I) The eastern (water) side of the Embarcadero between Townsend and Taylor Streets.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) **Location of Facilities.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) **Lease Provisions.**

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

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

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

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

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

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

(g) **Miscellaneous Requirements.**

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

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

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

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

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

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

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

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

(a) **Definitions.**

~~*(1)*~~ All definitions set forth in Section 155.1(a) and Section 155.3(a) are incorporated into this Section. *For the purposes of this Section, commercial shall mean commercial, industrial, and institutional uses.*

*(b) **Applicability.***

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 156. PARKING LOTS.

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

(b) ***Conditional Use.***

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) **Criteria.**

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

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

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

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

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

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

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

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

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

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

SEC. 158.~~1.~~ NON-ACCESSORY PARKING ~~*GARAGES*~~ IN *C-3, RC,* NCT, AND RTO DISTRICTS ~~*AND THE VAN NESS AND MARKET DOWNTOWN RESIDENTIAL SPECIAL USE DISTRICT.*~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 182. NONCONFORMING USES: CHANGES OF USE.

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

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

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

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

(1) ~~A n~~Nonconforming *commercial and industrial* use*s* in a Residential *or Residential Enclave* District *shall be subject to the requirements of Section 186* ~~*(other than a Residential-Commercial Combined District or an RED District), which use is located more than ¼ mile from the nearest Individual Area Neighborhood Commercial District or Restricted Use Subdistrict described in Article 7 of this Code, may change to another use which is permitted as a principal use at the first story and below in an NC-1 District, or it may change to another use which is permitted as a conditional use at the first story and below in an NC-1 District only upon approval of a conditional use application pursuant to the provisions of Article 3 of this Code. If the nonconforming use is seeking to change in use to a retail sales activity or retail sales establishment which is also a formula retail use, as defined in Section 703.3 of this Code, it shall comply with the provisions of Section 703.3 of this Code. The nonconforming use shall comply with other building standards and use limitations of NC-1 Districts, as set forth in Sections 710.10 through 710.95 of this Code.*~~

~~*If the nonconforming use is located within ¼ mile from any Individual Area Neighborhood Commercial District or Restricted Use Subdistrict described in Article 7 of this Code, the nonconforming use may change to another use which is permitted as a principal use at the first story and below in an NC-1 District and in the Individual Area Neighborhood Commercial District or Restricted Use Subdistrict or Districts within ¼ mile of the use, or it may change to another use which is permitted as a conditional use at the first story and below in an NC-1 District and in the Individual Area Neighborhood Commercial District or Districts within ¼ mile of the use only upon approval of a conditional use application pursuant to the provisions of Article 3 of this Code. If the nonconforming use is seeking to change in use to a retail sales activity or retail sales establishment which is also a formula retail use, as defined in Section 703.3 of this Code, it shall comply with the provisions of Section 703.3 of this Code. The nonconforming use shall comply with other building standards and use*~~

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

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

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

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

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

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

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

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

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

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

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

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

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

light manufacturing use falling within zoning categories 816.64 through 816.67 shall be allowed to return to its former nonconforming office use.

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

(h) If a nonconforming use has been wrongfully changed to another use in violation of any of the foregoing provisions, and the violation is not immediately corrected when required by the Zoning Administrator, the wrongful change shall be deemed to be a discontinuance or abandonment of the nonconforming use under Section 183 of this Code.

SEC. 184. SHORT-TERM CONTINUANCE OF CERTAIN NONCONFORMING USES.

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

(a) Any nonconforming commercial or industrial use of land where no enclosed building is involved in such use~~*, except for permanent off-street parking lots in the C-3-O, C-3-R and C-3-G Districts existing on the effective date of Ordinance No. 414-85, provided that such lots are screened in the manner required by Section 156(e)*~~;

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

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

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

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

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

The purpose of this Section is to provide for the further continuance in RH, RM, RTO, and RED Districts of nonconforming uses of a limited commercial and industrial character, as herein described, which are beneficial to, or can be accommodated within, the residential areas in which they are located. It is hereby found and declared that, despite the general incompatibility of nonconforming uses with the purposes of this Code, and with other nearby uses, these limited commercial uses may be tolerated in residential areas, and tend to provide convenience goods and services on a retail basis to meet the frequent and recurring needs of

neighborhood residents within a short distance of their homes or, within the South of Market RED Districts, tend to provide jobs and continuation of small scale service and light industrial activities. These uses tend to be small in scale, to serve primarily a walk-in trade, and cause a minimum of interference with nearby streets and properties. Accordingly, this Section recognizes the public advantages of these uses and establishes conditions for their continued operation.

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

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

(2) Any nonconforming use in an RH or RM District which is located within ¼ mile from any Individual Area Neighborhood Commercial District or restricted use subdistrict and which complies with the most restrictive use limitations specified for the first story and below of:

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

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

(C) Any Restricted Use Subdistrict within ¼ mile of the use, as set forth in Sections 781 through 781.7 of this Code.

(3) In the RED Districts, any nonconforming use which is a personal service use falling within zoning category 816.31; home and business service use falling within zoning categories

816.42 through 816.47; live/work unit falling within zoning category 816.55; wholesale sales, storage or light manufacturing uses falling within zoning categories 816.64 through 816.67.

(b) ***Conditions on Limited Nonconforming Uses.*** The limited nonconforming uses described above shall meet the following conditions:

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

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

(3) 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.;

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

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

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

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

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

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

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

(f) ***Compliance.*** Any use affected by this Section which does not comply with all of the conditions herein specified shall be subject to termination in accordance with Section 185 at

the expiration of the period specified in that Section, but shall be qualified for consideration as a conditional use under Section 185(e). Any such use which is in compliance with such conditions at the expiration of such period but fails to comply therewith at any later date shall be subject to termination when it ceases to comply with any of such conditions.

*(g) **Reactivation.** Limited Commercial uses in RH, RM, RTO, and RED Districts that have been discontinued or abandoned, as defined in Section 183, may be reactivated with Conditional Use authorization. In addition to the findings of Section 303, the Planning Commission must find that:*

(1) the subject space is located on or below the ground floor, and was in commercial or industrial use prior to January 1, 1960;

(2) the subject space has not been converted to a dwelling unit; and

(3) the proposed commercial use meets all the requirements of this section, and other applicable sections of this Code.

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

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

SEC. 188. NONCOMPLYING STRUCTURES; ENLARGEMENTS, ALTERATIONS AND RECONSTRUCTION.

(a) ***No Increase in Noncompliance.*** Within the limitations of this Article 1.7, and especially Sections 172 and 180 hereof, a noncomplying structure as defined in Section 180 may be enlarged, altered or relocated, or undergo a change or intensification of use in conformity with the use limitations of this Code, provided that with respect to such structure there is no increase in any discrepancy, or any new discrepancy, at any level of the structure, between existing conditions on the lot and the required standards for new construction set forth in this Code, and provided the remaining requirements of this Code are met.

(b) ***Structures Damaged or Destroyed by a Disaster.*** A noncomplying structure that is damaged or destroyed by fire, or other calamity, or by Act of God, or by the public enemy, may be restored to its former condition; provided that such restoration is permitted by the Building Code, and is started within one year and diligently prosecuted to completion. Except as provided in Subsection (c) below, no noncomplying structure that is voluntarily razed or required by law to be razed by the owner thereof may thereafter be restored except in full conformity with the requirements of this Code.

(c) ***Unreinforced Masonry Buildings.*** In order that major life safety hazards in noncomplying structures may be eliminated as expeditiously as possible, a noncomplying structure constructed of unreinforced masonry that is inconsistent with the requirements of the UMB Seismic Retrofit Ordinance, Ordinance No. 227-92, may be demolished and reconstructed to the same level of noncompliance; provided that:

(1) The current requirements of the Building, Housing and Fire Codes and, as applicable, Planning Code are met, provided that the Zoning Administrator may, and is hereby empowered to, permit minor modifications to Planning Code requirements (which may include permitting an increase in the building envelope or a reduction in the number of parking spaces) to the extent necessary and required to bring the replacement building up to such applicable Code requirements and to allow replacement of the demolished building with a

building which contains a comparable amount of square footage or the same number of residential units as that of the demolished building. The Zoning Administrator shall provide a written determination regarding such permitted Planning Code modifications; and

(2) Such restoration or reconstruction is started within one year after razing or other demolition work on the structure and diligently prosecuted to completion.

(d) ***Addition of Nonusable Space to Historic Buildings.*** Notwithstanding Subsection (a) of this Section, a noncomplying structure as defined in Section 180, may add nonusable space. "Nonusable space" is space not used for living, sleeping, eating, cooking or working. Public corridors, mechanical space, fire stairs and similar areas, are nonusable space. The enlargement must:

(1) Facilitate the adaptive reuse or the rehabilitation of a landmark site or contributory structure within a Historic District designated under Article 10 of this Code or a significant structure or contributory structure within a Conservation District designated under Article 11 of this Code; and

(A) Be necessary to comply with Building Code, Fire Code or Planning Code requirements; or

(B) Enhance the life safety aspects of the building and/or mechanical, environmental control systems; or

(2) Be located within a C-3 District, and:

(A) Be necessary to comply with Building Code, Fire Code or Planning Code requirements; or

(B) Enhance aesthetic qualities and/or character; or

(C) Enhance the life safety aspects of the building and/or mechanical, environmental control systems; or

(D) Accommodate rooftop features exempted from height limits under Section 260(b) or as provided for under Sections 270, 271 or 272 of this Code.

(3) Application for enlargement of a non-complying structure under Subsection (d)(1) shall be considered as part of an application for a Certificate of Appropriateness under Article 10 or a Permit to Alter under Article 11 of this Code. Any application to enlarge a noncomplying structure under Article 11 shall be considered as a major alteration under Section 1111 of the Planning Code. Application to alter a noncomplying structure not designated an Article 11 significant or contributory building under Subsection (d)(2) shall be considered under the provisions of Section 309(b) of this Code. These applications shall be subject to the following additional criteria:

(A) That the enlargement promote the health, safety and welfare of the public; and

(B) That the enlargement not cause significant shadows or wind impacts on public sidewalks and parks; and

(C) That the structure provides an appropriate transition to adjacent properties, as necessary; and

(D) That the interior block open space formed by the rear yards of abutting properties will not be adversely affected; and

(E) That the access of light and air to abutting properties will not be significantly affected; and

(F) That public view corridors not be significantly affected; and

(4) The ~~*City*~~ Planning Commission, subject to the same application procedures of Section 188(d)3 above, may grant an exception to the Planning Code requirements rather than expansion of the structure to accommodate the Planning Code requirements. The exception of the Planning Code requirement shall be subject to the criteria below:

(A) That the exception promote the health, safety and welfare of the public; and

(B) That the exception result in an increased benefit to the public and the adjacent properties over the increase in nonconformance; and

(C) That the exception not be detrimental to either the occupants of the proposed project or to the neighborhood.

(e) ***Historic Signs.*** Notwithstanding Subsection (a) of this Section, and in order that certain character-defining *signs and* architectural elements of Qualified Movie Theaters be preserved and enhanced, *historic signs* ~~*a noncomplying Historic Movie Theater Projecting Sign, as defined in Section 602.25, and/or a noncomplying Historic Movie Theater Marquee, as defined in Section 602.26,*~~ may be preserved, rehabilitated, or restored *in accordance with the standards and procedures of Section 602.9.* ~~*A noncomplying Historic Movie Theater Projecting Sign or a noncomplying Historic Movie Theater Marquee removed from a Qualified Movie Theater prior to or in absence of an application for replacement may be reconstructed.*~~

~~*(1) For the purposes of this Section, "Qualified Movie Theater" shall mean a building that: (A) is currently or has been used as a movie theater; and (B) is listed on or eligible for listing on the National Register of Historic Places or the California Register of Historical Resources, designated a City Landmark or a contributor to a City Landmark District under Article 10, or designated as a Significant or Contributory Building under Article 11.*~~

~~*(2) Any preservation, rehabilitation, restoration, or reconstruction permitted under this Section shall be in strict conformity with the overall design, scale, and character of the existing or previously existing Historic Movie Theater Sign or Historic Movie Theater Marquee and:*~~

~~*(A) For a Qualified Movie Theater that retains its Historic Movie Theater Projecting Sign and/or Historic Movie Theater Marquee, the signage features shall be limited to the following:*~~

~~*(i) On a Historic Movie Theater Projecting Sign, the historic name associated with a previous theater occupant;*~~

~~*(ii) On a Historic Movie Theater Marquee, the historic name associated with a previous theater occupant and, where applicable, on the signboard, other information that is an Identifying Sign, as defined in Section 602.10, provided such information shall be contained within the signboard, shall not consist of any logos, and shall be in the character of lettering historically found on movie theater signboards in terms of size, font, and detail.*~~

~~*(B) For a Qualified Movie Theater where the Historic Movie Theater Projecting Sign and/or Historic Movie Theater Marquee has been removed and is proposed to be reconstructed, the overall design and signage features shall be limited to the following:*~~

~~*(i) On a Historic Movie Theater Projecting Sign, the historic name associated with a previous theater occupant;*~~

~~*(ii) On a Historic Movie Theater Marquee, the historic name associated with a previous theater occupant and, where applicable, on the signboard, other information that is an Identifying Sign, as defined in Section 602.10, provided such information shall be contained within the signboard, shall not consist of any logos, and shall be in the character of lettering historically found on movie theater signboards in terms of size, font, and detail.*~~

~~*(C) Any application to reconstruct shall include evidence of the dimensions, scale, materials, placement, and features of the previously exiting Historic Movie Theater Projecting Sign and/or Historic Movie Theater Marquee, as well as any other information required by the Zoning Administrator.*~~

~~*(D) General advertising signs shall not be permitted on either a Historic Movie Theater Projecting Sign or a Historic Movie Theater Marquee.*~~

SEC. 201. CLASSES OF USE DISTRICTS.

In order to carry out the purposes and provisions of this Code, the City is hereby divided into the following classes of use districts:

Public Use Districts (P)	
Residential Districts	
RH-1(D)	Residential, House Districts, One-Family (Detached Dwellings)
RH-1	Residential, House Districts, One-Family
RH-1(S)	Residential, House Districts, One-Family with Minor Second Unit
RH-2	Residential, House Districts, Two-Family
RH-3	Residential, House Districts, Three-Family
RM-1	Residential, Mixed Districts, Low Density
RM-2	Residential, Mixed Districts, Moderate Density
RM-3	Residential, Mixed Districts, Medium Density
RM-4	Residential, Mixed Districts, High Density
RTO	*Residential, Transit-Oriented Neighborhood Districts*
RTO-M	*Residential, Transit-Oriented – Mission Neighborhood Districts*
Residential-Commercial Districts *(RC)*	
~~*RC-1*~~	~~*Residential-Commercial Combined Districts, Low Density*~~
~~*RC-2*~~	~~*Residential-Commercial Combined Districts, Moderate Density*~~
RC-3	Residential-Commercial ~~*Combined*~~ Districts, Medium Density
RC-4	Residential-Commercial ~~*Combined*~~ Districts, High Density
~~***Residential Transit-Oriented Neighborhood Districts***~~	
~~*RTO*~~	~~*Residential, Transit-Oriented Neighborhood Districts*~~
~~*RTO-M*~~	~~*Residential Transit-Oriented – Mission Neighborhood Districts*~~
Neighborhood Commercial Districts *(NC)* **(Also see Article 7)** General Area Districts	
NC-1	Neighborhood Commercial Cluster District
NC-2	Small-Scale Neighborhood Commercial District
NC-3	Moderate-Scale Neighborhood Commercial District
NC-S	Neighborhood Commercial Shopping Center District
Individual Area Districts	
Broadway Neighborhood Commercial District	
Castro Street Neighborhood Commercial District	
Inner Clement Street Neighborhood Commercial District	
Outer Clement Street Neighborhood Commercial District	
Upper Fillmore Street Neighborhood Commercial District	
Haight Street Neighborhood Commercial District	

Inner Sunset Neighborhood Commercial District	
Upper Market Street Neighborhood Commercial District	
North Beach Neighborhood Commercial District	
Pacific Avenue Neighborhood Commercial District	
Polk Street Neighborhood Commercial District	
Sacramento Street Neighborhood Commercial District	
Union Street Neighborhood Commercial District	
24th Street-Noe Valley Neighborhood Commercial District	
West Portal Avenue Neighborhood Commercial District	
Neighborhood Commercial Transit Districts (NCT)	
NCT-1	Neighborhood Commercial Transit Cluster District
NCT-2	Small-Scale Neighborhood Commercial Transit District
NCT-3	Moderate Scale Neighborhood Commercial Transit District
Individual Area Neighborhood Commercial Transit (NCT) Districts	
Hayes-Gough NCT	
Upper Market Street NCT	
Valencia Street NCT	
24th Street — Mission NCT	
Mission Street NCT	
SoMa NCT	
Ocean Avenue NCT	
Commercial Districts *(C)*	
C-1	Neighborhood Shopping Districts
C-2	Community Business Districts
C-M	Heavy Commercial Districts
C-3-O	Downtown Office District
C-3-R	Downtown Retail District
C-3-G	Downtown General Commercial District
C-3-S	Downtown Support District
Industrial Districts	
M-1	Light Industrial Districts
M-2	Heavy Industrial Districts
PDR-1-B	Production Distribution and Repair — Light Industrial Buffer
PDR-1-D	Production Distribution and Repair — Design
PDR-1-G	Production Distribution and Repair - General

PDR-2	Core Production Distribution and Repair — Bayview
Chinatown Mixed Use Districts (Also see Article 8)	
CCB	Chinatown Community Business District
CR/NC	Chinatown Residential/Neighborhood Commercial District
CVR	Chinatown Visitor Retail District

South of Market Use Mixed Use Districts (Also see Article 8)	
RED	Residential Enclave Districts
RSD	Residential Service District
SLR	Service/Light Industrial/Residential District
SLI	Service/Light Industrial District
SSO	Service/Secondary Office District
Eastern Neighborhoods Mixed Use Districts (Also see Article 8)	
SPD	South Park District
MUG	Mixed Use — General
MUO	Mixed Use — Office
MUR	Mixed Use — Residential
UMU	Urban Mixed Use
Downtown Residential Districts *(DTR)* (Also see Article 8)	
RH-DTR	Rincon Hill Downtown Residential
SB-DTR	South Beach Downtown Residential
TB-DTR	*Transbay Downtown Residential*
Mission Bay Districts *(MB)* (Also see Article 9)	
MB-R-1	Mission Bay Lower Density Residential District
MB-R-2	Mission Bay Moderate Density Residential District
MB-R-3	Mission Bay High Density Residential District
MB-NC-2	Mission Bay Small Scale Neighborhood Commercial District
MB-NC-3	Mission Bay Moderate Scale Neighborhood Commercial District

MB-NC-S	Mission Bay Neighborhood Commercial Shopping Center District
MB-O	Mission Bay Office District
MB-CI	Mission Bay Commercial-Industrial District
MB-H	Mission Bay Hotel District
MB-CF	Mission Bay Community Facilities District
MB-OS	Mission Bay Open Space District

In addition to the classes of use districts in the above table, the following terms shall apply:

"R District" shall mean any RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-1, RM-1, RM-3, RM-4, RTO, RTO-M, RC-1, RC-2, RC-3, RC-4, or RED District;

"M District" shall mean any M-1 or M-2 District;

"PDR District" shall mean any PDR-1-B, PDR-1-D, PDR-1-or PDR-2 District;

"RH District" shall mean any RH-1(D), RH-1, RH-1(S), (RH-2, or RH-3 District;

"RM District" shall mean any RM-1, RM-2, RM-3, or RM-4 District;

"RTO District" shall mean any RTO or RTO-M District;

"C-3 District" shall mean any C-3-O, C-3-R, C-3-G, or C-3-S District. For the purposes of Section 128 and Article 11 of this Code, the term "C-3- District" shall also include the South of Market Extended Preservation District designated on Section Map SU03 of the Zoning Map;

"NCT District" shall mean any district listed in Section 702.1(b), including any NCT-1, NCT-2, NCT-3, and any Neighborhood Commercial Transit District identified by street or area name; and

"Mixed Use District" shall mean all Chinatown Mixed use, South of Market Mixed Use, Eastern Neighborhood Mixed use, and Downtown Residential Districts.

SEC 204.2. ACCESSORY USES FOR USES OTHER THAN DWELLINGS IN *RESIDENTIAL* DISTRICTS.

No use shall be permitted as an accessory use to a use other than a dwelling in any *Residential* District which involves or requires any of the following:

(a) The use of more than ~~¼~~ *one-fourth* of the total floor area occupied by such use and the principal or conditional use to which it is accessory, except in the case of accessory off-street parking and loading;

(b) The use of show windows or window displays or advertising to attract customers or clients, except for an identifying sign and regulated in Article 6 of this Code; or

(c) The conduct of any activity of a profit-making or commercial nature, except as an integral part of the permitted principal or conditional use where such activity is expressly permitted by Sections 209.1 through 209.9 of this Code.

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

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

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

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

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

~~*(4)*~~ *(1)* The use of more than ~~¼~~ *one-third* of the total floor area occupied by such use and the principal or conditional use to which it is accessory, except in the case of accessory off-street parking or loading; or

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

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

~~*(b) No use shall be permitted as an accessory use to a lawful principal or conditional use in any C-3 District which involves or requires the use of any single machine of more than five*~~

~~*horsepower; or the use of more than ¼ one-third of the total floor area occupied by such use and the principal or conditional use to which it is accessory, except in the case of accessory off-street parking and loading. These limitations shall not apply to equipment or machines pertaining integrally to the lawful principal use itself.*~~

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

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

SEC. 204.5. PARKING AND LOADING AS ACCESSORY USES.

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

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

(b) Unless rented on a monthly basis to serve a dwelling unit within 1,250-feet pursuant to Section 204.5(b)(1), below, accessory parking facilities for any dwelling in any R District shall be limited, further, to storage of private passenger automobiles, private automobile trailers and boats, and trucks of a rated capacity not exceeding ~~¾~~ *three-quarters of*

a ton. Notwithstanding any provision of this Code to the contrary, the following shall be permitted as an accessory use:

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

(c) Accessory parking facilities shall include only those facilities which do not exceed the ~~following~~ amounts *permitted by Section 151(c)* ~~for a structure, lot or development: three spaces where one space is required by this Code; four spaces where two spaces are required by this Code; 150 percent of the required number of spaces where three or more spaces are required by this Code; and, in all districts other than NC, 15 spaces or seven percent of the total gross floor area of the structure or development, whichever is greater, or in NC Districts, three spaces, where no off-street parking spaces are required by this Code. For purposes of calculation under the last provision just stated, gross floor area shall be as defined by this Code, and the area considered to be devoted to parking shall be only the parking spaces and aisles, excluding entrance and exit driveways and ramps.~~ Off-street parking facilities which exceed the amounts stated in ~~this Subsection~~ *Section 151*(c) shall be classified as either a principal or a conditional use, depending upon the use provisions applicable to the district in which such facilities are located. This subsection (c) does not apply to districts subject to Section 151.1, which establishes maximum amounts of accessory parking for all uses in those districts.

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

These districts are intended to recognize, protect, conserve and enhance areas characterized by structures combining residential uses with neighborhood-serving commercial uses. The predominant residential uses are preserved, while provision is made for supporting uses, usually in or below the ground story, which meet the frequent needs of nearby residents without generating excessive vehicular traffic. *The compact, walkable, transit-oriented, and mixed-*

use nature of these districts is recognized by certain reductions in off-street parking requirements. The RC Districts are composed of two separate districts, as follows:

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

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

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

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

SEC. 209.9. OTHER USES.

RH-1 (D)	RH-1	RH-1 (S)	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	RTO	RTO-M	~~RC-1~~	~~RC-2~~	RC-3	RC-4	
															SEC. 209.9. OTHER USES.
P	P	P	P	P	P	P	P	P	P	P	~~P~~	~~P~~	P	P	(a) Sale or lease sign, as defined and regulated by

															Article 6 of this Code.
C	C	C	C	C	C	C	C	C	C	C	~~C~~	~~C~~	C	C	(b) Planned Unit Development, as defined and regulated by Section 304 and other applicable provisions of this Code.
SEE SECTIONS 205 THROUGH 205.2															(c) Temporary uses, as specified in and regulated by Sections 205 through 205.2 of this Code.
											~~P~~	~~P~~	P	P	(d) Any use as specified in, and regulated by, Sections 209.3(d), (f), (g), (h), (j); 209.4(a),

															(b); or 209.5(c) of this Code, when located in or below the ground story of a building and not above the ground story.
C	C	C	C	C	C	C	C	C	C	C					(e) Any use listed as a principal or conditional use permitted *on the ground floor* in an ~~*RC-1*~~ *NC-1* District, when located in a structure on a landmark site designated pursuant to Article 10 of this Code, provided that: *no Conditional Use*

															shall be authorized under this provision unless (1) such authorization conforms to the applicable provisions of Section 303 of this Code and (2 the specific use so authorized is essential to the feasibility of retaining and preserving the landmark.
															~~*(1) No application for a conditional use under this provision shall be accepted for filing until a period of*~~

															~~180 days shall have elapsed after the date of designation of the landmark; and~~
															~~(2) No conditional use shall be authorized under this provision unless such authorization conforms to the applicable provisions of Section 303 of this Code and, in addition, unless the specific use so authorized is essential to the feasibility of retaining and preserving the landmark.~~

~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~					~~(f) Subject to Section 233(a), live/work units in existing structures, including additions and expansions thereof, provided that one or more arts activities as defined in Section 102.2 of this Code are the primary nonresidential use within the live/work unit, that other nonresidential activities are limited to those otherwise permitted in the district or otherwise conditional in the district and specifically~~

															~~*approved as a conditional use, and further subject to Section 303(c)(6)(B) where that Section applies.*~~
											~~*P*~~	~~*P*~~	~~*P*~~	~~*P*~~	~~*(g) Subject to Section 233(a), live/work units, provided that one or more arts activities as defined in Section 102.2 of this Code are the primary non-residential use within the live/work unit, and that other nonresidential activities are limited to activities otherwise permitted in the*~~

															~~*district or otherwise conditional in the district and specifically approved as a conditional use.*~~
~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~C~~	~~P~~	~~P~~	~~P~~	~~P~~	~~*(h) Subject to Section 233(a), live/work units, whether or not included above, which satisfy the conditions of Section 233(b) of this Code.*~~
											~~P~~	~~P~~	P	P	~~*(i)*~~ *(g)* Arts activities except those uses subject to Sections 209.3(d) or (h).
C	C	C	C	C	C	C	C	C	C	C	~~C~~	~~C~~	C	C	(j) Mortuary and columbarium

															uses located on a landmark site, and where the site is within a Height and Bulk District of 40 feet or less, and where a columbarium use has lawfully and continuously operated since the time of designation. "Columbarium use" shall be defined as a use which provides for the storage of cremated remains in niches.

SEC. 215. DWELLINGS.

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	PDR-1-G	PDR-1-D	PDR-1	PDR-2	
													SEC. 215. DWELLINGS.
P	P	~~P~~ *NA*	~~P~~ *NA*	~~P~~ *NA*	~~P~~ *NA*	C	C	~~C~~					(a) Dwelling at a density ratio not exceeding the number of dwelling units permitted in the nearest R District, with the distance to such R District measured from the midpoint of the front lot line or from a point directly across the street therefrom, whichever permits the greater density; provided, that the maximum density ratio in a C-1, C-2, M-1 or M-2 District shall in no case be less than for an RM-1 District, the maximum density ratio in a ~~*C-3 or*~~ C-M District shall in no case be less than for an RM-4 District~~*, and the maximum density ratio in a C-3 District shall in no case be less than one dwelling unit for each 125 square feet of lot area*~~. The

													rules for calculation of dwelling unit densities set forth in Section 207.1 of this Code shall apply in C and M Districts, except that any remaining fraction of ½ or more of the minimum amount of lot area per dwelling unit shall be adjusted upward to the next higher whole number of dwelling units.
		~~C~~ *P*	~~C~~ *P*	~~C~~ *P*	~~C~~ *P*								(b) Dwelling at a density *not limited by lot area but by the applicable requirements and limitations elsewhere in this Code, including but not limited to height, bulk, setbacks, open space, and exposure as well as by applicable elements and area plans of the General Plan and design review by the Planning Department* ~~*ratio greater than that set forth in Subsection (a), to be determined by the City Planning Commission pursuant to Section 303(c) of this Code*~~.

						~~C~~	~~C~~	~~C~~					~~(c) Mobile home park for house trailers, motor homes, campers and similar vehicles or structures used for dwelling purposes. Each vehicle or structure in any such park shall be regulated by this Code in the same manner as a dwelling unit.~~

SEC. 223. AUTOMOTIVE.

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

C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	PDR-1-G	PDR-1-D	PDR-1-B	PDR-2	
												SEC. 223. AUTOMOTIVE.
P	P	P	P	P	P	P	P	P	P	P	P	(a) *Automobile* Sale or ~~r~~Rental, *as defined in Section 890.13* ~~*of new or used automobiles*~~, when conducted entirely within an enclosed building.
~~P~~			~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~(b) Sale or rental of new or used~~

												~~*trucks, when conducted entirely within an enclosed building.*~~
~~C*~~			~~C~~	~~C~~	~~P~~	P	P	P		P	P	~~(c)~~ *(b) Automobile* ~~*Lot for*~~ ~~s~~*S*ale or ~~r~~*R*ental, *as defined in Section 890.13, when conducted on an open lot* ~~*of new or used automobiles*~~.
~~C*~~			~~C~~	~~C~~	~~P~~	~~P~~	~~P~~	~~P~~		~~P~~	~~P~~	~~*(d) Lot for sale or rental of new or used trucks.*~~
~~C*~~			~~C~~	~~C~~	~~P~~	~~P~~	~~P~~	~~P~~		~~P~~	~~P~~	~~*(e) Sale or rental of new or used automobile trailers.*~~
~~NA~~			~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~NA~~	~~P~~	~~P~~	~~P~~	~~P~~	~~*(f) Automobile service station for the sale and dispensing of gasoline, other motor fuels and lubricating oil directly into motor vehicles. The following activities shall be permitted at such a service station if normally conducted entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet of any R District:*~~
												~~*(1) The sale and dispensing of*~~

												~~*greases and brake fluids, including motor vehicle lubrication; and the sale or installation of tires, batteries and other accessories;*~~
												~~*(2) Miscellaneous minor servicing and adjusting, which may include brakes, electrical equipment, fan belt, headlamps, sparkplugs, air filter, distributor points, carburetor, and generator charging rate;*~~
												~~*(3) Installation of lamp globes, sparkplugs, oil filter or filtering element, windshield wiper blades and motors, radiator hose (without removal of radiator or water pump), battery cables and fan belt;*~~
												~~*(4) The servicing and repairing of tires and batteries;*~~
												~~*(5) The installation and servicing of smog control devices; and*~~
												~~*(6) Automobile washing and*~~

												~~*polishing of an incidental nature, when performed primarily by hand and not including the use of any mechanical conveyor blower or steam cleaning device.*~~
P*			P	P	P	P	P	P	P	P	P	~~*(g)*~~ *(c)* ~~*Automobile*~~ *Automotive* ~~*s*~~*S*ervice ~~*s*~~*S*tation, as described *in Section 890.18* ~~*above, with the following minor automobile repairs permitted therewith if conducted entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet on any R District:*~~
												~~*(1) Tuneup, including the repair or replacement of distributors, sparkplugs and carburetors;*~~
												~~*(2) Brake repair;*~~
												~~*(3) Shock absorber replacement;*~~
												~~*(4) Muffler exchange, with no open flame or torch;*~~

												~~(5) Wheel balancing and alignment;~~
												~~(6) Wheel bearing and seals replacement;~~
												~~(7) Replacement of universal joints;~~
												~~(8) Radiator mounting and dismounting, with repairs done elsewhere;~~
												~~(9) Clutch adjustments;~~
												~~(10) Repair or replacement of water pumps;~~
												~~(11) Repair or replacement of generators, alternators and voltage regulators;~~
												~~(12) Repair or replacement of starters;~~
												~~(13) Repair or replacement of fuel~~

												~~*pumps;*~~
												~~*(14) Such other repairs as may be designated by the Chief of the San Francisco Fire Department as minor repairs under Paragraph 8.09(a)(5)(o) of Part II, Chapter IV (Fire Code) of the San Francisco Municipal Code.*~~
~~*P*~~			~~*P*~~	~~*P*~~	~~*P*~~	~~*P*~~	~~*P*~~	~~*P*~~	~~*P*~~	~~*P under 7,500 gsf*~~	~~*P*~~	~~*(h) Repair garage for minor automobile repairs, limited to those repairs and other activities permitted at an automobile service station as described above, and in addition the following minor automobile repairs; all such repairs and other activities shall be conducted entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet of any R District.*~~
												~~*(1) Body and fender repair limited to replacement of parts and spot paint spraying; and*~~

												~~(2) Removal and replacement of engines, transmissions and differentials, with repairs to these components done elsewhere.~~
				P		P	P	P	P	P under 5,000 gsf	P	~~(i)~~ *(d) Automotive* Repair, *as defined in Section 890.15.* ~~garage for the following major automobile repairs, if conducted entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet of any R District:~~
												~~(1) Internal engine repair or rebuilding;~~
												~~(2) Repair or rebuilding of transmissions, differentials or radiators;~~
												~~(3) Reconditioning of badly worn or damaged motor vehicles or trailers;~~
												~~(4) Collision service, including body, frame or fender straightening or~~

												~~*repair; and*~~
												~~*(5) Full body paint spraying.*~~
C*			~~C~~	~~C~~	~~C~~	P	P	P	P	P	P	~~(j)~~ *(e)* Automobile ~~w~~*W*ash, *as defined in Section 890.20.* ~~*when providing on the premises a reservoir of vehicle storage and standing area, outside the washing facilities, equal to at least ¼ the hourly capacity in vehicles of such facilities; provided,*~~
												~~*(1) that incidental noise is reasonably confined to the premises by adequate soundproofing or other device, and*~~
												~~*(2) that complete enclosure within a building may be required as a condition of approval, notwithstanding any other provision of this Code; but the foregoing provisions shall not preclude the imposition of any additional conditions pursuant to Section 303 of this Code.*~~

				~~P~~	~~P~~	P	P	P			P	~~(k)~~ (f) Tire recapping, if conducted on premises not less than 200 feet from any R District.
P*				~~C~~	~~P~~	P	P	P ~~C~~	P	P ~~C~~	P ~~C~~	~~(l)~~ (g) Parking ~~l~~Lot, as defined in Section 156, for accessory parking ~~regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code~~.
~~P~~	~~C~~	~~C~~	~~C~~	~~C~~	~~P~~	~~P~~	~~P~~	~~C~~	~~C~~	~~C~~	~~C~~	~~(m) Storage garage open to the public for passenger automobiles, as regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code, where such storage garage is not a public building requiring approval by the Board of Supervisors under other provisions of law and is completely enclosed.~~
~~C~~*	~~C~~	~~C~~	~~C~~	~~C~~	~~P~~	~~P~~	~~P~~	~~C~~	~~C~~	~~C~~	~~C~~	~~(n) Storage garage open to the public for passenger automobiles, as regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code, where such storage garage is~~

												~~*not a public building requiring approval by the Board of Supervisors under other provisions of law and is not completely enclosed.*~~
~~*P**~~	~~*P*~~	~~*P*~~	~~*P*~~	~~*P*~~	~~*P*~~	~~*P*~~	~~*P*~~	~~*P*~~	~~*P*~~	~~*P*~~	~~*P*~~	~~*(o) Storage garage open to the public for passenger automobiles, as regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code, where such storage garage is a public building requiring approval by the Board of Supervisors under other provisions of law.*~~
~~*P*~~	~~*C*~~	~~*C*~~	~~*C*~~	~~*C*~~	~~*P*~~	~~*P*~~	~~*P*~~	~~*C*~~	~~*C*~~	~~*C*~~	~~*C*~~	~~*(p) Major (nonaccessory) parking garage not open to the public, as defined in Section 158 and as regulated therein and in Sections 155 and 157 and other provisions of Article 1.5 of this Code.*~~
						C	*C*	*C*	*C*	*C*	*C*	*(h) Public Parking Lot, as defined in Section 890.11.*
C	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*C*	*(i) Public Parking Garage, as defined in Section 890.12.*

C	C	C	C	C ~~NA~~	C ~~NA~~	NA	NA	~~P~~ NA	~~P~~ NA		~~P~~ NA	~~(q)~~ (j) Parcel delivery service, limited to facilities for the unloading, sorting and reloading of local retail merchandise for home deliveries, where the operation is conducted entirely within a completely enclosed building; including garage facilities for local delivery trucks, but excluding repair shop facilities.
				~~P~~	~~P~~	P	P	P	P		P	~~(r)~~ (k) Parcel delivery service, not subject to the above limitations.
C			C	P	P	P	P	P	P		P	~~(s)~~ (l) Ambulance ~~s~~Service, *as defined in Section 890.2*.
						P	*P*	*P*	*P*	*P*	*P*	*(m) Motor Vehicle Tow Service, as defined in Section 890.19.*
			~~C~~	C ~~P~~	C ~~P~~	P	P	P	P		P	~~(t)~~ (n) Storage garage for commercial passenger vehicles and light delivery trucks.
				~~C~~	~~P~~	P	P	P	P		P	~~(u)~~ (o) Storage yard for commercial vehicles or trucks, if

												conducted within an area completely enclosed by a wall or concealing fence not less than six feet high.
						C	*P* ~~C~~	P	P		P	~~(v)~~ *(p)* Truck terminal facility, if located not less than 200 feet from any R District.

SEC. 228. ***CONVERSION OF AUTOMOTIVE SERVICE STATIONS*** ~~***FINDINGS***~~**.**

(a) ***Findings.***

(1) The recent trend toward conversion of service stations to non-service station use has resulted in the curtailment of essential services, including automobile refueling and emergency services, and is contrary to the public health, safety, peace and general welfare.

~~*(b)*~~ *(2)* To address this problem, the Board of Supervisors adopted Resolution No. 759-89 to impose interim controls on the conversion of service stations and to create a task force to study this problem and make recommendations to this Board regarding how to address this problem.

~~*(c)*~~ *(3)* In the 17 months since Resolution 759-89, 11 more service stations have been converted to other uses. The Service Station Conversion Task Force has recommended that the Board of Supervisors adopt permanent legislation to address this problem.

~~*(d)*~~ *(4)* The Board of Supervisors recognizes that service station operators and those who own property on which such stations are located are entitled to earn a fair rate of return on their investment. Where a fair rate of return is being earned, the Board finds that service stations should be allowed to convert to other uses only where it is determined that the conversion would benefit the public.

~~***SEC. 228.1. DEFINITIONS.***~~

*(b) **Definitions.*** Whenever used in *this* Section~~s 228.2 through 228.5~~, unless a different meaning clearly appears from the context:

~~(a)~~ (1) "~~*Gasoline*~~ *Automotive* ~~s~~Service ~~s~~Station" *or "service station"* shall mean *a retail automotive service use which provides* ~~*an establishment that sells and dispenses gasoline and other*~~ motor fuels and lubricating fluids directly into motor vehicles and *performs minor auto repairs and services* which *remain incidental to the principal sale of motor fuel, as defined in* ~~*may, in addition, provide the types of services specified in*~~ Sections ~~*223(f) or 223(g)*~~ *790.17 and 890.18* of this Code.

~~(b)~~ (2) "Conversion" shall mean to change the use of a property from a service station use to a different type of use.

~~(c)~~ (3) "Return on investment" shall mean:

(A) ~~W~~where the property owner does not own the *Automotive* ~~s~~Service ~~s~~Station business, ~~*"return on investment" shall mean*~~ the before income tax total annual rent and other compensation received from the service station business for the lease of the land and buildings, less the expenses of the lessor, on a cash basis.

~~(d)~~ (B) ~~W~~where the property owner also owns the *Automotive* ~~s~~Service ~~s~~Station business, ~~*"return on investment" shall mean*~~ the before income tax profit on the sale of all goods and services at the service station, including the sale of gasoline, less the cost of goods sold and operating costs, on a cash basis.

~~(e)~~ (4) "Total investment in the property" shall mean the fair market value of the property at the time the application is filed with the Zoning Administrator.

~~(f)~~ (5) "Demolition" shall mean the physical removal of underground, and/or surface tanks used in storage and dispensing of gasoline and/or any building or canopy without the replacement of such equipment or structures to allow continued operation of the ~~*gasoline*~~ service station.

~~***SEC. 228.2. LIMITATION ON CONVERSIONS.***~~

(c) Limitation on Conversions.

(a) No owner of a property used as ~~a~~ *an Automotive* ~~s~~Service ~~S~~station shall change the use of the property to a different type of use without first applying for and receiving either a conditional use authorization from the City Planning Commission, or a conversion determination from the Zoning Administrator. Such authorizations shall be in addition to any other permit or authorization required for a proposed service station conversion under any applicable City, State or federal law or regulation. *Automotive Service Stations which front on Primary Transit Streets or Citywide Pedestrian Network Streets, as designated in the General Plan, shall be exempt from the conversion limitations of this Section.* The procedures for service station conversion applications shall be as described in Sections 306 and 306.1 of this Code for conditional use and variance actions.

(b) (1) Either the ~~City~~ Planning Commission or the Zoning Administrator shall determine at a public hearing whether an applicant is entitled to convert the ~~gasoline~~ service station, depending on the grounds on which the permit is sought. The ~~City~~ Planning Commission shall make conditional use authorization determinations based on the criteria set forth in ~~Section 228.3~~. *Subsection (d)*. The Zoning Administrator shall make service station conversion determinations under the grounds set forth in Subsection ~~228.4(a)~~ *(e)*. An applicant may, but need not, apply to the ~~City~~ Planning Commission for a conditional use authorization pursuant to ~~Section 228.3~~ *Subsection (d)* and apply to the Zoning Administrator for a conversion authorization pursuant to ~~Section 228.4(a)~~ *Subsection (e)*, provided that if either one approves the application at the first hearing held on it, no hearing shall be necessary before the other. The procedures for service station conversion hearings shall be as described in Sections 306 through 306.5 and 306.8 of this Code for conditional use action (~~City~~ Planning Commission hearings) and variance action.

~~*SEC. 228.3. CRITERIA FOR PLANNING COMMISSION CONDITIONAL USE AUTHORIZATION.*~~

(d) *Criteria for Planning Commission Conditional Use Authorization.* In acting on any application for conditional use authorization for conversion, the Commission shall consider the following criteria in lieu of the criteria set forth in Section 303(c) of this Code.

(1) The ~~*City*~~ Planning Commission shall approve the application and authorize the service station conversion if it determines from the facts presented that the reduction in availability of automotive goods and services resulting from the service station conversion would not be unduly detrimental to the public because either:

~~*(a)*~~ *(A)* Comparable automotive goods and services are available at other reasonably accessible locations; or

~~*(b)*~~ *(B)* The benefits to the public of the service station conversion would outweigh any reduction in automotive goods and services availability because the proposed new use is more necessary or desirable for the neighborhood or community than continued service station use.

~~*(c)*~~ *(2)* In making determinations under Subsection ~~*(a)*~~ *(1)(A)*, the ~~*City*~~ Planning Commission shall consider the following factors:

~~*(1)*~~ *(A)* The types of services offered by the ~~*gasoline*~~ service station sought to be converted and the hours and days during which such goods and services are available;

~~*(2)*~~ *(B)* The volume of gasoline and other motor fuel sold and the number of vehicles serviced at such ~~*gasoline*~~ service station during each of the 24 months preceding the filing of the conditional use authorization application;

~~*(3)*~~ *(C)* Whether the volume of gasoline and other motor fuel sold and the number of vehicles serviced each month has increased or decreased during the 24-month period immediately preceding the conditional use authorization;

~~(4)~~ *(D)* The accessibility of comparable automotive goods and services offered by other ~~*gasoline*~~ service stations and repair garages which serve the same geographic area and population segments (e.g., neighborhood residents, in-town or out-of-town commuters, tourists) as the service station sought to be converted.

~~(d)~~ *(3)* In making determinations under Subsection ~~(b)~~ *(1)(B)*, the Planning Commission shall consider the following factors:

~~(1)~~ *(A)* If the proposed use is a residential use, the total number of units to be provided and the number of those units that are affordable units;

~~(2)~~ *(B)* If the proposed new use is a commercial use, the types of goods and services to be offered and the availability of comparable products and services in the vicinity;

~~(3)~~ *(C) The importance of the street on which the service station fronts to walking, cycling, and public transit, and the impact of automobile access and egress to the service station and of the proposed new uses and structures on the safety and comfort of pedestrians, cyclists, and transit riders.*

(D) The relative environmental dangers posed by the current and proposed uses, including but not limited to the quality and character of waste generated, noxious or offensive emissions, fire and explosion hazards and noise, and whether the service station conversion would facilitate the cleanup of existing contamination at the property;

~~(4)~~ *(E)* The relative employment opportunities offered by the ~~*gasoline*~~ service station and the proposed new use;

~~(5)~~ *(F)* The relative amount of taxes or other revenues to be received by the City or other governmental bodies from service station use and the proposed new use;

(G) The compatibility of the existing service station and of the proposed new use or structure with the General Plan and area plan urban design policies and the street frontage standards of this Code;

~~(6)~~ *(H)* Whether the service station use and the proposed use are permitted principal uses, conditional use*s* or nonconforming use*s*.

~~***SEC. 228.4. CRITERIA FOR ZONING ADMINISTRATOR CONVERSION DETERMINATION.***~~

~~(a)~~ ***(e) Criteria for Zoning Administrator Conversion Determination.*** The Zoning Administrator shall approve the application and authorize the service station conversion if the Zoning Administrator determines from the facts presented that the owner of the subject property is not earning a fair return on investment. The owner shall bear the burden of proving that the owner is not earning a fair return on investment.

(1) Application. A property owner's application under this Section shall be signed by the owner or an authorized representative of the owner and, under penalty of perjury, declared to contain true and correct information. The application shall be accompanied by:

~~(1)~~ *(A)* An independent appraisal of the property stating its value;

~~(2)~~ *(B)* A written statement from an independent Certified Public Accountant summarizing the applicant's financial records, including the property appraisal and stating the return on investment calculated pursuant to this *Section* ~~*ordinance*~~;

~~(3)~~ *(C)* A certified statement from the Certified Public Accountant identifying the owner of the property and the owner of the service station business;

~~(4)~~ *(D)* Such other financial information as the Zoning Administrator may reasonably determine is necessary to make the determination provided for in this Section.

~~(b)~~ ***(2) Rebuttable Presumption.*** There shall be a rebuttable presumption that the property owner is earning a fair return on investment if the property owner has earned at least a nine percent return on the property owner's total investment in the property for the 24-month period immediately preceding the filing of the application, or in the case of a service station business that ceased operations after October 12, 1989, for the 24-month period immediately preceding the date the service station ceased operations. The property owner may rebut this

presumption by offering evidence demonstrating that because of special facts regarding his or her property the property owner is not earning a fair return on investment or that because of special demonstrated circumstances the applicant would not earn a fair return on investment from service station use during that 12-month period after the filing of the service station conversion application.

~~(c)~~ *(3) **Notice of Hearing.*** Prior to conducting ~~*such*~~ *the* hearing *required by Subsection (c)(1)*, the Zoning Administrator shall provide ~~*public*~~ *written* notice of the hearing ~~*prior to the date of the hearing. Such notice shall include written notice*~~ to each property owner within 300 feet in every direction from the ~~*gasoline*~~ service station, as shown in the last equalized assessment roll, such notice to be mailed at least 10 days before the hearing. The applicant also shall provide posted notice in a visible location on the ~~*gasoline*~~ service *station* site at least 20 days before the hearing.

~~(d)~~ *(4) **Determination.*** The Zoning Administrator shall render written determination within 60 days of the hearing.

~~(e)~~ *(5) **Consultation With Other City Departments.*** If necessary, the Zoning Administrator shall have the authority to consult with or retain the assistance of the staffs of the Department of Public Works, Real Estate Department, *and* Mayor's Office of ~~*Business*~~ *Workforce and Economic Development*~~*, and Office of Community Development*~~ in the review of applications for service station conversion.

~~***SEC. 228.5. DEMOLITION AND TANK REMOVAL.***~~

~~(a)~~ *(f) **Demolition and Tank Removal.***

(1) No service station shall be demolished except to enable a new service station to be constructed on the property, unless:

~~(1)~~ *(A)* The property owner has first obtained a conditional use authorization from the Planning Commission pursuant to Section 228.3 or a conversion determination from the Zoning Administrator pursuant to Section 228.4; or

~~(2)~~ *(B)* The ~~Bureau~~ *Department* of Building Inspection and the Bureau of Fire Prevention and Public Safety determines that the building is unsafe or dangerous and that demolition is the only feasible means to secure the public safety.

~~(b)~~ *(2)* Notwithstanding Subsections ~~(a)(1)~~ *(f)(1)(A)* and ~~(a)(2)~~ *(f)(1)(B)* above, if a service station is owned by a lessee of the property and the property lease was signed prior to the effective date of ~~this~~ ~~o~~*O*rdinance *288-91*, which lease permits or requires the lessee to remove the service station from the property before or after the expiration or termination of the lease, and the lease has expired or terminated or will do so within 60 days, the lessee may cease operation of the service station as permitted or required in the lease. Nothing in this provision, however, shall relieve the property owner from continued use of property as ~~a gasoline~~ *an Automotive* ~~s~~*S*ervice ~~s~~*S*tation as defined by Section ~~228.1(f)~~ *890.18* or the requirements of Subsection ~~(a)(1)~~ *(f)(1)(A)* above.

~~(c)~~ *(3)* This ~~ordinance~~ *Section* shall not limit the removal of any underground storage tank at a service station where removal of the tank is required to comply with any other local, State or federal law or regulation or where the Director of Public Health or a State or federal regulatory agency with jurisdiction over underground storage tanks determines that the tank poses, or removal of the tank is necessary to mitigate, a threat to public health or safety, including but not limited to waters of the State. All appropriate permits (other than the authorizations required by this ~~ordinance~~ *Section* for conversions) shall be obtained prior to such authorized tank removals. The removal of an underground tank pursuant to this Section does not otherwise exempt a property owner from the requirement of obtaining conditional use authorization to convert ~~a gasoline~~ an *Automotive* ~~s~~*S*ervice ~~s~~*S*tation.

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

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

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

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

(2) on or below the ground floor; and

(3) on a corner lot as defined by Section 102.15, with no part of the use extending more than ~~*50*~~ *100* feet in depth from said corner~~*, as illustrated in Figure 231*~~.

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

(d) **Use Size.** No more than ~~*1,200*~~ *2,500* occupied square feet of commercial area shall be allowed per corner lot, except those lots which occupy more than one corner on a given block and which may provide an additional 1,200 occupied square feet of commercial area per additional corner, so long as the commercial space is distributed equitably throughout appropriate parts of the parcel or project.

(e) **Formula Retail Uses.** All uses meeting the definition of "formula retail" use per Section 703.3(b) shall not be permitted except by Conditional Use through the procedures of Section 303

[Figure 231 to be deleted]

(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.

(2) Any signs on the property shall comply with the requirements of Article 6 of this Code pertaining to NC-1 Districts.

(3) Truck loading shall be limited in such a way as to avoid undue interference with sidewalks, or with crosswalks, bus stops, hydrants and other public features

(4) Noise, odors and other nuisance factors shall be adequately controlled; and

(5) The use shall comply with all other applicable provisions of this Code.

(i) **Street Frontage.** In addition to the street frontage requirements of Section 144, the following provisions of Section 145.1 shall apply to the street frontage dedicated to limited commercial uses permitted by this Section: active uses per Section 145.1(c)(3); transparency and fenestration per Section 145.1(c)(6); and grates, railings, and grillework per Section 145.1(c)(7).

(j) **Awnings.** Awnings are permitted, subject to the standards for an NC-1 District in Section 136.1(a) of this Code. Canopies and marquees are not permitted.

*(k) **Dwelling Unit Conversion.** Converting all or part of a dwelling unit to a limited commercial use as permitted by this Section shall require a Conditional Use authorization, subject to the conditions of Section 207.7 in RTO Districts and those of Section 317 in RM Districts.*

SEC. 239. WASHINGTON-BROADWAY SPECIAL USE DISTRICT~~S~~.

In order to provide for certain areas with special traffic and parking considerations, many existing buildings of small scale and established character which have been and will be retained and converted, and certain wholesaling activities carried on with distinct benefit to the city, there shall be two Washington-Broadway Special Use District~~s, Numbers 1 and 2~~, as designated on Sectional Map No. 1 SU~~*~~ of the Zoning Map. The following provisions shall apply ~~within such special use districts~~:

(a) ***Required parking.*** ~~There shall be certain exemptions from off-street parking requirements,~~ *No parking is required for any use,* as provided in Section 161(d) of this Code.

(b) ***Drive-in uses.*** *Drive-up facilities, as defined in Section 890.30 of this Code, are not permitted.* ~~No permitted use shall include an establishment of the "drive-in" type, serving customers waiting in parked motor vehicles, with the exception of automobile service stations.~~

(c) ***Parking lots.*** A parking lot~~, or a storage garage open to the public for passenger automobiles if not a public building requiring approval by the Board of Supervisors under other provisions of law,~~ shall *not* be permitted *as a permanent use, and shall be permitted as a temporary use for up to two years* only upon approval by the Planning Commission as a conditional use under Section 303 of this Code.

(d) ***Wholesale establishment.*** ~~In Washington-Broadway Special Use District Number 2 only, a~~ *A* wholesale establishment conducted entirely within an enclosed building shall be permitted as a principal use.

*(e) **Parking pricing.** The parking pricing requirements of Section 155(g) shall apply within the district.*

SEC. 240. WATERFRONT SPECIAL USE DISTRICT*S*.

(a) **Purpose.** In order to provide for certain areas with unique natural and man-made physical characteristics, distinct maritime character, special traffic, parking and use considerations, recognized development potential, and proximity to residential, public and commercial areas of regional, national and international significance which should be protected from adverse adjacent development, there shall be three Waterfront Special Use Districts, Numbers 1, 2 and 3, as designated on Sectional Map No. 1 SU* of the Zoning Map. The original copy of said Sectional Map with these Special Use Districts indicated thereon is on file with the Clerk of the Board of Supervisors ~~*under File No. 171-70-4 and subsequent amendments under File No. _____*~~. The provisions set forth in Sections 240.1 through 240.3 shall apply, respectively, within these Special Use Districts, and shall be applicable to all property, whether public or private, including property under the jurisdiction of the San Francisco Port Commission.

(b) **State and Regional Land Use Controls.** Much of the property within Waterfront Special Use District*s* ~~*Numbers 1 and 3*~~ is subject to land use controls in addition to those set forth in this Code. Most of the land under the jurisdiction of the Port Commission is public trust land and is subject to use limitations as provided in California Statutes of 1968, Chapter 1333, as amended (the "Burton Act") and the San Francisco Charter. In the event of a conflict between the provisions of the Burton Act and this Code, the State legislation prevails. A portion of the property under the Port Commission's jurisdiction is further subject to use limitations as provided ion the California Government Code, Sections 66600 et seq. (the "McAteer-Petris Act"). The San Francisco Bay Conservation and Development Commission is responsible for implementing the provisions of the McAteer-Petris Act. Other property within this Waterfront Special Use District is subject to redevelopment plans adopted by the Board of Supervisors.

(c) **Waterfront Design Review Process.**

(1) In order to best achieve the public objectives that have been established in law and policy for the property under the jurisdiction of the Port Commission, a waterfront design review process is hereby established to review the urban design of new development on certain land under the Port Commission's jurisdiction within the Waterfront Special Use District, consistent with applicable provisions of the Port's Waterfront Land Use Plan and its Waterfront Design and Access goals, objectives and criteria, as provided below. The purpose of the waterfront design review process is to identify and integrate the State, regional and local objectives pertaining to the urban design of proposed uses in order to optimize the public enjoyment and beneficial use of this public trust resource.

(2) The waterfront design review process shall be conducted by a Design Advisory Committee. The Mayor shall appoint a qualified professional urban planner or architect (general, historic or landscape) who resides or works in San Francisco as one member. The Director of Planning and the Director of the Port of San Francisco shall each appoint two members, consisting of (1) a senior member from their respective staffs and (2) a qualified professional urban planner or architect (general, historic or landscape) who resides or works in San Francisco, not employed within their agency. Of the original appointments, the Mayor's appointment shall serve for a four-year term and the Planning Director and Port Director shall each appoint one member for a two-year term and one member for a four-year term. After expiration of the original terms, all appointments shall be for four-year terms. The Port Commission is granted the authority to increase the number of Committee members by adding representatives appointed by the Director of the Bay Conservation and Development Commission. The Design Advisory Committee shall select a chairperson from among its voting members, and shall establish rules and regulations for its own organization and procedure. The Committee may establish subcommittees to which it may assign Committee

design review responsibilities. The Committee shall act by vote of a majority of those present at a meeting with a quorum of Committee members.

(3) The Design Advisory Committee shall review proposed projects to be developed on property of the Port of San Francisco, as set forth in Sections 240.1, *240.2,* and 240.3 of this Code.

(4) The Design Advisory Committee shall be advisory to the Planning Department and Port of San Francisco, and shall provide its design recommendations to the Bay Conservation and Development Commission for proposed projects within its jurisdiction. The Port shall convene and provide staff assistance to the Committee and consult with the Committee on non-maritime development projects as set forth in this Code and at such other times as the Port deems appropriate.

(5) The Planning Commission and the Port Commission shall hold a joint hearing within two years from the date of adoption of this ordinance to evaluate the design review process and make recommendations to the Board of Supervisors for its improvement.

(6) The Committee shall hold a public hearing on a proposed project and make design recommendations to ensure that the urban design of the proposed project is consistent with applicable provisions of the Waterfront Land Use Plan's Waterfront Design and Access goals, objectives and criteria. The Committee shall provide public notice for this hearing by mail to the applicant or other person or agency initiating the action and other parties who have requested mailed notice of such hearing on the project in writing.

(7) The Committee, as an advisory board, must review and consider any final environmental documents, or draft documents if final documents are not yet available, prepared pursuant to the California Environmental Quality Act before it makes its final recommendations.

(8) The determination of the Committee on urban design issues related to the proposed project shall be final as to those design issues, except as provided below. The Committee shall transmit the design recommendations to the Planning Department and Port, and to the Bay Conservation and Development Commission for proposed projects within its jurisdiction, within five days following the Committee action for consideration by those agencies prior to any action on the project.

(A) For a project that is permitted as a principal use, the Planning Commission can, by majority vote within 14 days of receipt of the design recommendations of the Committee, make a determination to review the design recommendations. If the item cannot be calendared for Commission consideration within that period due to a canceled meeting, the Commission may consider whether to review the design recommendations at its next available meeting. If the Commission requests review, it shall conduct a public hearing on the matter within 14 days following its determination to review the design recommendations, if legally adequate environmental documents have been completed, or at its first public meeting after such documents have been completed, unless the Port Director agrees to a different date. At the request of the Port Director, the meeting shall be conducted as a joint public hearing of the Planning Commission and the Port Commission. The Planning Commission, by majority vote, may adopt, amend or reject the design recommendations of the Committee, subject to the same standards and criteria that govern Committee decisions as provided in Subsection (c)(6) above.

If the Port Commission accepts the design recommendations of the Committee or of the Planning Commission, the Port Commission shall incorporate the design recommendations into the Port action on the project.

If the Port Commission objects to or seeks to modify the design recommendations of the Committee, the Port Commission may request Planning Commission review of the design

recommendations of the Committee. The Planning Commission shall schedule a public hearing and review the design recommendations of the Committee within 20 days following receipt of the request, if legally adequate environmental documents have been completed, or at its first public meeting after such documents have been completed, unless the Port Director agrees to a different date. At the request of the Port Director, the meeting shall be conducted as a joint public hearing of the Planning Commission and the Port Commission.

If the Port Commission objects to or seeks to substantially modify design recommendations that have been approved by the Planning Commission as set forth above, the Port Commission may appeal the design recommendations to the Board of Supervisors pursuant to the procedures set forth in Section 308.1 of this Code and in Charter Section 4.105 for appeals of conditional uses. The Board of Supervisors may disapprove the decision of the Commission by a vote of not less than of the members of the Board.

(B) For a project that requires a conditional use authorization, the Director of Planning shall incorporate the design recommendations of the Committee on urban design issues related to the proposed project into the recommendation to the Planning Commission. The Director of Planning may recommend specific modifications to the Committee's design recommendations, in which case the Director's recommendation shall specify why the Committee's design recommendations should not be considered final. The Director of Planning shall schedule a public hearing before the Planning Commission within 30 days following receipt of the Committee's design recommendations, if legally adequate environmental documents have been completed, or at its first public meeting after such documents have been completed, unless the Port Director agrees to a different date.

(C) ~~*(d)*~~ A project within a Waterfront Special Use District shall be reviewed under the provisions set forth in the Waterfront Special Use District within which boundaries it is located, and shall not be considered, for review purposes under this Code, as including or being part

of a project within an adjoining Waterfront Special Use District, notwithstanding the timing of development, the physical proximity or type of uses associated with any other such projects, or the applicant or other person or agency initiating the action.

SEC. 240.2. WATERFRONT SPECIAL USE DISTRICT NO. 2.

The following provisions shall apply within Waterfront Special Use District No. 2:

(a) Industrial, commercial and other operations directly related to the conduct of waterborne commerce or navigation shall be permitted as principal uses, except in residential zoning districts.

(b) A hotel or motel, if otherwise listed in this Code as a permitted use, shall be permitted only upon approval by the Planning Commission as a conditional use under Section 303 of this Code.

(c) An automobile service station, if otherwise listed in this Code as a permitted use, shall be permitted only upon approval by the Planning Commission as a conditional use under Section 303 of this Code.

(d) Any building or use which provides a greater number of off-street parking spaces than required under Section 151 of this Code shall be permitted only upon approval by the Planning Commission as a conditional use under Section 303 of this Code; provided, however, that this subsection shall not apply in any case where fewer than 10 such spaces are provided. *Off-street parking requirements may be reduced or waived by the Planning Department or Planning Commission, as provided in Section 161(f) of this Code.*

(e) *Any new development on property under the jurisdiction of the Port Commission (excluding alterations to existing development) which includes an area (excluding the area of public streets and alleys) of at least one-half acre shall be subject to review of the urban design of the proposed use by the waterfront design review process, as provided under Section 240(c) of this Code.* ~~*Any use, whether principal or accessory, not screened from view from adjacent streets and other public areas, with the*~~

~~*exception of accessory off-street parking areas for nine or fewer automobiles, shall be permitted only upon approval by the Planning Commission as a conditional use under Section 303 of this Code.*~~

(f) The basic floor area ratio limit shall be 5.0 to 1 to the extent provided in Section 124(e) of this Code.

SEC. 240.3. WATERFRONT SPECIAL USE DISTRICT NO. 3.

The following provisions shall apply within Waterfront Special Use District No. 3:

(a) Industrial, commercial and other operations directly related to the conduct of waterborne commerce or navigation shall be permitted as principal uses.

(b) A wholesale establishment conducted entirely within an enclosed building shall be permitted as a principal use.

(c) Any development on property not under the jurisdiction of the Port Commission which includes an area (excluding the area of public streets and alleys) of at least three acres shall be permitted only upon approval by the Planning Commission according to the procedures for conditional use approval in Section 303 of this Code. In considering any application for such a development under Section 303, the Planning Commission shall consider the following criteria in addition to those stated in Section 303(c):

(1) Conformance to the Northeastern Waterfront Plan, a part of the General Plan, including streets and roadways as indicated therein;

(2) Assurance of a general profile for development having higher portions near Telegraph Hill or other inland areas and lower portions near The Embarcadero;

(3) Assurance of view corridors along public streets between Telegraph Hill or other inland areas and the waterfront and Bay;

(4) Provision of open spaces available to the public; and

(5) Adherence to the character of surrounding areas of the City.

(d) Any new development on property under the jurisdiction of the Port Commission, (excluding alterations to existing development) which includes an area (excluding the area of public streets and alleys) of at least ~~½~~ *one-half* acre shall be subject to review of the urban design of the proposed use by the waterfront design review process, as provided under Section 240(c) of this Code.

(e) In considering any application for development on property under the jurisdiction of the Port Commission on which a specific use or uses require a conditional use, the specific use or uses requiring a conditional use within a project, and not the project in its entirety, shall be subject to the provisions set forth in Section 303 and Article 3.5 of this Code. The Planning Commission shall consider the following criteria in lieu of those stated in Section 303(c):

(1) That such use or feature as proposed is consistent with the Waterfront Land Use Plan (WLUP) and its WLUP Waterfront Design and Access goals, policies and criteria, adopted by the Port Commission, including any amendments thereto which the Planning Commission has found to be consistent with the General Plan;

(2) Assurance of a general profile for development having higher portions near Telegraph Hill or other inland areas and lower portions near The Embarcadero;

(3) [Reserved.]

(4) Assurance of view corridors along public streets between Telegraph Hill or other inland areas and the waterfront and Bay, in accordance with the view policies of the Northeastern Waterfront Plan, a part of the General Plan;

(5) Provision of open spaces available to the public consistent with the Waterfront Design and Access goals, policies and criteria; and

(6) Adherence to the character of surrounding areas of the City.

(f) A hotel or motel, if otherwise listed in this Code as a permitted use, shall be permitted only upon approval by the Planning Commission as a conditional use under Section 303 of this Code.

(g) An automobile service station, if otherwise listed in this Code as a permitted use, shall be permitted only upon approval by the Planning Commission as a conditional use under Section 303 of this Code.

(h) ***Parking.*** Any building or use which provides a greater number of off-street parking spaces than required under Section 151 of this Code shall be permitted only upon approval by the Planning Commission as a conditional use under Section 303 of this Code; provided, however, that this subsection shall not apply (1) in any case where fewer than 10 such spaces are provided~~, or (2) for property under the jurisdiction of the Port of San Francisco, to the extent such off-street parking spaces existed as of the effective date of this Subsection~~. *Off-street parking requirements may be reduced or waived by the Planning Department or Planning Commission, as provided in Section 161(f) of this Code.*

~~*(i) Any use, whether principal or accessory, not screened from view from adjacent streets and other public areas, with the exception of temporary uses pursuant to Section 205.1, accessory off-street parking areas for nine or fewer automobiles, or off-street parking areas on property under the jurisdiction of the Port of San Francisco in existence as of the effective date of this subsection, shall be permitted only upon approval by the Planning Commission as a conditional use under Section 303 of this Code.*~~

~~(j)~~ *(i)* ***Floor area ratio.*** The basic floor area ratio limit shall be 5.0 to 1 to the extent provided in Section 124(e) of this Code.

~~*(k) Off-street parking requirements may be modified by the Planning Department or Planning Commission, as provided in Section 161(f) of this Code.*~~

SEC. 243. VAN NESS SPECIAL USE DISTRICT.

(a) **General.** A Special Use District entitled the Van Ness Special Use District, the boundaries of which are shown on Sectional Map No. ~~2~~SU*02* of the Zoning Map, is hereby established for the purposes set forth below.

(b) **Purposes.** In order to implement the objectives and policies of the Van Ness Avenue Area Plan, a part of the General Plan, which includes (i) creation of a mix of residential and commercial uses on the boulevard, (ii) preservation and enhancement of the pedestrian environment, (iii) encouragement of the retention and appropriate alteration of architecturally and historically significant and contributory buildings, (iv) conservation of the existing housing stock, and (v) enhancement of the visual and urban design quality of the street, the following controls are imposed in the Van Ness Special Use District.

(c) **Controls.** All provisions of the ~~*City*~~ Planning Code applicable to an RC-4 District shall apply except as otherwise provided in this Section.

(1) **Basic Floor Area Ratio.** The basic floor area ratio limit shall be 7.0 to 1 in the 130-foot height district and 4.8:1 in the 80-foot height district. These limits shall apply to dwellings notwithstanding Section 124(b) of this Code, including floor space used for nonaccessory off-street parking, driveways, and maneuvering areas, *except for dwellings in an affordable housing project as defined in Section 401.* For definitions of floor area ratio and gross floor area, see Sections 102.11 and 102.9, respectively. The provisions allowing a floor area premium set forth in Section 125(a) shall not apply in the Van Ness Special Use District.

(2) **Housing Density.** The restrictions on density set forth in Sections 207, 207.1, 208, 209.1 and 209.2 of this Code shall not apply.

(3) **Height and Bulk Restrictions.** See Height and Bulk Map No. *HT-02* ~~*2H*~~. See Section 270 of this Code for bulk limits.

(4) **Awnings, canopies and marquees.** Awnings, canopies and marquees, as ~~*defined in Sections 790.20, 790.26 and 790.58 of this Code, and further*~~ regulated by the Building Code and Sections 243(c)(5), 136.*12* ~~*13*~~ and 607.*13* ~~*13*~~ of this Code, are permitted.

~~*(5) Signs.*~~

~~*(A) Signs located within the Van Ness Special Use District, with the exception of the Civic Center Special Sign District as described in Section 608.3 of this Code and as shown in Sectional Map SSD, shall be regulated as provided in Article 6, including Section 607.3 which governs signs located in the Van Ness Special Sign District.*~~

~~*(B) Signs on structures designated as landmarks under the provisions of Section 1004 shall be regulated as provided in Section 607.3(d).*~~

~~*(6)*~~ *(5)* **Rear Yards.** The requirements of this Code applicable to rear yards may be modified or waived by the Zoning Administrator pursuant to Section 307(g) if all of the following conditions are met:

(A) The interior block open space formed by the rear yards of abutting properties will not be adversely affected; and

(B) A comparable amount of usable open space is provided elsewhere on the lot or within the development where it is more accessible to residents; and

(C) The access of light and air to abutting properties will not be significantly impeded.

This provision shall be administered pursuant to the procedures which are applicable to variances, as set forth in Sections 306.1 through 306.5 and 308.2 of this Code.

~~*(7)*~~ *(6)* **Required Setbacks.** Setbacks for buildings exceeding a height of 50 feet shall be regulated as provided in Section 253.2 of this Code.

~~*(8)*~~ *(7)* **Limitation of Nonresidential Uses.**

(A) **Residential Uses; Ratio Established.** In newly constructed structures, nonresidential uses shall only be permitted if the ratio between the amount of net additional

occupied floor area for residential uses, as defined in this paragraph below, to the amount of occupied floor area for nonresidential uses in excess of the occupied floor area of structures existing on the site at the time the project is approved is 3 to 1 or greater. In additions to existing structures which exceed 20 percent of the gross floor area of the existing structure, nonresidential uses shall be permitted in the addition in excess of 20 percent only if the ratio between the amount of occupied floor area for residential use, as defined in this paragraph below, to the area of occupied floor area for nonresidential use is 3 to 1 or greater. This residential use ratio shall not apply to development sites in the Van Ness Special Use District which have less than 60 feet of street frontage on Van Ness Avenue and have no street frontage other than the Van Ness Avenue frontage. For purposes of this Section, "nonresidential uses" shall mean *any use except Dwelling Units or Group Housing* ~~*those uses described in Sections 209.2(d) and (e) (hotel, inn, hostel), 209.3(a) (hospital, medical center or other medical institution with in patient care facilities), 209.4 (community facilities), 209.6 (public facilities and utilities), 209.7 (vehicle storage and access) and 209.8 (commercial establishments); in the Automotive Special Use District nonresidential uses include automotive uses as described in Section 237; "residential use" shall mean those uses described in Sections 209.1 and 209.2(a), (b) and (c) (dwelling units and group housing)*~~.

(B) **Reduction of Ratio of Residential Uses for Affordable Housing.** The ~~*City*~~ Planning Commission may modify the Van Ness Special Use District residential to nonresidential use ratio between Golden Gate Avenue and California Street as a conditional use in one of the following ways:

(i) **In-Lieu Fee.** By conditional use, the developer may elect to fulfill the obligation to build housing by paying an in-lieu fee to the Affordable Housing Fund as provided in Section 413 of this Code. No more than a 50 percent reduction of the required housing for a specific project can be fulfilled by paying an in-lieu fee. Use of these funds shall provide affordable

housing within 2,000 feet of the Van Ness Special Use District. The in-lieu fee shall be determined by the following formula:

(1)

(Lot Area X FAR) / 4) X 3 = Residential SQ. FT. Requirement

(2)

Residential SQ. FT. Requirement — Residential SQ. FT. Developed = LOSS

(3)

LOSS X $15 = In-Lieu Fee

(ii) **Providing Affordable Housing.** By conditional use, the developer may reduce up to 50 percent of the required amount of on-site housing by maintaining a portion of that housing as permanently affordable for the life of the project. Affordable units shall be managed by a nonprofit housing agency through a duly executed agreement between the project sponsor, the nonprofit agency and the Planning Department. The mix of affordable units retained in the project shall conform to the overall dwelling unit size mix of the project. The portion of retained residential which shall be affordable will be determined by calculating the number of market rate units which could be subsidized by the amount of "in-lieu fee" calculated in Paragraph (i) above. The number of square feet of affordable housing shall be calculated in the following manner:

(1)

.....In-Lieu Fee .....

$30/square foot subsidy = Square Feet of Affordable Housing Retained in the Project

(iii) **Annual Reporting, Evaluation and Adjustments to Affordability and Fee Calculations.** The Department shall report annually to the Planning Commission on the activity and utilization of Section 243(c)(8)(B). Based on an evaluation of this report, the Planning Commission may initiate a modification or deletion of Section 243(c)(8)(B).

The dollar amounts used in the calculation for Paragraphs (i) and (ii) of this Subsection shall be subject to annual adjustments in accord with Section 413.6(1) of this Code. Affordability shall be defined by rents or sale prices affordable by households with no more than 80 percent of median income standards developed by HUD.

(iv) If the Commission finds that taking into consideration projects constructed since the effective date of the Van Ness Special Use District and the housing development potential remaining in the District the overall objective of adding a substantial increment of new housing on Van Ness Avenue will not be significantly compromised, the Commission may by conditional use modify the 3:1 housing ratio or may modify the rules regarding the timing and location of linked projects if in addition to Section 303(c) standards of this Code it finds that:

(1) The project is to provide space for expansion of an established business from an adjacent site (for this purpose two sites separated by an alley shall be deemed to be adjacent) or,

(2) The project is to provide space for an institutional, hotel, medical, cultural or social service use meeting an important public need which cannot reasonably be met elsewhere in the area, and

(3) Housing cannot reasonably be included in the project referred to in (1) and (2) above.

The Commission shall consider the feasibility of requiring the project to be constructed in such a manner that it can support the addition of housing at some later time.

(C) **Off-Site Provision of Required Residential Space.** For the purpose of calculating the 3 to 1 ratio between residential and nonresidential use, two or more projects for new construction within the Van Ness Special Use District may be considered and approved together as linked projects. The requirements of Paragraph (A) above may be satisfied if the aggregate amount of occupied floor area for residential use in two or more linked projects is at least three times greater than the aggregate amount of occupied floor area for nonresidential use.

(i) Those building permit applicants who wish to link two or more projects for the purpose of meeting the 3 to 1 residential to nonresidential ratio shall file with the Planning Department a statement of intent identifying the applications covering the projects that are to be considered and approved together;

(ii) When the Planning Department approves an application for a project containing only nonresidential use and the project is linked to one or more other projects pursuant to the statement of intent filed with the Department, it shall include as a condition of approval a requirement prohibiting the project sponsor from commencing any work on the site until the Zoning Administrator issues a written determination that such work may proceed. The Zoning Administrator shall not issue such a determination until those permits authorizing the projects containing residential use have been issued and foundations have been completed at each such site;

(iii) If a permit for a project containing nonresidential use expires because of delays in the completion of foundations for linked projects containing residential uses, new permits may

be approved for the nonresidential project within three years of such expiration without regard to the 3 to 1 residential ratio requirement if a Temporary Certificate of Occupancy or a Permit of Occupancy has been issued for each project containing residential use;

(iv) No building or portion of a building approved as a linked project that contains residential use required to meet the 3 to 1 residential to nonresidential ratio requirement shall be used for any nonresidential purposes; provided, however, that this restriction shall no longer apply if 50 percent or more of the non-residential occupied floor area in the linked projects has been converted to residential use, or has been demolished, or has been destroyed by fire or other act of God;

(v) The Zoning Administrator shall impose as a condition of approval of a permit authorizing the residential uses of linked projects the requirement that the owner record in the land records of the property a notice of restrictions, approved as to form by the Zoning Administrator, placed on the use of the property by this Section.

(D) **Nonconforming Uses.** A use which existed lawfully at the effective date of this Section and which fails to conform to the use limitation of Section 243(c)(8)(A) above, shall be considered a nonconforming use and subject to the provisions of Sections 180 through 188 of this Code, including the provisions of Section 182 regarding change of use, except as follows:

(i) In calculating the cost of structural alterations pursuant to Section 181(b)(4), the cost of reinforcing the building to meet the standards for seismic loads and forces of the 1975 Building Code shall not be included; and

(ii) Notwithstanding the provisions of Section 181(b), the structure occupied by the nonconforming use may be enlarged by an amount equal to 20 percent of the gross floor area of the existing structure.

(E) **Demolitions.** All demolitions of buildings containing residential use and all conversions from residential uses to nonresidential uses above the ground floor shall be

permitted only if authorized as a conditional use under Section 303 of this Code, unless the Director of the Department of Building Inspection or the Chief of the Bureau of Fire Prevention and Public Safety determines that the building is unsafe or dangerous and that demolition is the only feasible means to secure the public safety. When considering whether to grant a conditional use permit for the demolition or conversion, in lieu of the criteria set forth in Planning Code Section 303, consideration shall be given to the adverse impact on the public health, safety and general welfare of the loss of housing stock in the district and to any unreasonable hardship to the applicant if the permit is denied. The definition of residential use shall be as set forth in Section 243(c)(8)(A), but shall not include any guest room in a building classified as a residential hotel subject to the Residential Hotel Unit Conversion and Demolition Ordinance.

A conditional use permit shall not be required if the demolition permit is sought in order to comply with a court order directing or permitting the owner to demolish a building because it is unsafe. No person shall be permitted to construct anything on the site of a demolished building subject to such an order for a period of two years unless (a) the proposal is for at least the same number and size of dwelling units and guest rooms and the same amount of nonresidential floor area as that which was demolished or (b) the applicant requests and is granted an exemption from this requirement on the ground that the applicant has demonstrated that (1) the need for demolition did not arise because of the deliberate or unreasonable neglect of the maintenance of the building, or that (2) the restrictions would cause undue hardship to the property owner or that (3) the restrictions would leave the property without any substantial remaining market value or reasonable use.

~~*(F) **Parking.** Pursuant to Table 151 in Article 1.5 of this Code, the residential parking requirement shall be one space for each dwelling unit; provided, however, that the Zoning*~~

~~*Administrator may reduce the parking requirement to not less than one space for each four dwelling units pursuant to the procedures and criteria of Sections 307(g) and (i) of this Code.*~~

(F) ~~*(G)*~~ **Adult Entertainment Enterprises.** The uses described in Section *790.36* ~~*221(k)*~~ of this Code are not permitted.

(G) ~~*(H)*~~ **Other Entertainment Uses.** Other Entertainment Uses as defined in Section 790.38 of this Code shall require notification as set forth in Section 312 of this Code.

(9) **Reduction of Ground Level Wind Currents.**

(A) New buildings and additions to existing buildings shall be shaped, or other wind baffling measures shall be adopted, so that the development will not cause year-round ground level wind currents to exceed, more than 10 percent of the time, between 7:00 a.m. and 6:00 p.m., the comfort level of 11 m.p.h. equivalent wind speed in areas of pedestrian use and seven m.p.h. equivalent wind speed in public seating areas. When pre-existing ambient wind speeds exceed the comfort levels specified above, the building shall be designed to reduce the ambient wind speeds in efforts to meet the goals of this requirement.

(B) An exception to this requirement may be permitted but only if and to the extent that the project sponsor demonstrates that the building or addition cannot be shaped or wind baffling measures cannot be adopted without unduly restricting the development potential of the building site in question.

(i) The exception may permit the building or addition to increase the time that the comfort level is exceeded, but only to the extent necessary to avoid undue restriction of the development potential of the site.

(ii) Notwithstanding the above, no exception shall be allowed and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 m.p.h. for a single hour of the year.

(C) For the purposes of this Section, the term "equivalent wind speed" shall mean an hourly wind speed adjusted to incorporate the effects of gustiness or turbulence on pedestrians.

SEC. 249.5. NORTH OF MARKET RESIDENTIAL SPECIAL USE DISTRICT.

(a) **General.** A special use district entitled the "North of Market Residential Special Use District," which includes RC-4 and P Use Districts, the boundaries of which are shown on Sectional Map No. ~~*1SUb*~~ *SU01* of the Zoning Map, is hereby established for the purposes set forth below.

(b) **Purposes.** In order to protect and enhance important housing resources in an area near downtown, conserve and upgrade existing low and moderate income housing stock, preserve buildings of architectural and historic importance and preserve the existing scale of development, maintain sunlight in public spaces, encourage new infill housing at a compatible density, limit the development of tourist hotels and other commercial uses that could adversely impact the residential nature of the area, and limit the number of commercial establishments which are not intended primarily for customers who are residents of the area, the following controls are imposed in the North of Market Residential Special Use District.

(c) **Controls.** The following zoning controls are applicable in the North of Market Residential Special Use District. Certain controls are set forth in other Sections of this Code and are referenced herein.

(1) **Conditional Use Criteria.** In making determinations on applications for conditional use authorizations required for uses located within the North of Market Residential Special Use District, the City Planning Commission shall consider the purposes as set forth in Subsection (b) above, in addition to the criteria of Section 303(c) of this Code.

(2) Notwithstanding *other* ~~*the*~~ provisions ~~*of Section 209.8*~~ of this Code, commercial establishments shall be limited to the ground floor and the first basement floor, except that

such establishments may be permitted on the second story as a conditional use if authorized pursuant to Section 303 and Section 249.5(c)(1) of this Code.

(3) ~~*Garment shops that meet the qualifications set forth in Section 236(a) may be permitted on the ground floor and first basement floor as a conditional use if authorized pursuant to Section 303 and Section 249.5(c)(1) of this Code.*~~

~~*(4)*~~ The following uses are not permitted: (A) A *Tourist* ~~*h*~~*H*otel~~*, inn, hostel or motel;*~~ and (B) massage establishments which are not incidental to *a Hospital or Other Institution* ~~*the institutional uses permitted in Sections 217(a) through (d) of the Planning Code*~~ or are not incidental to a health club, gymnasium or other facility with a regular membership or other facility which is used primarily for instruction and training in body building, exercising, reducing, sports, dancing or other similar physical activities.

(4) ~~*(5)*~~ In the portion of the area designated as Subarea No. 1 of the North of Market Residential Special Use District, as shown on Section Map ~~*1SUb*~~ *SU01* of the Zoning Map, the density ratio shall be one dwelling unit for each 125 square feet of lot area; in Subarea No. 2, as shown on Section Map ~~*1SUb*~~ ~~*SU01*~~ of the Zoning Map, the density ratio shall be one dwelling unit for each 200 feet of lot area. The double density provisions of Section 209.1(m) shall not result in greater density than that permitted in an RC-4 District.

~~*(6)*~~ *(5) No* ~~*O*~~*o*ff-street parking requirements *shall be required for any use* ~~*may be modified by the City Planning Commission, as provided in Section 161(h) of this Code*~~.

(6) ~~*(7)*~~ A bulk district "T" shall apply pursuant to the provisions of Section 270, Table 270 of this Code.

(7) ~~*(8)*~~ Special exceptions to the 80-foot base height limit in height and bulk districts 80-120-T and 80-130-T may be granted pursuant to the provisions of Section 263.7 of this Code.

(8) ~~*(9)*~~ Building setbacks are required in this district pursuant to Section 132.2; provisions for exceptions are also set forth in Section 132.2 of this Code.

(9) ~~*(10)*~~ Exceptions to the rear yard requirements for an RC-4 District may be granted pursuant to Section 134(f) of this Code.

~~*(11) Awnings, canopies and marquees, as defined in Sections 790.20, 790.26 and 790.58 of this Code, and further regulated by the Building Code and Sections 249.5(c)(12), 136.2 and 607.4 of this Code are permitted.*~~

~~*(12) Signs located in the RC-4 portion of this district shall be regulated as provided in Section 607.4 of this Code.*~~

(10) ~~*(13)*~~ All provisions of the ~~*City*~~ Planning Code applicable in an RC-4 Use District shall apply within that portion of the district zoned RC-4, except as specifically provided above. All provisions of the ~~*City*~~ Planning Code applicable in a P Use District shall apply within that portion of the district zoned P, except as specifically provided above.

(11) ~~*(14)*~~ All demolitions of buildings containing residential units shall be permitted only if authorized as a conditional use under Section 303 of this Code, unless the Director of the Department of Building Inspection or the Chief of the Bureau of Fire Prevention and Public Safety determines that the building is unsafe or dangerous and that demolition is the only feasible means to secure the public safety. When considering whether to grant a conditional use permit for the demolition, in lieu of the criteria set forth in City Planning Code Section 303(c), consideration shall be given to the purposes of the North of Market Residential Special Use District set forth in Section 249.5(b), above, to the adverse impact on the public health, safety and general welfare due to the loss of existing housing stock in the district and to any unreasonable hardship to the applicant if the permit is denied. Demolition of residential hotel units shall also comply with the provisions of the Residential Hotel Ordinance.

(d) **Liquor Establishments.** In addition to all other applicable controls set forth in this Code, Liquor Establishments in the North of Market Residential Special Use District shall be subject to the controls set forth in this Section.

(1) No Off-Sale Liquor Establishments shall be permitted in the North of Market Residential Special Use District.

(2) An Off-Sale Liquor Establishment lawfully existing in the North of Market Residential Special Use District and selling alcoholic beverages as licensed by the State of California prior to the effective date of this legislation may continue operation only under the following conditions, as provided by California Business and Professions Code Section 23790:

(A) The premises shall retain the same type of retail liquor license within a license classification; and

(B) The licensed premises shall be operated continuously without substantial change in mode or character of operation.

(3) The prohibition on Off-Sale Liquor Establishments shall not be interpreted to prohibit the following, provided that the type of California liquor license does not change, the location of the establishment does not change, and the square footage used for the display and sale of alcoholic beverages does not increase:

(A) A change in ownership of an Off-Sale Liquor Establishment or an owner-to-owner transfer of a California liquor license; or

(B) Re-establishment, restoration or repair of an existing Off-Sale Liquor Establishment on the same lot after total or partial destruction or damage due to fire, riot, insurrection, toxic accident or act of God; or

(C) Temporary closure of an existing Off-Sale Liquor Establishment for not more than ninety (90) days for repair, renovation or remodeling.

(4) The prohibition on Off-Sale Liquor Establishments shall not be interpreted to prohibit the following:

(A) Temporary uses, as described in Planning Code Section 205.1; or

(B) Establishment of an Off-Sale Liquor Establishment if application for such Off-Sale Liquor Establishment is on file with the California Department of Alcoholic Beverage Control prior to the effective date of this legislation; or

(C) Re-location of an existing Off-Sale Liquor Establishment in the North of Market Residential Special Use District to another location within the North of Market Residential Special Use District with conditional use authorization from the ~~*City*~~ Planning Commission, provided that (i) the type of California liquor license does not, change, (ii) the square footage used for the display and sale of alcoholic beverages does not increase, and (iii) the original premises shall not be occupied by an Off-Sale Liquor Establishment unless by another Off-Sale Liquor Establishment that is also relocating from within the North of Market Residential Special Use District. Any such conditional use authorization shall include a requirement that the establishment comes with the "Good Neighbor Policies" set forth in Subsection (d)(6) below; or

(D) A change in liquor license from a Type 21 (Off-Sale General) to a Type 20 (Off-Sale Beer and Wine), provided that the square footage used for the display and sale of alcoholic beverages does not increase.

(5) The prohibition on Off-Sale Liquor Establishments shall be interpreted to prohibit the transfer of any California Alcoholic Beverage Control Board off-sale liquor license from a location outside of the North of Market Residential Special Use District to a location within the North of Market Residential Special Use District or the issuance of any original California Alcoholic Beverage Control Board off-sale liquor license for a location within the North of Market Residential Special Use District.

(6) The following "Good Neighbor Policies" shall apply to all Liquor Establishments in the North of Market Residential Special Use District in order to maintain the safety and cleanliness of the premises and vicinity:

(A) Employees of the establishment shall walk a 100-foot radius from the premises some time between 30 minutes after closing time and 8:00 a.m. the following morning, and shall pick up and dispose of any discarded beverage containers and other trash left by patrons;

(B) The establishment shall provide outside lighting in a manner sufficient to illuminate street and sidewalk areas and adjacent parking, as appropriate to maintain security, without disturbing area residences;

(C) No alcoholic beverages shall be consumed on any outdoor property adjacent to the establishment and which is under the control of the establishment, excepting those areas of the property that are enclosed and not visible from the sidewalk. are intended for patron services, are supervised by the establishment, and are not located adjacent to any sidewalk areas;

(D) No more than 33 percent of the square footage of the windows and clear doors of the establishment shall bear advertising or signage of any sort, and all advertising and signage shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the premises, including the area in which the cash registers are maintained, from the exterior public sidewalk or entrance to the premises. This requirement shall not apply to premises where there are no windows, or where existing windows are located at a height that precludes a view of the interior of the premises to a person standing outside the premises;

(E) No person under the age of 21 shall sell or package alcoholic beverages;

(F) Employees of the establishment shall regularly police the area under the control of the establishment in an effort to prevent the loitering of persons about the premises; and

(G) The establishment shall promptly remove any graffiti from the exterior of the premises.

(7) For purposes of this Section, the following definitions shall apply:

(A) "Liquor Establishment" shall mean any enterprise selling alcoholic beverages pursuant to a California Alcoholic Beverage Control Board license.

(B) "Off-Sale Liquor Establishment" shall mean any establishment that is defined in Section 790.55 of this Code.

(C) "Alcoholic Beverages" shall mean "alcoholic beverages," as defined by California Business and Professions Code Sections 23004 and 23025;

(D) "Sell" or "Sale" shall mean and include any retail transaction whereby, for any consideration, an alcoholic beverage is transferred from one person to another.

(e) **Fringe Financial Services.** In addition to all other applicable controls set forth in this Code, properties in the North of Market Residential Special Use District are within the Fringe Financial Service Restricted Use District established by Section 249.35 and are subject to the controls and exemptions set forth in Section 249.35.

SEC. 249.15. RESTRICTED LIGHT INDUSTRIAL SPECIAL USE DISTRICT.

(a) **Purpose.** There shall be a special use district known as the Restricted Light Industrial Special Use District, consisting of certain portions of the City and County of San Francisco zoned M-1 or P which border residential or recreational areas. The purpose of this district will be to restrict the more intensive light industrial activities in order to reduce conflict between uses adjacent or in close proximity to one another. These uses include: industrial areas, residential areas, recreation areas (both existing and proposed), large sports facilities or other large parking generators.

(b) **Controls.**

(1) In the Restricted Light Industrial Special Use District, the following uses (otherwise permitted or conditionally permitted in M-1 districts) shall not be permitted:

- Yard for storage or sale of livestock feed or coal;

- Stone or monument yard;

- Storage or transfer of junk, waste, garbage, refuse, secondhand, discarded, or salvaged materials;

- Automobile wrecking operation;

- Rendering or reduction of animal materials;

- Automobile assembling;

- Bottling plant, brewery, dairy products, plant, malt manufacturing or processing;

- Ice manufacturing;

- Concrete products mixing or manufacturing;

- Foundry;

- Metalworking or blacksmith shop;

- Enameling, lacquering, wholesale paint mixing;

- Woodworking mill or manufacturing of wood-fibre, sawdust, or excelsior products.

(2) In the Restricted Light Industrial Special Use District, the following uses shall require conditional use approval pursuant to Section 303(c) and (d) of the Planning Code:

- Parcel delivery services (as set forth in Planning Code Section 223*(j)* ~~*(g)*~~ and *(k)* ~~*(r)*~~);

- Ambulance services (as set forth in Planning Code Section *890.2* ~~*223(s)*~~);

- Storage for commercial vehicles (as set forth in Planning Code *Sections 890.131 and 890.132* ~~*223(t)*~~ and ~~*(u)*~~);

- Cold storage plant (as set forth in Planning Code Section 225(g));

In addition to the criteria for conditional use review already stated in Section 303, conditional use review for any new development in this special use district shall also consider the following issues:

(A) The impact on human health imposed by soil toxicity;

(B) Mitigation of adverse environmental impacts of industry on housing or open space (including but not limited to: noise, trash, dust);

(C) Conflict between industrial vehicular traffic and residential uses;

(D) Impacts of spillover parking from adjacent uses that generate high parking demands;

(E) Compatibility of appearance and landscaping with residential or parks;

(F) Any other related problems or issues resulting from the conflict of different land use activities in this area.

(3) **Enforcement.** All requirements of Article 1.7 of the ~~*City*~~ Planning Code with regard to enforcement and compliance with these restrictions shall be monitored by the Zoning Administrator in cooperation with the Department of Building Inspection and the Department of Public Health. Specifically, termination of legal nonconforming uses and abatement of illegal uses will be pursued to the extent permitted by the Municipal Code.

SEC. 249.25. JACKSON SQUARE SPECIAL USE DISTRICT.

In order to provide for the protection and enhancement of specialty retail and antique store uses in the Jackson Square area, there shall be established the Jackson Square Special Use District as designated on Sectional Map No. ~~*1 SU*~~ *SU01* of the Zoning Map. The boundaries of this special use district shall be coterminous with the boundaries of the Jackson Square Historic District as established by Appendix B to Article 10 of this Code and further described in Section 3 of that Appendix, and shall also include Lot 4 of Block 195. The following provisions shall apply within the Jackson Square Special Use District:

(a) **Purposes.** These controls are intended to protect and enhance the unique retail character of the special use district. All decisions of the Planning Commission and Department for the establishment of ground floor use shall be guided by the following factors:

(1) Continuation and enhancement of existing ground floor retail uses are of critical importance to the character of the District and displacement of such uses should be discouraged;

(2) Attraction and retention of similar new retail establishments that conform with the character of this District should be encouraged; and

(3) Uses that greatly intensify the density of employment have a negative impact on the provision of neighborhood services, traffic circulation, and limited on- and off-street parking.

(b) **Controls.**

(1) **General.** The provisions of the C-2 use district as established in Section 210.2 and applicable provisions of the ~~*Garment Shop Special Use District (Section 236) and the*~~ Washington-Broadway Special Use Districts (Section 239), and the Chinatown Community Business District (Section 810.1), shall prevail except as provided in paragraphs (2) and (3) below.

(2) **Conditional Uses.**

(A) ~~*(a)*~~ Office uses set forth in Sections 219(a), (b), (c), and (d), and Sections 890.70 and 890.111, and all institutional uses set forth in Sections 217 and 890.50, at the ground floor are subject to conditional use authorization pursuant to Section 303 of this Code, provided, however, that building lobbies, entrances, and exits to and from the basement, ground floor, or upper floors, and other reasonably-sized common areas at the ground floor shall be permitted without conditional use authorization. In addition to the findings required under Section 303(c) for conditional use authorization, the Commission shall make the following findings:

(i) The use shall be necessary to preserve the historic resource and no other use can be demonstrated to preserve the historic resource.

(ii) The use shall be compatible with, and shall enhance, the unique retail character of the District.

(B) ~~*(b)*~~ Subsection (b)(2)(a) shall not apply to any use that fronts Pacific Street.

(3) **Prohibited Uses.** Adult entertainment enterprises, as defined in Section 221(k) *of this Code* are prohibited.

SEC. 249.49. TELEGRAPH HILL – NORTH BEACH RESIDENTIAL SPECIAL USE DISTRICT.

(a) **Purposes.**

~~*(1)*~~ To regulate off-street parking and the installation of garages in existing residential structures in order to ensure that they do not significantly increase the level of automobile traffic, increase pollution, or impair pedestrian use on narrow public rights-of-way in the District; and to prevent the ability to add parking from providing an incentive to convert existing residential buildings from rental buildings to tenancies-in-common.

*(b) **Applicability.** The provisions of this Special Use District shall apply to the RH and RM zoned parcels within the area bounded by Bay Street on the north, The Embarcadero and Sansome Street on the east, Broadway on the South, and Columbus Avenue on the west, as shown on Sectional Map SU01 of the Zoning Map.*

(b) **Controls.**

(1) **Number of Off-Street Residential Parking Spaces.** Up to three cars for each four dwelling units is a Permitted use; up to one car for each dwelling unit requires a Conditional use, subject to the criteria and procedures of Section 151.1(f); above one car for each dwelling unit is Not Permitted.

(2) **Installation of a Parking Garage.** Installation of a garage in an existing residential building of four or more units requires a mandatory discretionary review hearing by the Planning Commission; Section 311 notice is required for a building of less than four units. In

approving installation of the garage, the Commission shall find that: (1) the proposed garage opening/addition of off-street parking will not cause the "removal" or "conversion of residential unit," as those terms are defined in Section 317 of this Code; (2) the proposed garage opening/addition of off-street parking will not substantially decrease the livability of a dwelling unit without increasing the floor area in a commensurate amount; (3) the building has not had two or more "no-fault" evictions, as defined in 37.9(a)(7)—(13) of the San Francisco Administrative Code, with each eviction associated with a separate unit(s) within the past ten years, (4) the garage would not front on a public right-of-way narrower than 41 feet, and (5) the proposed garage/addition of off-street parking installation is consistent with the Priority Policies of Section 101.1 of this Code.

Prior to the Planning Commission hearing, or prior to issuance of notification under Section 311(c)(2) of this Code, the Planning Department shall require a signed affidavit by the project sponsor attesting to (1), (2), and (3) above, which the Department shall independently verify. The Department shall also have made a determination that the project complies with (4) and (5) above.

SEC. 262. ADDITIONAL HEIGHT LIMITS APPLICABLE TO SIGNS.

(a) The height limits established by this Article 2.5 shall apply to all signs regulated by this Code, except those identified as *an* ~~*h*~~*H*istoric ~~*s*~~*S*ign~~*s within an Historic Sign District*~~ pursuant to Section~~*s 302, 303 and 608.14*~~ *602.9* of this Code. No sign shall be erected, placed, replaced, reconstructed or relocated except in conformity with the provisions of this Article, whether such sign is freestanding or attached to a building or structure.

(b) The height of signs is also regulated by Article 6 of this Code, and in each case the most restrictive of the applicable height limitations shall prevail, except for historic signs ~~*within Historic Sign Districts*~~ which are exempt from height limits pursuant to Section 260 of this Code

SEC. 307. OTHER POWERS AND DUTIES OF THE ZONING ADMINISTRATOR.

In addition to those specified in Sections 302 through 306, and Sections 316 through 316.8 of this Code, the Zoning Administrator shall have the following powers and duties in administration and enforcement of this Code. The duties described in this Section shall be performed under the general supervision of the Director of Planning, who shall be kept informed of the actions of the Zoning Administrator.

(a) **Rules, Regulations and Interpretations.** The Zoning Administrator shall, consistent with the expressed standards, purposes and intent of this Code and pursuant to its objectives, issue and adopt such rules, regulations and interpretations as are in the Zoning Administrator's opinion necessary to administer and enforce the provisions of this Code. Such rules and regulations, and any such interpretations that will be of general application in future cases, shall be made a part of the permanent public records of the Planning Department. The Zoning Administrator shall respond to all written requests for determinations regarding the classification of uses and the interpretation and applicability of the provisions of this Code.

(b) **Compliance with This Code.** The Zoning Administrator shall have authority to take appropriate actions to secure compliance with this Code, through review of permit applications, surveys and record-keeping, enforcement against violations as described in Section 176, and other means.

(c) **Inspection of Premises.** In the performance of any prescribed duties, the Zoning Administrator and employees of the Planning Department authorized to represent the Zoning Administrator shall have the right to enter any building or premises for the purposes of investigation and inspection; provided, that such right of entry shall be exercised only at reasonable hours, and that in no case shall entry be made to any building in the absence of the owner or tenant thereof without the written order of a court of competent jurisdiction.

(d) **Code Maintenance.** The Zoning Administrator shall periodically review and study the effectiveness and appropriateness of the provisions of this Code, for the purpose of recommending necessary changes to the Director of Planning and the Planning Commission.

(e) **Exercise of Powers and Duties by Others.** In cases where absence, incapacity, vacancy of the office, conflict of interest or other sufficient reasons prevent action by the Zoning Administrator, the Director of Planning may designate any officer or employee of the Department to carry out any function of the Zoning Administrator so affected.

(f) **Cooperation With Other Departments.** The Zoning Administrator shall furnish to the various departments, officers and employees of the City vested with the duty or authority to issue permits or licenses (including but not limited to the Department of Public Works, Department of Public Health, Police Department and Fire Department) such information as will insure the proper administration of this Code and of all the rules, regulations, interpretations and other determinations of the Planning Department relative thereto. It shall be the duty of said departments, officers and employees to cooperate with the Zoning Administrator in the performance of the Zoning Administrator's duties, and to assist in the enforcement of the provisions of this Code.

(g) **Exceptions from Certain Specific Code Standards through Administrative Review in the Chinatown Mixed Use Districts and the South of Market Mixed Use Districts.** The Zoning Administrator may allow complete or partial relief from parking, rear yard, open space and wind and shadow standards as authorized in the applicable sections of this Code, when modification of the standard would result in a project better fulfilling the criteria set forth in the applicable section. The procedures and fee for such review shall be the same as those which are applicable to variances, as set forth in Sections 306.1 through 306.5 and 308.2

(h) **Exceptions from Certain Specific Code Standards through Administrative Review** ~~*in the Eastern Neighborhoods Mixed Use Districts.*~~ ~~*In the Eastern Neighborhoods Mixed Use Districts, the*~~ ~~*The*~~ Zoning Administrator may allow complete or partial relief from certain standards specifically identified below and elsewhere in this Code when modification of the standard would result in a project fulfilling the criteria set forth below and in the applicable section.

(1) **Applicability.**

(A) Eastern Neighborhoods Mixed Use Districts. For projects not subject to Section 329, relief may be provided for the following requirements: rear yard; non-residential open space; off-street loading requirements; and off-street parking limits up to the maximum quantities described in Section 151.1.

(B) ***Dwelling Unit Exposure for Historic Buildings.*** Relief may also be provided for dwelling unit exposure requirements for buildings which are designated landmark buildings or contributory buildings within designated historic districts per Article 10 of this Code, *any building designated Category I-IV per Article 11 of this Code,* and/or buildings recorded with the State Historic Preservation Office as eligible for the California Register, when the following criteria are met: (i) literal enforcement of Section 140 would result in the material impairment of the historic resource; and (ii) the project complies with the Secretary of the Interior's Standards, (36 C.F.R. § 67.7 (2001)) and/or Section 1006 and any related Article 10 appendices of this Code. *This administrative exception does not apply to new additions to historic buildings.*

(C) ***Residential Open Space for Historic Buildings.*** *For a landmark building designated per Article 10 of this Code, a contributing building located within a designated historic district per Article 10, or any building designated Category I-IV per Article 11 of this Code, the provision of off-site*

publicly accessible open space, meeting the requirements of Section 135(h), may be credited toward the residential usable open space requirement.

*(D) **Conversion of Non-conforming Uses to Residential Uses.** The Zoning Administrator may modify or waive dwelling unit exposure requirements, rear yard requirements, open space requirements for inner courts, and the substitution of off-site publicly accessible open space for required residential open space, provided:*

(i) That the residential use, whether dwelling units group housing, or SRO units, are principally permitted in the district or districts in which the project is located;

(ii) That the nonconforming use is eliminated by such conversion, provided further that the structure is not enlarged, extended or moved to another location; and

(iii) That the requirements of the Building Code, the Housing Code and other applicable portions of the Municipal Code are met.

(2) **Procedures.** The review of a modification requested under this Section shall be conducted as part of, and incorporated into, a related building permit application or other required project authorizations; no additional fee shall be required. Under no circumstances shall such modification provide relief from any fee, including those related to usable open space pursuant to Sections 135(j) and 135.3(d). The provisions of this Subsection (h) shall not preclude such additional conditions as may be deemed necessary by the Zoning Administrator to further the purposes of this Section or other Sections of this Code.

(i) **Criteria for the Reduction or Modification of Off-Street Parking Requirements.** In approving a reduction or modification of off-street requirements authorized by this Code, the Zoning Administrator or the Planning Commission shall consider and apply the following criteria:

(1) the reduction in the parking requirement is justified by the reasonably anticipated automobile usage by residents of and visitors to the project; and

(2) the reduction in the parking requirement will not be detrimental to the health, safety, convenience, or general welfare of persons residing in or working in the vicinity; and

(3) the minimization of conflict of vehicular and pedestrian movements; and

(4) the availability of transportation modes other than the automobile; and

(5) the pattern of land use and character of development in the vicinity; and

(6) such other criteria as the Zoning Administrator deems appropriate in the circumstances of the particular case.

SEC. 309.1 PERMIT REVIEW IN DOWNTOWN RESIDENTIAL DISTRICTS.

The provisions and procedures set forth in this Section shall govern the review of project authorization and building and site permit applications for the construction or substantial alteration of structures in Downtown Residential districts, the granting of exceptions to requirements of this Code, and the imposition of modifications necessary to achieve the objectives and policies of the General Plan and the purposes of this Code as provided for in Section ~~827~~ 825 and elsewhere. When any action authorized by this Section is taken, any determination with respect to the proposed project required or authorized pursuant to CEQA may also be considered.

(a) **Design Review.**

(1) In addition to the standard permit review process, the design of projects greater than 50,000 gross square feet or 85 feet in height shall be subject to design review and approval by Department staff. A detailed design review will be initiated by Department staff working with the project sponsor, at the time an application for 309.1 review or building permit is filed, and may take place in advance of filing a building permit application. This comprehensive review shall resolve issues related to the project's design, including the following:

(A) Overall building massing and scale;

(B) Architectural treatments, facade design and building materials;

(C) The design of lower floors, including building setback areas, townhouses, entries and parking and loading access;

(D) On sloping sites, parking provided above ground pursuant to Section ~~*827(7)(A)*~~ *825(b)(7)(A)*;

(E) The provision of required open space, both on- and off-site;

(F) Streetscape and other public improvements, including tree planting, street furniture, and lighting;

(G) Circulation, including streets, alleys and mid-block pedestrian pathways

(H) Other changes necessary to bring a project into conformance with the ~~*Rincon Hill Plan and other*~~ *applicable* elements and area plans of the General Plan.

(2) If the project sponsor opposes project modifications and conditions recommended by the Director of Planning pursuant to the design review, the Director shall prepare a report of recommended modifications which shall be presented to the Planning Commission for a hearing pursuant to Subsection (e) and which shall be available to the public upon mail notification of said hearing.

(b) **Exceptions.**

(1) Exceptions to the following provisions of this Code may be granted as provided for below:

(A) Exceptions to the tower separation requirements of Section 270(e), pursuant to the criteria described in Section 270(e)(3) and 270(e)(4).

(B) Provision for exceeding an accessory residential parking ratio *principally permitted and up to the maximum permitted by Table 151.1* ~~*of 0.5 off-street car parking spaces per dwelling unit, up to a maximum of one car parking space per dwelling unit, pursuant to the criteria described in Section 151.1*~~.

(C) Exceptions to the lot coverage requirements of Section ~~827(d)(2)~~ 825(b)(2) for conversions of existing non-residential structures to residential use.

(D) Reductions in the dwelling unit exposure requirements of Section 140

(E) Allowing parking access from Folsom Street, pursuant to ~~827(d)(7)~~ 827(a)(8)(A0(ii) and 155(r).

(F) Reduction of required on-site residential open space of 36 square feet per unit described in Section ~~827(e)(2)(A)~~ 827(a)(9) to create additional off-site publicly-accessible open space and superior building design.

(G) Design, location, and size of publicly-accessible open space as allowed by ~~Section 827(e)~~ 827(a)(9) and equivalence of proposed publicly-accessible open space in size and quality with required on-site open space.

(H) Modifications to the required upper story setback above a height of 45 feet on the north side of mid-block pedestrian pathways as allowed in Section ~~827(d)(4)(C)(i)~~ 827(a)(5)(C)(i).

(I) On development lots larger than ½-acre, minor deviations from the provisions for measurement of height in Sections 260 of the Code as otherwise provided in Section 304(d)(6), in cases where the Planning Commission finds that such minor measurement modification is necessary for a project of outstanding overall design, complementary to the design of the surrounding area, and necessary to meet the intent and policies of the relevant area plan of the General Plan.

(c) **Hearing and Determination on Design Modifications and Applications for Exceptions.**

(1) **Hearing.** The Planning Commission shall hold a public hearing for all projects greater than 50,000 gross square feet, for all projects 85 feet in height or greater, and for applications that require exceptions as provided in Subsection (b).

(2) **Notice of Hearing.** Notice of such hearing shall be mailed not less than 10 days prior to the date of the hearing to the project applicant, to property owners within 300 feet of the project that is the subject of the application, using for this purpose the names and addresses as shown on the citywide Assessment Roll in the Assessor's Office, and to any person who has requested such notice. Such notice shall also be published at least once in an official newspaper of general circulation at least 10 days prior to the date of the hearing. The notice shall state that the written recommendation of the Director of Planning regarding design modifications to the project and regarding any requests for exceptions is available for public review at the office of the Planning Department.

(3) **Director's Recommendations on Modifications and Exceptions.** At the hearing, the Director of Planning shall review for the Commission key urban design issues related to the project based on the design review pursuant to Subsection (a) and recommend to the Commission modifications to the project and conditions for approval as necessary. The Director shall also make recommendations to the Commission on any proposed exceptions pursuant to Subsection (b).

(4) **Decision and Imposition of Conditions.** The Commission may, after public hearing and, after making appropriate findings, approve, disapprove or approve subject to conditions, the project and any applications for exception. In addition to the requirements set forth in this Code, additional requirements, modifications, and limitations may be imposed on a proposed project, through the imposition of conditions, in order to achieve the objectives and policies of the General Plan or the purposes of this Code, including any modifications recommended by the Planning Director arising from design review. If pursuant to the provisions of this Section, the Planning Commission determines that conditions should be imposed on the approval of a building or site permit application or an application for exceptions to conform the building to the standards and intent of the Rincon Hill Plan and

other elements of the General Plan and the applicant agrees to comply, the Commission may approve the application subject to those conditions.

(5) **Appeal.** The decision of the Planning Commission on the granting of any exceptions pursuant to Subsection (b) may be appealed to the Board of Appeals by any person aggrieved within 15 days after the date of the decision by filing a written notice of appeal with that body, setting forth wherein it is alleged that there was an error in the interpretation of the provisions of this Code or abuse of discretion on the part of the Planning Commission.

(6) **Decision on Appeal.** Upon the hearing of an appeal, the Board of Appeals may, subject to the same limitations as are placed on the Planning Commission by Charter or by this Code, approve, disapprove or modify the decision appealed from the Planning Commission. If the determination of the Board differs from that of the Commission it shall, in a written decision, specify the error in interpretation or abuse of discretion on the part of the Commission and shall specify in the findings, as part of the written decision, the facts relied upon in arriving at its determination.

(7) **Discretionary Review.** No requests for discretionary review, other than through the procedures set forth in this Subsection, shall be accepted by the Planning Department or heard by the Planning Commission for permits in a DTR district.

(d) **Change of Conditions.** Authorization of a change in any condition previously imposed pursuant to this Section shall require an application for a change in conditions, which application shall be subject to the procedures set forth in this Section.

(e) **Unbuilt Tower Projects; Progress Requirement and Approval Revocation.**

(1) Construction of any development in an "R" bulk district containing a building taller than 110 feet (herein referred to as a "tower project") shall commence within 24 months of the date the tower project is first approved by the Planning Commission or Board of Appeals

pursuant to the provisions of this Section. For tower projects that contain more than one tower structure, each tower structure shall be considered as a separate phase of development, with a requirement for commencement of construction for each subsequent tower phase of 18 months beginning after the Certificate of Final Completion and Occupancy is issued on the previous tower phase. Failure to begin construction work within that period, or thereafter to carry the development diligently to completion, shall be grounds for the Planning Commission to revoke approval of the tower project or phase. Neither the Department of Public Works nor the Board of ~~*Permit*~~ Appeals shall grant any extension of time inconsistent with the requirements of this Subsection (e)(1). For the purposes of this Subsection, "carry the development diligently to completion" shall mean continuous construction work without significant stoppage toward the completion of a tower structure beyond any site clearance, grading, excavation, or demolition of existing buildings on the project site.

(2) The Department of Building Inspection shall notify the Planning Department in writing of its approval for issuance and issuance of a site or building permit for any tower protect and of the revocation, cancellation, or expiration of any such permit.

(3) At the first regularly scheduled Planning Commission meeting after the time period described in Subsection (e)(1) or this Subsection (e)(3) has elapsed for any tower project or tower phase, the Planning Commission shall hold a hearing requiring the tower project sponsor to report on the construction progress of the subject tower project or phase. If the Commission finds that the tower project or phase does not meet the progress requirement of Subsection (e)(1), the Commission may revoke or extend, up to a maximum of 12 months for each extension, the approvals for the tower project or phase.

(4) Appeals of Planning Commission decisions pursuant to this Subsection (e) shall be conducted pursuant to the procedures of Subsections (c)(5) and (c)(6).

SEC. 602.3. BUSINESS SIGN.

A sign which directs attention to a business, commodity, service, industry or other activity which is sold, offered, or conducted, other than incidentally, on the premises upon which such sign is located, or to which it is affixed. Where a number of commodities, *services, or other activities* with different brand names or symbols are sold, *offered or conducted, other than incidentally,* on the premises, up to 1/3 of the area of a business sign, or 25 square feet of sign area, whichever is the lesser, may be devoted to the advertising of one or more of those commodities by brand name or symbol as an accessory function of the business sign, provided that such advertising is integrated with the remainder of the business sign, and provided also that any limits which may be imposed by this Code on the area of individual signs and the area of all signs on the property are not exceeded.

SEC. 602.9. HISTORIC SIGNS ~~*AND HISTORIC SIGN DISTRICTS*~~**.**

(a) ***Purpose.*** *The purpose of this section is to designate and to preserve, maintain, and restore a sign which depicts in text or graphic form a particular residential, business, cultural, economic, recreational, or other valued resource which is deemed by the Planning Commission to be of historic value and contributes to the visual identity and historic character of a City neighborhood or the City as a whole. Historic signs can contribute to the character of historic buildings and districts. Historic signs can also be valued in themselves, apart from the buildings to which they may be attached. Exceptions from the requirements of this Article 6 may be granted via Conditional Use Authorization, subject to the procedures and standards of Section 303 and of this section.*

(b) ***Definitions.***

(1) ***Historic Sign.*** An Historic Sign is a sign that depicts a land use, a business activity, a public activity, a social activity or historical figure or an activity or use that recalls the City's historic past, as further defined in Section 608.14 of this Code, and as permitted by Sections 303 and 608.14 of this Code.

~~*An historic sign district is a specific geographic area depicted on the Zoning Map of the City and County of San Francisco, pursuant to Section 302 of this Code, within which historic signs may be permitted by conditional use authorization by the Planning Commission pursuant to Sections 303 and 608.14 of this Code.*~~

(A) ***Historic Movie Theater Marquee.*** *A marquee, as defined in Section 136.1(c), attached to a Qualified Movie Theater, when such marquee was originally constructed in association with a movie theater or similar historic use. Elimination or change of any lettering or other inscription from a movie theater marquee, such as that which may occur with a change of ownership, change of use or closure, does not preclude classification of the marquee under this Section.*

(B) ***Historic Movie Theater Projecting Sign.*** *A projecting business sign attached to a Qualified Movie Theater when such sign was originally constructed in association with the Qualified Movie Theater or similar historic use. Such signs are typically characterized by (A) perpendicularity to the primary facade of the building, (B) fixed display of the name of the establishment, often in large lettering descending vertically throughout the length of the sign; (C) a narrow width that extends for a majority of the vertical distance of a building's facade, typically terminating at or slightly above the roofline, and (D) an overall scale and nature such that the sign comprises a significant and character defining architectural feature of the building to which it is attached. Elimination or change of any lettering or other inscription from a movie theater projecting sign, such as that which may occur with a change of ownership, change of use, or closure does not preclude classification of the sign under this Section.*

(2) ***Qualified Movie Theater.*** *A building that: (A) is currently or has been used as a movie theater; and (B) is listed on or eligible for listing on the National Register of Historic Places or the California Register of Historical Resources, designated a City Landmark or a contributor to a City Landmark District under Article 10, or designated as a Significant or Contributory Building under Article 11.*

*(c) **Application for Historic Sign Authorization.** Prior to the scheduling of the Conditional Use hearing before the Planning Commission required by subsection (a), the applicant for a historic sign authorization shall provide to the Department evidence in the form of photographs and/or documents demonstrating that:*

(1) the sign proposed for historic authorization is at least 40 years old; and

(2) the sign depicts a particular residential, business, cultural, economic, recreational, or other valued resource of historic value and contributes to the visual identity and historic character of a City neighborhood or the City as a whole.

*(d) **Referral to Historic Preservation Commission.** If the application for a historic sign authorization under this Section 608.14 is not otherwise required to be referred to the Historic Preservation Commission under the San Francisco Charter or this Code, it is not required to be referred. However, the Department may refer the application to that Commission for an advisory opinion as to the eligibility of the sign for historic sign status, and/or of any proposed alteration, restoration, or reconstruction to an eligible sign.*

*(e) **Criteria and Requirements for Preservation, maintenance, restoration, and reconstruction.** In addition to the requirements of Section 303, the Planning Commission shall consider the following criteria in granting Conditional Use Authorization for exceptions from the requirements of Article 6 for signs, and the requirements of Section 136.1 for Historic Movie Theater Marquees.*

*(1) **Minimizing alterations.** Historic signs shall be maintained unaltered and in their historic location to the extent possible, even when the new business is of a different nature from the old. Signs painted directly on walls, doors, windows, or other building surfaces may not be changed, but may be repaired or restored.*

*(2) **Relocation.** A Historic Sign may be relocated elsewhere on the building to accommodate a new sign. A Historic Sign may also be relocated to a public space inside the building, such as in the*

lobby or above the bar in a restaurant. This option is less preferable than keeping the sign outside the building, but preserves the sign on site, and leaves open the possibility of putting it back in its historic location.

*(3) **Modification.** Signs other than those painted directly onto building surfaces may be modified for use with a new business. Modifications to signs should be minimized, and should take care not to destroy essential features. New text and images shall maintain continuity with the character of the sign, building, and district. General Advertising Signs shall not be permitted on historic Projecting Signs or Roof Signs.*

*(4) **General Advertising Signs.** General Advertising Signs shall not be permitted on historic signs.*

*(5) **Historic Movie Theater Projecting Signs and Historic Movie Theater Marquees.** In order that certain character-defining architectural elements of Qualified Movie Theaters be preserved and enhanced, a noncomplying Historic Movie Theater Projecting Sign and/or a noncomplying Historic Movie Theater Marquee, as defined in this Section, may be preserved, rehabilitated, or restored. A noncomplying Historic Movie Theater Projecting Sign or a noncomplying Historic Movie Theater Marquee removed from a Qualified Movie Theater prior to or in absence of an application for replacement may be reconstructed.*

(A) Any preservation, rehabilitation, restoration, or reconstruction permitted under this Section shall be in strict conformity with the overall design, scale, and character of the existing or previously existing Historic Movie Theater Sign or Historic Movie Theater Marquee and:

(B) For a Qualified Movie Theater that retains its Historic Movie Theater Projecting Sign and/or Historic Movie Theater Marquee, the signage features shall be limited to the following:

(i) On a Historic Movie Theater Projecting Sign, the historic name associated with a previous theater occupant;

(ii) On a Historic Movie Theater Marquee, the historic name associated with a previous theater occupant and, where applicable, on the signboard, other information that is an Identifying Sign, as defined in Section 602.10, provided such information shall be contained within the signboard, shall not consist of any logos, and shall be in the character of lettering historically found on movie theater signboards in terms of size, font, and detail.

(C) For a Qualified Movie Theater where the Historic Movie Theater Projecting Sign and/or Historic Movie Theater Marquee has been removed and is proposed to be reconstructed, the overall design and signage features shall be limited to the following:

(i) On a Historic Movie Theater Projecting Sign, the historic name associated with a previous theater occupant;

(ii) On a Historic Movie Theater Marquee, the historic name associated with a previous theater occupant and, where applicable, on the signboard, other information that is an Identifying Sign, as defined in Section 602.10, provided such information shall be contained within the signboard, shall not consist of any logos, and shall be in the character of lettering historically found on movie theater signboards in terms of size, font, and detail.

(D) Any application to reconstruct shall include evidence of the dimensions, scale, materials, placement, and features of the previously exiting Historic Movie Theater Projecting Sign and/or Historic Movie Theater Marquee, as well as any other information required by the Zoning Administrator.

(E) General advertising signs shall not be permitted on either a Historic Movie Theater Projecting Sign or a Historic Movie Theater Marquee.

SEC. 602.24. WINDOW SIGN.

A sign painted directly on the surface of a window glass or placed ~~*in front of or*~~ behind the surface of a window glass.

SEC. 604. PERMITS AND CONFORMITY REQUIRED.

(a) ***Approval of Application.*** An application for a permit for a sign that conforms to the provisions of this Code shall be approved by the *Planning* Department ~~*of Planning*~~ without modification or disapproval by the *Planning* Department ~~*of Planning*~~ or the Planning Commission, pursuant to the authority vested in them by Section 26~~*, Part III,*~~ of the San Francisco ~~*Municipal*~~ *Business & Tax Regulations* Code or any other provision of said Municipal Code; provided, however, that applications pertaining to (a) signs subject to the regulations set forth in Article 10 of the Planning Code, Preservation of Historical, Architectural and Aesthetic Landmarks, Article 11, Preservation of Buildings and Districts of Architectural, Historical and Aesthetic Importance in the C-3 Districts and Section*s 602.9 and* 608.14 may be disapproved pursuant to the relevant provisions thereof, and (b) preservation, restoration, rehabilitation, or reconstruction of Historic Movie Theater Projecting Signs or Historic Movie Theater Marquees as set forth in Section 188(e) may be modified or disapproved subject to applicable sections of the General Plan, this Code, relevant design guidelines, Department or Commission policy, or the Secretary of the Interior Standards for the Treatment of Historic Properties. No sign, other than those signs exempted by Section 603 of this Code, shall be erected, placed, replaced, reconstructed or relocated on any property, intensified in illumination or other aspect, or expanded in area or in any dimension except in conformity with Article 6 of this Code. No such erection, placement, replacement, reconstruction, relocation, intensification, or expansion shall be undertaken without a permit having been duly issued therefor, except as specifically provided otherwise in this Section 604.

(b) ***Applicability of Section.*** The provisions of this Section 604 shall apply to work of the above types on all signs unless specifically exempted by this Code, whether or not a permit for such sign is required under the San Francisco Building Code. In cases in which permits are not required under the Building Code, applications for permits shall be filed with the Central Permit Bureau of the Department of Building Inspection on forms prescribed by the

Planning Department ~~*of Planning*~~, together with a permit fee of $5.00 for each sign, and the permit number shall appear on the completed sign in the same manner as required by the Building Code.

(c) ***Sign Painted on Door or Window.*** No permit shall be required under this Code for a sign painted or repainted directly on a door or window in an NC, C or M District. Permits shall be required for all other painted signs in NC, C and M Districts, and for all painted signs in P and R Districts. Repainting of any painted sign shall be deemed to be a replacement of the sign, except as provided in Subsection (f) below.

(d) ***Ordinary Maintenance and Repairs.*** Except as provided in Subsection (c) above, no permit shall be required under this Code for ordinary maintenance and minor repairs which do not involve replacement, alteration, reconstruction, relocation, intensification or expansion of the sign.

(e) ***Temporary Sale or Lease Signs.*** No permit shall be required under this Code for temporary sale or lease signs, temporary signs of persons and firms connected with work on buildings under actual construction or alteration, and temporary business signs, to the extent that such signs are permitted by this Code.

(f) ***Change of Copy.*** A mere change of copy on a sign the customary use of which involves frequent and periodic changes of copy shall not be subject to the provisions of this Section 604, except that a change from general advertising to nongeneral advertising sign copy or from nongeneral advertising to general advertising sign copy or an increase in area including, but not limited to, any extensions in the form of writing, representation, emblem or any figure of similar character shall in itself constitute a new sign subject to the provisions of this Section 604. In the case of signs the customary use of which does not involve frequent and periodic changes of copy, a change of copy shall in itself constitute a new sign subject to

the provisions of this Section 604 if the new copy concerns a different person, firm, group, organization, place, commodity, product, service, business, profession, enterprise or industry.

(g) ***Scaled Drawing.*** Each application for a permit for a sign shall be accompanied by a scaled drawing of the sign, including the location of the sign on the building or other structure or on the lot, and including (except in the case of a sign the customary use of which involves frequent and periodic changes of copy) such designation of the copy as is needed to determine that the location, area and other provisions of this Code are met.

(h) ***Nonconforming Signs; Replacement, Alteration, Reconstruction, Relocation, Intensification, or Expansion.*** Unless otherwise provided in this Code or in other Codes or regulations, a lawfully existing sign which fails to conform to the provisions of this Article 6 *shall be brought into conformity* ~~*may remain until*~~ *when the activity for which the sign has been posted ceases operation or moves to another location, when a new building is constructed, or at* the end of ~~*its*~~ *the sign's* normal life. Such sign may not, however, be replaced, altered, reconstructed, relocated, intensified or expanded in area or in any dimension except in conformity with the provisions of this Code, including Subsection (i) below *and Section 602.9 for historic signs*. Ordinary maintenance and minor repairs shall be permitted, but such maintenance and repairs shall not include replacement, alteration, reconstruction, relocation, intensification or expansion of the sign; provided, however, that alterations of a structural nature required to reinforce a part or parts of a lawfully existing sign to meet the standards of seismic loads and forces of the Building Code, to replace a damaged or weathered signboard, to ensure safe use and maintenance of that sign, to remediate hazardous materials, or any combination of the above alterations shall be considered ordinary maintenance and shall be allowed. A sign which is damaged or destroyed by fire or other calamity shall be governed by the provisions of Sections 181(d) and 188(b) of this Code.

A sign which is voluntarily destroyed or removed by its owner or which is required by law to be removed may be restored only in full conformity with the provisions of this Code, except as authorized in Subsection (i) below. A general advertising sign that has been removed shall not be reinstalled, replaced, or reconstructed at the same location, and the erection, construction, and/or installation of a general advertising sign at that location to replace the previously existing sign shall be deemed to be a new sign in violation of Section 611(a) of this Code; provided, however, that such reinstallation, replacement, or reconstruction pursuant to a permit duly issued prior to the effective date of this requirement shall not be deemed a violation of Section 611(a) and shall be considered a lawfully existing nonconforming general advertising sign; and further provided that this prohibition shall not prevent a general advertising sign from being relocated to that location pursuant to a Relocation Agreement and conditional use authorization under Sections 611 and 303(l) of this Code and Section 2.21 of the San Francisco Administrative Code.

(i) ***Business Signs.*** *When the activity for which a business sign has been posted has ceased operation for more than 90 days, all signs pertaining to that business activity shall be removed after that time.* A lawfully existing business that is relocating to a new location within 300 feet of its existing location within the North Beach Neighborhood Commercial District described in Sections 702.1 and 722.1 of this Code may move to the new location within said North Beach Neighborhood Commercial District one existing business sign together with its associated sign structure, whether or not the sign is nonconforming in its new location; provided, however, that the sign is not intensified or expanded in area or in any dimension except in conformity with the provisions of this Code. With the approval of the Zoning Administrator, however, the sign structure may be modified to the extent mandated by the Building Code. In no event may a painted sign or a sign with flashing, blinking, fluctuating or other animated light be relocated unless in conformity with current code requirements applicable to its new location. In addition,

the provisions of Articles 10 and 11 of this Code shall apply to the relocation of any sign to a location regulated by the provisions of said Articles.

(j) Nothing in this Article 6 shall be deemed to permit any use of property that is otherwise prohibited by this Code, or to permit any sign that is prohibited by the regulations of any special sign district or the standards or procedures of any Redevelopment Plan or any other Code or legal restriction.

*(k) **Public Areas.** No sign shall be placed upon any public street, alley, sidewalk, public plaza or right-or-way, or in any portion of a transit system, except such projecting signs as are otherwise permitted by this Code and signs, structures and features as are specifically approved by the appropriate public authorities under applicable laws and regulations and under such conditions as may be imposed by such authorities.*

*(l) **Maintenance.** Every sign shall be adequately maintained in its appearance. When the activity for which a business sign has been posted has ceased operation for more than 90 days, all signs pertaining to that business activity shall be removed after that time.*

~~*An historic sign is a sign that depicts a land use, a business activity, a public activity, a social activity or historical figure or an activity or use that recalls the City's historic past, as further defined in Section 608.14 of this Code, and as permitted by Sections 303 and 608.14 of this Code.*~~

~~*An historic sign district is a specific geographic area depicted on the Zoning Map of the City and County of San Francisco, pursuant to Section 302 of this Code, within which historic signs may be permitted by conditional use authorization by the Planning Commission pursuant to Sections 303 and 608.14 of this Code.*~~

SEC. 606. RESIDENTIAL DISTRICTS.

Signs in R*esidential and Residential Enclave* Districts, other than those signs exempted by Section 603 of this Code, shall conform to the following provisions:

(a) **General Provisions for All Signs.**

(1) No sign shall project beyond a street property line or legislated setback line, or into a required front setback area.

(2) No sign shall have or consist of any moving, rotating or otherwise animated part, or (if permitted to be illuminated) any flashing, blinking, fluctuating or otherwise animated light.

(3) No roof sign, wind sign, or general advertising sign shall be permitted.

(4) No sign shall extend above the roofline of a building to which it is attached, or above a height of 12 feet.

(b) **Signs for Uses Permitted in R*esidential and RED* Districts.** The following types of signs, subject to the limitations prescribed for them, shall be the only signs permitted for uses authorized as principal or conditional uses in *Residential and RED* Districts, except that signs for any *limited* commercial establishments ~~*so authorized in RC Districts*~~ shall be subject to the limitations of Paragraph (c)~~*(3)*~~ below.

(1) One nonilluminated or indirectly illuminated nameplate for each street frontage of the lot, not exceeding a height of 12 feet, and having an area not exceeding one square foot in RH Districts or two square feet in RM or RED Districts.

(2) One identifying sign for each street frontage of the lot, not exceeding a height of 12 feet, and meeting the following additional requirements:

(A) In RH Districts: nonilluminated or indirectly illuminated only; maximum area 12 square feet;

(B) In RM-~~*1*~~ *, RTO,* or RED Districts: maximum area eight square feet if directly illuminated, and 20 square feet if nonilluminated or indirectly illuminated.

~~*(C) In RTO Districts: nonilluminated or indirectly illuminated only; maximum area 12 square feet; signage related to commercial uses permitted under Sections 209.8(e) and 230 is regulated according to the provisions described in Section 230.*~~

(3) ***Sale or Lease Signs.*** One temporary nonilluminated or indirectly illuminated sale or lease sign for each street frontage of the total parcel involved, not exceeding a height of 24 feet if freestanding and not above the roofline if attached to a building, and having an area not exceeding six square feet for each lot or for each 3,000 square feet in such total parcel, whichever ratio permits the larger area, provided that no such sign shall exceed 50 square feet in area and any such sign exceeding 18 square feet in area shall be set back at least 25 feet from all street property lines. Any sale or lease sign shall be removed within seven days following removal of the property from the market.

(4) ***Construction Signs.*** Temporary nonilluminated signs of persons and firms connected with work on buildings under actual construction or alteration, giving their names and information pertinent to the project, not exceeding a height of 12 feet, with the combined area of all such signs not to exceed 10 square feet for each street frontage of the project.

(c) ***Business Signs for Limited Commercial Uses.*** *For Limited Commercial Uses, as described in Section 186 of this Code, and for Limited Corner Commercial Uses, as permitted by Section 231, the following controls shall apply:*

(1) ***Wall Signs.*** *One wall sign is permitted for each street frontage occupied by the use, placed flat against the wall that faces such street and not located above the ground floor. Such sign shall not exceed an area of one square foot for each linear foot of street frontage occupied by the building or part thereof that is devoted to the commercial use or 50 square feet per street frontage, whichever is less. Any such sign may be nonilluminated or indirectly illuminated.*

(2) ***Window Signs.*** *Window signs, limited to signs painted or similarly applied directly on the surface of the window glass, are permitted. The total area of all window signs, as defined in Section 602.1(b), shall not exceed one-quarter the area of the window on which the signs are located. Such signs may be nonilluminated or indirectly illuminated.*

*(3) **Projecting Signs.** The number of projecting signs shall not exceed one per business. The area of such sign, as defined in Section 602.1(a), shall not exceed six square feet. The height of such sign shall not exceed 14 feet, or the height of the lowest residential windowsill above the commercial use, whichever is lower. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or four feet, whichever is less. Any such sign may be nonilluminated or indirectly illuminated.*

*(4) **Signs on Awnings.** Sign copy may be located on permitted awnings in lieu of wall signs and projecting signs. The area of such sign copy as defined in Section 602.1(c) shall not exceed 20 square feet per business. Such sign copy may be nonilluminated or indirectly illuminated.*

*(5) **Illumination.** Any illumination permitted for signs covered by this Subsection (c) shall be extinguished at all times when the commercial use is not open for business.*

~~(c)~~ *(d)* **Signs for *Other* Nonconforming Uses.** ~~*Signs for any use in an R District which is nonconforming under the provisions of Sections 180 through 187 of this Code, or which is given conditional use status under said sections, shall be subject to the provisions of this Subsection (c), except that any such use that would first be permitted as either a principal or a conditional use in some other R District under Article 2 of this Code, other than an RC District, shall be subject to the provisions of Subsection 606(b) above.*~~ Any illumination permitted for signs covered by this Subsection ~~(c)~~ *(d)* shall be extinguished at all times when the nonconforming use is not open for business.

(1) **Automobile Service Stations.** The following business signs are permitted for an automobile service station. Any such signs may be nonilluminated or indirectly or directly illuminated. *Directly illuminated signs may be illuminated only during open business hours.*

(A) ***Oil Company Signs.*** A maximum of two oil company signs, which shall not extend ~~*more than 10 feet*~~ above the roofline if attached to a building, or exceed a height of 24 feet if freestanding. The area of any such sign shall not exceed 180 square feet, and along each

street frontage all parts of such a sign or signs that are within 10 feet of the street property line shall not exceed 80 square feet in area. The areas of other permanent and temporary signs as covered in Subparagraph 606(c)(1)(B) below shall not be included in the calculation of the areas specified in this Subparagraph.

(B) **Other Permanent and Temporary Signs Customarily Incidental to the Service Station Business.** No such sign shall extend above the roofline if attached to a building, or exceed a height of 12 feet if freestanding. The area of such signs shall not exceed 20 square feet for each such sign or a total of 80 square feet for all such signs on the premises.

(2) **Open Land Uses.** If there is no building with more than 50 square feet of floor area involved in the use, one business sign is permitted for each street frontage occupied by such use, not exceeding a height of 12 feet and having an area not exceeding one square foot for each foot of such street frontage. The total area of all signs for such a use shall not exceed 50 square feet. Any such sign may be nonilluminated or indirectly illuminated.

(3) **Other Uses.** For a use not listed in Paragraph 606(c)(1) or 606(c)(2) above, one business sign is permitted for each street frontage occupied by the use, placed flat against the wall that faces such street and not located above the ground floor. Such sign shall not exceed an area of ~~*two*~~ *one* square feet for each foot of street frontage occupied by the building or part thereof that is devoted to the nonconforming use. The total area of all signs for such a use shall not exceed 100 square feet. Any such sign may be nonilluminated or indirectly illuminated. ~~*In RM, RED and RC Districts, any such sign may be directly illuminated.*~~

SEC. 607. COMMERCIAL AND INDUSTRIAL DISTRICTS.

Signs in C, M, and PDR Districts, other than those signs exempted by Section 603 of this Code, shall conform to the following provisions:

(a) **General Advertising Signs.** No general advertising sign shall be permitted ~~*in any C-1 District or*~~ within 200 feet of the park known as Union Square and visible from said park.

No general advertising sign shall be permitted to cover part or all of any windows. ~~*except that a replacement sign of the same size or smaller, of the same type as defined in this Code or as interpreted by the Zoning Administrator, and at the same approximate location as an existing sign would be allowed within 200 feet of said park provided that the sign is otherwise permitted by the Planning Code, would cast no additional shadow upon Union Square, has no intensification of lighting as determined by the Zoning Administrator, and is not internally lighted or backlighted. Use of neon is not precluded by this provision. Temporary general advertising signs determined by the Zoning Administrator to be at pedestrian level and less than 50 square feet in size are not precluded by this provision.*~~

(b) **Roof Signs.** Roof signs *are not permitted in C Districts, and* shall be permitted in all ~~*C,*~~ M and PDR Districts ~~*other than C-1*~~ only if Subsections (1) through (3) below are satisfied; except that a roof sign that is designated historic pursuant to Sections 303 and 608.14 of this Code may be permitted without regard to Subsections (1) through (3) below:

(1) The sign does not extend more than 25 feet above the roofline of the building on or over which the sign is placed; and

(2) All parts of the sign are within 25 feet of, and the sign is mounted at not more than a 45-degree angle from, a wall of a building the roofline of which is at least as high as the top of the sign; and

(3) Such wall forms a complete backdrop for the sign, as the sign is viewed from all points from which the sign is legible from a public street or alley.

(c) **Wind Signs.** No wind sign shall be permitted in any C, ~~*or*~~ M *or PDR* District.

(d) **Moving Parts.** No sign shall have or consist of any moving, rotating, or otherwise physically animated part (as distinguished from lights that give the appearance of animation by flashing, blinking or fluctuating), except as follows:

(1) Moving or rotating or otherwise physically animated parts may be used for the rotation of barber poles and the indication of time of day and temperature.

(2) In the case of a general advertising sign in C-2, C-3, C-M, M-1, M-2, and PDR Districts, except for signs located within 200 feet of the park known as Union Square and visible from said park and signs located so as to be primarily viewed by persons traveling on any portion of a freeway, moving or otherwise physically animated parts may be used if such parts do not exceed a velocity of one complete cycle in a four-second period where such parts constitute less than 30 percent of the area of the sign or if, where such parts constitute a greater area of the sign, they do not exceed a velocity of one complete cycle in a four-second period and are stationary at least half of each eight-second period; except that signs designated historic pursuant to Sections 303 and 608.14 of this Code may have such moving features otherwise prohibited for signs located so as to be primarily viewed by persons traveling on any portion of a freeway.

(3) Notwithstanding the type of signs permissible under Subparagraph (d), a video sign is prohibited.

(4) Notwithstanding the type of signs permissible under Subparagraph (d)(2), a sign that rotates is prohibited.

(e) **Illumination.** Any sign may be nonilluminated or indirectly or directly illuminated. Signs in PDR, C-3, C-M, M-1 and M-2 Districts shall not be limited in any manner as to type of illumination, but no sign in a C-1 or C-2 District shall have or consist of any flashing, blinking, fluctuating or otherwise animated light except ~~*in each of the following special sign districts, all*~~ as specifically designated as "Special Districts for Sign Illumination" on Sectional Map SSD of the Zoning Map of the City and County of San Francisco, described in Section 608 of this Code,~~:~~

~~*(1)*~~ *I*~~i~~n the C-2 area consisting of five blocks in the vicinity of Fisherman's Wharf.~~;~~

~~*(2) In the C-2 area in the vicinity of Van Ness Avenue from Golden Gate Avenue and Eddy Street to Sacramento Street, and Polk Street from Eddy Street to Geary Street, also known as the Automotive Special Use District;*~~

~~*(3) In the C-2 area in the vicinity of Stockton, Washington and Kearny Streets and Broadway, also known as Washington-Broadway Special Use District Number 1.*~~

~~*(4)*~~ Notwithstanding the type of signs permissible under subparagraph (e), a video sign is prohibited in the districts ~~*described in subparagraphs (1) - (3)*~~.

(f) **Projection.** No sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline and in no case shall a sign project more than 10 feet beyond the street property line or building setback line ~~*in C-1 Districts, or 12 feet beyond the street property line or building setback line in any other C, M, and PDR District*~~.

(g) **Height and Extension Above Roofline.**

(1) **Signs Attached to Buildings.** Except as provided in Section 260 for historic signs in historic districts, no sign attached to a building shall extend or be located above the roofline of the building to which it is attached~~; *except that up to ½ the area of a business sign attached to the street wall of a building may extend above the roofline, up to the maximum height permitted for freestanding signs in the same district or 10 feet above the roofline, whichever is the lesser*~~. In addition, no sign attached to a building shall under any circumstances exceed *40 feet in height* ~~*the following maximum heights:*~~

~~*In C-1: 40 feet;*~~

~~*In C-3: 100 feet;*~~

~~*In all other C, and M Districts: 40 feet.*~~

~~*The 100-foot height limitation stated herein shall not apply to the modification or replacement of any currently existing wall signs so long as such modified or replacement sign is generally in the same location and not larger in surface area and projection than existing signs being modified or*~~

~~*replaced.*~~ Such signs may contain letters, numbers, a logo, service mark and/or trademark and may be nonilluminated or indirectly illuminated.

(2) **Freestanding Signs.** The maximum height for freestanding signs shall be as follows:

~~*In C-1: 24 feet;*~~

In C-2: 36 feet;

In all other C and M Districts: 40 feet.

(h) **Special Standards for Automobile Service Stations.** For automobile service stations, only the following signs are permitted, subject to the standards in this Subsection (h) and to all other standards in this Section 607.

(1) A maximum of two oil company signs, which shall not extend ~~*more than 10 feet*~~ above the roofline if attached to a building, or exceed the maximum height permitted for freestanding signs in the same district if freestanding. The area of any such sign shall not exceed 180 square feet, and along each street frontage all parts of such a sign or signs that are within 10 feet of the street property line shall not exceed 80 square feet in area. No such sign shall project more than five feet beyond any street property line or building setback line. The areas of other permanent and temporary signs as covered in Paragraph 607(h)(2) below shall not be included in the calculation of the areas specified in this paragraph.

(2) Other permanent and temporary business signs, not to exceed 30 square feet in area for each such sign or a total of 180 square feet for all such signs on the premises. No such sign shall extend above the roofline if attached to a building, or in any case project beyond any street property line or building setback line.

(3) General advertising signs meeting the provisions of this Section 607.

*(i) **Other Sign Requirements.** Within C, M, and PDR Districts the following requirements shall apply:*

*(1) **Public Areas.** No sign shall be placed upon any public street, alley, sidewalk, public plaza or right-or-way, or in any portion of a transit system, except such projecting signs as are otherwise permitted by this Code and signs, structures and features as are specifically approved by the appropriate public authorities under applicable laws and regulations and under such conditions as may be imposed by such authorities.*

*(2) **Maintenance.** Every sign shall be adequately maintained in its appearance. When the activity for which a business sign has been posted has ceased operation for more than 90 days, all signs pertaining to that business activity shall be removed after that time.*

SEC. 607.1. NEIGHBORHOOD COMMERCIAL *AND RESIDENTIAL-COMMERCIAL* DISTRICTS.

Signs located in Neighborhood Commercial Districts shall be regulated as provided herein, except for those signs which are exempted by Section 603 of this Code. In the event of conflict between the provisions of Section 607.1 and other provisions of Article 6, the provisions of Section 607.1 shall prevail in Neighborhood Commercial *and Residential-Commercial* Districts, provided that with respect to properties also located in the Upper Market Special Sign District, the provisions of Section 608.10 of this Code shall prevail.

(a) **Purposes and Findings.** In addition to the purposes stated in Sections 101 and 601 of this Code, the following purposes apply to Neighborhood Commercial *and Residential-Commercial* Districts. These purposes constitute findings that form a basis for regulations and provide guidance for their application.

(1) As Neighborhood Commercial Districts change, they need to maintain their attractiveness to *residents,* customers and potential new businesses alike. Physical amenities and a pleasant appearance will profit both existing and new enterprises.

(2) The character of signs and other features projecting from buildings is an important part of the visual appeal of a street and the general quality and economic stability of the area.

Opportunities exist to relate these signs and projections more effectively to street design and building design. These regulations establish a framework that will contribute toward a coherent appearance of Neighborhood Commercial Districts.

(3) Neighborhood Commercial Districts are typically mixed use areas with commercial units on the ground or lower stories and residential uses on upper stories. Although signs ~~*and other advertising devices*~~ are essential to a vital commercial district, they should not be allowed to interfere with or diminish the livability of residential units within a Neighborhood Commercial District or in adjacent residential districts.

(4) The scale of most Neighborhood Commercial Districts as characterized by building height, bulk, and appearance, and the width of streets and sidewalks differs from that of other commercial and industrial districts. Sign sizes should relate and be compatible with the surrounding district scale.

(b) **Signs or Sign Features Not Permitted in NC *and RC* Districts.** Roof signs as defined in Section 602.16 of this Code, wind signs as defined in Section 602.22 of this Code, and signs on canopies, as defined in Section 136.1(b) of this Code, are not permitted in NC *and RC* Districts. No sign shall have or consist of any moving, rotating, or otherwise physically animated part, or lights that give the appearance of animation by flashing, blinking, or fluctuating, except as permitted by Section 607.1(i) of this Code. In addition, all signs or sign features not otherwise specifically regulated in this Section 607.1 shall be prohibited.

(c) **Identifying Signs.** Identifying signs, as defined in Section 602.10, shall be permitted in all Neighborhood Commercial *and Residential-Commercial* Districts subject to the limits set forth below.

(1) One sign per lot shall be permitted and such sign shall not exceed 20 square feet in area. The sign may be a freestanding sign, if the building is recessed from the street property line, or may be a wall sign or a projecting sign. The existence of a freestanding

identifying sign shall preclude the erection of a freestanding business sign on the same lot. A wall or projecting sign shall be mounted on the first-story level; a freestanding sign shall not exceed 15 feet in height. Such sign may be nonilluminated, indirectly illuminated, or directly illuminated.

(2) One sign identifying a shopping center or shopping mall shall be permitted subject to the conditions in Paragraph (1), but shall not exceed 30 square feet in area. Any sign identifying a permitted use listed in zoning categories .40 through .70 in Section 703.2(a) in an NC District shall be considered a business sign and subject to Section 607.1(f) of this Code. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated during the hours of operation of the businesses in the shopping center or shopping mall.

(d) **Nameplates.** One nameplate, as defined in Section 602.12 of this Code, not exceeding an area of two square feet, shall be permitted for each noncommercial use in NC Districts.

(e) **General Advertising Signs.** General advertising signs, as defined in Section 602.7, ~~*shall*~~ *are not* ~~*be*~~ permitted in Neighborhood Commercial *and Residential-Commercial* Districts, ~~*except in the Inner Sunset Neighborhood Commercial District where they are not permitted, as provided for below. In NC Districts where such signs are permitted, general advertising signs may be either a wall sign or freestanding, provided that the surface of any freestanding sign shall be parallel to and within three feet of an adjacent building wall. In either case, the building wall shall form a complete backdrop for the sign, as the sign is viewed from all points from a street or alley from which it is legible. No general advertising sign shall be permitted to cover part or all of any windows. Any extension of the copy beyond the rectangular perimeter of the sign shall be included in the calculation of the sign, as defined in Section 602.1(a) of this Code.*~~

~~*(1) NC-2, NCT-2, and NC-S Districts. No more than one general advertising sign shall be permitted per lot or in NC-S Districts, per district. Such sign shall not exceed 72 square feet in area nor exceed 12 feet in height. Such sign may be either nonilluminated or indirectly illuminated.*~~

~~*(2) NC-3, NCT-3, and Broadway Districts. No more than one general advertising sign not exceeding 300 square feet or two general advertising signs of 72 square feet each shall be permitted per lot. The height of any such sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsills on the wall to which it is attached, whichever is lower, if a wall sign, or the adjacent wall or the top of the adjacent wall if a freestanding sign, whichever is lower.*~~

~~*(A) NC-3 and NCT-3 Districts. Signs may be either nonilluminated or indirectly illuminated.*~~

(f) **Business Signs.** Business signs, as defined in Section 602.3 shall be permitted in all Neighborhood Commercial *and Residential Commercial* Districts subject to the limits set forth below.

(1) **NC-1 and NCT-1 Districts.**

(A) **Window Signs.** The total area of all window signs, as defined in Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are located. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.

(B) **Wall Signs.** The area of all wall signs shall not exceed one square foot per square foot of street frontage occupied by the business measured along the wall to which the signs are attached, or 50 square feet for each street frontage, whichever is less. The height of any wall sign shall not exceed 15 feet or the height of the wall to which it is attached. Such signs may be nonilluminated or indirectly illuminated; or during business hours, may be directly illuminated.

(C) **Projecting Signs.** The number of projecting signs shall not exceed one per business. The area of such sign, as defined in Section 602.1(a), shall not exceed 24 square

feet. The height of such sign shall not exceed 15 feet or the height of the wall to which it is attached. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or six feet six inches, whichever is less. The sign may be nonilluminated or indirectly illuminated, or during business hours, may be directly illuminated.

(D) **Signs on Awnings.** Sign copy may be located on permitted awnings in lieu of wall signs and projecting signs. The area of such sign copy as defined in Section 602.1(c) shall not exceed 20 square feet. Such sign copy may be nonilluminated or indirectly illuminated.

(2) **NC-2, NCT-2, NC-S, *RC*, Broadway, Castro Street, Inner Clement Street, Outer Clement Street, Upper Fillmore Street, Inner Sunset, Haight Street, Hayes-Gough, Upper Market Street, North Beach, Ocean Avenue, Polk Street, Sacramento Street, SoMa, Union Street, Valencia Street, 24th Street-Mission, 24th Street—Noe Valley, and West Portal Avenue Neighborhood Commercial Districts.**

(A) **Window Signs.** The total area of all window signs, as defined in Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are located. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.

(B) **Wall Signs.** The area of all wall signs shall not exceed two square feet per foot of street frontage occupied by the use measured along the wall to which the signs are attached, or 100 square feet for each street frontage, whichever is less. The height of any wall sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lower. Such signs may be nonilluminated, indirectly, or directly illuminated.

(C) **Projecting Signs.** The number of projecting signs shall not exceed one per business. The area of such sign, as defined in Section 602.1(a), shall not exceed 24 square feet. The height of such sign shall not exceed 24 feet, or the height of the wall to which it is

attached, or the height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lower. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or six feet six inches, whichever is less. Such signs may be nonilluminated or indirectly illuminated; or during business hours, may be directly illuminated.

(D) **Signs on Awnings and Marquees.** Sign copy may be located on permitted awnings or marquees in lieu of projecting signs. The area of such sign copy as defined in Section 602.1(c) shall not exceed 30 square feet. Such sign copy may be nonilluminated or indirectly illuminated; except that sign copy on marquees for movie theaters or places of entertainment may be directly illuminated during business hours.

(E) **Freestanding Signs and Sign Towers.** With the exception of automotive gas and service stations, which are regulated under Paragraph 607.1(f)(4), one freestanding sign or sign tower per lot shall be permitted in lieu of a projecting sign, if the building or buildings are recessed from the street property line. The existence of a freestanding business sign shall preclude the erection of a freestanding identifying sign on the same lot. The area of such freestanding sign or sign tower, as defined in Section 602.1(a), shall not exceed 20 square feet nor shall the height of the sign exceed 24 feet. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or six feet, whichever is less. Such signs may be nonilluminated or indirectly illuminated; or during business hours, may be directly illuminated.

(3) **Mission Street NCT. NC-3, and NCT-3 Neighborhood Commercial Districts.**

(A) **Window Signs.** The total area of all window signs, as defined in Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are located. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.

(B) **Wall Signs.** The area of all wall signs shall not exceed three square feet per foot of street frontage occupied by the use measured along the wall to which the signs are attached, or 150 square feet for each street frontage, whichever is less. The height of any wall sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lower. Such signs may be nonilluminated, indirectly, or directly illuminated.

(C) **Projecting Signs.** The number of projecting signs shall not exceed one per business. The area of such sign, as defined in Section 602.1(a), shall not exceed 32 square feet. The height of the sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lower. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or six feet six inches, whichever is less. Such signs may be nonilluminated, indirectly, or directly illuminated.

(D) **Sign Copy on Awnings and Marquees.** Sign copy may be located on permitted awnings or marquees in lieu of projecting signs. The area of such sign copy, as defined in Section 602.1(c), shall not exceed 40 square feet. Such sign copy may be nonilluminated or indirectly illuminated; except that sign copy on marquees for movie theaters or places of entertainment may be directly illuminated during business hours.

(E) **Freestanding Signs and Sign Towers.** With the exception of automotive gas and service stations, which are regulated under Paragraph 607.1(f)(4) of this Code, one freestanding sign or sign tower per lot shall be permitted in lieu of a projecting sign if the building or buildings are recessed from the street property line. The existence of a freestanding business sign shall preclude the erection of a freestanding identifying sign on the same lot. The area of such freestanding sign or sign tower, as defined in Section 602.1(a), shall not exceed 30 square feet nor shall the height of the sign exceed 24 feet. No part of the

sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or six feet, whichever is less. Such signs may be nonilluminated or indirectly illuminated, or during business hours, may be directly illuminated.

(4) **Special Standards for Automotive Gas and Service Stations.** For automotive gas and service stations in Neighborhood Commercial Districts, only the following signs are permitted, subject to the standards in this Paragraph (f)(4) and to all other standards in this Section 607.1.

(A) A maximum of two oil company signs, which shall not extend ~~*more than 10 feet*~~ above the roofline if attached to a building, or exceed the maximum height permitted for freestanding signs in the same district if freestanding. The area of any such sign shall not exceed 180 square feet, and along each street frontage, all parts of such a sign or signs that are within 10 feet of the street property line shall not exceed 80 square feet in area. No such sign shall project more than five feet beyond any street property line. The areas of other permanent and temporary signs as covered in Subparagraph (B) below shall not be included in the calculation of the areas specified in this Subparagraph.

(B) Other permanent and temporary business signs, not to exceed 30 square feet in area for each such sign or a total of 180 square feet for all such signs on the premises. No such sign shall extend above the roofline if attached to a building, or in any case project beyond any street property line or building setback line.

(g) **Temporary Signs.** One temporary nonilluminated or indirectly illuminated sale or lease sign or nonilluminated sign of persons and firms connected with work on buildings under actual construction or alteration, giving their names and information pertinent to the project per lot, shall be permitted. Such sign shall not exceed 50 square feet and shall conform to all regulations of Subsection 607.1(f) for business signs in the respective NC *or RC* District in

which the sign is to be located. All temporary signs shall be promptly removed upon completion of the activity to which they pertain.

(h) **Special Sign Districts.** Additional controls apply to certain Neighborhood Commercial *and Residential-Commercial* Districts that are designated as Special Sign Districts. Special Sign Districts are described within Sections 608.1 through 608.11 of this Code and with the exception of Sections 608.1, 608.2 and 608.11, their designations, locations and boundaries are provided on Sectional Map SSD of the Zoning Map of the City and County of San Francisco.

(i) **Restrictions on Illumination.** Signs in Neighborhood Commercial *and Residential-Commercial* Districts shall not have nor consist of any flashing, blinking, fluctuating or otherwise animated light except those moving or rotating or otherwise physically animated parts used for rotation of barber poles and the indication of time of day and temperature, and in the following special districts, all specifically designated as "Special Districts for Sign Illumination" on Sectional Map SSD of the Zoning Map of the City and County of San Francisco.

(1) **Broadway Neighborhood Commercial District.** Along the main commercial frontage of Broadway between west of Columbus Avenue and Osgood Place.

(2) **NC-3.** NC-3 District along Lombard Street from Van Ness Avenue to Broderick Street.

(3) Notwithstanding the type of signs permissible under subparagraph (i), a video sign is prohibited in the districts described in subparagraphs (1) and (2).

(j) **Other Sign Requirements.** Within Neighborhood Commercial *and Residential-Commercial* Districts, the following additional requirements shall apply:

~~*(1) **Public Areas.** No sign shall be placed upon any public street, alley, sidewalk, public plaza or right-of-way, or in any portion of a transit system, except such projecting signs as are otherwise*~~

~~*permitted by this Code and signs, structures, and features as are specifically approved by the appropriate public authorities under applicable laws and regulations not inconsistent with this Code and under such conditions as may be imposed by such authorities.*~~

~~*(2) **Maintenance.** Every sign pertaining to an active establishment shall be adequately maintained in its appearance. When the activity for which the business sign has been posted has ceased operation for more than 90 days within the Chinatown Mixed Use Districts, all signs pertaining to that business activity shall be removed after that time.*~~

~~*(3)*~~ *(1)* **Temporary Signs.** The provisions of Section 607.1(g) of this Code shall apply.

~~*(4)*~~ *(2)* **Special Standards for Automotive Gas and Service Stations.** The provisions of Section 607.1(f)(4) of this Code shall apply.

SEC. 607.2. MIXED USE DISTRICTS.

Signs located in Mixed Use Districts shall be regulated as provided herein, except for *signs in Residential Enclave Districts, which are regulated by Section 606, and* those signs which are exempted by Section 603. Signs not specifically regulated in this Section 607.2 shall be prohibited. In the event of conflict between the provisions of Section 607.2 and other provisions of Article 6, the provisions of Section 607.2 shall prevail in Mixed Use Districts.

(a) **Purposes and Findings.** In addition to the purposes stated in Sections 101 and 601 of this Code, the following purposes apply to Mixed Use Districts. These purposes constitute findings that form a basis for regulations and provide guidance for their application.

(1) As Mixed Use Districts change, they need to maintain their attractiveness to customers and potential new businesses alike. Physical amenities and a pleasant appearance will profit both existing and new enterprises.

(2) The character of signs and other features projecting from buildings is an important part of the visual appeal of a street and the general quality and economic stability of the area. Opportunities exist to relate these signs and projections more effectively to street design and

building design. These regulations establish a framework that will contribute toward a coherent appearance of Mixed Use Districts.

(3) Mixed Use Districts are typically mixed use areas with commercial units on the ground or lower stories and residential uses on upper stories or have housing and commercial and industrial activities interspersed. Although signs and other advertising devices are essential to a vital commercial district, they should not be allowed to interfere with or diminish the livability of residential units within a Mixed Use District or in adjacent residential districts.

(4) The scale of most Mixed Use Districts as characterized by building height, bulk, and appearance, and the width of streets and sidewalks differs from that of other commercial and industrial districts. Sign sizes should relate and be compatible with the surrounding district scale.

(b) **Signs or Sign Features Not Permitted in Mixed Use Districts.** General advertising signs are not permitted in the Eastern Neighborhoods and South of Market Mixed Use districts, except in the South of Market General Advertising Special Sign District. Roof signs as defined in Section 602.16 of this Code, wind signs as defined in Section 602.21 of this Code, and signs on canopies, as defined in Section 136.1(b) of this Code, are not permitted in Mixed Use Districts. No sign shall have or consist of any moving, rotating, or otherwise physically animated part, or lights that give the appearance of animation by flashing, blinking, or fluctuating. In addition, all signs or sign features not otherwise specifically regulated in this Section 607.2 shall be prohibited.

(c) **Identifying Signs.** Identifying signs, as defined in Section 602.10, shall be permitted in all Mixed Use Districts subject to the limits set forth below.

(1) One sign per lot shall be permitted and such sign shall not exceed 20 square feet in area. The sign may be a freestanding sign, if the building is recessed from the street property line, or may be a wall sign or a projecting sign. The existence of a freestanding

identifying sign shall preclude the erection of a freestanding business sign on the same lot. A wall or projecting sign shall be mounted on the first-story level; a freestanding sign shall not exceed 15 feet in height. Such sign may be nonilluminated, indirectly illuminated, or directly illuminated.

(2) One sign identifying a shopping center or shopping mall shall be permitted subject to the conditions in Paragraph (1), but shall not exceed 30 square feet in area. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated during the hours of operation of the businesses in the shopping center or shopping mall.

(d) **Nameplate.** One nameplate, as defined in Section 602.12 of this Code, not exceeding an area of two square feet, shall be permitted for each noncommercial use in

(e) **General Advertising Signs.** General advertising signs, as defined in Section 602.7, shall be permitted in Mixed Use Districts as provided for below. General advertising signs are not allowed in the South of Market Mixed Use Districts, except in the Eastern Neighborhoods and South of Market General Advertising Special Sign District or where a permit was approved by the City prior to January 1, 2001. In Mixed Use Districts where such signs are permitted, general advertising signs may be either a wall sign or freestanding, provided that the surface of any freestanding sign shall be parallel to and within three feet of an adjacent building wall. In either case, the building wall shall form a complete backdrop for the sign, as the sign is viewed from all points from a street or alley from which it is legible. No general advertising sign shall be permitted to cover part or all of any windows. Any extension of the copy beyond the rectangular perimeter of the sign shall be included in the calculation of the sign area, as defined in Section 602.1(a) of this Code.

(1) **Chinatown Residential Neighborhood Commercial District.** No more than one general advertising sign shall be permitted per lot. Such sign shall not exceed 72 square feet

in area nor exceed 12 feet in height. Such sign may be either nonilluminated or indirectly illuminated.

(2) **Chinatown Visitor Retail and Chinatown Community Business Districts.** No more than one general advertising sign not exceeding 300 square feet in area or two general advertising signs of 72 square feet each shall be permitted per lot. The height of any such wall sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsills on the wall to which it is attached, whichever is lower. If the advertising sign is a freestanding sign, the height shall not exceed 24 feet or the height of the adjacent wall, whichever is lower.

~~(A)~~ Signs may be either nonilluminated or indirectly or directly illuminated.

(3) **South of Market General Advertising Special Sign District.** Within the area designated as a South of Market General Advertising Special Sign District, as described in Section 821 of this Code and shown on Sectional Map SSD of the Zoning Map, the following provisions shall apply to general advertising signs: (1) No more than two general advertising signs not to exceed 300 square feet in area or one general advertising sign not to exceed 672 square feet in area shall be permitted per lot; (2) No more than one double-sided or multiple-sided sign shall be permitted per lot; and (3) Roof signs shall be permitted and shall not exceed the standards established by Section 607(b) of this Code for roof signs lying within M Districts.

(f) **Business Signs.** Business signs, as defined in Section 602.3 shall be permitted in all Mixed Use Districts subject to the limits set forth below.

(1) **Chinatown Residential Neighborhood Commercial District.**

(A) **Window Signs.** The total area of all window signs, as defined in Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are located. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.

(B) **Wall Signs.** The area of all wall signs shall not exceed one square foot per foot of street frontage occupied by the business measured along the wall to which the signs are attached, or 50 square feet for each street frontage, whichever is less; provided, however, that in no case shall the wall sign or combination of wall signs cover more than 75 percent of the surface of any wall, excluding openings. The height of any wall sign shall not exceed 15 feet or the height of the wall to which it is attached. Such signs may be nonilluminated or indirectly illuminated; or during business hours, may be directly illuminated.

(C) **Projecting Signs.** The number of projecting signs shall not exceed one per business. The area of such sign or signs combined when there are multiple signs, as defined in Section 602.1(a), shall not exceed 24 square feet. The height of such sign shall not exceed 15 feet or the height of the wall to which it is attached. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or six feet six inches, whichever is less. The sign may be nonilluminated or indirectly illuminated, or during business hours, may be directly illuminated.

(D) **Signs on Awnings.** Sign copy may be located on permitted awnings in lieu of wall signs and projecting signs. The area of such sign copy as defined in Section 602.1(c) shall not exceed 20 square feet. Such sign copy may be nonilluminated or indirectly illuminated.

(2) **Chinatown Visitor Retail District.**

(A) **Window Signs.** The total area of all window signs, as defined in Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are located. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.

(B) **Wall Signs.** The area of all wall signs shall not exceed two square feet per foot of street frontage occupied by the use measured along the wall to which the signs are attached, or 100 square feet for each street frontage, whichever is less. The height of any wall sign

shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lower. Such signs may be nonilluminated, indirectly, or directly illuminated.

(C) **Projecting Signs.** The number of projecting signs shall not exceed one per business. The area of such sign, as defined in Section 602.1(a), shall not exceed 24 square feet. The height of such sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lower. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or six feet six inches, whichever is less. Such signs may be nonilluminated or indirectly illuminated; or during business hours, may be directly illuminated.

(D) **Signs on Awnings and Marquees.** Sign copy may be located on permitted awnings or marquees in lieu of projecting signs. The area of such sign copy as defined in Section 602.1(c) shall not exceed 30 square feet. Such sign copy may be nonilluminated or indirectly illuminated, except that sign copy on marquees for movie theaters or places of entertainment may be directly illuminated during business hours.

(E) **Freestanding Signs and Sign Towers.** One freestanding sign or sign tower per lot shall be permitted in lieu of a projecting sign, if the building or buildings are recessed from the street property line. The existence of a freestanding business sign shall preclude the erection of a freestanding identifying sign on the same lot. The area of such freestanding sign or sign tower, as defined in Section 602.1(a), shall not exceed 20 square feet nor shall the height of the sign exceed 24 feet. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or six feet, whichever is less. Such signs may be nonilluminated or indirectly illuminated; or during business hours, may be directly illuminated.

(3) **Chinatown Community Business District, Eastern Neighborhoods and South of Market Mixed Use Mixed Use Districts.**

(A) **Window Signs.** The total area of all window signs, as defined in Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are located. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.

(B) **Wall Signs.** The area of all wall signs shall not exceed three square feet per foot of street frontage occupied by the use measured along the wall to which the signs are attached, or 150 square feet for each street frontage, whichever is less; provided, however, that in no case shall the wall sign or combination of wall signs cover more than 75 percent of the surface of any wall, excluding openings. The height of any wall sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lower. Such signs may be nonilluminated, indirectly, or directly illuminated.

(C) **Projecting Signs.** The number of projecting signs shall not exceed one per business. The area of such sign or signs combined when there are multiple signs, as defined in Section 602.1(a), shall not exceed 32 square feet. The height of the sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lower. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or six feet six inches, whichever is less. Such signs may be nonilluminated, indirectly, or directly illuminated.

(D) **Sign Copy on Awnings and Marquees.** Sign copy may be located on permitted awnings or marquees in lieu of projecting signs. The area of such sign copy, as defined in Section 602.1(c), shall not exceed 40 square feet. Such sign copy may be nonilluminated or indirectly illuminated; except that sign copy on marquees for movie theaters or places of

(E) **Freestanding Signs and Sign Towers.** One freestanding sign or sign tower per lot shall be permitted in lieu of a projecting sign if the building or buildings are recessed from the street property line. The existence of a freestanding business sign shall preclude the erection of a freestanding identifying sign on the same lot. The area of such freestanding sign or sign tower, as defined in Section 602.1(a), shall not exceed 30 square feet nor shall the height of the sign exceed 24 feet. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or six feet, whichever is less. Such signs may be nonilluminated or indirectly illuminated, or during business hours, may be

(g) **Special Sign Districts.** Additional controls apply within certain Mixed Use Districts that are designated as Special Sign Districts. The designations, locations, and boundaries of these Special Sign Districts are provided on Sectional Map SSD of the Zoning Map of the City and County of San Francisco, and are described within Sections 608.1 through 608.10 of this Code.

(h) ~~***Special Districts for Sign Illumination.*** *Signs in Mixed Use Districts shall not have nor consist of any flashing, blinking, fluctuating or otherwise animated light except in the following special districts, all specifically designated as "Special Districts for Sign Illumination" on Sectional Map SSD of the Zoning Map of the City and County of San Francisco, and described in Section 607(c) of this Code.*~~

~~*(1) Broadway District. Along the main commercial frontage of Broadway between Wayne and Osgood.*~~

~~*(i)*~~ **Other Sign Requirements.** Within Mixed Use Districts, the following additional requirements shall apply:

~~*(1) **Public Areas.** No sign shall be placed upon any public street, alley, sidewalk, public plaza or right-of-way, or in any portion of a transit system, except such projecting signs as are otherwise permitted by this Code and signs, structures, and features as are specifically approved by the*~~

~~*appropriate public authorities under applicable laws and regulations not inconsistent with this Code and under such conditions as may be imposed by such authorities or posted pursuant to the Police Code.*~~

~~*(2) **Maintenance.** Every business sign pertaining to an active establishment shall be adequately maintained in its appearance. When the activity for which the business sign has been posted has ceased operation for more than 90 days within the Chinatown Mixed Use Districts, all signs pertaining to that business activity shall be removed after that time.*~~

~~*(3)*~~ *(1)* **Temporary Signs.** The provisions of Section 607.1(g) of this Code shall apply.

~~*(4)*~~ *(2)* **Special Standards for Automotive Gas and Service Stations.** The provisions of Section 607.1(f)(4) of this Code shall apply.

SEC. 608.6. NEAR CERTAIN SCENIC STREETS.

No general advertising sign, and no other sign exceeding 200 square feet in area, shall be located within the areas along the scenic streets that are listed below and designated as special sign districts on Sectional Map SSD of the Zoning Map of the City and County of San Francisco, if any face of such sign is visible from any such street. These limitations shall apply to any portion of any property that is within 200 feet of any such street, unless a greater depth or area is indicated on said Sectional Map. *Historic Signs may exceed the size limit in this section.*

Telegraph Hill Boulevard for its entire length;

Twin Peaks Boulevard for its entire length;

The Embarcadero for its entire length;

Market Street extension east side from Mono Street to Portola Drive;

Portola Drive for its entire length;

Roosevelt Way for its entire length;

El Camino Del Mar for its entire length;

Point Lobos Avenue from El Camino Del Mar to its intersection with the Great Highway, including the Cliff House and Sutro Baths areas;

Sunset Boulevard for its entire length;

Great Highway and Esplanade from Point Lobos Avenue to Sloat Boulevard;

Great Highway extension south from Sloat Boulevard to its junction with Skyline Boulevard near Harding Boulevard;

Nineteenth Avenue from Lincoln Way to Junipero Serra Boulevard;

Sloat Boulevard from the Great Highway to Junipero Serra Boulevard;

Junipero Serra Boulevard from Sloat Boulevard to the County Line;

Skyline Boulevard from Sloat Boulevard to the County Line;

Lake Merced Boulevard for its entire length;

John Muir Drive for its entire length;

Zoo Road for its entire length;

Harding Boulevard for its entire length;

Alemany Boulevard from Mission Street viaduct to Junipero Serra Boulevard;

Marina Boulevard for its entire length;

Lyon Street from Marina Boulevard to Lombard Street;

Baker Street from Marina Boulevard to Lombard Street;

Broderick Street from Marina Boulevard to Lombard Street;

Jefferson Street from Lyon Street to Broderick Street;

Beach Street from Baker Street to Broderick Street;

North Point Street from Baker Street to Broderick Street;

Bay Street from Lyon Street to Broderick Street;

Francisco Street from Lyon Street to Broderick Street;

Chestnut Street from Lyon Street to Broderick Street;

Lombard Street from Broderick Street to Lyon Street;

Richardson Avenue from Lyon Street to Lombard Street.

SEC. 608.8. *MARKET STREET SPECIAL SIGN DISTRICT* ~~*ON AND NEAR MARKET STREET FROM THE EMBARCADERO TO THE CENTRL SKYWAY OVERPASS*~~**.**

There shall be a special sign district known as the "Market Street Special Sign District" in the vicinity of Market Street, from The Embarcadero to *Octavia Boulevard* ~~*the Central Skyway overpass*~~ as designated on Sectional Map ~~*SSD*~~ *SS02* of the Zoning Map of the City and County of San Francisco. The original copy of said Sectional Map with this Special Sign District indicated thereon is on file with the Clerk of the Board of Supervisors under File No. 112-70. With respect to said Special Sign District, the following regulations shall apply:

(a) **Purpose and Findings.** In addition to the purposes stated in Sections 101 and 601 of this Code, the following purposes apply to the Market Street Special Sign District. These purposes constitute findings that form a basis for these regulations and provide guidance for their application.

(1) In November 1962, the electorate of San Francisco voted approval of an investment in a City and regional rapid transit system that will run beneath Market Street. In June 1968, the electorate approved a bonded indebtedness of $24,500,000, including payment for reconstruction and improvement of Market Street from The Embarcadero to the Central Skyway overpass. The street ~~*is being*~~ *has been* completely rebuilt at public expense, with special paving, furnishings, plazas and landscaping. ~~*When rebuilt,*~~ Market Street ~~*will be*~~ *is* the transit spine of the ~~*d*~~*D*owntown area, ~~*will have*~~ *with* heavy concentrations of pedestrians, and ~~*will be*~~ *is* ~~*more than ever*~~ a central domain of the people of the City and of the region. It is a purpose of the Market Street Special Sign District to further this public endeavor.

(2) ~~*As Market Street is rebuilt, the area is attracting and will continue to attract investments,*~~ ~~*d*~~*D*evelopment and design efforts *along Market Street rely* ~~*in reliance*~~ upon the promise of a

street of high quality. Both existing and new enterprises will be strengthened by the high standards of their environment and by the joint efforts of owners, *residents,* and *business people* ~~*businessmen*~~.

(3) The character of signs along the street and of other features projecting from buildings is especially significant to street appearance and to the general quality and economic stability of the area. Opportunities exist to relate these signs and projections more effectively to the street design and to the design of buildings, and it is a purpose of these regulations to set a framework that will contribute toward those ends.

(4) The standards established by these regulations are reasonable standards related to the unique nature of the Market Street area and to its present and future needs. ~~*Where removal of existing signs and other features is required, the periods for removal are related to the schedule for reconstruction of Market Street, including installation of the street trees with which projecting signs and other features would conflict. The removal periods recognize the revocable nature of past permits for erection of features projecting over public streets, and will help to promote equality among establishments, adding greater significance to the improvement efforts.*~~

(5) The standards established by these regulations are deemed to be minimum requirements, forming a basic framework for development and remodeling. They are not intended in any way to preclude further design refinement or review by individuals or duly constituted organizations which might consider more restrictive requirements as to any aspects limited herein, or as to additional aspects such as materials, color, graphics, types of representation, relationship of signs to one another and to architectural features, or the general quality of design. It is anticipated that private efforts along such lines will and should be made for the further improvement of Market Street.

(b) **General Advertising Signs.** Except as specified in Paragraph 608.8~~(f)~~*(e)*(2) below,

(1) No general advertising sign shall be permitted at any location within said Special Sign District; and

(2) No general advertising sign shall be located within 200 feet of said Special Sign District, if any portion of a face of such sign would be visible from any point on a street, alley or plaza within the Special Sign District.

~~*(c) Roof Signs. Notwithstanding the exceptions stated in Subsection 607(b) of this Code, no roof sign shall be permitted within said Special Sign District.*~~

(c) ~~*(d)*~~ **Projection of Signs and Other Features.** Within said Special Sign District:

(1) No projection shall exceed a horizontal distance of six feet beyond any street property line. This limitation shall apply to signs and to all other features including but not limited to marquees, awnings and canopies, with the sole exception of flagpoles for flags of any nation or political subdivision.

(2) Projecting signs for each establishment shall be limited to one sign on each street frontage occupied by the establishment, in addition to any signs that are placed flat upon or otherwise integrated in the design of marquees and awnings.

(d) ~~*(e)*~~ **Height and Extension Above Roofline.** Within said Special Sign District, all of the following limitations shall apply:

(1) *With the exception of Historic Signs* ~~*Notwithstanding the exceptions stated in Subsection 607(g) of this Code*~~, no sign attached to a building shall extend or be located above the roofline of the building to which it is attached.

(2) A projecting sign with lettering or other inscription arranged in a vertical manner shall have a maximum height of 60 feet; except that a greater height shall be permitted, up to a maximum height of 100 feet, provided the height of the sign shall remain at least 20 feet below the roofline of the building as measured directly above the sign.

(3) Except as provided in Paragraph 608.8*(d)*~~(e)~~(5) below, all other signs shall be located no higher than the windowsill level of the lowest story (if any) that has a window or windows on the building facade on which the signs are placed, exclusive of the ground story and mezzanine, provided that no such sign shall in any case exceed a height of 60 feet.

(4) In addition, except as provided in Paragraph 608.8*(d)*~~(e)~~(3) and (4) above, uniformity of height shall be maintained in both the upper and lower edges of signs placed flat upon or essentially parallel to each facade of a single building.

(5) As to the requirements of Paragraphs 608.8(e)(3) and (4) above, deviation from the requirements may be permitted to the extent an alternative placement of signs is made necessary by the location of arches, entrances and other architectural features, as determined by the Zoning Administrator, or for the purpose of installing special lighting effects and temporary holiday decorations, or for the purpose of modifying or replacing currently existing noncomplying business wall signs as provided by Subsection 607(g).

(e) ~~(f)~~ **Other Requirements.** Within said Special Sign District, the following additional requirements shall apply:

(1) **Temporary Signs.** With the exception of holiday decorations, no sign composed of paper or other temporary material shall be placed on the outside of any building or structure or affixed to the glass on the outside or inside of any window, unless such sign is placed in a frame or on a structure specifically designed for this purpose.

(2) **Public Areas.** No sign or other structure or feature shall be placed upon any public street, alley or public plaza, or in any portion of a transit system, except such signs, structures and features as are specifically approved by the appropriate public authorities under applicable laws and regulations not inconsistent with this Code and under such conditions as may be imposed by such authorities.

(3) **Maintenance.** Every sign pertaining to an active establishment shall be adequately maintained in its appearance, or else removed or obscured. When the space occupied by any establishment has been vacated, all signs pertaining to such establishment shall be removed or obscured within 60 days following the date of vacation.

SEC. 608.10. *UPPER MARKET SPECIAL SIGN DISTRICT* ~~*ON AND NEAR MARKET STREET FROM THE CENTRAL SKYWAY OVERPASS TO DIAMOND STREET*~~.

There shall be a special sign district known as the Upper Market Special Sign District in the vicinity of Market Street from *Octavia Boulevard* ~~*the Central Skyway overpass*~~ to Diamond Street as designated on Sectional Map ~~*SSD*~~ *SS01* of the Zoning Map of the City and County of San Francisco. The original copy of said Sectional Map with this Special Sign District indicated thereon is on file with the Clerk of the Board of Supervisors under File No. 324-76-2. With respect to said Special Sign District, the following regulations shall apply:

(a) **Purposes and Findings.** In addition to the purposes stated in Sections 101 and 601 of this Code, the following purposes apply to the Upper Market Special Sign District. These purposes constitute findings that form a basis for these regulations and provide guidance for their application.

(1) In November 1962, the electorate of San Francisco voted approval of an investment in a City and regional rapid transit system that will run beneath Market Street, including a city subway along Upper Market. In June 1968, the electorate approved a bonded indebtedness of $24,500,000, including payment for reconstruction and improvement of Market Street from the Central Skyway overpass to the vicinity of Castro Street. The street ~~*is being*~~ *has been* rebuilt at public expense, with special paving, furnishings and landscaping. ~~*When rebuilt, t*~~*T*his portion of Market Street ~~*will have*~~ *has* heavy concentrations of pedestrians, and ~~*will increase in importance as a*~~ *is an important* transit and shopping corridor. It is a purpose of the Upper Market Special Sign District to further this public endeavor.

(2) ~~*As the street is rebuilt, the area is attracting and will continue to attract investments,*~~ ~~d~~*D*evelopment and design efforts *along Market Street* ~~*in reliance*~~ *rely* upon the promise of a street of high quality. Both existing and new enterprises will be strengthened by the high standards of their environment and by the joint efforts of owners*, residents,* and business people.

(3) The character of signs along the street and of other features projecting from buildings is especially significant to street appearance and to the general quality and economic stability of the area. Opportunities exist to relate these signs and projections more effectively to the street design and to the design of buildings, and it is a purpose of these regulations to set a framework that will contribute toward those ends.

(4) The standards established by these regulations are reasonable standards related to the unique nature of the Upper Market area and to its present and future needs. Where removal or alteration of existing signs is required, the periods for removal or alteration allow adequate time for amortization of the signs, consistent with other improvements along the street. The removal or alteration will help to promote equality among establishments, adding greater significance to the improvement efforts.

(5) The standards established by these regulations are deemed to be minimum requirements, forming a basic framework for development and remodeling. They are not intended in any way to preclude further design refinement or review by individuals or duly constituted organizations which might consider more restrictive requirements as to any aspects limited herein, or as to additional aspects such as materials, color, graphics, types of representation, relationship of signs to one another and to architectural features, or the general quality of design. It is anticipated that private efforts along such lines will and should be made for the further improvement of the Upper Market area.

(b) **General Advertising Signs.** Except as *permitted* ~~*specified*~~ in Subsection *604(k)* ~~*608.10(f) below*~~:

(1) No general advertising sign shall be permitted at any location within said Special Sign District; and

(2) No general advertising sign shall be located within 200 feet of said Special Sign District, if any portion of a face of such sign would be visible from any point on a street, alley or plaza within the Special Sign District.

~~*(c) **Roof Signs.** Notwithstanding the exceptions stated in Subsection 607(b) of this Code, no roof sign shall be permitted within said Special Sign District.*~~

~~*(d) **Projection of Signs and Other Features. Within said Special Sign District:***~~

~~*(1) No projection shall exceed a horizontal distance of six feet beyond any street property line. This limitation shall apply to signs and to all other features including but not limited to marquees, awnings and canopies, with the sole exception of flagpoles for flags of any nation or political subdivision.*~~

~~*(2) Projecting signs for each establishment shall be limited to one sign on each street frontage occupied by the establishment, in addition to any signs that are placed flat upon or otherwise integrated in the design of marquees and awnings.*~~

~~*(e) **Height and Extension Above Roofline.** Within said Special Sign District, all of the following limitations shall apply:*~~

~~*(1) Notwithstanding the exceptions stated in Subsection 607(g) of this Code, no sign attached to a building shall extend or be located above the roofline of the building to which it is attached.*~~

~~*(2) A projecting sign attached to a building with lettering or other inscription arranged in a vertical manner shall have a maximum height of 50 feet or the roofline of the building to which it is attached, whichever is the lesser.*~~

~~*(3) Except as provided in Paragraph 608.10(e)(5) below, all other signs attached to a building shall be located no higher than the windowsill level of the lowest story (if any) that has a window or windows on the building facade on which the signs are placed, exclusive of the ground story and mezzanine, provided that no such sign shall in any case exceed a height of 50 feet or the roofline of the building to which it is attached, whichever is the lesser.*~~

~~*(4) In addition, except as provided in Paragraph 608.10(e)(5) below, uniformity of height shall be maintained in both the upper and lower edges of signs placed flat upon or essentially parallel to each facade of a single building.*~~

~~*(5) As to the requirements of Paragraphs 608.10(e)(3) and (4) above, deviation from the requirements may be permitted to the extent an alternative placement of signs is made necessary by the location of arches, entrances and other architectural features, as determined by the Zoning Administrator, or for the purpose of installing special lighting effects and temporary holiday decorations.*~~

~~*(6) The maximum height for freestanding signs shall be 24 feet.*~~

~~*(f) **Public Areas.** No sign or other structure or feature shall be placed upon any public street, alley or public plaza, or in any portion of a transit system, except such signs, structures and features as are specifically approved by the appropriate public authorities under applicable laws and regulations not inconsistent with this Code and under such conditions as may be imposed by such authorities.*~~

SEC. 609.8. MISCELLANEOUS SERVICE STATION SIGNS IN R DISTRICTS.

Any lawfully existing sign at an automobile service station in an R District (other than those signs covered by Paragraph 606*(d)(e)*(A) of this Code) which does not conform to Paragraph 606*(d)*~~*(e)*~~(1)(B) of this Code shall be removed or altered to conform therewith within one year after the effective date of this Article 6 or such later date as the sign becomes nonconforming.

SEC. 714.1. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.

The Broadway Neighborhood Commercial District, located in the northeast quadrant of San Francisco, extends along Broadway from west of Columbus Avenue to Osgood Place. It is part of a larger commercial area which includes North Beach to the north, Chinatown to the south and west, and Jackson Square to the southeast. Broadway's fame and popularity as a Citywide and regional entertainment district is derived from a concentration of nightclubs, music halls, adult theaters, bars, and restaurants between Grant Avenue and Montgomery Street. These places attract locals and visitors alike, mainly in the evening and late-night hours. In addition to the entertainment and some retail businesses, Broadway contains many upper-story residential hotels. Due to its proximity to downtown, there is strong pressure to develop upper-story offices.

The Broadway District controls are designed to encourage development that is compatible with the existing moderate building scale and mixed-use character, and maintain the district's balance of entertainment uses, restaurants, and small-scale retail stores. New buildings exceeding 40 feet in height will be carefully reviewed and rear yards at residential levels are protected. Most commercial uses in new buildings are permitted at the first two stories. Neighborhood-serving businesses are strongly encouraged. In order to protect the livability of the area, limitations apply to new fast-food restaurants and adult entertainment uses at the first and second stories, as well as late-night activity. Financial services are allowed on the ground story subject to certain limitations. Nonretail offices are prohibited in order to prevent encroachment of the adjoining downtown office uses. Due to the high traffic volume on Broadway, most automobile and drive-up uses are prohibited in order to prevent further traffic congestion. Parking garages are permitted if their ingress and egress do not disrupt the traffic flow on Broadway.

Housing development in new buildings is encouraged above the second story. Existing housing is protected by limitations on demolitions and upper-story conversions.

SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

			Broadway
No.	**Zoning Category**	**§ References**	**Controls**
BUILDING STANDARDS			
714.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, 270, 271	P up to 40 ft. C 40 to 65 ft. § 253.1
714.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1
714.12	Rear Yard	§§ 130, 134, 136	Required at residential level only § 134(a) (e)
714.13	Street Frontage		Required § 145.1
714.14	Awning	§ *136.1(a)* ~~*790.20*~~	P ~~*§ 136.1(a)*~~
714.15	Canopy	§ *136.1(b)* ~~*790.26*~~	P ~~*§ 136.1(b)*~~
714.16	Marquee	§ *136.1(c)* ~~*790.58*~~	P ~~*§ 136.1(c)*~~
714.17	Street Trees		Required § ~~*143*~~ *138.1*

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
714.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a) (b)
714.21	Use Size [Non-Residential]	§ 790.130	P up to 2,999 sq. ft.; C 3,000 sq. ft. & above § 121.2
714.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153—157, 159—160, 204.5	~~*Generally, n*~~*N*one required. *Limits set forth in § 151.1 ~~if occupied floor area is less than 5,000 sq. ft.~~* ~~*§§ 151, 161(g)*~~
714.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
714.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
714.25	Drive-Up Facility	§ 790.30	
714.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
714.27	Hours of Operation	§ 790.48	P 6 a.m.—2 a.m.;

			C 2 a.m.—6 a.m.
714.30	General Advertising Sign	§§ 262, 602—604, 608, 609	
714.31	Business Sign	§§ 262, 602—604, 608, 609	P § 607.1(f)2
714.32	Other Signs	§§ 262, 602—604, 608, 609	P § 607.1(c) (d) (g)

No.	**Zoning Category**	**§ References**	**Broadway**		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
714.38	Residential Conversion	§ 790.84	P	C	
714.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
714.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P #	P #	
714.41	Bar	§ 790.22	P	P	
714.42	Full-Service Restaurant	§ 790.92	P	P	

714.43	Large Fast Food Restaurant	§ 790.90			
714.44	Small Self-Service Restaurant	§ 790.91	C	C	
714.45	Liquor Store	§ 790.55	C		
714.46	Movie Theater	§ 790.64	P	P	
714.47	Adult Entertainment	§ 790.36	C	C	
714.48	Other Entertainment	§ 790.38	P	P	
714.49	Financial Service	§ 790.110	C		
714.50	Limited Financial Service	§ 790.112	C		
714.51	Medical Service	§ 790.114	P	P	
714.52	Personal Service	§ 790.116	P	P	
714.53	Business or Professional Service	§ 790.108	P	P	
714.54	Massage Establishment	§ 790.60, § 1900 Health Code	C	C	
714.55	Tourist Hotel	§ 790.46	C	C	C

714.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
714.57	Automotive Gas Station	§ 790.14			
714.58	Automotive Service Station	§ 790.17			
714.59	Automotive Repair	§ 790.15			
714.60	Automotive Wash	§ 790.18			
714.61	Automobile Sale or Rental	§ 790.12			
714.62	Animal Hospital	§ 790.6	C		
714.63	Ambulance Service	§ 790.2			
714.64	Mortuary	§ 790.62			
714.65	Trade Shop	§ 790.124	P #	C #	
714.66	Storage	§ 790.117			
714.67	Video Store	§ 790.135	P ~~C~~	P ~~C~~	
714.68	Fringe Financial Service	§ 790.111			
714.69	Tobacco Paraphernalia Establishments	§ 790.123	C		

714.69A	Self-Service Specialty Food	§ 790.93	C	C	
714.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04	C		
714.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P
714.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C
Institutions and Non-Retail Sales and Services					
714.70	Administrative Service	§ 790.106			
714.80	Hospital or Medical Center	§ 790.44			
714.81	Other Institutions, Large	§ 790.50	P	C	C
714.82	Other Institutions, Small	§ 790.51	P	P	P
714.83	Public Use	§ 790.80	C	C	C
714.84	Medical Cannabis Dispensary	§ 790.141	P		
RESIDENTIAL STANDARDS AND USES					

714.90	Residential Use	§ 790.88	P	P	P
714.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per400 sq. ft. lot area § 207.4		
714.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per140 sq. ft. lot area § 208		
714.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 60 sq. ft if private, or 80 sq. ft. if common § 135(d)		
714.94	Off-Street Parking, Residential	§§ 150, 151.1, 153—157, 159—160; 204.5	*None required.* P *up to 0.5 parking spaces for each* ~~*one car for each two*~~ dwelling units~~s~~; C up to .75 ~~*cars*~~ *parking spaces* for each dwelling unit~~, subject to the criteria and procedures of Section 151.1 (f); NP above 0.75 cars for each dwelling unit.~~ §§ 151.1, *166, 167, 145.1* ~~*161(a) (g)*~~ # ~~*Mandatory discretionary review by the Planning Commission*~~ if installing a garage in an existing residential building ~~*of four or more units and Section 311 notice for a building of less than four units.*~~		
714.95	Community	§ 790.10	C	C	C

	Residential Parking				

SPECIFIC PROVISIONS FOR THE BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	**Other Code Section**	**Zoning Controls**
§ 714.10	§ 253.1	65-A-1 HEIGHT AND BULK DISTRICT **Boundaries:** Applicable for all of the Broadway NCD from Columbus Avenue to Osgood Place as mapped on Sectional Map 1H **Controls:** Building height and bulk limits are P up to 40 feet; C between 40 feet and 65 feet
§ 714.40	§ 790.102(n)	BROADWAY SPECIALTY RETAIL USES **Boundaries:** Broadway NCD **Controls:** Retail coffee stores defined pursuant to Code § 790.102(n) are not permitted without conditional use authorization except to the extent qualifying as specialty grocery permitted pursuant to § 790.102(b)
~~*§ 714.65*~~	~~*§ 236*~~	~~*GARMENT SHOP SPECIAL USE DISTRICT*~~
§ 714.68	*§ 249.35*	*FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD).* ***Boundaries:** The FFSRUD and its ¼ mile buffer includes, but is not limited to, the Broadway Neighborhood Commercial Districts.*

		Controls: *Within the FFSRUD and its ¼ mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its ¼ mile buffer, fringe financial services are P subject to the restrictions set forth in Section 259.35(c)(3).*
§ *714*~~*722*~~.94	§§ 150, 153-157, 159-160, 204.5	*BROADWAY OFF-STREET PARKING RESIDENTIAL* ***Boundaries:*** *Broadway NCD* ***Controls:*** *Installing a garage in an existing residential building of four or more units requires a mandatory discretionary review by the Planning Commission; Section 311 notice is required for a building of less than four units. In approving installation of the garage, the Commission shall find that:* (1) the proposed garage opening/addition of off-street parking will not cause the "removal" or "conversion of residential unit," as those terms are defined in Section 317 of this Code; (2) the proposed garage opening/addition of off-street parking will not substantially decrease the livability of a dwelling unit without increasing the floor area in a commensurate amount; (3) the building has not had two or more "no-fault" evictions, as defined in 37.9(a)(7)—(13) of the San Francisco Administrative Code, with each eviction associated with a separate unit(s) within the past ten years, (4) the garage would not front on a public right-of-way narrower than 41 feet, and (5) the proposed garage/addition of off-street parking installation is consistent with the Priority Policies of Section 101.1 of this Code. Boundaries: Applicable

		only for the portion of Broadway NCD as mapped on Sectional Map 1 SUa Controls: Garment shops are P at the 1st and 2nd stories

SEC. 722.1. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.

The North Beach Neighborhood Commercial District is a nonlinear district centered on Columbus Avenue, located in the valley between Telegraph Hill and Russian Hill north of Broadway. North Beach functions as a neighborhood-serving marketplace, citywide specialty shopping, and dining district, and a tourist attraction, as well as an apartment and residential hotel zone. Traditionally, the district has provided most convenience goods and services for residents of North Beach and portions of Telegraph and Russian Hills. North Beach's eating, drinking, and entertainment establishments remain open into the evening to serve a much wider trade area and attract many tourists. The balance between neighborhood-serving convenience stores and Citywide specialty businesses has shifted , as convenience stores have been replaced by restaurants and bars. The proliferation of financial services, limited financial services, and business and professional services has also upset the district's balance of uses. The relocation of business and professional offices from downtown to North Beach threatens the loss of upper-story residential units.

The North Beach District controls are designed to ensure the livability and attractiveness of North Beach. Building standards limit new development to a small to moderate scale. Rear yards are protected above the ground story and at residential levels. Most new commercial development is permitted at the first two stories. Small-scale, neighborhood-serving businesses are strongly encouraged and formula retail uses are prohibited. Use sizes are controlled to limit future consolidation of spaces and to encourage conversion back to the traditional small-scale commercial spaces. Special controls are necessary because an over-concentration of food and beverage service establishments limits

neighborhood-serving retail sales and personal services in an area that needs them to thrive as a neighborhood. In order to maintain neighborhood-serving retail sales and personal services and to protect residential livability, additional eating and drinking establishments are prohibited in spaces that have been occupied by neighborhood-serving retail sales and personal services. Special controls limit additional ground-story entertainment uses and prohibit new walk-up automated bank teller machines (ATMs). Financial services, limited financial services, and ground-story business and professional office uses are prohibited from locating in the portion of the district south of Greenwich Street, while new financial services locating in the portion of the district north of Greenwich Street are limited. Restrictions on automobile and drive-up uses are intended to promote continuous retail frontage and maintain residential livability.

In keeping with the district's existing mixed-use character, housing development in new buildings is encouraged above the second story. Existing residential units are protected by prohibitions of upper-story conversions and limitations on demolitions.

SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

			North Beach
No.	**Zoning Category**	**§ References**	**Controls**
BUILDING STANDARDS			
722.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, 270, 271	P up to 40 ft.
722.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1
722.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a) (e)
722.13	Street Frontage		Required § 145.1
722.14	Awning	§ *136.1(a)* ~~*790.20*~~	P ~~*§ 136.1(a)*~~
722.15	Canopy	§ *136.1(b)* ~~*790.26*~~	P ~~*§ 136.1(b)*~~
722.16	Marquee	§ *136.1(c)*~~*790.58*~~	P ~~*§ 136.1(c)*~~

722.17	Street Trees		Required § ~~143~~ *138.1*
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
722.20	Floor Area Ratio	§§ 102.9, 102.11, 123	1.8 to 1 § 124(a) (b)
722.21	Use Size [Nonresidential]	§ 790.130	P up to 1,999 sq. ft.; C# 2,000 sq. ft. to 3,999 sq. ft. NP 4,000 sq. ft. and above § 121.2
722.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153—157, 159—160, 204.5	~~Generally, n~~*N*one required. *Limits set forth in* ~~if occupied floor area is less than 5,000 sq. ft.~~ §§ 151*.1*~~, 161(g)~~
722.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
722.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
722.25	Drive-Up Facility	§ 790.30	
722.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed

			§ 145.2(b)
722.27	Hours of Operation	§ 790.48	P 6 a.m.—2 a.m. C 2 a.m.—6 a.m.
722.30	General Advertising Sign	§§ 262, 602—604, 608, 609	
722.31	Business Sign	§§ 262, 602—604, 608, 609	P § 607.1(f)2
722.32	Other Signs	§§ 262, 602—604, 608, 609	P § 607.1(c) (d) (g)

No.	**Zoning Category**	**§ References**	**North Beach**		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
722.38	Residential Conversion	§ 790.84	P		
722.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
722.40	Other Retail Sales and Services [Not Listed	§ 790.102	P #	P #	

	Below]				
722.41	Bar	§ 790.22 § 780.3	C#		
722.42	Full-Service Restaurant	§ 790.92 § 780.3	C#	C #	
722.43	Large Fast Food Restaurant	§ 790.90			
722.44	Small Self-Service Restaurant	§ 790.91 § 780.3	C#		
722.45	Liquor Store	§ 790.55	C		
722.46	Movie Theater	§ 790.64	P		
722.47	Adult Entertainment	§ 790.36			
722.48	Other Entertainment	§ 790.38	C		
722.49	Financial Service	§ 790.110	C/NP #		
722.50	Limited Financial Service	§ 790.112	C/NP#		
722.51	Medical	§ 790.114	P	P	

	Service				
722.52	Personal Service	§ 790.116	P	P	
722.53	Business or Professional Service	§ 790.108	C/NP#	P	
722.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
722.55	Tourist Hotel	§ 790.46	C	C	C
722.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
722.57	Automotive Gas Station	§ 790.14			
722.58	Automotive Service Station	§ 790.17			
722.59	Automotive Repair	§ 790.15	C		
722.60	Automotive Wash	§ 790.18			
722.61	Automobile Sale or Rental	§ 790.12			
722.62	Animal	§ 790.6	C		

	Hospital				
722.63	Ambulance Service	§ 790.2			
722.64	Mortuary	§ 790.62			
722.65	Trade Shop	§ 790.124	P#	C #	
722.66	Storage	§ 790.117			
722.67	Video Store	§ 790.135	P ~~C~~	P ~~C~~	
722.68	Fringe Financial Service	§ 790.111			
722.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
722.69A	Self-Service Specialty Food	§ 790.93	C		
722.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04			
722.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P
722.69C	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C

Institutions and Non-Retail Sales and Services					
722.70	Administrative Service	§ 790.106			
722.80	Hospital or Medical Center	§ 790.44			
722.81	Other Institutions, Large	§ 790.50	P	C	C
722.82	Other Institutions, Small	§ 790.51	P	P	P
722.83	Public Use	§ 790.80	C	C	C
722.84	Medical Cannabis Dispensary	§ 790.141	P		
RESIDENTIAL STANDARDS AND USES					
722.90	Residential Use	§ 790.88	P	P	P
722.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per400 sq. ft. lot area § 207.4		
722.92	Residential Density, Group	§§ 207.1, 790.88(b)	Generally, 1 bedroom per140 sq. ft. lot area § 208		

	Housing				
722.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 60 sq. ft if private, or 80 sq. ft. if common § 135(d)		
722.94	Off-Street Parking, Residential	§§ 150, 151.1, 153—157, 159—160, 204.5	*None required.* P up to *0.5 parking spaces* ~~*one car*~~ for each ~~*two*~~ dwelling unit~~*s*~~; C up to .75 ~~*cars*~~ *parking spaces* for each dwelling unit~~, *subject to the criteria and procedures of Section 151.1(f); NP above 0.75 cars for each dwelling unit*~~. §§ 151.1, *166, 167, 145.1* ~~*161(a) (g)*~~ # if installing a garage in an existing residential building		
722.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR THE NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
§ 722.26	§ 790.140	NORTH BEACH WALK UP FACILITIES **Boundaries:** North Beach NCD **Controls:** Walk-up automated bank teller machines (ATMs) are

		not permitted.
§ 722.40	§ 790.102(n)	NORTH BEACH SPECIALTY RETAIL USES **Boundaries:** North Beach NCD **Controls:** Retail coffee stores defined pursuant to Code § 790.102(n) are not permitted without conditional use authorization except to the extent qualifying as specialty grocery permitted pursuant to § 790.102(b)
§§ 722.42, 722.44, 722.41	§ 780.3	NORTH BEACH SPECIAL USE DISTRICT **Boundaries:** North Beach NCD **Controls:** Full-service restaurants and small self-service restaurants as defined in Sections 790.92 and 790.91 of this Code and bars as defined in Section 780.22 may be permitted as a conditional use on the first story if, in addition to the criteria set forth in Section 303, the Planning Commission finds that the full-service restaurant, small self-service restaurant, or bar does not occupy:
		(1) a space that is currently or was last occupied by a Basic Neighborhood Sale or Service, as defined in Section 780.3(b), or by a permitted principal use under Section 722 (North Beach Controls); or
		(2) a vacant space last occupied by a nonconforming use or a permitted conditional use under Section 722 (North Beach Controls) that has been discontinued or abandoned pursuant to Section 186.1(d) or Section 178(d) of this Code.

§§ 722.42, 722.44	§§ 790.92, 790.91	NORTH BEACH LIQUOR LICENSES FOR FULL-SERVICE AND SMALL SELF-SERVICE RESTAURANTS **Boundaries:** North Beach NCD **Controls:** (a) In order to allow full-service restaurants, as defined in § 790.92, and small self-service restaurants, as defined in § 790.91 to seek or maintain an ABC license type 41, so that they may provide on-site beer and/or wine sales for drinking on the premises, the restaurant shall be required to operate as a 'bona-fide eating place' as defined in § 790.142.
		(b) In order to allow full service restaurants, as defined in § 790.91, to seek and maintain an ABC license type 47, so that liquor may be served for drinking on the premises, a bar use, as defined in § 790.22, may be permitted as a conditional use on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission finds that:
		(1) The bar function is operated as an integral element of an establishment which is classified both as: (A) a full-service restaurant as defined in § 790.92 and (B) a 'bona-fide eating place' as defined in § 790.142; and
		(2) (2) The establishment maintains only an ABC license type 47, 40, 41 or 60.
		(c) The Commission may consider immediate revocation of a previous conditional use authorization should an establishment no longer comply with any of the criteria set forth above in (a) or (b)

		of this Section for any length of time.
		(d) A small self-service restaurant use as defined in § 790.91 may not provide liquor for drinking on the premises (with ABC licenses 42, 47, 48, or 61).
§§ 722.49, 722.50 722.53	§ 781.6	NORTH BEACH FINANCIAL SERVICE, LIMITED FINANCIAL SERVICE, AND BUSINESS OR PROFESSIONAL SERVICE SUBDISTRICT **Boundaries:** Applicable only for portions of the North Beach NCD south of Greenwich Street as mapped on Sectional Map SU01 **Controls:** Financial services and limited financial services are NP at all stories; business or professional services are NP at the 1st story
~~*§ 722.65*~~	~~*§ 236*~~	~~*GARMENT SHOP SPECIAL USE DISTRICT*~~
§ 722.94	§§ 150, 153-157, 159-160, 204.5	NORTH BEACH OFF-STREET PARKING, RESIDENTIAL **Boundaries:** North Beach NCD ~~A.~~ **Controls:** Installing a garage in an existing residential building of four or more units requires a mandatory discretionary review by the Planning Commission; Section 311 notice is required for a building of less than four units. *In approving installation of the garage, the Commission shall find that:*(1) the proposed garage opening/addition of off-street parking will not cause the "removal" or "conversion of residential unit," as those terms are defined in Section 317 of this Code; (2) the proposed garage

		opening/addition of off-street parking will not substantially decrease the livability of a dwelling unit without increasing the floor area in a commensurate amount; (3) the building has not had two or more "no-fault" evictions, as defined in 37.9(a)(7)—(13) of the San Francisco Administrative Code, with each eviction associated with a separate unit(s) within the past ten years, (4) the garage would not front on a public right-of-way narrower than 41 feet, and (5) the proposed garage/addition of off-street parking installation is consistent with the Priority Policies of Section 101.1 of this Code. B. Prior to the Planning Commission hearing, or prior to issuance of notification under Section 311(c)(2) of this Code, the Planning Department shall require a signed affidavit by the project sponsor attesting to (1), (2), and (3) above, which the Department shall independently verify. The Department shall also have made a determination that the project complies with (4) and (5) above. Boundaries: Applicable only for the portion of North Beach NCD as mapped on Sectional Map SU01a Controls: Garment shops are P at the 1st and 2nd stories

SEC. 790.20. AWNING. *An awning in a Neighborhood Commercial District shall be as defined and regulated in Section 136.1(a) of this Code.* ~~*A light roof-like structure, supported entirely by the exterior wall of a building; consisting of a fixed or movable frame covered with cloth, plastic or metal; extending over doors, windows, and/or show windows; with the purpose of providing protection from sun and rain and/or embellishment of the facade; as further regulated in Sections 4506 and 5211 of the Building Code.*~~

SEC. 790.26. CANOPY.

A canopy in a Neighborhood Commercial District shall be as defined and regulated in Section 136.1(b) of this Code ~~*A light roof-like structure, supported by the exterior wall of a building and on columns or wholly on columns, consisting of a fixed or movable frame covered with approved cloth, plastic or metal, extending over entrance doorways only, with the purpose of providing protection from sun and rain and embellishment of the facade, as further regulated in Sections 4504, 4506, 4508, and 5213 of the Building Code*~~.

SEC. 790.58. MARQUEE.

A marquee in a Neighborhood Commercial District shall be as defined and regulated in Section 136.1(c). ~~*A permanent roofed structure attached to and supported entirely by a building; including any object or decoration attached to or part of said marquee; no part of which shall be used for occupancy or storage; with the purpose of providing protection from sun and rain or embellishment of the facade; as further regulated in Sections 414 and 4506 of the Building Code.*~~

SEC. 799. OTHER APPLICABLE SECTIONS OF THE ~~*CITY*~~ **PLANNING CODE.**

Reference should be made to other sections which also apply to Neighborhood Commercial Districts. These sections and their titles are listed below.

General Provisions	
Section 101	Purposes
Section 101.1	*General Plan Consistency and Implementation*
Section 109	Severability
Definitions	
Sections 102—102.25	Definitions

Zoning Map	
Section 105	Zoning Map
Section 106	Zoning Map Incorporated Herein
Building Standards	
Section 121	Minimum Lot Width
Section 121.1	Development on Large Lots, Neighborhood Commercial Districts
Section 121.2	Use Size Limits (Nonresidential), Neighborhood Commercial Districts
Section 124	Basic Floor Area Ratio
~~*Section 125*~~	~~*Floor Area Premiums, Districts Other than NC and C-3*~~
Section 130	Yard and Setback Requirements
Section 131	Legislated Setback Line
Section 134	Rear Yards, R, NC, C, and M Districts
Section 135	Usable Open Space, R, NC, C, and M Districts
Section 136	Obstructions Over Streets and Alleys and in Required Setbacks, Yards, and Usable Open Space
Section 136.1	Awnings, Canopies, and Marquees ~~*in NC Districts*~~
Section 138.1	*Streetscape and Pedestrian Improvements*
Section 140	All Dwelling Units *in All Use Districts* to Face on Open Area~~, *R, NC, and M Districts*~~
Section 141	Screening of Rooftop Features R, NC, C, and M Districts
Section 142	Screening *and Greening* of Parking *and Vehicle Use* Areas~~, *R and NC Districts*~~

~~*Section 143*~~	~~*Street Trees, R, NC, C-3 Districts*~~
Section 145.1	Street Frontages~~,~~ *in* Neighborhood Commercial, *Residential-Commercial, Commercial, and Mixed Use* Districts
Section 145.2	Outdoor Activity Areas and Walk-up Facilities in NC Districts
Section 145.4	*Required Ground Floor Commercial Uses*
Parking	
Section 150	Off-Street Parking and Loading Requirements
Section 151	Schedule of Required Off-Street Parking Spaces
Section 151.1	*Schedule of Permitted Off-Street Parking Spaces in Specified Districts*
Section 152	Schedule of Required Off-Street Freight Loading Spaces in District Other than C-3
Section 153	Rules for Calculation of Required Spaces
Section 154	Minimum Dimensions for Required Off-Street Parking, Freight Loading and Service Vehicle Spaces
Section 155	General Standards as to Location and Arrangement of Off-Street Parking, Freight Loading, and Service Vehicle Facilities
Section 155.1 to 155.5	*Bicycle Parking Requirements*
Section 156	Parking Lots
Section 157	Conditional Use Applications for Parking Exceeding Accessory Amounts: Additional Criteria

Section 159	Required Off-Street Parking Not on the Same Lot as the Structure or Use Served
Section 160	Collective Provision and Joint Use of Required Off-Street Parking
Section 161	Exemptions From Off-Street Parking, Freight Loading and Service Vehicle Requirements
Compliance	
Section 170	Applicability of Requirements
Section 171	Compliance of Uses Required
Section 172	Compliance of Structures, Open Spaces, and Off-Street Parking and Loading
Section 173	Compliance of Lots Required
Section 174	Compliance With Conditions, Stipulations, and Special Restrictions Required
Section 175	Approval of Permits
Section 176	Enforcement Against Violations
Section 178	Conditional Uses
Section 179	Uses Located in Neighborhood Commercial Districts
Section 180	Nonconforming Uses, Noncomplying Structures, and Substandard Lots of Record: General
Section 181	Nonconforming Uses: Enlargements, Alterations, or Reconstruction
Section 182	Nonconforming Uses: Changes of Use
Section 183	Nonconforming Uses: Discontinuance and Abandonment
Section 184	Short-term Continuance of Certain Nonconforming Uses

Section 185	Continuance of Other Nonconforming Uses
~~*Section 186*~~	~~*Exemption of Limited Commercial Nonconforming Uses*~~
Section 186.1	Exemption of Nonconforming Uses in Neighborhood Commercial Districts
~~*Section 187*~~	~~*Garment Shops and Garment Factories as Nonconforming Uses*~~
Section 188	Noncomplying Structures: Enlargements, Alterations and Reconstruction
Section 189	Substandard Lots of Record: Construction and Other Actions
Uses	
Section 201	Classes of Use Districts
Section 202	Uses Permitted by This Code
Section 203	Effect on Certain Public Services
Section 204	Accessory Uses, General
Section 204.1	Accessory Uses for Dwellings in R and NC Districts
Section 204.4	Dwelling Units Accessory to Other Uses
Section 204.5	Parking and Loading as Accessory Uses
Section 205	Temporary Uses, General
Section 205.1	Temporary Uses, Sixty-day Limit
Section 205.2	Temporary Uses, Two-year Limit
Section 207.1	Rules for Calculation of Dwelling Unit Densities
~~*Section 207.4*~~	~~*Density of Dwelling Units in Neighborhood Commercial Districts*~~
Section 208	Density Limitations for Group Housing in R and NC Districts

Section 209.1	Dwellings
~~*Section 210*~~	~~*Description and Purpose of Commercial and Industrial Districts*~~
Section 234	P Districts
Section 234.1	Principal Uses Permitted, P Districts
Section 234.2	Conditional Uses, P Districts
Section 235	Special Use Districts
~~*Section 236*~~	~~*Garment Shop Special Use District*~~
Height and Bulk	
Section 122	Height and Bulk
Section 250	Height and Bulk Districts Established
Section 251	Height and Bulk Districts: Purposes
Section 252	Classes of Height and Bulk Districts
Section 253.1	Review of Proposed Buildings and Structures in North Beach and Broadway Neighborhood Commercial Districts
Section 260	Height Limits: Measurement
Section 261.1	*Additional Height Limits for Narrow Streets and Alleys in RTO, NC, NCT, Eastern Neighborhoods Mixed Use, and South of Market Mixed Use Districts*
Section 262	Additional Height Limits Applicable to Signs
Section 270	Bulk Limits: Measurement
Section 271	Bulk Limits: Special Exceptions, In Districts Other than C-3
Section 295	Height Restrictions on Structures Shadowing Property Under the Jurisdiction of

	the Recreation and Park Commission
Procedures	
Section 301	General Description of Zoning Procedures
Section 302	Amendments
Section 303	Conditional Uses
Section 304	Planned Unit Developments
Section 304.5	Institutional Master Plans
Section 305	Variances
Section 306	Applications and Hearings
Section 306.1	Applications and Filing Fees
Section 306.2	Scheduling of Hearings
Section 306.3	Notice of Hearings
Section 306.4	Conduct of Hearings
Section 306.5	Reconsideration
Section 306.6	Initiation of Amendments
Section 306.7	Interim Zoning Controls
Section 306.8	Posting of Signs Required
Section 307	Other Powers and Duties of the Zoning Administrator
Section 308	Appeals
Section 308.1	Appeals: Amendments and Conditional Uses

Section 308.2	Appeals: Variances and Administrative Actions
Section 313	Housing Requirements for Office Development Projects
Section 314	Child Care Requirements for Office Development Projects (Outside C-3 Districts)
Section 315	Procedures for Conditional Use Authorization in Neighborhood Commercial Districts
Section 315.1	Applications and Filing Fees
Section 315.2	Zoning Administrator Review, Scheduling of Hearing, and Recommendation
Section 315.3	Notice of Recommendation and Determination
Section 315.4	Request for Reconsideration of Consent Calendar Items at a Public Hearing
Section 315.5	Conduct of Consent Calendar and Determination
Section 315.6	Conduct of Public Hearings and Determination
Section 315.7	Reconsideration
Section 315.8	Appeal
Sections 330—330.18	Permit Review in the San Francisco Coastal Zone Area
Fees	
Section 350	Fees, General
Section 351	Fees for Applications to Establish, Abolish or Modify a Setback Line, to Reclassify Property, to Authorize a Conditional Use, to Consider a Variance, or to Review a Coastal Zone Permit

Section 352	Fee for Review of Building Permit Applications
Section 353	Fee for Review of Permit Applications Issued by the Fire Department, the Police Department, and the Department of Public Health
Section 355	Fee for Reviewing Notices and Special Restrictions
Section 356	Fee for Reviewing Proposals Which Cast a Shadow on Recreation and Park Commission Property
Signs	
Section 601	Special Purposes
Sections 602—602.21	Special Definitions
Section 603	Exempted Signs
Section 604	Permits and Conformity Required
~~*Section 607*~~	~~*Commercial and Industrial Districts*~~
Section 607.1	Neighborhood Commercial Districts
Sections 608—608.11	Special Sign Districts
Sections 609—609.13	Amortization Periods
Landmarks	
Article 10	Preservation of Historical, Architectural and Aesthetic Landmarks (Inclusive)

SEC. 819. *SOUTH OF MARKET* EXTENDED PRESERVATION DISTRICT.

The *South of Market* Extended Preservation District, as shown on Sectional Map ~~1~~PD*01* and ~~7~~PD*07* of the Zoning Map, incorporates an area, formerly zoned C-3-S, in which provisions of Article 11 and Section 128 continue to be in effect.

SEC. 890.21. AWNING.

An awning in a Mixed Use District shall be as defined and regulated in Section 136.1(a) of this Code. ~~*A light roof like structure, supported entirely by the exterior wall of a building; consisting of a fixed or movable frame covered with cloth, plastic or metal; extending over doors, windows, and/or show windows; with the purpose of providing protection from sun and rain and/or embellishment of the facade; as further regulated in Sections 4505 and 5211 of the Building Code.*~~

SEC. 890.24. CANOPY.

A canopy in a Mixed Use District shall be as defined and regulated in Section 136.1(b) of this Code. ~~*A light roof like structure, supported by the exterior wall of a building and on columns or wholly on columns, consisting of a fixed or movable frame covered with approved cloth, plastic or metal, extending over entrance doorways only, with the purpose of providing protection from sun and rain and embellishment of the facade, as further regulated in Sections 4505, 4506, 4508, and 5213 of the Building Code.*~~

SEC. 890.58. MARQUEE.

A marquee in a Mixed Use District shall be as defined and regulated in Section 136.1(c) of this Code. ~~*A permanent roofed structure attached to and supported entirely by a building, including any object or decoration attached to or part of said marquee, no part of which shall be used for occupancy or storage. The purpose of the structure is to provide protection from sun and rain or embellishment of the facade, as further regulated in Sections 414 and 4506 of the Building Code.*~~

SEC. 899. OTHER APPLICABLE SECTIONS OF THE ~~*CITY*~~ PLANNING CODE.

Certain sections of the ~~*City*~~ Planning Code in Articles other than this Article also apply to Mixed Use Districts. Such sections and their titles are listed below. The following listing is

set forth for convenience; in the event of any omission of a provision, that provision shall nevertheless still apply.

General Provisions	
Section 101	Purposes
Section 101.1	~~*Master*~~ *General* Plan Consistency and Implementation
Section 109	Severability
Definitions	
Sections 102—102.28	Definitions
Zoning Map	
Section 105	Zoning Map
Section 106	Zoning Map Incorporated Herein
Building Standards	
Section 121	*Minimum Lot Width*
Section 122	Height and Bulk
Section 124	Basic Floor Area Ratio
Section 128	Transfer of Development Rights in C-3 Districts
Section 130	*Yard and Setback Requirements*
Section 131	*Legislated Setback Line*
Section 134	*Rear Yard Requirements*
Sections 135 –	*Usable Open Space*

135.3	
Section 136	*Obstructions Over Streets and Alleys and in Required Setbacks, Yards, and Usable Open Spaces*
Section 136.1	*Awnings, Canopies and Marquees*
Section 138.1	*Streetscape and Pedestrian Improvements*
Section 140	*All Dwelling Units in All Zoning Districts to Face on an Open Space*
Section 141	*Screening of Rooftop Features*
Section 142	*Screening of Parking Areas*
Section 143	*Street Trees*
Section 145.1	*Street Frontages in Neighborhood Commercial, Residential-Commercial, Commercial, and Mixed-Use Districts*
Section 147	*Reduction of Shadows on Certain Public Open Spaces*
Section 250	Height and Bulk Districts Established
Section 251	Height and Bulk Districts—Purpose
Section 252	Classes of Height and Bulk Districts
Section 253	Review of Buildings Exceeding 40 Feet in R Districts
Section 260	Height Limits—Method of Measurement
Section 262	Additional Height Limits—Applicable to Signs
Section 263	Height Limits: Special Exceptions
Section 270	Bulk Limits—Measurement
Section 271	Bulk Limits-Special Exceptions

Section 295	Height Restrictions on Structures Shadowing Property Under the Jurisdiction of the Recreation and Park Commission
~~*Section 121*~~	~~*Minimum Lot Width*~~
~~*Section 130*~~	~~*Yard and Setback Requirements*~~
~~*Section 131*~~	~~*Legislated Setback Line*~~
~~*Section 134*~~	~~*Rear Yard Requirements*~~
~~*Sections 135 – 135.3*~~	~~*Usable Open Space*~~
~~*Section 136*~~	~~*Obstructions Over Streets and Alleys*~~
~~*Section 136.1*~~	~~*Awnings, Canopies and Marquees*~~
~~*Section 136.1*~~	~~*Awnings, Canopies and Marquees*~~
~~*Section 141*~~	~~*Screening of Rooftop Features*~~
~~*Section 142*~~	~~*Screening of Parking Areas*~~
~~*Section 143*~~	~~*Street Trees*~~
~~*Section 147*~~	~~*Reduction of Shadows on Certain Public Open Spaces*~~
Parking	
Section 150	Off-Street Parking and Loading Requirements
Section 151	Schedule of Required Off-Street Parking Spaces
Section 152	Schedule of Required Off-Street Freight Loading Spaces
Section 153	Rules for Calculation of Required Spaces
Section 154	Minimum Dimensions for Required Off-Street Parking and Loading Spaces

Section 155	General Standards as to Location and Arrangement of Off-Street Parking and Loading Spaces
Section 156	Parking Lots
Section 157	Conditional Use Applications for Parking Exceeding Accessory Amounts
Section 159	Required Off-Street Parking Not on the Same Lot as Structure or Use Served
Section 160	Collective Provision and Joint Use of Required Off-Street Parking
Section 161	Exemptions from Off-Street Parking, Freight Loading
Section 163	Transportation Management Programs
Signs	
Sections 602—602.21	Definitions
Section 603	Exemptions
Section 604	Permits and Conformity
Section 606	Residential Districts
Section 607.2	Mixed Use Districts
Sections 608—608.1	Special Sign Districts
Section 609	Amortization Period
Section 821	South of Market Special General Advertising Sign Districts
Uses	

Section 201	Classes of Use Districts
Section 202	Uses Permitted By This Code
Section 203	Effect on Certain Public Services
Section 204	Accessory Uses, General
Section 204.1	Accessory Uses for Dwellings in R Districts
Section 204.4	Dwelling Units Accessory to Other Uses
Section 204.5	Parking and Loading as Accessory Uses
Sections 205—205.3	Temporary Uses
Section 207	Density of Dwelling Units in R Districts
Section 207.1	Rules for Calculation of Dwelling Unit Densities
~~*Section 207.1*~~	~~*Density of Dwelling Units in Mixed Use Districts*~~
Section 208	Density Limitations for Group Housing
~~*Section 210*~~	~~*Description and Purpose of Commercial and Industrial Districts*~~
Section 233	Additional Provisions For Live/Work Units
Section 234.2	Conditional Uses, P Districts
Section 235	Special Use Districts
~~*Section 236*~~	~~*Garment Shop Special Use District*~~
Article 10	Preservation of Historical, Architectural and Aesthetic Landmarks (Inclusive)
Section 1106	Article 11 Change of Designation, Designation of Additional Buildings

Procedures	
Section 301	General Description
Section 302	Amendments
Section 303	Conditional Uses
Section 304.5	Institutional Master Plans
Section 305	Variances
Sections 306—306.8	Applications and Hearings
Section 307	Other Powers and Duties of the Zoning Administrator
Sections 308—308.2	Appeals
Section 309.1	*Permit Review in Downtown Residential Districts*
Section 329	*Large Project Authorization in Eastern Neighborhoods Mixed Use Districts*
Fees	
Article 3.5	Fees (Inclusive)
Compliance	
Section 170	Applicability of Requirements
Section 171	Compliance of Uses Required
Section 172	Compliance of Structures, Open Spaces, and Off-Street Parking and Loading
Section 173	Compliance of Lots Required

Section 174	Compliance with Conditions, Stipulations, and Special Restrictions
Section 175	Approval of Permits
Section 176	Enforcement Against Violations
Section 178	Conditional Uses
Section 180	Nonconforming Uses, Noncomplying Structures, and Substandard Lots
Section 181	Nonconforming Uses: Enlargements, Alterations, or Reconstruction
Section 182	Nonconforming Uses: Changes of Use
Section 183	Nonconforming Uses: Discontinuance and Abandonment
Section 184	Short-term Continuance of Certain Nonconforming Uses
Section 185	Continuance of Other Nonconforming Uses
Section 186	Exemption of Limited Commercial Nonconforming Uses
~~*Section 187*~~	~~*Garment Shops and Garment Factories as Nonconforming Uses*~~
Section 188	Noncomplying Structures: Enlargements, Alterations and Reconstruction

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: Judith A. Boyajian
JUDITH A. BOYAJIAN
Deputy City Attorney

FILE NO. 110548

LEGISLATIVE DIGEST

[Planning Code - Zoning - Uses, Signs, Building Features, Floor Area Ratio, Parking, and Compliance in Specified Use Districts]

Ordinance amending the San Francisco Planning Code by repealing Sections 136.2, 136.3, 158, 187, 249.15, 263.2, 263.3, 602.25, 602.26, 607.3, and 607.4 and amending various other Sections to: 1) increase the amount of principally permitted parking spaces for dwellings in RC-4 and C-3 Districts; 2) make off-street parking requirements in the Van Ness Special Use District and RC-3 Districts consistent with those of RC-4 Districts; 3) eliminate minimum parking requirements for the Chinatown Mixed Use Districts and North Beach Neighborhood Commercial Districts; 4) allow exceptions from required parking under specified circumstances; 5) amend the restrictions on off-street parking rates and extend them to additional zoning districts; 6) revise sign, awning, canopy and marquee controls in specified zoning districts; 7) increase the permitted use size for limited corner commercial uses in RTO and RM districts, and allow reactivation of lapsed limited commercial uses in R Districts; 8) revise the boundaries of and modify parking and screening requirements in the Washington-Broadway and Waterfront Special Use Districts; 9) modify controls for uses and accessory uses in Commercial and Residential-Commercial Districts; 10) permit certain exceptions from exposure and open space requirements for historic buildings; and 11) modify conformity requirements in various use districts; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Amendments to Current Law

Density, Floor Area Ratio, and Open Space in C-3 Districts and the Van Ness Special Use District.

Sections 102.9, 128, 138, 215, and 243 are amended to:

- Remove the conditional use requirement for higher residential density in the C-3 Districts.
- Exempt affordable housing from Gross Floor Area ratio limits in the C-3 Districts and the Van Ness Special Use District.
- Permit Transferred Development Rights from any eligible site in a C-3 District and from the South of Market Extended Preservation District to be applied to any site in a C-3 District.
- Count space dedicated to parking which exceeds principally permitted amounts, or parking located above ground, to Floor Area Ratio calculations in C-3 Districts. Currently, parking up to 150% of what is principally permitted is exempt from FAR calculations.
- Exempt Bicycle Parking from Floor Area Ratio calculations.

- Extend Public Open Space requirements in C-3 Districts to projects which are primarily retail.

Accessory uses in Commercial, Residential-Commercial, and Industrial Districts

Section 204.3 is amended to:

- Increase the maximum permitted size of an accessory use in Commercial and Industrial Districts from one-quarter to one-third of the gross floor area.
- Remove limitations on the number of employees for an accessory use in a C-2 district.
- Remove maximum horsepower permitted for machines in accessory uses in Commercial Districts.
- Require that mechanical noise, vibration, or unhealthful emissions from accessory uses in Commercial Districts not extend outside the premises.
- Subject accessory uses in RC districts to the requirements of Commercial Districts rather than those of Residential Districts.

Parking and Automotive Uses

Sections 151, 151.1, 155, 155.1, 155.4, 156, 157, 157.1, 158, 158.1, 161,163, 223, 228, and 243 are amended to:

- Increase the number of principally permitted parking spaces from one for every four units to one for every two units in C-3 Districts, and from 3 for every 8 units to one for every two units in RC Districts.
- Decrease the minimum number parking spaces required in RC-3 Districts and the Van Ness Special Use District from one space per unit to one space for every four units.
- Eliminate minimum parking requirements for the Chinatown Mixed Use Districts and North Beach Neighborhood Commercial Districts
- Permit exceptions from parking requirements where providing required parking would remove a transit stop, compromise a building's earthquake safety or create a geologic hazard.
- Amend the pricing requirements for commuter parking to permit a discounted daily rate for use outside commute hours, and to extend these requirements to commuter parking in Residential-Commercial and South of Market Mixed Use Districts and the Washington-Broadway Special Use District.
- Expand bicycle parking requirements to include all uses.
- Extend transportation brokerage requirements to all non-residential projects over 100,000 square feet in Commercial and Mixed Use Districts.
- Consolidate various automotive use definitions in C, M, and PDR Districts with those for Mixed-Use Districts.
- Remove exceptions permitting non-accessory parking above the ground floor, and permitting exceptions from parking screening requirements, in C-3 Districts.
- Consolidate the conditional use findings for non-accessory parking in C-3 Districts in a single section.
- Allow automobile service stations on transit-priority and major pedestrian streets to be converted to another use without conditional use authorization, and amend the

conditional use criteria for conversion to include consideration of transportation impacts of the existing and proposed use.

Sign, Awning, Canopy, and Marquee controls

Sections 136, 136.1, 136.2, 136.3, 262, 602.9, 602.24, 602.25, 602.26, 606, 607, 607.1, 608.6, 608.8, 608.10, 790.24, 790.26, 790.58, 890.21, 890.24, and 890.58 are amended to:

- Permit awnings, canopies, and marquees in PDR Districts.
- Consolidate awning, canopy, and marquee controls for all use districts into a single section.
- Permit awnings to be made of cloth, glass, and metal, but not of plastic.
- Conform signage controls in Residential districts with those of Neighborhood Commercial Districts, and to prohibit General Advertising Signs in the few RC and NC districts where they are currently permitted.
- Remove the special sign districts permitting blinking, flashing, and rotating signs from the Van Ness Corridor and from the portion of Broadway in the Chinatown Community Business District.
- Prohibit roof signs, other than historic signs, in Commercial Districts, to prohibit temporary General Advertising Signs around Union Square, and to limit business signs to 40' in height in C-3 districts.
- Permit window signs and small projecting signs, decrease the permitted size of wall signs, and limit sign illumination to business hours for Limited Commercial Uses in Residential Districts.
- Add The Embarcadero to the list of Scenic Streets where certain sign requirements apply, and to exempt Historic Signs from the sign size limits for Scenic Streets.
- Consolidate procedures for designating, altering, and reconstructing historic signs, and exempt historic signs from height limits on signs.
- Modify the definitions of window signs and business signs.
- Remove certain provisions from the Market Street and Upper Market Sign Districts which duplicate or conflict with sign controls for the underlying use districts.

Limited Commercial Uses in Residential Districts

Sections 186, 209.9, and 231 are amended to:

- Increase the maximum size of new limited corner commercial uses permitted in RTO, RM-3 and RM-4 districts from 1250 to 2500 square feet, and permit them to extend more than 50' from a street corner.
- Require conditional use authorization to convert all or part of a dwelling to a limited corner commercial use.
- Permit Limited Commercial Uses to be reestablished in spaces which were in a commercial use before 1960, which have not been converted to a dwelling, and which conform to current code requirements, with Conditional Use authorization.
- Define commercial uses conditionally permitted in historic buildings in Residential Districts those permitted in an NC-1 district rather than an RC-1 district.

Washington-Broadway and Waterfront Special Use Districts.

Sections 161, 239, 240, 240.1, 240.2, and 240.3 are amended to:

- Consolidate the two Washington-Broadway SUDs into a single district, limited to the C-2 zoned areas between Washington and Broadway Streets.
- Permit exceptions from parking requirements in Waterfront SUD #3.
- Remove parking screening requirements for the Waterfront Special Use Districts, so that the citywide screening requirements of Section 143 apply.
- Delete height limit exceptions for buildings on piers in 84' height districts, as such height limits no longer exist on the historic piers.

Conformity, Changes of Use, and Other Building Requirements

Sections 136, 138.1, 135, 140, 182, 184, and 307 are amended to:

- Expand the exception from residential density limits and minimum parking requirements when converting non-conforming uses in existing buildings to residential uses in all districts where residential uses are principally permitted.
- Permit exceptions from dwelling unit exposure and residential open space requirements when converting historic buildings to residential use.
- Remove the exception for parking lots in C-3 districts from the conformity requirements for uses not in an enclosed building.
- Construction of basement spaces under public streets and alleys is no longer permitted.
- Permit the Planning Department to require, as a condition of approval, that non-conforming encroachments onto public rights-of-way be removed or brought into conformity with current standards when projects are newly constructed or undergo major additions or major changes of use.
- Extend rooftop screening requirements to Chinatown Mixed Use Districts.
- Permit Dwellings to face onto alleys as narrow as 20', rather than 25'.

In addition to the amendments to the Planning Code, conforming amendments to the Zoning Map have been made in a companion ordinance.

Background

This ordinance aims to advance several goals of the City's General Plan and the Priority Policies of Planning Code Section 101.1, as follows:

Reduce off-street parking requirements in dense, mixed-use neighborhoods located near transit. San Francisco's Planning Code has provided for reduced parking requirements in dense and transit-rich neighborhoods since the 1960s, as a way of reducing traffic congestion, encouraging walking, cycling, and public transit, and making efficient use of scarce land. Planning Code changes in the past decade have eliminated minimum parking

requirements in many transit-rich areas of the City, including Rincon Hill (2005), Downtown (2006), The Market & Octavia Plan area (2008), Eastern Neighborhoods (2008), Balboa Park 2009) and for residential uses in Chinatown, North Beach, and Telegraph Hill (2010). This ordinance removes the remaining parking requirements in Chinatown, North Beach, and lower Broadway areas, and reduces residential parking requirements in the Van Ness corridor, which Proposition K (2003) designated as a bus rapid transit corridor. The ordinance also permits administrative exceptions from minimum parking requirements in the Fisherman's Wharf area (Waterfront SUD #2), and facilitates conversion of automobile service stations located on important transit and pedestrian streets to other compatible uses.

Provide incentives for affordable housing and mixed-income residential projects. By exempting affordable housing from Floor-Area Ratio limits in the Downtown Commercial (C-3) and Van Ness Special Use Districts, this ordinance will provide a significant incentive for construction of affordable projects and the inclusion of affordable units in market rate residential projects rather than their location off-site. State law requires that municipalities provide significant incentives to developers for including affordable units in market rate projects, and this ordinance will further San Francisco's compliance with the California Density Bonus law.

Encourage the preservation and reuse of existing buildings. San Francisco's existing buildings contribute to the unique character of San Francisco. Reusing buildings, rather than demolishing and rebuilding them, can preserve the built character of neighborhoods, as well as foster sustainability by conserving the energy and materials embodied in these buildings. Certain provisions of the Planning Code can be difficult for existing buildings to comply with, which limits their potential uses, or can entail a costly and time-consuming variance process for the building owner. This ordinance permits the conversion of non-conforming uses to residential uses, without regard to density limits or parking requirements, in all districts where residential uses are principally permitted. It establishes an administrative exception process from open space and dwelling unit exposure requirements for historic buildings, and permits dwellings to front onto alleys of 20' or more.

Encourage small, neighborhood-serving commercial uses in residential areas. For decades, the Planning Code has recognized that small commercial uses, although often nonconforming, "tend to provide convenience goods and services on a retail basis to meet the frequent and recurring needs of neighborhood residents within a short distance of their homes". Older storefronts are common in residential districts, and can be difficult to convert to residential uses because of lack of privacy and open space. This ordinance permits storefronts that were in active commercial use before 1960 to be reactivated with conditional use authorization. It also increases the maximum size of new street-corner commercial uses permitted in RTO, RM-3, and RM-4 to 2500 square feet, the size of a typical residential lot, and to extend further than 50' from a corner, to make more existing corner retail uses conforming, and to discourage inactive street fronting uses like storage or garage doors on prominent corner lots. This ordinance also establishes an appropriate set of signage standards that takes into account the essentially residential nature of the neighborhoods

where these uses are found, with limitations on the size of signs and sign illumination outside of business hours.

Encourage small business formation and retention by increasing flexibility for accessory uses in Commercial, Industrial, and Residential-Commercial Districts. Small businesses that combine office, production, retail, and even residential uses are increasingly common in San Francisco, but frequently do not fit into traditional zoning categories. This ordinance creates more flexibility in zoning around accessory uses, by increasing the maximum square footage for accessory uses in Commercial, Industrial, and Residential-Commercial Districts from one-quarter to one-third of available square footage, and replacing limitations on the horsepower of machines and number of employees in Commercial Districts with a 'good neighbor' performance standard.

Reduce variances and conditional uses and increase code compliance. Another goal of this ordinance is to decrease the number of planning code variances and conditional uses, by providing administrative process for certain exceptions which are otherwise desirable (appropriate reuse of historic buildings, or ensuring the earthquake safety of buildings) and making certain projects or features which conform to general plan and area plan goals (dense residential projects in C-3 districts, and residential projects with less than one space for every two units in C-3 and RC districts) principally permitted. The ordinance also provides more flexibility in converting non-conforming uses to residences where residences are principally permitted.

Code Simplification: The ordinance seeks to simplify the Planning Code by removing obsolete sections, consolidating controls for a single use or feature into a single code sections, and harmonizing similar definitions and controls across use districts.

SAN FRANCISCO
PLANNING DEPARTMENT

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

May 31, 2012

Supervisor Chiu and
Ms. Angela Calvillo, Clerk
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: **Transmittal of Planning Case Number 2011.0533Z and 2011.0532T**
BF No. 11-0547 and 11-0548: Parking, Awning, Signs, Exposure, Open Space, and Limited Conforming Uses.

Recommendation: **Approval with Modifications**

Dear Supervisor Chiu and Ms. Calvillo,

On May 3, 2012 and May 17, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearings at a regularly scheduled meeting to consider Phases Two and Three of the proposed Ordinances under Board of Supervisors File Number 11-0547 and 11-0548.

At the May 3rd Hearing, the Commission voted 6-1 to recommend approval with modifications of Phase Two of the proposed Planning Code Text Amendments (Ordinance 11-0548) and voted 6-0, with Commissioner Fong recused, to recommend approval with modifications of Phase Two of the proposed Zoning Map Amendments (Ordinance 11-0547).

At the May 17th Hearing, the Commission voted 5-1 to recommend approval with modifications of Phase Three of the proposed Planning Code Text Amendments (Ordinance 11-0548) and voted 6-0 to recommend approval with modifications of Phase Three of the proposed Zoning Map Amendments (Ordinance 11-0547).

Supervisor, please advise the City Attorney at your earliest convenience if you wish to incorporate the changes recommended by the Commission. The attached resolution and exhibit provides more detail about the Commission's action. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

AnMarie Rodgers
Manager of Legislative Affairs

Cc: City Attorneys Judith Boyajian and Marlena Byrne

Attachments (one copy of the following): Planning Commission Resolution Nos. 18615, 18616, 18626 and 18627
Department Executive Summaries for Phases Two and Three for both the Planning Code and Zoning Map Amendments.

SAN FRANCISCO
PLANNING DEPARTMENT

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Resolution No. 18615

HEARING DATE: MAY 3, 2012

Project Name:	Amendments relating to: Parking, Awning, Signs, Exposure, Open Space, and Limited Conforming Uses.
Case Number:	2011.0532T [Board File No. 11-0548]
Initiated by:	Supervisor Chiu / Introduced May 3, 2011
Staff Contact:	Aaron Starr, Legislative Affairs aaron.starr@sfgov.org, 415-558-6362
Reviewed by:	AnMarie Rodgers, Manager Legislative Affairs anmarie.rodgers@sfgov.org, 415-558-6395
Recommendation:	**Recommend Approval with Modifications of "Phase Two" Including the Topics of Automotive Uses, Limited Corner Commercial Uses (LCCUs), Accessory Uses, Non-Conforming Uses, and Washington Broadway and Waterfront SUDs.**

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE WITH MODIFICATIONS THAT WOULD AMEND THE SAN FRANCISCO PLANNING CODE BY REPEALING SECTIONS 136.2, 136.3, 158, 187, 249.15, 263.2, 263.3, 602.25, 602.26, 607.3 AND 607.4 AND AMENDING VARIOUS OTHER CODE SECTIONS TO (1) INCREASE THE AMOUNT OF PRINCIPALLY PERMITTED PARKING SPACES FOR DWELLINGS IN RC-4 AND C-3 DISTRICTS, (2) MAKE OFF-STREET PARKING REQUIREMENTS IN THE VAN NESS SPECIAL USE DISTRICT AND RC-3 DISTRICTS CONSISTENT WITH THOSE OF RC-4 DISTRICTS, (3) ELIMINATE MINIMUM PARKING REQUIREMENTS FOR THE CHINATOWN MIXED USE DISTRICTS AND NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICTS, (4) ALLOW EXCEPTIONS FROM REQUIRED PARKING UNDER SPECIFIED CIRCUMSTANCES, (5) AMEND THE RESTRICTIONS ON OFF-STREET PARKING RATES AND EXTEND THEM TO ADDITIONAL ZONING DISTRICTS, (6) REVISE SIGN, AWNING, CANOPY AND MARQUEE CONTROLS IN SPECIFIED ZONING DISTRICTS, (7) INCREASE THE PERMITTED USE SIZE FOR LIMITED CORNER COMMERCIAL USES IN RTO AND RM DISTRICTS, AND ALLOW REACTIVATION OF LAPSED LIMITED COMMERCIAL USES IN R DISTRICTS, (8) REVISE THE BOUNDARIES OF AND MODIFY PARKING AND SCREENING REQUIREMENTS IN THE WASHINGTON-BROADWAY AND WATERFRONT SPECIAL USE DISTRICTS, (9) MODIFY CONTROLS FOR USES AND ACCESSORY USES IN COMMERCIAL AND RESIDENTIAL-COMMERCIAL DISTRICTS, (10) PERMIT CERTAIN EXCEPTIONS FROM EXPOSURE AND OPEN SPACE REQUIREMENTS FOR HISTORIC BUILDINGS, AND (11) MODIFY CONFORMITY REQUIREMENTS IN VARIOUS USE DISTRICTS; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, SECTION 302

FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE PRIORITY POLICIES OF PLANNING CODE SECTION 101.1.

PREAMBLE

Whereas, on May 3, 2011 Supervisor Chiu introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 11-0548 which would amend the San Francisco Planning Code by repealing Sections 136.2, 136.3, 158, 187, 249.15, 263.2, 263.3, 602.25, 602.26, 607.3 and 607.4 and amending various other Code sections to (1) increase the amount of principally permitted parking spaces for dwellings in RC-4 and C-3 Districts, (2) make off-street parking requirements in the Van Ness Special Use District and RC-3 Districts consistent with those of RC-4 Districts, (3) eliminate minimum parking requirements for the Chinatown Mixed Use Districts and North Beach Neighborhood Commercial Districts, (4) allow exceptions from required parking under specified circumstances, (5) amend the restrictions on off-street parking rates and extend them to additional zoning districts, (6) revise sign, awning, canopy and marquee controls in specified zoning districts, (7) increase the permitted use size for limited corner commercial uses in RTO and RM districts, and allow reactivation of lapsed limited commercial uses in R districts, (8) revise the boundaries of and modify parking and screening requirements in the Washington-Broadway and Waterfront Special Use Districts, (9) modify controls for uses and accessory uses in Commercial and Residential-Commercial Districts, (10) permit certain exceptions from exposure and open space requirements for historic buildings, and (11) modify conformity requirements in various use districts; and

Whereas, on December 15, 2011, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance; and

Whereas on February 8, 2012, the legislative sponsor, Board President David Chiu, sent the Commission a memorandum requesting that the Commission not consider certain topics from the proposed Ordinance as it is his intend to remove the following topics from the proposed Ordinance: The C-3 parking changes, Affordable Housing FAR exemptions, changes to Planning Code Section 155(g) having to do with the long term parking rate structure, and proposed changes to Port Property and the expansion of the Waterfront Advisory Committee.

Whereas on March 1, 2012, the Planning Commission considered a portion of the proposed Ordinance, herein referred to as "Phase One", covering the subject areas of Clerical and Minor Modifications, Transfer of Development Rights (TDRS), Limited Commercial Uses, Bike Parking, and Signs; and

Whereas, at the March 1, 2012 hearing, the Commission recommended approval with modifications of Phase One in Resolution Number 18553; and

Whereas, at this same hearing the Commission requested that the remainder of the proposed Ordinance be brought back for two later hearings; and

Whereas, the Commission requested that the next hearing consider the "Phase Two" topics of the same proposed Ordinance including the topics of changes to Automotive Uses, Limited Corner Commercial

Uses (LCCUs), Accessory Uses, Non-Conforming Uses, Washington Broadway and Waterfront SUDs and the Van Ness Avenue SUD; and

Whereas, the Commission further requested that the remainder of the topics of the proposed Ordinance be considered at a later hearing called "Phase Three" that would include the topics of changes to Parking, Opens Space for Commercial Uses, Gross Floor Area and Floor Area Ratio, Streetscape Improvements, Transportation Management, and Powers of the Zoning Administrator; and

Whereas, this hearing is to consider the topics described as "Phase Two"; and

Whereas, the Commission requested that the proposed Changes to the Van Ness SUD which include parking ratio modifications, the elimination of the Van Ness Sign District and the Van Ness Special Sign District for illumination be brought back to the Commission under Phase Three; and

Whereas, the proposed zoning changes have been determined to be exempt from environmental review under the General Rule Exclusion (Section 15061(b)(3) of the CEQA Guidelines); and

Whereas, the Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties; and

Whereas, the all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

Whereas, the Commission has reviewed the proposed Ordinance; and

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors **approve with modifications** Phase Two of the proposed ordinance. Specifically, the Commission recommends the following modifications:

Auto Uses

1. Modifying the proposed controls for parking lots in Section 223(l) - "parking lots" - for the C-2 District from "prohibited" to "Conditional Use Authorization".
2. Modify proposed Section 223(o) to require a CU for Storage Yards for Commercial Vehicles or Trucks in C-M Districts rather than prohibiting them outright.

LCCUs

3. Do not amend Section 231 to allow LCCUs to have 2,500 sq. ft. or allow them within 100' of a corner. This proposed change should be reviewed when the Market and Octavia Plan undergoes its scheduled 5 year review.
4. Do not add proposed Section 231(k), which requires Conditional Use authorization when converting a dwelling unit to establish a Limited Corner Commercial Use. Dwelling unit conversions are already controlled by Section 317.

Nonconforming Uses

5. Modify the proposed changes to Section 182 so that a nonconforming use can only be converted to one dwelling unit as of right, and require a CU for the conversion of more than one dwelling unit, and remove the provision that allows a non-conforming use to be converted to group housing as of right.

6. Add the following modifications to Section 184 to clarify when surface parking lots would need to cease operation:

   Any nonconforming commercial or industrial use of land where no enclosed building is involved in such use~~, except for permanent off street parking lots in the C-3-O, C-3-R, C-3-G Districts existing on the effective date of Ordinance 414-85, provided that such lots are screened in the manner required by Section 156(e)~~ shall be eliminated no later than five years and 90 days from the effective date of Ordinance No. [INSERT];

7. Modify Planning Code Section 156 to allow for a 5 year temporary use permit instead of a 2 year temporary use permit.

   ~~(f)(h)~~ No permanent parking lot shall be permitted in C-3-*O, C-3-R, C-3-G* and NCT Districts; temporary parking lots may be approved as conditional uses pursuant to the provisions of Section 303 for a period not to exceed two years from the date of approval ***in NCT Districts and five years from the date of approval in C-3 Districts***; permanent parking lots in C-3-S Districts shall be permitted only as a conditional use.

Washington-Broadway SUD

8. Remove the provision in the proposed Ordinance that would change surface parking lots from a conditional use to "not permitted."

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. San Francisco's Planning Code has provided for reduced parking requirements in dense and transit-rich neighborhoods since the 1960s, as a way of reducing traffic congestion, encouraging walking, cycling, and public transit, and making efficient use of scarce land;

2. In 1973, the San Francisco City Planning Commission and Board of Supervisors adopted the "Transit First Policy", giving top priority to public transit investments as the centerpiece of the city's transportation policy and adopting street capacity and parking policies to discourage increases in automobile traffic;

3. Off-street parking facilities increase building costs, which in turn are transferred to costs of housing and doing business. As a land use, off-street parking facilities compete with and displace land uses that provide greater social and economic benefit to the city;

4. A basic assumption of the Transportation Element is that a desirable living environment and a prosperous business environment cannot be maintained if traffic levels continue to increase in any significant way. A balance must be restored to the city's transportation system, and various methods must be used to control and reshape the impact of automobiles on the city. This includes limiting the city's parking capacity, especially long-term parking in commercial areas;

5. On October 26, 2010 the Board of Supervisors adopted the goal of having 20% of trips by bike by the year 2020;

6. The City of San Francisco's Housing Element seeks to remove unnecessary constraints to the construction and rehabilitation of housing;

7. Existing buildings contribute to the unique character of San Francisco. Reusing buildings, rather than demolishing and rebuilding them, can preserve the built character of neighborhoods, as well as foster sustainability by conserving the energy and materials embodied in these buildings.

8. Small commercial uses, although often nonconforming, tend to provide convenience goods and services on a retail basis to meet the frequent and recurring needs of neighborhood residents within a short distance of their homes;

9. Small businesses that combine office, production, retail, and even residential uses are increasingly common in San Francisco, but frequently do not fit into traditional zoning categories. Creating more flexibility in zoning around accessory uses will help add to the vibrancy of the City's neighborhoods and to the City's diverse economic base;

10. Over the years, the Planning Code has been amended and expanded. While many of these changes have been necessary to address emerging issues and changing policy in the City, the current Planning Code can be overly complex and redundant;

11. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

I. HOUSING ELEMENT

OBJECTIVE 1
IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

POLICY 1.6
Consider greater flexibility in number and size of units within established building envelopes in community based planning processes, especially if it can increase the number of affordable units in multi-family structures.

POLICY 1.10
Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

OBJECTIVE 8
BUILD PUBLIC AND PRIVATE SECTOR CAPACITY TO SUPPORT, FACILITATE, PROVIDE AND MAINTAIN AFFORDABLE HOUSING.

OBJECTIVE 12
BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION

Policy 12.1
Encourage new housing that relies on transit use and environmentally sustainable patterns of movement.

Phase Two of the proposed Ordinance changes Section 182 to allow "any nonconforming use to be converted to dwelling units or to group housing, in a district where such use is principally permitted, without regard to the requirements of this Code with respect to residential density or required off-street parking." The Commission finds that this change is too broad because it allows any nonconforming use in any Zoning District where housing and group housing are principally permitted to be converted to an unspecified number of dwelling units. The Commission believes that one housing unit is acceptable, but anything more than that should require Conditional Use Authorization. The Commission also feels that that group housing should be excluded from this section.

II. TRANSPORTATION ELEMENT

OBJECTIVE 1
MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT AND INEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY LIVING ENVIRONMENT OF THE BAY AREA

Policy 1.2
Ensure the safety and comfort of pedestrians throughout the city.

Policy 1.3
Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs, particularly those of commuters.

Phase Two of the proposed Ordinance would exempt Automotive Service Stations that are located on Primary Transit Streets or Citywide Pedestrian Network Streets from the conversion process for Automotive Service Station and guide decision makers to consider General Plan polices during this conversion. Similarly, changes recommended by this Commission to require Conditional Use authorization for certain parcel delivery service and storage yards would still permit the use, but provide greater oversight to ensure that the district is still able to serve its primary function.

OBJECTIVE 7
DEVELOP A PARKING STRATEGY THAT ENCOURAGES SHORT-TERM PARKING AT THE PERIPHERY OF DOWNTOWN AND LONG-TERM INTERCEPT PARKING AT THE PERIPHERY OF THE URBANIZED BAY AREA TO MEET THE NEEDS OF LONG-DISTANT COMMUTERS TRAVELING BY AUTOMOBILE TO SAN FRANCISCO OR NEARBY DESTINATIONS.

Policy 7.1
Reserve a majority of the off-street parking spaces at the periphery of downtown for short term parking.

Phase Two of the proposed Ordinance with the recommended modifications would increase scrutiny of parking lots in the C-2 district, by adding a requirement for Conditional Use authorization.

IV. MARKET & OCTAVIA AREA PLAN
In order to track implementation, the Planning Department will monitor vital indicators.

The existing controls for LCCUs were developed as part of an eight year community planning processes about what should be permitted in an RTO district. The intent of the corner store in these districts was to allow for neighborhood serving uses, with a very limited capacity and impact on the residential context. Accordingly the Commission feels that leaving the controls as currently drafted is appropriate. The Commission generally recommends that ideas specific to the community planning efforts be continued through the initial five-year post-plan adoption period, which for the Market Octavia Plan ends May 2013. The Planning Code provides an avenue for re-evaluating these controls after five years. It should be noted that while the LCCU concept was originated with the community planning efforts, these controls currently apply outside of the plan areas in the RM-3 and RM-4 districts.

IV. NORTHEAST WATERFRONT AREA PLAN

Policy 8.2
Limit additional parking facilities in the northeastern waterfront and minimize the impact of this parking. Discourage long-term parking for work trips which could be accommodated by transit.

Restrict additional parking to: (a) short-term (less than four hour) parking facilities to meet needs of additional business, retail, restaurant, marina, and entertainment activities; (b) long-term parking facilities for maritime activities, hotel and residential uses. To the extent possible, locate parking away from areas of intense pedestrian activity. Encourage shared parking at adjacent or nearby facilities.

Policy 8.6
Remove or relocate inland those existing parking facilities on or near the water's edge or within areas of intense pedestrian activity.

Phase Two of the proposed Ordinance allows parking for any principle or conditional use to be waived by the Zoning Administrator per Code Section 161 in all three Waterfront Special Use Districts. The proposed changes are consistent with the way the Code treats other high density, mixed use districts. While the three SUDs vary slightly, their overall character and location are similar enough that they should all be subject to parking waivers under Section 161.

COMMERCE AND INDUSTRY ELEMENT

Policy 6.1
Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

Phase Two of the proposed legislation would change the specific restriction, such as horse power, to performance based restrictions (i.e, no noise, vibration or unhealthful emissions beyond the premises). This change replaces arbitrary numerical limits with performance standards to limit disturbances to neighbors. The horsepower limits currently established in the Code can be violated by standard vacuums or coffee grinders. Limiting the number of employees as well as the allowable floor area adds an additional layer of restrictions that isn't necessary if the size restriction already ensures that the use is accessory to the main use.

12. The proposed replacement project is consistent with the eight General Plan priority policies set forth in Section 101.1 in that:

    A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

    Phase Two of the proposed Ordinance will not have any negative impact on neighborhood-serving retail uses.

    B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

Phase Two of the proposed Ordinance would allow nonconforming uses to convert to housing without regard to specific requirements in the Planning Code, which will help add housing and preserve neighborhood character by allowing existing buildings to be more easily adapted to new uses.

C) The City's supply of affordable housing will be preserved and enhanced:

Phase Two of the proposed Ordinance will not have a negative impact on the City's supply of affordable housing.

D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

Phase Two of the proposed Ordinance will not have any negative impact on commuter traffic or MUNI.

E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

Phase Two of the proposed Ordinance would not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.

F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

Preparedness against injury and loss of life in an earthquake is unaffected by the proposed amendments. Any new construction or alteration associated with a use would be executed in compliance with all applicable construction and safety measures.

G) That landmark and historic buildings will be preserved:

Phase Two of the proposed ordinance would allow Landmark and historic buildings to be adaptively reused more easily by exempting them from certain provisions in the Planning Code, which would reduce the amount of change that is required to add housing to historic buildings and help preserve them for the future.

H) Parks and open space and their access to sunlight and vistas will be protected from development:

The City's parks and open space and their access to sunlight and vistas would be unaffected by the proposed amendments. It is not anticipated that permits would be such that sunlight access, to public or private property, would be adversely impacted.

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on May 3, 2012

Linda Avery
Commission Secretary

AYES: Commissioners Antonini, Borden, Fong, Miguel, Moore and Wu

NAYS: Commissioner Sugaya

ABSENT: None

ADOPTED: May 3, 2012

SAN FRANCISCO
PLANNING DEPARTMENT

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Resolution No. 18626

HEARING DATE: MAY 17, 2012

Project Name:	Amendments relating to: Parking, Awning, Signs, Exposure, Open Space, and Limited Conforming Uses.
Case Number:	2011.0532T [Board File No. 11-0548]
Initiated by:	Supervisor Chiu / Introduced May 3, 2011
Staff Contact:	Aaron Starr, Legislative Affairs aaron.starr@sfgov.org, 415-558-6362
Reviewed by:	AnMarie Rodgers, Manager Legislative Affairs anmarie.rodgers@sfgov.org, 415-558-6395
Recommendation:	**Recommend Approval with Modifications Of "Phase Three" Including the Topics of Parking, Opens Space for Commercial Uses, Gross Floor Area and Floor Area Ratio, Streetscape Improvements, Transportation Management, Powers of the Zoning Administrator, and the Van Ness SUD and SSD**

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE WITH MODIFICATIONS THAT WOULD AMEND THE SAN FRANCISCO PLANNING CODE BY REPEALING SECTIONS 136.2, 136.3, 158, 187, 249.15, 263.2, 263.3, 602.25, 602.26, 607.3 AND 607.4 AND AMENDING VARIOUS OTHER CODE SECTIONS TO (1) INCREASE THE AMOUNT OF PRINCIPALLY PERMITTED PARKING SPACES FOR DWELLINGS IN RC-4 AND C-3 DISTRICTS, (2) MAKE OFF-STREET PARKING REQUIREMENTS IN THE VAN NESS SPECIAL USE DISTRICT AND RC-3 DISTRICTS CONSISTENT WITH THOSE OF RC-4 DISTRICTS, (3) ELIMINATE MINIMUM PARKING REQUIREMENTS FOR THE CHINATOWN MIXED USE DISTRICTS AND NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICTS, (4) ALLOW EXCEPTIONS FROM REQUIRED PARKING UNDER SPECIFIED CIRCUMSTANCES, (5) AMEND THE RESTRICTIONS ON OFF-STREET PARKING RATES AND EXTEND THEM TO ADDITIONAL ZONING DISTRICTS, (6) REVISE SIGN, AWNING, CANOPY AND MARQUEE CONTROLS IN SPECIFIED ZONING DISTRICTS, (7) INCREASE THE PERMITTED USE SIZE FOR LIMITED CORNER COMMERCIAL USES IN RTO AND RM DISTRICTS, AND ALLOW REACTIVATION OF LAPSED LIMITED COMMERCIAL USES IN R DISTRICTS, (8) REVISE THE BOUNDARIES OF AND MODIFY PARKING AND SCREENING REQUIREMENTS IN THE WASHINGTON-BROADWAY AND WATERFRONT SPECIAL USE DISTRICTS, (9) MODIFY CONTROLS FOR USES AND ACCESSORY USES IN COMMERCIAL AND RESIDENTIAL-COMMERCIAL DISTRICTS, (10) PERMIT CERTAIN EXCEPTIONS FROM EXPOSURE AND OPEN SPACE REQUIREMENTS FOR HISTORIC BUILDINGS, AND (11) MODIFY CONFORMITY REQUIREMENTS IN VARIOUS USE

DISTRICTS; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE PRIORITY POLICIES OF PLANNING CODE SECTION 101.1.

PREAMBLE

Whereas, on May 3, 2011 Supervisor Chiu introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 11-0548 which would amend the San Francisco Planning Code by repealing Sections 136.2, 136.3, 158, 187, 249.15, 263.2, 263.3, 602.25, 602.26, 607.3 and 607.4 and amending various other Code sections to (1) increase the amount of principally permitted parking spaces for dwellings in RC-4 and C-3 Districts, (2) make off-street parking requirements in the Van Ness Special Use District and RC-3 Districts consistent with those of RC-4 Districts, (3) eliminate minimum parking requirements for the Chinatown Mixed Use Districts and North Beach Neighborhood Commercial Districts, (4) allow exceptions from required parking under specified circumstances, (5) amend the restrictions on off-street parking rates and extend them to additional zoning districts, (6) revise sign, awning, canopy and marquee controls in specified zoning districts, (7) increase the permitted use size for limited corner commercial uses in RTO and RM districts, and allow reactivation of lapsed limited commercial uses in R districts, (8) revise the boundaries of and modify parking and screening requirements in the Washington-Broadway and Waterfront Special Use Districts, (9) modify controls for uses and accessory uses in Commercial and Residential-Commercial Districts, (10) permit certain exceptions from exposure and open space requirements for historic buildings, and (11) modify conformity requirements in various use districts; and

Whereas, on December 15, 2011, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance; and

Whereas on February 8, 2012, the legislative sponsor, Board President David Chiu, sent the Commission a memorandum requesting that the Commission not consider certain topics from the proposed Ordinance as it is his intend to remove the following topics from the proposed Ordinance: The C-3 parking and FAR changes, changes to Planning Code Section 155(g) having to do with the long term parking rate structure, and proposed changes to Port Property and the expansion of the Waterfront Advisory Committee.

Whereas on March 1, 2012, the Planning Commission considered a portion of the proposed Ordinance, herein referred to as "Phase One", covering the subject areas of Clerical and Minor Modifications, Transfer of Development Rights (TDRS), Limited Commercial Uses, Bike Parking, and Signs; and

Whereas, at this same hearing the Commission requested that the remainder of the proposed Ordinance be brought back for two later hearings; and

Whereas, the Commission requested that the next hearing consider the "Phase Two" topics of the same proposed Ordinance including the topics of changes to Automotive Uses, Limited Corner Commercial Uses (LCCUs), Accessory Uses, Non-Conforming Uses, and Washington Broadway and Waterfront SUDs, and the Van Ness Avenue SUD and SSD; and

Whereas, the Commission further requested that the remainder of the topics of the proposed Ordinance be considered at a later hearing called "Phase Three" that would include the topics of changes to Parking, Opens Space for Commercial Uses, Gross Floor Area and Floor Area Ratio, Streetscape Improvements, Transportation Management, and the Powers of the Zoning Administrator; and

Whereas, at the March 1, 2012 hearing, the Commission recommended approval with modifications of Phase One in Resolution Number 18553; and

Whereas, at the May 3, 2012 hearing, the Commission requested that the proposed Changes to the Van Ness SUD which include parking ratio modifications, the elimination of the Van Ness Sign District and the Van Ness Special Sign District for illumination be brought back to the Commission under Phase Three; and

Whereas, at the May 3, 2012 hearing, the Commission recommended approval with modifications of Phase Two in Resolution Number 18615; and

Whereas, this hearing is to consider the topics described as "Phase Three"; and

Whereas, the proposed zoning changes have been determined to be exempt from environmental review under the General Rule Exclusion (Section 15061(b)(3) of the CEQA Guidelines); and

Whereas, the Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties; and

Whereas, the all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

Whereas, the Commission has reviewed the proposed Ordinance; and

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors **approve with modifications** Phase Three of the proposed ordinance. Specifically, the Commission recommends the following modifications:

Clerical Modifications:

1. Section 249.5(a) should also reference map SU02, the North of Market Residential SUD is on both SU01 and SU02.

2. Section 309.1(b)(1)(F) references 827(a)(8)(AO(ii), it should reference 827(a)(8)(A)(ii)

3. Section 151(c)(4) should be amended to read as follows:

"In all districts other than NC, 15 spaces or seven percent of the total gross floor area of the structure or development, which is ever greater, *where no other spaces are required by this Section."*

This section was moved to Section 151 from another Section of the Code and reformatted. In the process, the underlined portion was inadvertently deleted.

Substantive Changes:

Parking

1. Accept the changes proposed in Supervisor Chiu's letter dated April 26, 2012 that remove the minimum parking controls and set maximum parking controls in RC Districts and Van Ness Avenue SUD.

Streetscape Improvements

2. Integrate the changed outline in Exhibit A of this Motion, which cover Section 138.1 of the Planning Code.

Powers of the ZA

3. Amend Section 161 of the Planning Code to allow the Zoning Administrator to grant exceptions to off-street parking requirements in C-2 Districts per Section 307. This recommended change would result in allowing administrative exceptions to off-street parking requirements in all districts except the RH and RM districts.

Van Ness Avenue

4. Do not delete the Van Ness Special Sign District from the Planning Code under the proposed Ordinance; this issue should be studied further and possibly introduced under separate legislation.
5. Remove the provision in the Van Ness Special Sign District that allows General Advertising Signs within the Van Ness SSD.
6. Add a grandfathering clause to the legislation that allows projects that have already been approved by the Planning Commission but not yet vested to be exempt from any parking changes on Van Ness Avenue. This includes both commercial and residential projects.

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. San Francisco's Planning Code has provided for reduced parking requirements in dense and transit-rich neighborhoods since the 1960s, as a way of reducing traffic congestion, encouraging walking, cycling, and public transit, and making efficient use of scarce land;

2. In 1973, the San Francisco City Planning Commission and Board of Supervisors adopted the "Transit First Policy", giving top priority to public transit investments as the centerpiece of the city's transportation policy and adopting street capacity and parking policies to discourage increases in automobile traffic;

3. Off-street parking facilities increase building costs, which in turn are transferred to costs of housing and doing business. As a land use, off-street parking facilities compete with and displace land uses that provide greater social and economic benefit to the city;

4. A basic assumption of the Transportation Element is that a desirable living environment and a prosperous business environment cannot be maintained if traffic levels continue to increase in any significant way. A balance must be restored to the city's transportation system, and various methods must be used to control and reshape the impact of automobiles on the city. This includes limiting the city's parking capacity, especially long-term parking in commercial areas;

5. On October 26, 2010 the Board of Supervisors adopted the goal of having 20% of trips by bike by the year 2020;

6. The City of San Francisco's Housing Element seeks to remove unnecessary constraints to the construction and rehabilitation of housing;

7. Existing buildings contribute to the unique character of San Francisco. Reusing buildings, rather than demolishing and rebuilding them, can preserve the built character of neighborhoods, as well as foster sustainability by conserving the energy and materials embodied in these buildings.

8. Small commercial uses, although often nonconforming, tend to provide convenience goods and services on a retail basis to meet the frequent and recurring needs of neighborhood residents within a short distance of their homes;

9. Small businesses that combine office, production, retail, and even residential uses are increasingly common in San Francisco, but frequently do not fit into traditional zoning categories. Creating more flexibility in zoning around accessory uses will help add to the vibrancy of the City's neighborhoods and to the City's diverse economic base;

10. Over the years, the Planning Code has been amended and expanded. While many of these changes have been necessary to address emerging issues and changing policy in the City, the current Planning Code can be overly complex and redundant;

11. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

I. HOUSING ELEMENT

OBJECTIVE 1
IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

POLICY 1.6
Consider greater flexibility in number and size of units within established building envelopes in community based planning processes, especially if it can increase the number of affordable units in multi-family structures.

POLICY 1.10
Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

Phases Three of the proposed ordinance will make it easier to build more housing in transit rich neighborhoods by excluding dwelling unit density calculations in C-3 Zoning Districts.

OBJECTIVE 10
Ensure a streamlined, yet thorough, and transparent decision-making process.

Policy 10.2
Implement planning process improvements to both reduce undue project delays and provide clear information to support community review.

Phase Three of the proposed Ordinance would stream line the approval process by expanding the ZA's authority by allowing him to waive Dwelling Unit Exposure requirements for Article 11 buildings, consistent with the ZA's current authority to waive Dwelling Unit Exposure requirements for Article 10 buildings.

OBJECTIVE 11
SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO NEIGHBORHOODS.

Policy 11.7
Respect San Francisco's historic fabric, by preserving landmark buildings and ensuring consistency with historic districts.

Phase Three of the proposed ordinance makes it easier to convert existing buildings into residential units by granting the Zoning Administrator greater powers to waive certain Planning Code requirements.

OBJECTIVE 12
BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION

Policy 12.1
Encourage new housing that relies on transit use and environmentally sustainable patterns of movement.

Phases Three of the proposed ordinance recognizes the dense transit rich nature of many of San Francisco's neighborhoods and removes or significantly reduces minimum parking requirements to encourage transit use and other forms or transportation.

II. TRANSPORTATION ELEMENT

OBJECTIVE 1
MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT AND INEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY LIVING ENVIRONMENT OF THE BAY AREA

Policy 1.2
Ensure the safety and comfort of pedestrians throughout the city.

Policy 1.3
Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs, particularly those of commuters.

Phases Three of the proposed ordinance requires that projects of certain sizes implement the Better Street Plans, which enhances the pedestrian realm; and it allows the Zoning Administrator to reduce or waive required parking or loading for a project when the only feasible street frontage for a driveway or entrance to off-street parking or loading is located on a protected pedestrian-, cycling-, or transit-oriented street frontage, or the only feasible street frontage for a driveway or entrance to off-street parking or loading is located at a transit stops. Phases 3 also requires that more projects provide transportation brokerage service and transportation management plans, which helps achieve the City's goal of providing more alternatives to the private automobile. Phase 3 also includes Short term parking in FAR calculations in C-3 Districts, creating a disincentive for adding short term parking to new developments in C-3 Districts.

III. URBAN DESIGN ELEMENT

OBJECTIVE 1
EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE AND A MEANS OF ORIENTATION

Policy 1.10
Indicate the purposes of streets by adopting and implementing the Better Streets Plan, which identifies a hierarchy of street types and appropriate streetscape elements for each street type.

Phase Three of the proposed ordinance would require more projects to remove encroachments into the public right-of-way in order to implement the City's Better Streets Plan.

IV. OPEN SPACE ELEMENT

OBJECTIVE 2
DEVELOP AND MAINTAIN A DIVERSIFIED AND BALANCED CITYWIDE SYSTEM OF HIGH QUALITY PUBLIC OPEN SPACE.

Policy 2.1
Provide an adequate total quantity and equitable distribution of public open spaces throughout the City.

Phases Three of the proposed ordinance would require buildings in the C-3 that are primarily retail to provide open space. This would help to increase the amount of open space available in the downtown core, which is an area of the City that has limited access to public open space.

V. VAN NESS AVENUE AREA PLAN

OBJECTIVE 8
CREATE AN ATTRACTIVE STREET AND SIDEWALK SPACE WHICH CONTRIBUTES TO THE TRANSFORMATION OF VAN NESS AVENUE INTO A RESIDENTIAL BOULEVARD.

Policy 8.11
Permit general advertising signs, business signs and other identifying signs. Permitted signs should meet the following design criteria:

- Signs should not feature any flashing, blinking, fluctuating or otherwise animated light. Likewise, signs should not feature any moving parts.
- Wall signs shall not be less than 10 feet above grade and should not be higher than 45 feet above grade and should not be higher than the lowest residential window sill.
- Projecting signs and general advertising signs should not be higher than 36 feet. Projecting signs shall in no case project more than 4 feet over the sidewalk.
- General advertisement signs should conform to State Outdoor Advertisement regulations requiring that no advertising display shall be placed within 100 feet from another advertising display.
- Signs should not be placed in front of windows.

Modifying the Ordinance so that the Van Ness Special Sign District is not removed is consistent with this policy of the Van Ness Area Plan. Further, removing the Van Ness Special Sign District for Illumination from the Planning Code and Zoning Map is also consistent with this policy of the Van Ness Area Plan, as it specifically prohibits flashing or blinking signs.

OBJECTIVE 9
PROVIDE SAFE AND EFFICIENT MOVEMENT AMONG ALL USERS ON VAN NESS AVENUE.

Policy 9.7
Require residential parking at a ratio of one parking space per dwelling unit.

The Commission acknowledges this policy and notes that it is in opposition to other policies in the General Plan that seek to reduce parking. The Commission hereby decides that removing the requirement of 1 to 1 parking along Van Ness Avenue is on-balance consistent with the City's General Plan and the mixed use high density character of Van Ness Avenue. This provision of the General Plan is out of date and is in contrast to the recent steps that the City has been taking to require less parking for all uses. Further, the City's Transit first policy prioritizes transit over automobile use and Van Ness is a major transit corridor For this reason, the Commission recommends to adopt the portion of the proposed Ordinance that would remove the Van Ness Special Use District exception from the broader parking requirement for RC-4 districts, which are currently required at a ratio of .1 parking space to every 4 dwelling units. The Commission recommends adding a grandfathering clause to the legislation that allows projects that have already been approved by the Planning Commission but not yet vested to be exempt from this provision.

12. The proposed replacement project is consistent with the eight General Plan priority policies set forth in Section 101.1 in that:

A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

Phase Three of the proposed Ordinance will not negatively impact existing neighborhood-serving retail uses.

B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

Phase Three of the proposed Ordinance would remove minimum parking requirements from transit rich urban areas of the City

C) The City's supply of affordable housing will be preserved and enhanced:

Phase Three of the proposed Ordinance will not have a negative impact on the City's supply of affordable housing.

D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

Phase Three of the proposed Ordinance seeks to reduce the impact that private automobiles have on City streets by eliminating minimum parking requirements and replacing them with maximum parking requirements.

E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

Phase Three of the proposed Ordinance would not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.

F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

Preparedness against injury and loss of life in an earthquake is unaffected by the proposed Ordinance. Any new construction or alteration associated with a use would be executed in compliance with all applicable construction and safety measures.

G) That landmark and historic buildings will be preserved:

Phase Three of the proposed Ordinance would allow Landmark and historic buildings to be adaptively reused more easily by exempting them from certain provisions in the Planning Code, which would reduce the amount of change that is required to add housing to historic buildings and help preserve them for the future.

H) Parks and open space and their access to sunlight and vistas will be protected from development:

The City's parks and open space and their access to sunlight and vistas would be unaffected by the proposed amendments. It is not anticipated that permits would be such that sunlight access, to public or private property, would be adversely impacted.

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on May 17, 2012

Linda Avery
Commission Secretary

AYES: Commissioners Borden, Fong, Miguel, Sugaya, Wu

NAYS: Commissioner Antonini

ABSENT: Commissioner Moore

ADOPTED: May 17, 2012

Exhibit A

Proposed Changes to Planning Code Section 138.1

(a) **Purpose.** The purpose of this section is to establish requirements for the improvement of the public right-of-way associated with development projects, such that the public right-of-way may be safe, accessible, convenient and attractive to pedestrian use and travel by all modes of transportation consistent with the San Francisco General Plan, achieve best practices in ecological stormwater management, and provide space for public life and social interaction, in accordance with the City's "Better Streets Policy" (Administrative Code Section 98.1).

(b) **Better Streets Plan.**

(1) The Better Streets Plan, as defined in Administrative Code Section 98.1(e), shall govern the design, location, and dimensions of all pedestrian and streetscape items in the public right-of-way, including but not limited to those items shown in Table 1. Development projects that propose or are required through this section to make pedestrian and streetscape improvements to the public right-of-way shall conform with the principles and guidelines for those elements as set forth in the Better Streets Plan to the maximum extent feasible.

(2) Proposed improvements also shall be subject to approval by other city bodies with permitting jurisdiction over such streetscape improvements.

Table 1: Pedestrian and Streetscape Elements per the Better Streets Plan

#	*PHYSICAL ELEMENT*	*BETTER STREETS PLAN SECTION*
1	Curb ramps*	5.1
2	Marked crosswalks*	5.1
3	Pedestrian-priority signal devices and timings	5.1
4	High-visibility crosswalks	5.1
5	Special crosswalk treatments	5.1
6	Restrictions on vehicle turning movements at crosswalks	5.1

7	Removal or reduction of permanent crosswalk closures	5.1
8	Mid-block crosswalks	5.1
9	Raised crosswalks	5.1
10	Curb radius guidelines	5.2
11	Corner curb extensions or bulb-outs*	5.3
12	Extended bulb-outs	5.3
13	Mid-block bulb-outs	5.3
14	Center or side medians	5.4
15	Pedestrian refuge islands	5.4
16	Transit bulb-outs	5.5
17	Transit boarding islands	5.5
18	Flexible use of the parking lane	5.6
19	Parking lane planters	5.6
20	Chicanes	5.7
21	Traffic calming circles	5.7
22	Modern roundabouts	5.7
23	Sidewalk or median pocket parks	5.8
24	Reuse of 'pork chops' and excess right-of-way	5.8
25	Multi-way boulevard treatments	5.8
26	Shared public ways	5.8
27	Pedestrian-only streets	5.8

28	Public stairs	5.8
29	Street trees*	6.1
30	Tree basin furnishings*	6.1
31	Sidewalk planters*	6.1
32	Above-ground landscaping	6.1
33	Stormwater management tools*	6.2
34	Street and pedestrian lighting*	6.3
35	Special paving*	6.4
36	Site furnishings*	6.5
Standard streetscape elements marked with a *. (Requirement varies by street type: see the Better Streets Plan)		

(c) **Required streetscape and pedestrian improvements.** Development projects shall include streetscape and pedestrian improvements on all publicly accessible rights-of-way directly fronting the property as follows:

(1) **Street trees.**

(i) **Application.** In any District, street trees shall be required under the following conditions: construction of a new building; relocation of a building; the addition of gross floor area equal to 20 percent or more of the gross floor area of an existing building; the addition of a new dwelling unit, a garage, or additional parking; or paving or repaving more than 200 square feet of the front setback.

(ii) **Standards.**

(A) **All districts.** In any district, street trees shall:

(aa) Comply with Public Works Code Article 16 and any other applicable ordinances;

(bb) Be suitable for the site;

(cc) Be a minimum of one tree of 24-inch box size for each 20 feet of frontage of the property along each street or alley, with any remaining fraction of 10 feet or more of frontage requiring an additional tree. Such trees shall be located ~~either within a setback area on the lot or~~ within the public right-of-way along such lot, *and shall comply with all applicable codes and standards*.

(dd) Provide a below-grade environment with nutrient-rich soils, free from overly-compacted soils, and generally conducive to tree root development;

(ee) Be watered, maintained and replaced if necessary by the property owner, in accordance with Sec. 174 and Article 16 of the Public Works Code and compliant with applicable water use requirements of Chapter 63 of the Administrative Code.

(B) **DTR, RC, C, NC and Mixed-Use Districts, and Planned Unit Developments.** In DTR, RC, C, NC and Mixed-Use Districts, and Planned Unit Developments, in addition to the requirements of subsections (aa) - (ee) above, all street trees shall:

(aa) Have a minimum 2 inch caliper, measured at breast height;

(bb) Branch a minimum of 80 inches above sidewalk grade;

(cc) Be planted in a sidewalk opening at least 16 square feet, and have a minimum soil depth of 3 feet 6 inches;

(dd) Include street tree basins edged with decorative treatment, such as pavers or cobbles. Edging features may be counted toward the minimum sidewalk opening per (cc) if they are permeable surfaces per Section 102.33.

(C) ***Continuous, soil-filled trench.*** Street trees shall be planted in a continuous soil-filled trench parallel to the curb, such that the basin for each tree is connected, if ~~all the following conditions are present: (1) the subject lot is in one of the Districts specified in Subsection 138.1(c)(1)(ii)(B); (2)~~ *(1)* the project is on a lot that (a) is greater than 1/2-acre in total area, (b) contains 250 feet of total lot frontage on one or more publicly-accessible rights-of-way, or (c) the frontage encompasses the entire block face between the nearest two intersections with any other publicly-accessible rights-of-way,; **and** ~~(3)~~*(2)* the project includes (a) new construction~~; or~~ *or* (b) addition of 20% or more of gross floor area to an existing building~~; or (c) alteration to greater than 50% of the existing square footage of a building~~.

(aa) The trench may be covered by allowable permeable surfaces as defined in Section 102.33, except at required tree basins, where the soil must remain uncovered.

~~(bb) The Zoning Administrator may modify or waive the continuous trench requirement where a continuous trench is not possible due to the location of existing utilities, driveways, sub-sidewalk basements, or other pre-existing surface or sub-surface features.~~

(iii) **Approvals, ~~and~~ waivers, *and modifications*.**

(A) Trees installed in the public right-of-way shall be subject to Department of Public Works approval. Procedures and other requirements for the installation, maintenance and protection of trees in the public right-of-way shall be as set forth in Article 16 of the Public Works Code.

*(B) **Determination of infeasibility or undesirability.** Required street trees may be found to be infeasible or undesirable under the following circumstances:*

(aa) ~~(B)~~ ***Technical infeasibility.*** ~~In any case in which the~~ *The* Department of Public Works *may determine that* ~~cannot grant approval for installation of a~~ *one or more* tree*s* in the public right-of-way *cannot be planted or cannot meet all the requirements of sub-sections (ii)(A) – (C)* on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare.~~, and where installation of such tree on the lot itself is impractical., the tree planting requirements of this Section 138.1(c)(1) may be modified or waived by the Zoning Administrator as described herein:~~

*(bb) **Incompatibility with existing policy.** The Zoning Administrator may determine that the planting of street trees conflicts with policies in the General Plan such as the Downtown Plan Policy favoring unobstructed pedestrian passage or the Commerce and Industry Element policies to facilitate industry.*

*(C) **Waiver or modification.** In any case in which a street tree is determined to be infeasible or undesirable under sub-sections (aa) or (bb), the Zoning Administrator may waive or modify the street tree requirement as follows:*

(aa) For each required tree that the Zoning Administrator waives, the permittee shall pay an "in-lieu" street tree fee pursuant to Section 428.

(bb) ~~When a pre-existing site constraint prevents the installation of a street tree, as~~ *As* an alternative to payment of any portion of the in-lieu fee, the Zoning Administrator may *modify the requirements of this section to* allow the installation of *alternative landscaping, including:* sidewalk landscaping that is compliant with applicable water use requirements of Chapter 63 of the Administrative Code, to satisfy the requirements of Section 138.1(c)(1), subject to permit approval from the Department of Public Works in accordance with Public Works Code Section 810B, *planter boxes, tubs, or similar above-ground landscaping, street trees that do not meet all of the requirements of sub-sections (ii)(A) – (C), or street trees planted in a required front setback area on the subject property.*

~~(cc) In C-3, industrial, and South of Market Mixed Use Districts, the Zoning Administrator may allow the installation of planter boxes or tubs or similar landscaping in place of trees when that is determined to be more desirable in order to make the landscaping compatible with the character of the surrounding area, or may waive the requirement in C-3, industrial, and mixed use districts, districts where landscaping is considered to be inappropriate because it conflicts with policies of the Downtown Plan, a component of the General Plan, such as the Downtown Plan Policy favoring unobstructed pedestrian passage or the Commerce and Industry Element policies to facilitate industry.~~

(D) ***Credit for Existing Street Trees.*** *Where there is an existing, established street tree fronting the subject property, as determined by the Department of Public Works, the street tree requirement shall be waived and no in-lieu fee shall be applied for that particular tree.*

(2) **Other streetscape and pedestrian elements for large projects.**

(i) **Application.**

(A) In any district, streetscape and pedestrian elements in conformance with the Better Streets Plan ~~shall~~ *may* be required, if all the following conditions are present: (1) the project is on a lot that (a) is greater than ½-acre in total area, (b) contains 250 feet of total lot frontage on one or more publicly-accessible rights-of-way, or (c) the frontage encompasses the entire block face between the nearest two intersections with any other publicly-accessible rights-of-way, and (2) the project includes (a) new construction; *or* (b) addition of 20% or more of gross floor area to an existing building~~; or (c) alteration to greater than 50% of the existing square footage of a building~~.

(B) Project sponsors that meet the thresholds of this Subsection shall submit a streetscape plan to the Planning Department showing the location, design, and dimensions of all existing and proposed streetscape elements in the public right-of-way directly adjacent to the fronting property, including street trees, sidewalk landscaping, street lighting, site furnishings, utilities, driveways, and curb lines, and the relation of such elements to proposed new construction and site work on the subject property.

(ii) **Standards.** Notwithstanding the requirements of Section 138.1(c)(2)(i), the Department shall consider, but need not require, the streetscape and pedestrian elements listed below when analyzing a streetscape plan:

(A) **Standard streetscape elements.** All standard streetscape elements for the appropriate street type per Table 1 and the Better Streets Plan, including benches, bicycle racks, curb ramps, corner curb extensions, stormwater facilities, lighting, sidewalk landscaping, special sidewalk paving, and other site furnishings, excepting crosswalks and pedestrian signals.

(aa) Streetscape elements shall be selected from a City-approved palette of materials and furnishings, where applicable, and shall be subject to approval by all applicable City agencies.

(bb) Streetscape elements shall be consistent with the overall character and materials of the district, and shall have a logical transition or termination to the sidewalk and/or roadway adjacent to the fronting property.

(B) **Sidewalk widening.** The Planning Department in consultation with other agencies shall evaluate whether sufficient roadway space is available for sidewalk widening for the entirety or a portion of the fronting public right-of-way in order to meet or exceed the recommended sidewalk widths for the appropriate street type per Table 2 and the Better Streets

Plan and/or to provide additional space for pedestrian and streetscape amenities. If it is found that sidewalk widening is feasible and desirable, the Planning Department ~~shall~~ *may* require the owner or developer to install such sidewalk widening as a condition of approval, including all associated utility re-location, drainage, and street and sidewalk paving.

(C) **Minimum sidewalk width.** New publicly-accessible rights-of-way proposed as part of development projects shall meet or exceed the recommended sidewalk widths for the appropriate street type per Table 2. Where a consistent front building setback of 3 feet or greater extending for at least an entire block face is provided, the recommended sidewalk width may be reduced by up to 2 feet.

Table 2. Recommended Sidewalk Widths by Street Type

	Street Type (per Better Streets Plan)	*Recommended Sidewalk Width (Minimum required for new streets)*
Commercial	Downtown commercial	See Downtown Streetscape Plan
-	Commercial throughway	15'
-	Neighborhood commercial	15'
Residential	Downtown residential	15'
-	Residential throughway	15'
-	Neighborhood residential	12'
Industrial/Mixed-Use	Industrial	10'
-	Mixed-use	15'
Special	Parkway	17'
-	Park edge (multi-use path)	25'
-	Multi-way boulevard	15'
-	Ceremonial	varies
Small	Alley	9'

-	Shared public way	n/a
-	Paseo	varies

(iii) **Review and approvals.**

(A) The streetscape plan required by this section shall be submitted to the Planning Department no later than 60 days prior to any Department or Planning Commission approval action, and shall be considered for approval at the time of other project approval actions. The Planning Department may require any or all standard streetscape elements for the appropriate street type per Table 1 and the Better Streets Plan, if it finds that these improvements are necessary to meet the goals and objectives of the General Plan of the City and County of San Francisco. In making its determination about required streetscape and pedestrian elements, the Planning Department shall consult with other City agencies tasked with the design, permitting, use, and maintenance of the public right-of-way.

(B) Final approval by the affected agencies and construction of such streetscape improvements shall be completed prior to the issuance of the first Certificate of Occupancy or temporary Certificate of Occupancy for the project, unless otherwise extended by the Zoning Administrator. Should conditions, policies, or determinations by other City agencies require a change to the streetscape plan after approval of the streetscape plan but prior to commencement of construction of the streetscape improvements, the Planning Department shall have the authority to require revision to such streetscape plan. In such case, the Zoning Administrator shall extend the timeframe for completion of such improvements by an appropriate duration as necessary.

(C) **Waiver.** Any City agency tasked with the design, permitting, use, and maintenance of the public right-of-way, may waive any or all Department required improvements of the streetscape plan as described in this Subsection under that agency's jurisdiction if said agency determines that such improvement or improvements is inappropriate, interferes with utilities to an extent that makes installation financially infeasible, or would negatively affect the public welfare. Any such waiver shall be from the Director or General Manager of the affected agency, shall be in writing to the applicant and the Department, and shall specify the basis for the waiver. Waivers, if any, shall be obtained prior to commencement of construction of the streetscape improvements unless extenuating circumstances arise during the construction of said improvements. If such a waiver is granted, the Department reserves the right to impose alternative requirements that are the same as or similar to the elements in the adopted streetscape plan after consultation with the affected agency. This Subsection shall not apply to the waiver of the street tree requirement set forth in Section 138.1(c)(1).

(d) **Neighborhood Streetscape Plans.** In addition to the requirements listed in Subsection 138.1(c), the Planning Department in coordination with other city agencies, and after a public hearing, may adopt streetscape plans for particular streets, neighborhoods, and districts, containing standards and guidelines to supplement the Better Streets Plan. Development projects in areas listed in this subsection that propose or are required through this section to make

pedestrian and streetscape improvements to the public right-of-way shall conform with the standards and guidelines in the applicable neighborhood streetscape plan in addition to those found in the Better Streets Plan.

(1) **Downtown Streetscape Plan.**

(ii) In any C-3 District sidewalk paving as set forth in the Downtown Streetscape Plan shall be installed by the applicant under the following conditions:

(A) Any new construction; *or*

(B) The addition of floor area equal to 20 percent or more of an existing building.; ~~or~~

~~(C) Alteration to greater than 50% of the existing square footage of a building.~~

(iii) In accordance with the provisions of Section 309 of the Planning Code governing C-3 Districts, when a permit is granted for any project abutting a public sidewalk in a C-3 District, the Planning Commission may impose additional requirements that the applicant install sidewalk improvements such as benches, bicycle racks, lighting, special paving, seating, landscaping, and sidewalk widening in accordance with the guidelines of the Downtown Streetscape Plan if it finds that these improvements are necessary to meet the goals and objectives of the General Plan of the City and County of San Francisco. In making this determination, the Planning Commission shall consider the level of street as defined in the Downtown Streetscape Plan.

(iv) If a sidewalk widening or a pedestrian street improvement is used to meet the open space requirement, it shall conform to the guidelines of Section 138.

(v) The Planning Commission shall determine whether the streetscape improvements required by this Section may be on the same site as the building for which the permit is being sought, or within 900 feet, provided that all streetscape improvements are located entirely within the C-3 District.

(2) **Rincon Hill Streetscape Plan.**

(i) In the Rincon Hill Downtown Residential Mixed Use (RH-DTR) and Folsom and Main Residential/Commercial Special Use Districts, the boundaries of which are shown in Section Map No. 1 of the Zoning Map, for all frontages abutting a public sidewalk, the project sponsor is required to install sidewalk widening, street trees, lighting, decorative paving, seating and landscaping in accordance with the Streetscape Plan of the Rincon Hill Area Plan, developed by the Planning Department and approved by the Board of Supervisors for: (A) any new construction; *or* (B) the addition of floor area equal to 20 percent or more of an existing building; ~~or (C) alteration to greater than 50% of the existing square footage of a building~~.

(ii) Prior to approval by the Board of Supervisors of a Streetscape Plan for Rincon Hill, the Planning Commission, through the procedures of Section 309.1, shall require an applicant to install sidewalk widening, street trees, lighting, decorative paving, seating, and landscaping in keeping with the intent of the Rincon Hill Area Plan of the General Plan and in accordance with this section of the Planning Code.

(e) **Additional provisions.**

(1) **Maintenance.** Unless otherwise determined, fronting property owners shall maintain all streetscape improvements required by this section, including street trees, landscaping, bicycle racks, benches, special paving, and other site furnishings at no public expense per the requirements of Public Works Code Section 706 (sidewalks and site furnishings) and 805 (street trees), except for standard street lighting from a City-approved palette of street lights and any improvements within the roadway. Conditions intended to assure continued maintenance of the improvements for the actual lifetime of the building giving rise to the streetscape improvement requirement may be imposed as a condition of approval by the Planning Department.

(2) For any streetscape and/or pedestrian improvements installed pursuant to this section, the abutting property owner or owners shall hold harmless the City and County of San Francisco, its officers, agents, and employees, from any damage or injury caused by reason of the design, construction or maintenance of the improvements, and shall require the owner or owners or subsequent owner or owners of the respective property to be solely liable for any damage or loss occasioned by any act. This requirement shall be deemed satisfied if City permits for the improvements include indemnification and hold harmless provisions.

(3) Notwithstanding the provisions of this Section, an applicant shall apply for and obtain all required permits and approvals for changes to the legislated sidewalk widths and street improvements.

(f) *Removal and modification of private encroachments on public rights-of-way.*

(1) ***Applicability.*** *This section shall apply to developments which meet the thresholds of Section 138.1(c)(2)(i)(A)*

(2) ***Requirements.*** *As a condition of approval for the applicable developments in subsection (b), the Planning Department may require the project sponsor to:*

(A) reduce the number or width of driveway entrances to a lot, to comply with the streetscape requirements of this Code and the protected street frontages of Section 155(r);

(B) remove encroachments onto or over sidewalks and streets that reduce the pedestrian path of travel, or reduce the sidewalk area available for streetscape amenities such as landscaping, street trees and outdoor seating;

(C) remove or reduce in size basements which extend under public rights-of-way.

(3) ***Standards.*** *In instances where such encroachments are removed, the Planning Department shall require that the replacement curbs, sidewalks, street trees, and landscaping shall meet the standards of the Better Streets Plan and of any applicable neighborhood streetscape plans.*

SAN FRANCISCO
PLANNING DEPARTMENT

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Executive Summary
Planning Code Text Change
HEARING DATE: MAY 3, 2012

Project Name:	Amendments relating to: Parking, Awning, Signs, Exposure, Open Space, and Limited Conforming Uses.
Case Number:	2011.0532T [Board File No. 11-0548]
Initiated by:	Supervisor Chiu / Introduced May 3, 2011
Staff Contact:	Aaron Starr, Legislative Affairs aaron.starr@sfgov.org, 415-558-6362
Reviewed by:	AnMarie Rodgers, Manager Legislative Affairs anmarie.rodgers@sfgov.org, 415-558-6395
Recommendation:	**Recommend Approval with Modifications Of "Phase Two" Including the Topics of Automotive Uses, Limited Corner Commercial Uses (LCCUs), Accessory Uses, Non-Conforming Uses, Washington Broadway and Waterfront SUDs and the Van Ness Avenue SUD**

PLANNING CODE AMENDMENT

The proposed Ordinance would amend the San Francisco Planning Code (herein after "Code) by repealing Sections 136.2, 136.3, 158, 187, 249.15, 263.2, 263.3, 602.25, 602.26, 607.3 and 607.4 and amending various other Code sections to (1) increase the amount of principally permitted parking spaces for dwellings in RC-4 and C-3 Districts, (2) make off-street parking requirements in the Van Ness Special Use District and RC-3 Districts consistent with those of RC-4 Districts, (3) eliminate minimum parking requirements for the Chinatown Mixed Use Districts and North Beach Neighborhood Commercial Districts, (4) allow exceptions from required parking under specified circumstances, (5) amend the restrictions on off-street parking rates and extend them to additional zoning districts, (6) revise sign, awning, canopy and marquee controls in specified zoning districts, (7) increase the permitted use size for limited corner commercial uses in RTO and RM districts, and allow reactivation of lapsed limited commercial uses in R districts, (8) revise the boundaries of and modify parking and screening requirements in the Washington-Broadway and Waterfront Special Use Districts, (9) modify controls for uses and accessory uses in Commercial and Residential-Commercial Districts, (10) permit certain exceptions from exposure and open space requirements for historic buildings, and (11) modify conformity requirements in various use districts; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Code Section 101.1.

At the Planning Commission's March 1st hearing, the Commission voted to break up the proposed legislation into three phases.

- Phase One includes Clerical and Minor Modifications, Transfer of Development Rights (TDRS), Limited Commercial Uses, Bike Parking, and Signs. On these topics, the Planning Commission recommended approval with modifications in Resolution Number 18553 on March 1, 2012.
- Phase Two includes changes to Automotive Uses, Limited Corner Commercial Uses (LCCUs), Accessory Uses, Non-Conforming Uses, Washington Broadway and Waterfront SUDs and the Van Ness Avenue SUD. Proposed for hearing on April 12, 2012. This memorandum addresses the topics in Phase Two.
- Phase Three includes changes to Parking, Opens Space for Commercial Uses, Gross Floor Area and Floor Area Ratio, Streetscape Improvements, Transportation Management, and Powers of the Zoning Administrator. Proposed for hearing on April 19, 2012.

Questions Raised From Last Hearing

The Planning Commission requested more information on several items at the April 12 hearing. Staff has provided more clarification for these issues in the body of this report. The topics include:

1) Provide more explanation on why the Accessory Use provisions are proposed to be changed and examples of what types of uses might benefit from a larger allowable accessory use size;
2) Analyze the impact that removing Chinatown from the Washington-Broadway SUD would have on controls in Chinatown;
3) Describe any discrepancy in the maps provided for the Washington-Broadway SUD;
4) Provide more information about the status of the C-M Zoning Districts and whether or not lots zoned C-M will be rezoned.
5) Provide more analysis on the impacts of removing the Van Ness Special Sign District.

1) Accessory Use Provisions

The proposed legislation seeks to rationalize the Planning Code by standardizing accessory use controls among zoning districts that have similar characteristics. For example, all districts that allow for a mix of uses will allow ⅓ of the total floor area to be used as an accessory use, while districts that are primarily residential will allow ¼ of the floor area to be used as accessory use. The proposed Ordinance *would increase* the accessory use allowance for two primarily mixed use districts: Residential Commercial (RC) and Commercial (C). This change would align the allowance with similar mixed use districts such as Neighborhood Commercial (NC). The proposed ordinance *would not change* the accessory use allowance for any other districts, including districts that are primarily residential. Please see the chart on the following page for a more detailed explanation.

Comparison of Accessory Use Controls by Zoning District

Existing Controls		Proposed Controls	
1/4	1/3	1/4	1/3
Residential House (RH)	Production Distribution Repair (PDR)	Residential House (RH)	Production Distribution Repair (PDR)
Residential Mixed (RM)	Neighborhood Commercial (NC)	Residential Mixed (RM)	Neighborhood Commercial (NC)
Residential Transit-Oriented (RTO)		Residential Transit-Oriented (RTO)	Residential Commercial (RC)
Residential Enclave District (RED)		Residential Enclave District (RED)	Commercial (C)
Residential Commercial (RC)			
Commercial (C)			

	Primarily residential districts
	Districts with a mix of uses

NOTE: This table illustrates that the proposed Ordinance would create a uniform control where mixed-use districts would be allowed to have up to 1/3 of the floor area devoted to accessory use, while primarily residential districts could only have up to 1/4 of the floor area devoted to accessory use.

Examples of uses that could benefit from the increased accessory use size are:

- Research offices that also want to have a small lab as an accessory use.
- Coffee stores that want to roast coffee for wholesale distribution to other businesses.
- Post video production houses that might also want to have a small sound stage to create content.

2) Impacts on Removing Chinatown from the Washington-Broadway SUD

The proposed Ordinance seeks to combine both Washington-Broadway SUDs into 1 SUD, and remove any parcels on the southwest side of Columbus from the combined Washington-Broadway SUD. This would effectively remove lots located in Chinatown from the Washington-Broadway SUD. Because many of the controls for Chinatown already do what the Washington Broadway SUD seeks to do, Staff's determination is that there would be little to no change to the controls in Chinatown if it were removed from the Washington-Broadway SUD. The proposed change appears to be cleaning up the Code by removing unnecessary or duplicative provisions. Further the proposed Ordinance contains fixes in Phase 3 to parking controls that would clear up confusion about existing parking controls in Chinatown. Please see the chart on the following page for a more detailed explanation.

Provisions of Washington-Broadway SUDs 1 and 2	Current Code Language	Impact if Legislation Passes
(a) There shall be certain exemptions from off-street parking requirements, as provided in Section 161(d) of this Code.	In general, parking is not required for any use in Chinatown per Section 151 and Article 8. The one exception is development on lots that are larger than 20,000 sq.ft. in the Chinatown Community Business (CCB) District.	Removing Chinatown from the Washington Broadway SUD would have <u>little impact</u> on this issue. Further, Phase 3 of this Ordinance would remove all minimum parking requirements from Chinatown.
(b) No permitted use shall include an establishment of the "drive-in" type, serving customers waiting in parked motor vehicles, with the exception of automobile service stations.	Per Article 8, Drive Up facilities are not permitted in any Chinatown District	Removing Chinatown from the Washington Broadway SUD would have <u>no impact</u> on this issue.
(c) A parking lot, or a storage garage open to the public for passenger automobiles if not a public building requiring approval by the Board of Supervisors under other provisions of law, shall be permitted only upon approval by the Planning Commission as a conditional use under Section 303 of this Code.	Per Article 8, non-accessory parking lots and storage garages open to the public either require Conditional Use or are prohibited. Accessory parking lots are permitted as of right.	Removing Chinatown from the Washington Broadway SUD would have <u>little impact</u> on this issue. Accessory surface parking lots would be permitted as of right.
(d) In Washington-Broadway Special Use District Number 2 only, a wholesale establishment conducted entirely within an enclosed building shall be permitted as a principal use.	Chinatown is not included in the Washington-Broadway SUD 2	Removing Chinatown from the Washington-Broadway SUD would have <u>no impact</u> on this issue

NOTE: This table illustrates that the proposed Ordinance would generally have <u>little to no impact</u> on Chinatown as the Chinatown Districts currently contain duplicative controls as the Washington-Broadway SUD.

3) Describe any discrepancy in the Washington-Broadway maps

The maps provided by staff at the last hearing correctly describe the proposed Ordinance as drafted. The map attached the 2011.0533Z Case Report for the associated Ordinance No. Board File No. 11-0577 illustrates the text description from the Ordinance. (See Case Report 2011.0533Z Exhibit B: Exhibit C: Proposed Conditions Map)

The draft Ordinance states:

> "Section 2. Pursuant to Sections 106 and 302(c) of the Planning Code, the following amendments to Sheet SU01 of the Zoning Map of the City and County of San Francisco, duly approved and recommended to the Board of Supervisors by the Planning Commission, are hereby adopted:

Description of Property to be added to Washington-Broadway Special Use District 1

Blocks 0165, 0166, 0173, 0174, 0175, 0196, and 0197; all lots zoned C-2 on Blocks 0163, 0164, 0176, and 0195."

However, it appears the proposed Ordinance was drafted in conflict with the associated legislative digest. The legislative digest states:

"Consolidate the two Washington-Broadway SUDs into a single district, limited to the C-2 zoned areas between Washington and Broadway Streets."

It is our understanding that Supervisor Chiu intended to make the change described in the *legislative digest* not that described in the draft Ordinance.

4) Heavy Commercial (C-M) Zoning Districts

There are a few lots zoned still zoned C-M in the City. Most of these lots are south of market along Mission Street, while one lot is located on the western boarder of Bernal Heights (See Exhibits B and C). The rezoning these lots is currently being evaluated as part of the Western SOMA EIR; however not all C-M lots are actually located within the Western SOMA boundaries. Because there parcels are included in an EIR that is currently underway, the EIR will need to be certified before the parcels may be rezoned. The Western SOMA plan does not include a proposal to rezone C-M lots not located within the Western SOMA boundaries, so once the EIR is complete additional legislation would have to be introduced to rezone the C-M lots still in existence.

5) Van Ness Special SUD

The Department respectfully requests that the Commission consider the Van Ness SUD during Phase 3, currently scheduled for May 17, 2012. The Department seeks to continue our review of this item so that we can provide a more thorough impact analysis of the proposed change.

Summary of Proposed Changes (Phase Two):

Automotive Uses: These amendments would have significant changes to controls by prohibiting or requiring CU for certain uses. The purpose behind many of these changes is to bring outdated zoning districts, like Heavy Commercial (C-M) District, more in line with surrounding zoning. The Department is currently evaluating the rezoning of most of the C-M Districts as part of the Western SOMA EIR. The proposed changes would also allow more flexibility when converting automobile service stations to other uses.

1. Surface Parking Lots

The Way It Is Now:

Surface public parking lots are principally permitted in Community Business (C-2) District and Heavy Commercial (C-M) District and require Conditional Use authorization in Downtown Support (C-3-S) District.

The Way It Would Be:
The proposed legislation would prohibit public surface parking lots in C-2, C-M and C-3-S Districts. While temporary parking lots are currently permitted in all of the Downtown (C-3) Districts, these temporary lots would not be permitted in C-2 and C-M Districts unless the Code was changed to include these districts in the temporary parking lot controls, which this ordinance does not propose to do.

Basis for Recommendation:
The Department recommends modifying the proposed controls for parking lots in Section 223(l) - "parking lots" - for the C-2 District from "prohibited" as proposed in the draft Ordinance to allow parking lot uses via "Conditional Use Authorization". The Department's recommendation is based on feedback that we received from the Port of San Francisco, which owns and operates surface parking lots in the C-2 District. Were surface parking lots to become a nonconforming use, this would impact the Port's ability to fulfill its obligations under the Burton Act.

2. **Parcel Delivery Services**

The Way It Is Now:
Parcel delivery service where the operation is conducted entirely within a completely enclosed building including garage facilities for local delivery trucks, but excluding repair shop facilities are principally permitted in C-3-S and C-M Districts.

The Way It Would Be:
The proposed legislation would change the Code to require Conditional Use authorization in C-3-S and CM Districts for this use.

Basis for Recommendation:
C-3-S District encompasses Yerba Buena Gardens and includes the Convention Center, hotels, museums and cultural facilities, housing, retail, and offices. C-M Districts provide a limited supply of land for certain heavy commercial uses not permitted in other commercial districts. Both Districts have very specific purposes; requiring this use to receive Conditional Use authorization would still permit the use, but provide greater oversight to ensure that the district are still able to serve their primary function.

3. **Storage Garages**

The Way It Is Now:
Storage garages for commercial passenger vehicles and light delivery trucks require Conditional Use authorization in Downtown General Commercial (C-3-G) District and are principally permitted in C-3-S and C-M Districts.

The Way It Would Be:
This garage storage use would be prohibited in C-3-G District and require Conditional Use Authorization in C-3-S and C-M Districts.

Basis for Recommendation:
This change is consistent with the definitions and intent of these districts. C-3-S and C-3-G Districts are located within the downtown and support such uses as regional shopping destinations, high density residential, arts institutions, museums, Yerba Buena Gardens, and

hotels. C-M Districts tend to be located between C-3 Districts and South of Market Mixed Use Districts.

4. Storage Yards for Commercial Vehicles

The Way It Is Now:
Per section 203(o), storage yards for commercial vehicles or trucks, if conducted within an area completely enclosed by a wall or concealing fence not less than six feet high are currently permitted in C-M Districts and require Conditional Use Authorization in C-3-S Districts.

The Way It Would Be:
This type of use would not be permitted in either the C-M or C-3-S Districts.

Basis for Recommendation:
This change appears to be consistent with the intent of C-3-S Districts, which encompasses Yerba Buena Gardens and includes the Convention Center, hotels, museums and cultural facilities, housing, retail, and offices.

The few remaining C-M Districts tend to be located between C-3 Districts and South of Market Mixed Use Districts. Prohibiting this use outright in C-M Districts does not appear to be consistent with the intent of this Zoning District, which is designated for heavy commercial uses with an emphasis upon wholesaling and business services. The Department recommends requiring a CU for this use in C-M Districts because it would be more consistent with the intent of this district.

5. Automotive Service Station Conversion

The Way It Is Now:
Section 228 limits the ability of Automotive Service Station (gas stations) to convert to other uses. Currently, to convert an Automotive Service Station the property owner either needs to obtain a Conditional Use Authorization from the Planning Commission or a conversion determination from the Zoning Administrator. There are no exceptions for Automotive Service Stations that are located on Primary Transit Streets or Citywide Pedestrian Network Streets.

The Way It Would Be:
The proposed legislation would exempt Automotive Service Stations that are located on Primary Transit Streets or Citywide Pedestrian Network Streets from the requirements outlined in Section 228. The proposed legislation adds two criteria that should be considered when the Commission considers the conversion of an Automotive Service Station, which are:

- The importance of the street on which the service station fronts to walking, cycling, and public transit, and the impact of automobile access and egress to the service station and of the proposed new uses and structures on the safety and comfort of pedestrians, cyclists, and transit riders.

- The compatibility of the existing service station and of the proposed new use or structure with the General Plan and area plan urban design policies and the street frontage standards of this Code.

The proposed legislation also adds a title to this Code section and makes minor reorganizational changes consistent with our current practice for better organizing the Code.

Basis for Recommendation:
The proposed change brings this part of the Code into greater compliance with the City's General Plan, Transit First Policy and Better Streets Plan.

Limited Corner Commercial Uses (LCCUs[1]): These changes would generally allow more flexibility with commercial uses in residential districts. While, the Department generally supports these efforts, LCCUs were developed as part of multiyear planning efforts and should not be amended without more thorough examination.

1. **Size and Location of LCCUs**

The Way It Is Now:
Section 231(b)(3) allows LCCUs with a maximum of 1,200 sq. ft. in floor area in Residential Transit Oriented (RTO) Residential Transit Oriented- Mission District (RTO-M), Residential Mixed Medium Density (RM-3), or Residential Mixed High Density (RM-4) Districts on or below the ground floor; and on a corner lot as long as no part of the use extends more than 50 feet in depth from said corner.

The Way It Would Be:
The proposed legislation would increase the 50' limit to 100' and the use size from 1,200 sq. ft., to 2,500 sq. ft, consistent with the typical lot size in an R District.

Basis for Recommendation:
The Department Recommends that this change not be made at this time. The existing controls were developed as part of an eight year community planning processes about what should be permitted in an RTO district. The intent of the corner store in these districts was to allow for neighborhood serving uses, with a very limited capacity and impact on the residential context. Accordingly the Department feels that leaving the controls as currently drafted is appropriate. The Department generally recommends that ideas specific to the community planning efforts be continued through the initial five-year post-plan adoption period, which for the Market Octavia Plan ends May 2013. The Planning Code provides an avenue for re-evaluating these controls after five years. It should be noted that while the LCCU concept was originated with the community planning efforts, these controls currently apply outside of the plan areas in the RM-3 and RM-4 districts.

Supervisor Chiu's office has agreed to maintain the existing controls in areas affected by the Market and Octavia Plan; however his office would like to go forward with the changes to LCCUs in other parts of the City. The Department would prefer making keeping the rules

[1] LCCUs are defined in Planning Code Section 231 as small neighborhood-oriented establishments that are limited to 1,200 sq. ft. and cannot be located more than 50' from an intersection. They are only permitted in RTO and RM Districts. They were first introduced to the Planning Code as a result of the Market and Octavia Planning effort. They differ from LCUs (Limited Commercial Uses) in that LCUs are commercial uses located in Residential Districts that were established prior to the current Residential Zoning.

consistent; however this compromise does address the Department's main concern regarding the proposed change.

2. **Conversion of Dwelling Units to LCCUs**

The Way It Is Now:
Section 231, which governs LCCUs, does not currently contain a provision that restricts the conversion of a dwelling unit to a LCCU. However, Planning Code Section 317, which governs residential conversions in all zoning districts, requires a Mandatory DR or Conditional Use authorization - depending on the number of units - when converting a dwelling unit to another use; therefore if the establishment of an LCCU removes a dwelling unit, the project is subject to the controls in Section 317.

The Way It Would Be:
The proposed legislation would amend Section 231 to require Conditional Use authorization in order to convert a dwelling unit into a LCCU.

Basis for Recommendation:
The Department doesn't see the benefit to this change. Converting a dwelling unit already requires either a Mandatory Discretionary Review or Conditional Use authorization hearing under Section 317; the proposed change is duplicative without any clear public benefit.

Accessory Uses: The proposed amendments would regulate accessory uses[2] by performance standards instead of numerical limits that may no longer be appropriate. It also rationalizes accessory use controls by grouping zoning districts with similar characteristics together. Other changes would be nonsubstantive in nature.

1. **Accessory Uses In RC districts**

The Way It Is Now:
Planning Code Section 204.2 governs Accessory Uses in Residential Districts. Currently, RC (Residential, Commercial) Districts are included under this section.

The Way It Would Be:
Under the proposed legislation, accessory uses in RC District would be governed under Section 204.3, which currently govern accessory uses in C, M and PDR Districts.

Basis for Recommendation:
This change recognizes the mixed use nature of the RC Districts by grouping them with other mixed use districts.

[2] An "accessory use" is defined in Planning Code Section 204 as "a related minor use which is either (a) necessary to the operation or enjoyment of a lawful principal use or conditional use, or (b) appropriate, incidental and subordinate to any such use."

2. Rationalizing Accessory Use Size Limits and Performance Standards

The Way It Is Now:
Section 204.3, which currently covers accessory uses in C, M and Production Distribution and Repair (PDR) Districts, sets specific limitations on accessory uses, such as engine horsepower. It also limits accessory uses to ¼ of the floor area in C Districts and prohibits accessory uses that employ more than 10 people in C-2 Districts.

The Way It Would Be:
The proposed legislation would change the specific restriction, such as horse power, to performance based restrictions (i.e, no noise, vibration or unhealthful emissions beyond the premises). It would also increase to 1/3 of the total square footage that an accessory use could occupy in C Districts and RC Districts (added to this section under this legislation) and remove any limit on the number of employees and accessory use could have. It also removes antennas as a permitted accessory use. It would not alter the accessory use size provisions in PDR Districts, which are currently at 1/3 to the total floor area.

Basis for Recommendation:
This change replaces arbitrary numerical limits on horse power with performance standards to limit disturbances to neighbors. The horsepower limits currently established in the Code can be violated by standard vacuums or coffee grinders. Limiting the number of employees as well as the allowable floor area adds an additional layer of restrictions that isn't necessary if the size restriction already ensures that the use is accessory to the main use. As with adding RC Districts to Section 204.3, this change recognizes the mixed use nature of C Districts.

Non-Conforming Uses: The proposed amendments would create a strong disincentive for retaining nonconforming parking in the C-3 District. While these changes appear to be generally consistent with contemporary planning, there have been concerns over eliminating surface parking lots from the downtown and as well as changes to the rules that govern the conversion of non-conforming uses in R Districts.

1. Nonconforming uses in Neighborhood Commercial Districts

The Way It Is Now:
Nonconforming uses in Neighborhood Commercial Districts can be changed to another use that is conditionally permitted in that district without Conditional Use authorization except where major work on the structure is involved.

The Way It Would Be:
The proposed legislation would require Conditional Use authorization if a nonconforming use sought to change to a use that would otherwise require a Conditional Use authorization in that zoning district.

Basis for Recommendation:
This change creates more consistency in how uses are permitted in Neighborhood Commercial Districts.

2. Conversion of Nonconforming Uses in R Districts

The Way It Is Now:
Per Section 182(e), a non-conforming use in an R District that is subject to termination[3] per Section 185 may be converted to a dwelling unit without regard to the requirements of the Planning Code with respect to dwelling unit density under Article 2, dimensions, areas and open space under Article 1.2, or off-street parking under Article 1.5.

The Way It Would Be:
The proposed legislation changes Section 182 to allow "any nonconforming use to be converted to dwelling units or to group housing, in a district where such use is principally permitted, without regard to the requirements of this Code with respect to residential density or required off-street parking." Currently, only nonconforming uses in R Districts that are subject to termination under the provisions of Section 185 of the Planning Code may be converted to one dwelling unit without regard to dwelling unit density.

The ordinance maintains the exceptions to required off-street parking; however, it defers to the Zoning Administrator to review exceptions to dimensions, areas and open space under Section 307[4].

Basis for Recommendation:
The Department finds that this change is too broad because it allows any nonconforming use in any zoning district where housing and group housing are principally permitted to be converted to an unspecified number of dwelling units. The Department believes that one housing unit as of right is acceptable, but anything more than that should require Conditional Use authorization. The Department also feels that that group housing should be excluded from this section.

3. Parking Lots in the Downtown

The Way It Is Now:
Per Section 184, permanent off-street parking lots in the C-3-O, C-3-R and C-3-G Districts are allowed to operate in perpetuity as non-conforming uses.

The Way It Would Be:
The proposed legislation would remove this provision, which would require off-street parking lots in the C-3-O, C-3-R and C-3-G Districts to cease operation within 5 years of the adoption of the proposed legislation. After the 5 year window, these parking lots could still apply for a 2-year temporary Conditional Use authorization and would have to come back to the commission every two years to have it renewed as a temporary use.

Basis for Recommendation:
This proposed change is consistent with the goals of the Downtown Plan and the City's Transit First policy. Please note that while there was concern expressed by some members of the public that the proposed change would require surface parking to go out of business immediately after

[3] Section 185 requires that non-conforming uses be phased out within five years of the use becoming nonconforming.

[4] Section 307, "Other Powers and Duties of the Zoning Administrator," is also being amended under this Ordinance; however, this topic will be discussed under Phase 3.

the adoption of this ordinance, this is not the Department's understanding of the intention of the legislation. To clear up any ambiguity the Department proposes the following change:

(a) Any nonconforming commercial or industrial use of land where no enclosed building is involved in such use~~, except for permanent off-street parking lots in the C-3-O, C-3-R, C-3-G Districts existing on the effective date of Ordinance 414-85, provided that such lots are screened in the manner required by Section 156(e)~~ shall be eliminated no later than five years and 90 days from the effective date of Ordinance No. [INSERT];

In addition to the modification listed above, the Department recommends modifying the Section 156 of the Code so that off-street parking lots in C-3 Districts require renewal by Conditional Authorization every 5 years instead of every 2 years as proposed in the Ordinance.

Washington-Broadway and Waterfront Special Use Districts: The proposed legislation combines the two Washington-Broadway SUDs into one SUD to remove duplicative controls as a way towards simplifying the Code. In addition, there are substantive changes that may affect Port property, mainly around the proposed map changes for the Waterfront SUDs.

1. **Proposed Map Changes**

See map for new boundaries of Washington–Broadway SUD and Waterfront SUD.

2. **Combined Washington-Broadway SUD**

The Way It Is Now:
There are two Washington-Broadway SUDs. The only difference is that Washington Broadway Special Use District 2 principally permits wholesale uses.

The Way It Would Be:
The two Washington-Broadway SUDs would be combined into one and remove any lots from the Washington Broadway SUD that are southwest of Columbus Street, which would remove all of Chinatown from the new SUD.

Basis for Recommendation:
This provision helps simplify the Code and provides greater consistency in the Washington-Broadway SUD. Based on current provisions in the Code, removing Chinatown from the Washington Broadway SUD would not have any substantial impact on controls in Chinatown. The Washington Broadway SUD appears to be obsolete now that Chinatown has its own controls that do the same thing. See the chart at the beginning of this report for more information.

3. **Parking Exceptions for Washington-Broadway SUDs**

The Way It Is Now:
Parking is only required for residential uses in the Washington-Broadway SUDs, but other uses are exempt per section 161(d).

The Way It Would Be:
The proposed legislation would make parking not required for any use under the rules in Code Section 161(d). Parking maximums would be set by zoning district in Section 151.1.

Basis for Recommendation:
The proposed changes are consistent with the way the Code treats other high density, mixed use districts.

4. Surface Parking Lots in the Washington-Broadway SUD

The Way It Is Now:
Surface parking lots open to the public are permitted with Conditional Use Authorization in the Washington-Broadway SUD.

The Way It Would Be:
The proposed legislation would no longer permit permanent parking lots; however temporary parking lots would be permitted as a temporary use for up to two years with Conditional Use authorization.

Basis for Recommendation:
Similar to the proposed prohibition on surface parking lots in the C-2, the Department recommends maintaining the CU provision for surface parking lots in the Washington-Broadway SUD. This will allow existing ones to remain and new ones to be looked at on a case by case basis.

5. Parking Exceptions in the Waterfront SUDs

The Way It Is Now:
Off-street parking requirements cannot be waived by Section 161 of this Code in the Waterfront Special Use District 2, but can be in the Waterfront Special Use Districts 1 and 3.

The Way It Would Be:
Parking for any principle or conditional use may be waived by the ZA per Code Section 161 in all three Waterfront Special Use Districts.

Basis for Recommendation:
The proposed changes are consistent with the way the Code treats other high density, mixed use districts. While the three SUDs vary slightly, their overall character and location are similar enough that they should all be subject to parking waivers under Section 161.

REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

BASIS FOR RECOMMENDATION

1. San Francisco's Planning Code has provided for reduced parking requirements in dense and transit-rich neighborhoods since the 1960s, as a way of reducing traffic congestion, encouraging walking, cycling, and public transit, and making efficient use of scarce land;

2. In 1973, the San Francisco City Planning Commission and Board of Supervisors adopted the "Transit First Policy," giving top priority to public transit investments as the centerpiece of the city's transportation policy and adopting street capacity and parking policies to discourage increases in automobile traffic;

3. Off-street parking facilities increase building costs, which in turn are transferred to costs of housing and doing business. As a land use, off-street parking facilities compete with and displace land uses that provide greater social and economic benefit to the city;

4. A basic assumption of the Transportation Element is that a desirable living environment and a prosperous business environment cannot be maintained if traffic levels continue to increase in any significant way. A balance must be restored to the city's transportation system, and various methods must be used to control and reshape the impact of automobiles on the city. This includes limiting the city's parking capacity, especially long-term parking in commercial areas;

5. On October 26, 2010 the Board of Supervisors adopted the goal of having 20% of all trips be by bike by the year 2020;

6. The City of San Francisco's Housing Element seeks to remove unnecessary constraints to the construction and rehabilitation of housing;

7. Existing buildings contribute to the unique character of San Francisco. Reusing buildings, rather than demolishing and rebuilding them, can preserve the built character of neighborhoods, as well as foster sustainability by conserving the energy and materials embodied in these buildings.

8. Small commercial uses, although often nonconforming, tend to provide convenience goods and services on a retail basis to meet the frequent and recurring needs of neighborhood residents within a short distance of their homes;

9. Small businesses that combine office, production, retail, and even residential uses are increasingly common in San Francisco, but frequently do not fit into traditional zoning categories. Creating more flexibility in zoning around accessory uses will help add to the vibrancy of the City's neighborhoods and to the City's diverse economic base;

10. Over the years, the Planning Code has been amended and expanded. While many of these changes have been necessary to address emerging issues and changing policy in the City, the current Planning Code can be overly complex and redundant;

RECOMMENDATION

The Department recommends that the Commission recommend *approval with modifications* of the proposed Ordinance and adopt the attached Draft Resolution to that effect.

The proposed Modifications include:

Auto Uses

1. Modifying the proposed controls for parking lots in Section 223(l) - "parking lots" - for the C-2 District from "prohibited" to "Conditional Use Authorization".
2. Modify proposed Section 223(o) to require a CU for Storage Yards for Commercial Vehicles or Trucks in C-M Districts rather than prohibiting them outright.

LCCUs

3. Do not amend Section 231 to allow LCCUs to have 2,500 sq. ft. or allow them within 100' of a corner. This proposed change should be reviewed when the Market and Octavia Plan undergoes its scheduled 5 year review.
4. Do not add proposed Section 231(k), which requires Conditional Use authorization when converting a dwelling unit to establish a Limited Corner Commercial Use. Dwelling unit conversions are already controlled by Section 317.

Nonconforming Uses

5. Modify the proposed changes to Section 182 so that a nonconforming use can only be converted to one dwelling unit as of right, and require a CU for the conversion of more than one dwelling unit, and remove the provision that allows a non-conforming use to be converted to group housing as of right.
6. Add the following modifications to Section 184 to clarify when surface parking lots would need to cease operation:

   Any nonconforming commercial or industrial use of land where no enclosed building is involved in such use~~, *except for permanent off street parking lots in the C-3-O, C-3-R, C-3-G Districts existing on the effective date of Ordinance 414-85, provided that such lots are screened in the manner required by Section 156(e)*~~ shall be eliminated no later than five years and 90 days from the effective date of Ordinance No. [INSERT];

7. Modify Planning Code Section 156 to allow for a 5 year temporary use permit instead of a 2 year temporary use permit.

   ~~*(f)(h)*~~ No permanent parking lot shall be permitted in C-3-*O*, *C-3-R*, *C-3-G* and NCT Districts; temporary parking lots may be approved as conditional uses pursuant to the provisions of Section 303 for a period not to exceed two years from the date of approval ***in NCT Districts and five years from the date of approval in C-3 Districts***; permanent parking lots in C-3-S Districts shall be permitted only as a conditional use.

Washington-Broadway SUD

8. Remove the provision in the proposed Ordinance that would change surface parking lots from a conditional use to "not permitted."

ENVIRONMENTAL REVIEW

The proposal to amend the San Francisco Planning Code by repealing Sections 136.2, 136.3, 158, 187, 249.15, 263.2, 263.3, 602.25, 602.26, 607.3 and 607.4 and amending various other Code sections would result in no physical impact on the environment. The proposed legislation was determined to be exempt from environmental review under the General Rule Exclusion (Section 15061(b)(3) of the CEQA Guidelines).

PUBLIC COMMENT

As of the date of this report, the Planning Department has received comments and questions on the proposed legislation from various members of the public, including the Port of San Francisco and the law firm Ruben and Junius.

Ruben and Junius is concerned about the legislation's changes to the parking requirements in the C-3 Zoning district, specifically the provision that would require CU for any parking beyond the 2 to 1 ratio. They felt that this added process without any clear benefit. They also expressed concern over the changes to Section 184 that would require surface parking lots to be removed after 5 years. Their concern is that it would make the operators cease operation immediately upon the adoption of the proposed ordinance. Staff's understanding is that they would have 5 years unit they ceased operation. Also, they expressed concern that several entitled projects that are currently on-hold would be required to go back through the entitlement process when they came to get their building permit if they did not meet the current Code requirements. As a remedy to this they wanted to see a grandfathering clause added to the legislation.

Steven L. Vettel, an Attorney with Farella Braun + Martel LLP expressed concern that the legislation would exempt any project with affordable housing units from the FAR calculations. In response Staff has clarified this section so that only units that are designated as Affordable are exempt from FAR calculations.

The Port of San Francisco contacted the Department about how the proposed project would affect their properties. Of particular concern were the changes to the parking requirements in the C-3 Districts.

RECOMMENDATION:	Recommendation of Approval with Modification

Attachments:
Exhibit A: Draft Planning Commission Resolution
Exhibit B: Map of SoMa C-M parcels
Exhibit C: Map of Bernal Heights area C-M parcel
Exhibit D: The draft Ordinance was originally distributed to the Commission on October 13, 2011 date for October 20 hearing. The public may view the proposed Ordinance online at: http://commissions.sfplanning.org/cpcpackets/2011.0532T.pdf

SAN FRANCISCO
PLANNING DEPARTMENT

Executive Summary
Planning Code Text and Map Change
HEARING DATE: MAY 17, 2012

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Project Name:	Amendments relating to: Parking, Awning, Signs, Exposure, Open Space, and Limited Conforming Uses.
Case Number:	2011.0532T [Board File No. 11-0548] and 2011.0533Z [Board File No. 11-0577]
Initiated by:	Supervisor Chiu / Introduced May 3, 2011
Staff Contact:	Aaron Starr, Legislative Affairs aaron.starr@sfgov.org, 415-558-6362
Reviewed by:	AnMarie Rodgers, Manager Legislative Affairs anmarie.rodgers@sfgov.org, 415-558-6395
Recommendation:	**Recommend Approval with Modifications Of "Phase Three" Including the Topics of Parking, Opens Space for Commercial Uses, Gross Floor Area and Floor Area Ratio, Streetscape Improvements, Transportation Management, Powers of the Zoning Administrator, and the Van Ness SUD and SSD**

PLANNING CODE AMENDMENT

The proposed Ordinance would amend the San Francisco Planning Code (herein after "Code) by repealing Sections 136.2, 136.3, 158, 187, 249.15, 263.2, 263.3, 602.25, 602.26, 607.3 and 607.4 and amending various other Code sections to (1) increase the amount of principally permitted parking spaces for dwellings in RC-4 and C-3 Districts, (2) make off-street parking requirements in the Van Ness Special Use District and RC-3 Districts consistent with those of RC-4 Districts, (3) eliminate minimum parking requirements for the Chinatown Mixed Use Districts and North Beach Neighborhood Commercial Districts, (4) allow exceptions from required parking under specified circumstances, (5) amend the restrictions on off-street parking rates and extend them to additional zoning districts, (6) revise sign, awning, canopy and marquee controls in specified zoning districts, (7) increase the permitted use size for limited corner commercial uses in RTO and RM districts, and allow reactivation of lapsed limited commercial uses in R districts, (8) revise the boundaries of and modify parking and screening requirements in the Washington-Broadway and Waterfront Special Use Districts, (9) modify controls for uses and accessory uses in Commercial and Residential-Commercial Districts, (10) permit certain exceptions from exposure and open space requirements for historic buildings, and (11) modify conformity requirements in various use districts; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Code Section 101.1.

At the Planning Commission's March 1st hearing, the Commission voted to break up the proposed legislation into three phases.

- Phase One includes Clerical and Minor Modifications, Transfer of Development Rights (TDRS), Limited Commercial Uses, Bike Parking, and Signs. On these topics, the Planning Commission recommended approval with modifications in Resolution Number 18553 on March 1, 2012.
- Phase Two includes changes to Automotive Uses, Limited Corner Commercial Uses (LCCUs), Accessory Uses, Non-Conforming Uses, and Washington Broadway and Waterfront SUDs. This phase was heard on May 3, 2012.
- Phase Three includes changes to Gross Floor Area and Floor Area Ratio, Opens Space for Commercial Uses, Parking, Transportation Management, Powers of the Zoning Administrator, the Van Ness SUD and SSD, and Streetscape Improvements. This memorandum addresses the topics in Phase Three.

Summary of Proposed Changes (Phase Three):

Gross Floor Area and Floor Area Ratio Calculations: Amendments described under this category would alter the way the Department and Commission regulate Gross Floor Area **(GFA)** and Floor Area Ratio (FAR) Calculations. If a feature or use is counted towards the allowable maximum Gross Floor Area, it may create a disincentive for providing that feature. Similarly, excluding any feature or use from Gross Floor Area calculations may create an incentive for providing that feature. FAR is the ratio of the gross floor area of all the buildings on a lot to the area of the lot, and is used in conjunction with height and bulk limitations to regulate the size of a development. Like the proposed changes to Gross Floor Area, amendments in this category would provide either incentive for uses and features not counted towards FAR limits or disincentives for uses and features that are counted towards FAR limits.

1. Accessory Off-Street Parking

The Way It Is Now:
GFA in Downtown (C-3) Districts does not currently include floor space used for accessory off-street parking and loading spaces.

The Way It Would Be:
GFA would include floor space used for accessory off-street parking and loading spaces in C-3 Districts,

Basis for Recommendation:
By including accessory off-street parking in GFA calculation you create a disincentive to proving accessory parking. Reducing parking for private automobiles is consistent with the City's transit first policy, as well as other policies and goals in the General Plan

2. Bicycle Parking

The Way It Is Now:
Bicycle parking is currently included in GFA calculations.

The Way It Would Be:
Bicycle parking would no longer be included in GFA calculations,

Basis for Recommendation:
It's the City's goal to increasing bike trips to 20% by the year 2020; the City also requires that bike parking be provided in new developments and major alterations. By excluding bike parking from the GFA calculations you are removing a regulation that is inconsistent with the goals of the City and the transit first policy outlined in the General Plan, as noted in the attached draft Resolution, and adding an incentive to dedicate more space to bike parking.

3. Short Term Parking

The Way It Is Now:
Short term parking is excluded from FAR calculations in C-3 Districts.

The Way It Would Be:
Short term parking would be included in FAR calculations in C-3 Districts, creating a disincentive for adding short term parking to new developments in C-3 Districts.

Basis for Recommendation:
This change is consistent with the City's Transit First policy and the Downtown Plan, as described in the attached draft Resolution.

4. Dwelling Unit Density

The Way It Is Now:
Dwelling unit density in C-3 Districts is allowed to be exceeded with Conditional Use authorization.

The Way It Would Be:
Per the proposed legislation, dwelling unit density would no longer be determined by lot area or FAR calculations, but by other limitations in the Code such as height, bulk, setbacks, open space and exposure.

Basis for Recommendation:
This proposed change is consistent with the City's desire to increase its housing stock in order to meet current and future housing demand. This change is also consistent with recently adopted rezoning efforts such as Market & Octavia, Eastern Neighborhoods, the Rincon Hill plans, all of which use methods other than FAR to control building form. FAR limits for housing are not necessary in the C-3 districts given that height and bulk limitations limit the number of units and guide the form of buildings.

Open Space: This amendment would likely have impact only on rare occasions.

1. Retail Buildings

The Way It Is Now:
Buildings in the C-3 Districts that are primarily retail (2/3 of the occupied floor area is dedicated to retail) are not required to provide open space.

The Way It Would Be:
Buildings in the C-3 Districts that are primarily retail would be required to provide open space at the ratios outlined in Section 138(b) of the Code.

Basis for Recommendation:
The proposed change is consistent with recent Planning Code revisions that require public open space for retail and institutional uses in Mixed-Use Districts. In the case of the Mixed Use Districts, the Department determined that all significant generators of jobs and visitors, shoppers and students should be similarly required to provide open space just like office buildings, especially in the areas that are deficient in existing open space.

Parking: Changes in this section would be substantive in that the Ordinance would decrease permitted levels of parking in certain districts, consistent with the City's General Plan and Transit First Policy.

1. Parking in RC Districts

The Way It Is Now:
Required parking for dwelling units in Residential-Commercial, High Density (RC-4) Districts is required at a ratio of 1 parking space to 4 dwelling units and parking for dwelling units in Residential-Commercial, Medium Density (RC-3) Districts is currently 1 parking space to 1 dwelling unit.

Accessory parking is governed by the standard accessory parking controls in the Planning Code: the maximum accessory parking allowed is 150% of the required number of spaces where three or more are required (or .375 spaces per unit) or when no spaces are required 15 spaces or 7% of the total gross floor area, whichever is greater. Any parking provided above those amounts is regulated as a separate use such as a parking garage or a parking lot.

The Way It Would Be:
As currently written, the proposed legislation would institute a 1 space to 4 unit required parking ratio in all RC Districts.

In a letter from Supervisor Chiu dated April 26, 2012, (Exhibit C) the Supervisor proposed amending the ordinance to remove minimum parking requirements and institute a .375 space per unit parking maximum in RC-4 zoning districts. For the Van Ness SUD and RC-3 districts, he proposes eliminating minimum requirements as well as allowing up to .5 parking spaces per unit by right with a maximum of .75 per unit with Conditional Use.

Basis for Recommendation:
RC Districts are located in dense areas of the city, like the Van Ness Avenue corridor and the Tenderloin. (See Exhibit D) The Department supports supervisor Chiu's amendment to remove minimum parking controls in the RC Districts. The proposed change is consistent with parking requirements in other transit-oriented districts, even those with significantly lower densities. The following districts use parking maximum caps instead of parking minimum requirements: Downtown Residential (DTR), Neighborhood Commercial Transit (NCT), Upper Market Street NCD, Residential Transit Oriented (RTO), Eastern Neighborhood Mixed Use Districts, South of Market Mixed Use Districts, Light Industrial (M-1), Production Distribution and Repair/ Design (PDR-1-D), Production Distribution and Repair/ General (PDR-1-G), Heavy Commercial (C-M) and Downtown (C-3) Districts.

2. Parking in North Beach, Broadway and Chinatown

The Way It Is Now:

Parking requirements for non-residential uses in the Broadway and North Beach Neighborhood Commercial Districts and the Chinatown Mixed Use Districts are regulated by the minimum

parking requirements in table 151 that apply to much of the city. However, parking controls in Section 161 and Article 8 basically waive any non-residential parking requirements in Chinatown, except in the rare occasion of lots that are over 20,000 sq. ft. in the Chinatown Community Business District.

Recent Ordinance Number 77-10[1] titled, "Parking Requirements and Garage Installation in Existing Residential Buildings in Telegraph Hill, North Beach and Chinatown" replaced the parking requirements for residential uses with maximum limits but did not make conforming amendments to non-residential uses.

The Way It Would Be:
The proposed legislation would remove minimum parking requirements for non-residential uses in these districts. Maximum parking requirements for non-residential uses in these districts would be added to Table 151.1.

Basis for Recommendation:
The proposed change to non-residential uses is consistent with recent changes to residential parking in this area. This change would further be consistent with parking requirements in other transit oriented districts in San Francisco and policies of the General Plan.

Transportation and Congestion Management: Changes to this category would require onsite transportation brokerage service and transportation management plan in Community Business (C-2) Districts and all Mixed Use Districts.

1. **Onsite Transportation Brokerage Service**

The Way It Is Now:
Section 163 requires property owners to provide an onsite transportation brokerage service and transportation management plan when they construct a new building or there is a conversion of an existing building in the C-3, Eastern Neighborhood and South of Market Mixed Use Districts.

The Way It Would Be:
The proposed legislation would change this section to include Community Business (C-2) Districts (See Exhibit E) and all Mixed Use Districts.

Basis for Recommendation:
This change is consistent with City's transit first policy and recognizes the dense, transit rich nature of the districts that would be added to this section.

[1] http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/ordinances10/o0077-10.pdf

Powers of the ZA: The proposed Ordinance would expand the powers of the Zoning Administrator (ZA) but only when specific parameters are met.

1. Conversion to Dwelling Unit for Historic Resources

The Way It Is Now:
The Code currently allows the ZA to waive certain Code requirements under certain circumstances such as parking, exposure requirements and open space requirements.

The Way It Would Be:
The proposed legislation would expand the ZA's authority by allowing him to waive Dwelling Unit Exposure requirements for Article 11 buildings, consistent with the ZA's current authority to waive Dwelling Unit Exposure requirements for Article 10 buildings. For Article 10 and 11 buildings, it would also permit the ZA to allow off-site publicly accessible open space to be credited toward the residential open space requirements. As discussed under Phase 2, the proposed legislation would also permit the ZA to waive or modify exposure requirements, rear yard requirements and open space requirements when converting a non-conforming use to a residential use, with certain restrictions and criteria.

Basis for Recommendation:
The proposed changes reduce the need for variances when converting a nonconforming use in a historic resource to a residential use, where those uses are principally permitted. Currently, converting a nonconforming use typically requires that property owners seek a Variance for things such as open space and exposure. These Variances are routinely granted. Allowing the ZA to waive these requirements on a case-by-case basis eliminates a process and that increases the cost to property owners and which has little to no public benefit. Doing this is also consistent with the Housing Element of the General plan, which calls for a more streamlined decision making process for housing.

2. Parking Requirements on Protected Streets

The Way It Is Now:
Section 161 provides exemptions from the parking requirement in certain Zoning Districts and due to certain lot situations, such as topography.

The Way It Would Be:
The proposed legislation adds a subsection to Section 161 that allows the Zoning Administrator to reduce or waive required parking or loading for a project when the only feasible street frontage for a driveway or entrance to off-street parking or loading is located on a protected pedestrian-, cycling-, or transit-oriented street frontage, (See Exhibit F) or the only feasible street frontage for a driveway or entrance to off-street parking or loading is located at a transit stop. The legislation also adds a provision that would allow the ZA to waive parking requirements to protect street trees with either the recommendation of the Department of Public Works Bureau of Urban Forestry or the recommendation of a certified arborist, consistent with other recently adopted ordinances, BF-101053, "Consistent Street Frontages 2."

Basis for Recommendation:
The proposed changes reduce process, bring common sense changes to the Planning Code and are consistent with the City's transit first policy and General Plan. They also help advance the goals of the street frontage legislation and help to protect pedestrian and bicycle right-of-ways.

In addition to the changes proposed in this ordinance, the Department also recommends Amending Section 161 of the Planning Code to allow the Zoning Administrator to grant exceptions to off-street parking requirements in C-2 Districts per Section 307. This recommended change would result in allowing administrative exceptions to off-street parking requirements in all districts except the RH and RM districts.

Van Ness Special Use District: The proposed Ordinance would amend this district's sign and parking controls. Some sign provisions are obsolete and should be removed, while the Department believes other changes need more analysis.

1. **Van Ness Special Sign District (Code and Map Change)**

The Way It Is Now:
Van Ness Special Use District includes a Special Sign District that allows for signs that are larger and taller than what would be permitted in the underling zoning, Residential-Commercial High Density (RC-4) Zoning District. It also prohibits free standing signs but allows general advertising signs.

The stated intent of the Van Ness SSD is to maintain Van Ness Avenue's attractiveness to business, customers and residents as it changes from an automotive oriented area to a mixed-use, predominantly residential district. It recognizes that signs and other advertising devices are essential to a vital commercial district, and they should not be allowed to interfere with or diminish the livability of residential units within the Van Ness Special Use District or in adjacent residential districts. Finally the Van Ness SSD language states that the scale of the District as characterized by building height, bulk, and appearance, and by the width of streets and sidewalks, differs from that of other commercial and industrial districts, and that sign sizes should relate and be compatible with the surrounding district scale.

Further the Van Ness SSD has specific provisions for signs attached to Article 10 buildings that are unique to this section of the Planning Code.

Please See Exhibits G and H for the Van Ness SUD and SSD

The Way It Would Be:
The proposed legislation would remove the Van Ness Special Sign District from the Planning Code and the Zoning Map. This area would be controlled by the provisions in Section 606, which allow for smaller signs that are not as tall. Further, Free Standing Signs would be permitted and General Advertising Signs would be prohibited. Please see Exhibit I for a more detailed matrix.

Basis for Recommendation:
As stated in the preamble for the Van Ness SSD, the District was created to recognize not only the unique scale and character of the Van Ness Avenue but also the changing mixed use, predominantly residential nature of Van Ness Avenue. The controls do allow for slightly larger and taller signs, but those controls address a specific context. Further, the controls address impacts to residential units by prohibiting business signs above the level of the lowest residential windowsill, which is standard control in RC and well as NC Districts. The Van Ness SSD also has special sign controls for signs attached to Article 10 buildings that are unique to this section of the Planning Code.

The Department believes that a more thorough analysis should be undertaken to fully appreciate the visual impacts that removing the Van Ness SSD would have, in addition to any impacts to signs on Article 10 buildings. Therefore, the Department is recommending that the Commission either recommend that the Van Ness SSD not be deleted from the Code and Zoning Map, or that additional time be allowed for a more detailed analysis.

2. Special District for Sign Illumination (Code and Map Change)

The Way It Is Now:
Under Section 607 of the Planning Code, signs for "Commercial and Industrial Districts", there is a special provision that allows for flashing, blinking, fluctuating, or otherwise animated signs (video signs are not permitted). These signs are only permitted in "Special Sign Districts for Illumination" (SSDI), which are mapped on Section Map SSD 01 and 02. They include the Broadway NCD (as discussed in Phase 2), Fisherman's Warf, and Van Ness Avenue. The Van Ness SSDI has the same boundaries as the Van Ness Special Sign District discussed above.

The Code language for Van Ness Avenue references the C-2 District along Van Ness from approximately Golden Gate Avenue to Sacramento Street. This language is out of date, as there are only a handful of C-2 zoned properties along Van Ness Avenue, while the map illustrates a much larger district. Most of the properties that front on Van Ness Avenue in this area are now zoned RC-4. Like the Code language for the Broadway SSDI, this Code language for the Van Ness Avenue SSDI was not amended when the zoning districts along Van Ness Avenue were changed from C-2 to RC-4.

The Way It Would Be:
The proposed Ordinances would delete Van Ness Avenue from the Special Sign Districts for Illumination in Section 606 and from the Zoning Map. Flashing, blinking, fluctuating, or otherwise animated signs would not be permitted on lots zoned C-2 along Van Ness Avenue.

Basis for Recommendation:
The Department recommends approval of this provision because it is mainly Code clean-up. This section of the Code is obsolete and does not reflect the changing nature of Van Ness Avenue from a Commercial Corridor to a more mixed use, predominantly residential corridor. The fact that flashing and blinking signs were not included in the Van Ness Special Sign District, which was originally adopted in 1988 and has the same boundaries as the Van Ness SSD for Illumination, further illustrates the obsolescence of this section of the Planning Code, which dates from the mid-1970s.

3. Parking in the Van Ness SUD

The Van Ness Special Use District requires residential parking at a ratio of 1 parking space to 1 dwelling unit, an amount that is four times as high as the base zoning. The underlying zoning in this district is RC-4. RC-4 Districts require residential parking at a ratio of 1 parking space to every 4 dwelling units.

The Way It Would Be:
This provision would be removed from the Van Ness Special Use District. As the legislation is currently drafted, the parking requirements would then revert to the RC-4 Parking ratio, which is

a minimum of 1 parking space to 4 dwelling units. However, since the legislation was introduced, Supervisor Chiu proposed eliminating minimum requirements as well as allowing up to .5 parking spaces per unit by right with a maximum of .75 per unit with Conditional Use in Van Ness SUD and RC-3 districts. This issue is discussed as item #1 under the "Parking" section above.

Basis for Recommendation:
The City's Transit first policy prioritizes transit over automobile use and Van Ness is a major transit corridor. In addition, a Bus Rapid Transit (BRT) line is being planned for Van Ness Avenue, which will further solidify the corridor as a major transit street. Requiring 1 to 1 parking along Van Ness is inconsistent with the City's General Plan and the mixed use high density character of Van Ness Avenue.

The Van Ness Area Plan does call out that there should be a 1 to 1 parking requirement along Van Ness. The Department finds that this is in opposition to other policies in the General Plan that seek to reduce parking. Removing the requirement of 1 to 1 parking along Van Ness Avenue is on-balance consistent with the City's General Plan and the mixed use high density character of Van Ness Avenue. If the Commission decides to remove the 1 to 1 parking requirement, a General Plan amendment should also be initiated to remove this provision form the Van Ness Area Plan.

The Department recommends adding a grandfathering clause to the legislation that allows projects that have already been approved by the Planning Commission but not yet vested, such as the California Pacific Medical Center on Van Ness Avenue, to be exempt from this provision.

Streetscape Improvements. These proposed amendments would increase the Code requirements consistent with some recent legislative changes. While the intent is laudable, some of the proposed amendments seem overly aggressive in removing existing encroachments.

1. **Better Streets Plan Implementation**

The Way It Is Now:
Code Section 138 establishes requirements for improvements to the public right-of-way associated with development projects based on the City's Better Streets Plan. Typically, these requirements apply to new developments, or additions of a certain size. There are no explicit provisions that seek removal of existing encroachments into the public right-of-way to be removed or modified in order to meet the new Better Street Standards.

The Way It Would Be:
The proposed legislation would create a new subsection that would trigger a city inquiry into removing existing encroachments for projects that meet certain triggers. The triggers would include projects that involve new construction, additions over 20% of the floor area, changes in use of more than ½ the building's floor area, the addition off-street loading, or the remove off street parking or loading. In these cases the City may consider removal or reduction of the number of encroachments into the public right-of-way. This may include narrowing or reducing the number of driveways, removing encroachments that impede pedestrian travel or remove basements that extend under the public right-of-way.

Basis for Recommendation:

The Department supports expanding Section 138 to include the proposed changes; however, we are concerned that the new provision is too broad. Reducing encroachments is typically more difficult than stratifying the street tree requirement which may be satisfied by either planting a tree or paying a fee. For instance, even if one parking space is added or removed a property owner could potentially be required to remedy their existing encroachments. Further tying this provision to a change of use could add a significant burden on property owners that are only seeking to rent out vacant space. The Department feels that the triggers should be narrowed and only include changes where the project is on a lot that (a) is greater than ½-acre in total area, (b) contains 250 feet of total lot frontage on one or more publicly-accessible rights-of-way, or (c) the frontage encompasses the entire block face between the nearest two intersections with any other publicly-accessible rights-of-way, and (2) the project includes (a) new construction; or (b) addition of 20% or more of gross floor area to an existing building.

In consultation with Supervisor Chiu, the Department drafted more extensive changes to Section 138 that would address some of the concerns we have with the existing requirements and also make changes to the existing code language that clarify when certain requirements are required or not required, and expand some requirements. Supervisor Chiu supports these changes. The proposed changes are drafted in the attached Exhibit J.

The proposed changes include:

- Currently, projects of a certain size and within the DTR, RC, C, NC and Mixed-Use Districts, or Planned Unit Developments are required to plant street trees within a continuous trench[2]. The proposed changes by the Department would expand this to all districts.
- The changes proposed by the Planning Department would remove the provisions that require compliance with various sections of 138 when there is a permit to alter, such as a change of use greater than 50% of the existing square footage of a building. These provisions, like the one proposed in this legislation which ties the removal of encroachments to a change of use greater than 50%, are difficult to enforce because changes of use are often over the counter and they can add a significant burden on property owners that are only seeking to rent out vacant space; therefore the Department is proposing that these types of triggers be removed from Section 138 as well as the proposed legislation.
- The Department's proposed changes also reorganize portions of Section 138 that identify when requirements can be waived and who makes that determination. These changes are not significant and are being done to make the section more clear. For example, it clarifies that DPW determines when there is a technical infeasibility to planting street trees, while the Zoning Administrator determines incompatibility with existing policy. However, it maintains the ZA as the person who makes the ultimate determination.
- The Department's proposed changes also codify the Department current policy to allow existing street tress to be credited toward street tree requirements. This has been the Department's practice for some time, but it has not been explicitly called out in the Code.

[2] A continuous soil-filled trench parallel to the curb, such that the basin for each tree is connected.

REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

BASIS FOR RECOMMENDATION

1. San Francisco's Planning Code has provided for reduced parking requirements in dense and transit-rich neighborhoods since the 1960s, as a way of reducing traffic congestion, encouraging walking, cycling, and public transit, and making efficient use of scarce land;

2. In 1973, the San Francisco City Planning Commission and Board of Supervisors adopted the "Transit First Policy," giving top priority to public transit investments as the centerpiece of the city's transportation policy and adopting street capacity and parking policies to discourage increases in automobile traffic;

3. Off-street parking facilities increase building costs, which in turn are transferred to costs of housing and doing business. As a land use, off-street parking facilities compete with and displace land uses that provide greater social and economic benefit to the city;

4. A basic assumption of the Transportation Element is that a desirable living environment and a prosperous business environment cannot be maintained if traffic levels continue to increase in any significant way. A balance must be restored to the city's transportation system, and various methods must be used to control and reshape the impact of automobiles on the city. This includes limiting the city's parking capacity, especially long-term parking in commercial areas;

5. On October 26, 2010 the Board of Supervisors adopted the goal of having 20% of all trips be by bike by the year 2020;

6. The City of San Francisco's Housing Element seeks to remove unnecessary constraints to the construction and rehabilitation of housing;

7. Existing buildings contribute to the unique character of San Francisco. Reusing buildings, rather than demolishing and rebuilding them, can preserve the built character of neighborhoods, as well as foster sustainability by conserving the energy and materials embodied in these buildings.

8. Small commercial uses, although often nonconforming, tend to provide convenience goods and services on a retail basis to meet the frequent and recurring needs of neighborhood residents within a short distance of their homes;

9. Small businesses that combine office, production, retail, and even residential uses are increasingly common in San Francisco, but frequently do not fit into traditional zoning categories. Creating more flexibility in zoning around accessory uses will help add to the vibrancy of the City's neighborhoods and to the City's diverse economic base;

10. Over the years, the Planning Code has been amended and expanded. While many of these changes have been necessary to address emerging issues and changing policy in the City, the current Planning Code can be overly complex and redundant;

RECOMMENDATION

The Department recommends that the Commission recommend *approval with modifications* of the proposed Ordinance and adopt the attached Draft Resolution to that effect.

The proposed Modifications include:

Clerical Modifications:

1. Section 249.5(a) should also reference map SU02, the North of Market Residential SUD is on both SU01 and SU02.

2. Section 309.1(b)(1)(F) references 827(a)(8)(AO(ii), it should reference 827(a)(8)(A)(ii)

3. Section 151(c)(4) should be amended to read as follows:

"In all districts other than NC, 15 spaces or seven percent of the total gross floor area of the structure or development, which is ever greater, *where no other spaces are required by this Section."*

This section was moved to Section 151 from another Section of the Code and reformatted. In the process, the underlined portion was inadvertently deleted.

Substantive Changes:

Parking

1. Accept the changes proposed in Supervisor Chiu's letter dated April 26, 2012 that remove the minimum parking controls and set maximum parking controls in RC Districts and Van Ness Avenue SUD.

Streetscape Improvements

2. Integrate the changed outline in Exhibit B, which cover Section 138.1 of the Planning Code.

Powers of the ZA

3. Amend Section 161 of the Planning Code to allow the Zoning Administrator to grant exceptions to off-street parking requirements in C-2 Districts per Section 307. This recommended change would result in allowing administrative exceptions to off-street parking requirements in all districts except the RH and RM districts.

Van Ness Avenue

4. Do not delete the Van Ness SSD from the Code and Zoning Map, or allow additional time for a more detailed analysis.

5. Add a grandfathering clause to the legislation that allows projects that have already been approved by the Planning Commission but not yet vested to be exempt from any parking changes on Van Ness Avenue.

ENVIRONMENTAL REVIEW

The proposal to amend the San Francisco Planning Code by repealing Sections 136.2, 136.3, 158, 187, 249.15, 263.2, 263.3, 602.25, 602.26, 607.3 and 607.4 and amending various other Code sections would result in no physical impact on the environment. The proposed legislation was determined to be exempt from environmental review under the General Rule Exclusion (Section 15061(b)(3) of the CEQA Guidelines).

PUBLIC COMMENT

As of the date of this report, the Planning Department has received comments and questions on the proposed legislation from various members of the public, including the Port of San Francisco and the law firm Ruben and Junius.

Ruben and Junius is concerned about the legislation's changes to the parking requirements in the C-3 Zoning district, specifically the provision that would require CU for any parking beyond the 2 to 1 ratio. They felt that this added process without any clear benefit. They also expressed concern over the changes to Section 184 that would require surface parking lots to be removed after 5 years. Their concern is that it would make the operators cease operation immediately upon the adoption of the proposed ordinance. Staff's understanding is that they would have 5 years unit they ceased operation. Also, they expressed concern that several entitled projects that are currently on-hold would be required to go back through the entitlement process when they came to get their building permit if they did not meet the current Code requirements. As a remedy to this they wanted to see a grandfathering clause added to the legislation.

Steven L. Vettel, an Attorney with Farella Braun + Martel LLP expressed concern that the legislation would exempt any project with affordable housing units from the FAR calculations. In response Staff has clarified this section so that only units that are designated as Affordable are exempt from FAR calculations.

The Port of San Francisco contacted the Department about how the proposed project would affect their properties. Of particular concern were the changes to the parking requirements in the C-3 Districts.

RECOMMENDATION:	**Recommendation of Approval with Modification**

Attachments:

Exhibit A:	Draft Planning Commission Resolution, Case # 2011.0532T
Exhibit B:	Draft Planning Commission Resolution, Case # 2011.0533Z
Exhibit C:	Letter from Sup. Chiu Dated April 26, 2012
Exhibit D:	RC Districts Map
Exhibit E:	C-2 Districts Map
Exhibit F:	Transit, Bike and Pedestrian Network Maps
Exhibit G:	Van Ness SUD

Exhibit H: Special Sign District for Illumination
Exhibit I: Van Ness Avenue Sign District Matrix
Exhibit J: Proposed Changes to Section 138.1
The draft Ordinance was originally distributed to the Commission on October 13, 2011 date for October 20 hearing. The public may view the proposed Ordinance online at:
http://commissions.sfplanning.org/cpcpackets/2011.0532T.pdf
and
http://commissions.sfplanning.org/cpcpackets/2011.0533Z.pdf

SAN FRANCISCO
PLANNING DEPARTMENT

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Certificate of Determination
Exemption from Environmental Review

Case No.:	**2011.0551E**
Project Title:	**Ordinance Nos. 110547 and 110548: Zoning – Uses, Signs, Building Features, Floor Area Ratio, Parking, and Compliance in Specified Use Districts**
Location:	Citywide
Project Sponsor:	Supervisor David Chiu, District 3, San Francisco Board of Supervisors
Staff Contact:	Jeanie Poling – (415) 575-9072 jeanie.poling@sfgov.org

PROJECT DESCRIPTION:

The project is two Board of Supervisors (BOS)-proposed ordinances. BOS #110547 would amend the Zoning Map by (1) adding blocks and lots to the Washington-Broadway Special Use District (SUD) 1; (2) adding blocks to the Waterfront SUD 2; (3) deleting blocks and adding lots to the Waterfront SUD 3; (4) making the boundaries of the Special District for Sign Illumination on Broadway co-extensive with the Broadway Neighborhood Commercial District; (5) deleting the Van Ness Special District for Sign Illumination; and (6) adding The Embarcadero from Taylor Street to Second Street to the Special District for Scenic Streets. BOS #110548 would amend the San Francisco Planning Code by repealing Sections 136.2, 136.3, 158, 187, 249.15, 263.2, 263.3, 602.25, 602.26, 607.3, and 607.4 and amending various other sections. [Continued on following page.]

EXEMPT STATUS:

General Rule Exclusion (State CEQA Guidelines, Section 15061(b)(3)).

REMARKS:

See next page.

DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and Local requirements.

Bill Wycko
Environmental Review Officer

August 25 2011
Date

cc: Aaron Starr, Neighborhood Planner
Supervisor David Chiu, District 3
Distribution List
Historic Preservation Distribution List
Virna Byrd, M.D.F.

PROJECT DESCRIPTION (continued):

The proposed project would: (1) increase the amount of principally permitted parking spaces for dwellings and modify floor-area controls in RC-4 (Residential-Commercial Combined, High Density) and C-3 (Downtown Commercial) Districts; (2) make off-street parking requirements in the Van Ness Special Use and RC-3 (Residential-Commercial Combined, Medium Density) Districts consistent with those of RC-4 Districts; (3) eliminate minimum parking requirements for the Chinatown Mixed Use Districts and North Beach Neighborhood Commercial Districts; (4) allow exceptions from required parking requirements and expand bicycle parking requirements throughout the City under specified circumstances; (5) amend the restrictions on off-street parking rates in C-3 Districts and extend them to additional zoning districts; (6) revise sign, awning, canopy and marquee controls in specified zoning districts; (7) increase the permitted use size for limited corner commercial uses in RTO (Residential, Transit Oriented Neighborhood) and RM (Residential, Mixed) Districts, and allow reactivation of lapsed limited commercial uses in Residential Districts; (8) revise the boundaries of and modify parking and screening requirements in the Washington-Broadway and Waterfront SUDs; (9) modify controls for uses and accessory uses in Commercial and Residential-Commercial Districts; (10) permit certain exceptions from exposure and open space requirements for designated and contributory historic buildings throughout the City; and (11) modify conformity requirements in various use districts.

The legislation involves approximately 225 changes to the Planning Code, the bulk of which are clerical changes that would simplify the Planning Code by removing obsolete sections, consolidating controls for a single use or feature into a single code section, and harmonizing similar definitions and controls across use districts. Other clerical changes are proposed to address errors in the Planning Code, such as incorrect cross references to other Code sections. The proposed non-clerical changes are discussed below.

Density, Floor Area Ratio, and Open Space in C-3 Districts and the Van Ness SUD. The proposed project would remove the conditional use requirement for higher residential density in the C-3 Districts; exempt affordable housing from gross floor area ratio limits in the C-3 Districts and the Van Ness SUD; permit transferred development rights from any eligible site in a C-3 District and from the South of Market Extended Preservation District to be applied to any site in a C-3 District; count space dedicated to parking that exceeds principally permitted amounts, or parking located above ground, to floor area ratio (FAR) calculations in C-3 Districts (currently, parking up to 150 percent of what is principally permitted is exempt from FAR calculations); exempt bicycle parking from FAR calculations; and extend public open space requirements in C-3 Districts to projects that are primarily retail.

Parking and Automotive Uses. The proposed project would increase the number of principally permitted parking spaces from one for every four units to one for every two units in C-3 Districts, and from three for every eight units to one for every two units in RC Districts; decrease the minimum number parking spaces required in RC-3 Districts and the Van Ness SUD from one space per unit to one space for every four units; eliminate minimum parking requirements for the Chinatown Mixed Use Districts and North Beach Neighborhood Commercial Districts; permit exceptions from parking requirements where providing required parking would remove a transit stop, compromise a building's earthquake safety or create a geologic hazard; amend the pricing requirements for commuter parking to permit a discounted daily rate for use outside commute hours, and to extend these requirements to commuter parking in

Residential-Commercial and South of Market Mixed Use Districts and the Washington-Broadway SUD; expand bicycle parking requirements to include all uses; extend transportation brokerage requirements (that specify means to reduce commute travel by single-occupant vehicles) to all non-residential projects over 100,000 square feet in Commercial and Mixed Use Districts; consolidate various automotive use definitions in Commercial (C), Industrial (M), and Production, Distribution and Repair (PDR) Districts with those for Mixed-Use Districts; remove exceptions permitting non-accessory parking above the ground floor, and permitting exceptions from parking screening requirements, in C-3 Districts; consolidate the conditional use findings for non-accessory parking in C-3 Districts in a single section; and allow automobile service stations on transit-priority and major pedestrian streets to be converted to another use without conditional use authorization, and amend the conditional use criteria for conversion to include consideration of transportation impacts of the existing and proposed use.

Sign, Awning, Canopy, and Marquee Controls. The proposed project would permit awnings, canopies, and marquees in PDR Districts; consolidate awning, canopy, and marquee controls for all use districts into a single section; permit awnings to be made of cloth, glass, and metal, but not of plastic; conform signage controls in Residential Districts with those of Neighborhood Commercial Districts, and to prohibit general advertising signs in the few RC and NC Districts where they are currently permitted; remove the special sign districts permitting blinking, flashing, and rotating signs from the Van Ness Corridor and from the portion of Broadway in the Chinatown Community Business District; prohibit roof signs, other than historic signs, in Commercial Districts, to prohibit temporary general advertising signs around Union Square, and to limit business signs to 40 feet in height in C-3 districts; permit window signs and small projecting signs, decrease the permitted size of wall signs, and limit sign illumination to business hours for limited commercial uses in Residential Districts; add The Embarcadero to the list of scenic streets where certain sign requirements apply, and to exempt historic signs from the sign size limits for scenic streets; consolidate procedures for designating, altering, and reconstructing historic signs, and exempt historic signs from height limits on signs; modify the definitions of window signs and business signs; and remove certain provisions from the Market Street and Upper Market Sign Districts which duplicate or conflict with sign controls for the underlying use districts.

Limited Commercial Uses in Residential Districts. The proposed project would increase the maximum size of new limited corner commercial uses permitted in RTO, RM-3 and RM-4 districts from 1250 to 2500 square feet, and permit them to extend more than 50 feet from a street corner; require conditional use authorization to convert all or part of a dwelling to a limited corner commercial use; permit limited commercial uses to be reestablished in spaces that were in a commercial use before 1960, that have not been converted to a dwelling, and that conform to current code requirements, with conditional use authorization; and define commercial uses conditionally permitted in historic buildings in Residential Districts as those permitted in an NC-1 district rather than an RC-1 district.

Washington-Broadway and Waterfront SUDs. The proposed project would consolidate the two Washington-Broadway SUDs into a single district, limited to the C-2-zoned areas between Washington and Broadway Streets; permit exceptions to reduce parking requirements in Waterfront SUD #3; remove parking screening requirements for the Waterfront SUDs, so that the citywide screening requirements of Section 143 apply; and delete height limit exceptions for buildings on piers in 84-foot height districts, as such height limits no longer exist on the historic piers.

Conformity, Changes of Use, and Other Building Requirements. The proposed project would expand the exception from residential density limits and minimum parking requirements when converting non-conforming uses in existing buildings to residential uses in all districts where residential uses are principally permitted; permit exceptions from dwelling unit exposure and residential open space requirements when converting historic buildings to residential use; remove the exception for parking lots in C-3 districts from the conformity requirements for uses not in an enclosed building; prohibit construction of basement spaces under public streets and alleys; permit the Planning Department to require, as a condition of approval, that non-conforming encroachments onto public rights-of-way be removed or brought into conformity with current standards when projects are newly constructed or undergo major additions or major changes of use; extend rooftop screening requirements to Chinatown Mixed Use Districts; and permit dwellings to face onto alleys as narrow as 20 feet, rather than 25 feet.

REMARKS:

Many of the proposed changes to the Planning Code and Zoning Map would not result in physical environmental impacts, such as clerical changes that simplify or correct the Planning Code. The following is an analysis of the proposed project by resource topic.

Aesthetics: For non-conforming uses in residential districts, the proposed project would limit the size of signs and sign illumination outside of business hours; and would discourage inactive street-fronting uses like storage or garage doors on prominent corner lots. These proposed changes would not result in an adverse aesthetic effect on residential areas with non-conforming commercial uses. Furthermore, the proposed more restrictive signage controls, such as a citywide prohibition of new blinking signs, removal of exemptions for general advertising signs in commercial districts, and prohibition of roof signs in Neighborhood Commercial Districts also would not result in adverse aesthetic effects on the visual character and quality of the City. The proposed project would not affect a scenic resource or vista, nor would it create new sources of substantial light or glare, or cast shadows. Thus, there would be no significant adverse impacts related to visual character resulting from the proposed project.

Population and Housing: The proposed project would exempt affordable housing from certain floor area ratio limits, which may result in the creation of more affordable housing units and the inclusion of affordable units in market rate residential projects rather than off site. Also, the proposed project would allow buildings that have non-conforming uses (i.e., older storefronts) to be converted to residential uses by waiving certain open space and exposure requirements. Citywide, there are currently approximately 2,000 non-conforming limited commercial use buildings in residential districts. The proposed project would allow some of these units to convert to residential use. This incremental growth in residential infill units could be met by the city's existing infrastructure and is consistent with city and regional housing goals.

Historical Resources: The proposed project would encourage the preservation and reuse of existing buildings by facilitating the conversion of non-conforming uses to residential uses. It would also limit the size of signage in historic districts, with exemptions for historic signs. These changes would not result in adverse impacts on historic districts.

Transportation and Circulation: The proposed project would not generate new travel demand or reduce roadway capacity, nor result in adverse effects on the overall transit capacity. The proposed project would reduce parking requirements in dense and transit-rich neighborhoods and encourage walking, cycling, and public transit, and make efficient use of scarce land.

The proposed legislation would include changes to parking controls in C-3 (Downtown) districts. More parking would be permitted, but with a lower threshold for conditional use authorization required in more cases. Other proposed parking-related changes include the reduction of off-street parking requirements in Chinatown, North Beach, and lower Broadway areas; the reduction of residential parking requirements in the Van Ness corridor; the removal of parking requirements in the North of Market Residential SUD; the allowance of administrative exceptions from minimum parking requirements in the Fisherman's Wharf area (Waterfront SUD #2); and facilitation of the conversion of automobile service stations located on important transit and pedestrian streets to other compatible uses. The proposed project would not create transit-oriented districts in the Sunset District or elsewhere in the city. San Francisco does not consider parking supply as part of the permanent physical environment. Parking deficits are considered to be social effects, rather than impacts on the physical environment as defined by CEQA. Under CEQA, a project's social impacts need not be treated as significant impacts on the environment.

Greenhouse Gas Emissions/Energy Resources: The proposed project would encourage the preservation and reuse of existing buildings, rather than their demolition and new construction; this may foster sustainability by conserving the energy and materials embodied in these buildings. In addition, by discouraging parking, the proposed project would encourage walking, cycling, and the use of public transit, thereby resulting in fewer greenhouse gas emissions citywide.

Neighborhood Concerns: A "Notification of Project Receiving Environmental Review" was mailed on July 1, 2011, to community organizations and interested parties requesting comments concerning the potential environmental effects of this project. One commenter requested more information on how the proposed legislation would affect parking, traffic, and businesses along the Van Ness corridor; and another commenter wanted to know how the proposed legislation would affect the Sunset District, and specifically whether it would create transit-oriented districts. These topics are addressed in the remarks above.

Conclusion: CEQA State Guidelines Section 15061(b)(3) provides an exemption from environmental review where it can be seen with certainty that the proposed project would not have a significant impact on the environment. As discussed above, the project would not result in significant environmental effects. Thus, the proposed project is appropriately exempt from environmental review under the General Rule Exclusion (CEQA Guidelines Section 15061(b)(3)).

SAN FRANCISCO
PLANNING DEPARTMENT

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

April 9, 2012

Supervisor Chiu and
Ms. Angela Calvillo, Clerk
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: **Transmittal of Planning Case Number 2011.0532T [Board File No. BF No. 11-0548: Parking, Awning, Signs, Exposure, Open Space, and Limited Conforming Uses.**

Recommendation: **Approval with Modifications**

Dear Supervisor Chiu and Ms. Calvillo,

On March 1, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearings at a regularly scheduled meeting to consider the proposed Ordinance under Board of Supervisors File Number 11-0548.

At the March 1st Hearing, the Commission voted 7-0 to recommend approval with modifications of Phase 1 of the proposed Ordinance, which makes a variety of changes to Parking, Awning, Signs, Exposure, Open Space, and Limited Conforming Use controls in the City's Planning Code. At that hearing, the Commission requested that the proposal be amended with the following changes:

Clerical Modifications:

1. In Section 202 under the description of RH Districts, there is an added parenthesis in front of RH-2, this should be deleted. Also, under the description of PDR Districts "PDR-1-"should be changed to "PDG-1-G."
2. Sections 604(a) should reference Vintage Signs and not historic signs in conformance with Ordinance # 0160-11

Non Clerical Modifications:

1. Consider the implications of adding the Embarcadero to Scenic Street Special Sign District controls to large events held along the Embarcadero. Provide a provision to allow for temporary signs for large events along the Embarcadero, such as the America's Cup. Include a maximum duration for such temporary signs, so that they must be taken down after the event.
2. Remove the prohibition on reinstating lapsed LCUs where a residential unit has been established.

3. Maintain the existing height limits for signs in the in the C and M Districts.
4. Modify Section 151.1(f) so that any funds recovered from enforcing the Planning Code's bike parking requirements by the Planning Department are given to the Planning Department, and not the Metropolitan Transportation Administration.
5. Consider expanding the proposed legislation so that changing the copy, color or logo on a sign does not require that the sign be brought into conformance with current Planning Code requirements.

Supervisor, please advise the City Attorney at your earliest convenience if you wish to incorporate the changes recommended by the Commission. The attached resolution and exhibit provides more detail about the Commission's action. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

AnMarie Rodgers
Manager of Legislative Affairs

Cc: City Attorney Judith Boyajian

Attachments (one copy of the following): Planning Commission Resolution No. 18553
Department's Memo to the Planning Commission

SAN FRANCISCO
PLANNING DEPARTMENT

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Resolution No 18553

HEARING DATE: MARCH 1, 2012

Project Name:	Amendments relating to: Parking, Awning, Signs, Exposure, Open Space, and Limited Conforming Uses.
Case Number:	2011.0532T [Board File No. 11-0548]
Initiated by:	Supervisor Chiu / Introduced May 3, 2011
Staff Contact:	Aaron Starr, Legislative Affairs aaron.starr@sfgov.org, 415-558-6362
Reviewed by:	AnMarie Rodgers, Manager Legislative Affairs anmarie.rodgers@sfgov.org, 415-558-6395
Recommendation:	**Recommend Approval with Modifications Of "Phase One" Including the Topics of Clerical and Minor Modifications, Transfer of Development Rights, Limited Commercial Uses, Bike Parking and Signs.**

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE WITH MODIFICATIONS THAT WOULD AMEND THE SAN FRANCISCO PLANNING CODE BY REPEALING SECTIONS 136.2, 136.3, 158, 187, 249.15, 263.2, 263.3, 602.25, 602.26, 607.3 AND 607.4 AND AMENDING VARIOUS OTHER CODE SECTIONS TO (1) INCREASE THE AMOUNT OF PRINCIPALLY PERMITTED PARKING SPACES FOR DWELLINGS IN RC-4 AND C-3 DISTRICTS, (2) MAKE OFF-STREET PARKING REQUIREMENTS IN THE VAN NESS SPECIAL USE DISTRICT AND RC-3 DISTRICTS CONSISTENT WITH THOSE OF RC-4 DISTRICTS, (3) ELIMINATE MINIMUM PARKING REQUIREMENTS FOR THE CHINATOWN MIXED USE DISTRICTS AND NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICTS, (4) ALLOW EXCEPTIONS FROM REQUIRED PARKING UNDER SPECIFIED CIRCUMSTANCES, (5) AMEND THE RESTRICTIONS ON OFF-STREET PARKING RATES AND EXTEND THEM TO ADDITIONAL ZONING DISTRICTS, (6) REVISE SIGN, AWNING, CANOPY AND MARQUEE CONTROLS IN SPECIFIED ZONING DISTRICTS, (7) INCREASE THE PERMITTED USE SIZE FOR LIMITED CORNER COMMERCIAL USES IN RTO AND RM DISTRICTS, AND ALLOW REACTIVATION OF LAPSED LIMITED COMMERCIAL USES IN R DISTRICTS, (8) REVISE THE BOUNDARIES OF AND MODIFY PARKING AND SCREENING REQUIREMENTS IN THE WASHINGTON-BROADWAY AND WATERFRONT SPECIAL USE DISTRICTS, (9) MODIFY CONTROLS FOR USES AND ACCESSORY USES IN COMMERCIAL AND RESIDENTIAL-COMMERCIAL DISTRICTS, (10) PERMIT CERTAIN EXCEPTIONS FROM EXPOSURE AND OPEN SPACE REQUIREMENTS FOR HISTORIC BUILDINGS, AND (11) MODIFY CONFORMITY REQUIREMENTS IN VARIOUS USE DISTRICTS; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE PRIORITY POLICIES OF PLANNING CODE SECTION 101.1.

PREAMBLE

Whereas, on May 3, 2011 Supervisor Chiu introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 11-0548 which would amend the San Francisco Planning Code by repealing Sections 136.2, 136.3, 158, 187, 249.15, 263.2, 263.3, 602.25, 602.26, 607.3 and 607.4 and amending various other Code sections to (1) increase the amount of principally permitted parking spaces for dwellings in RC-4 and C-3 Districts, (2) make off-street parking requirements in the Van Ness Special Use District and RC-3 Districts consistent with those of RC-4 Districts, (3) eliminate minimum parking requirements for the Chinatown Mixed Use Districts and North Beach Neighborhood Commercial Districts, (4) allow exceptions from required parking under specified circumstances, (5) amend the restrictions on off-street parking rates and extend them to additional zoning districts, (6) revise sign, awning, canopy and marquee controls in specified zoning districts, (7) increase the permitted use size for limited corner commercial uses in RTO and RM districts, and allow reactivation of lapsed limited commercial uses in R districts, (8) revise the boundaries of and modify parking and screening requirements in the Washington-Broadway and Waterfront Special Use Districts, (9) modify controls for uses and accessory uses in Commercial and Residential-Commercial Districts, (10) permit certain exceptions from exposure and open space requirements for historic buildings, and (11) modify conformity requirements in various use districts; and

Whereas, on October 20, 2012, December 15, 2011, February 9, 2012 and March 1, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted duly noticed public hearings at a regularly scheduled meetings to consider the proposed Ordinance; and

Whereas, On February 9, 2012, the Commission continued the item to March 1, 2012 so that the so that the legislative sponsor, Board President David Chiu, could work with individual Commissioners who had issues with specific pieces of the legislation; and

Whereas on February 8, 2012, the legislative sponsor, Board President David Chiu, sent the Commission a memorandum requesting that the Commission not consider certain topics from the proposed Ordinance as it is his intend to remove the following topics from the proposed Ordinance proposed Ordinance: The C-3 parking and FAR changes (aka "the C3 Compromise"), changes to Planning Code Section 155(g) having to do with the long term parking rate structure, and proposed changes to Port Property and the expansion of the Waterfront Advisory Committee.

Whereas, at the March 1, 2012 Commission Hearing, the Commission divided up the proposed legislation into 3 Phases; and

Whereas at the March 1, 2012 Commission Hearing, Planning Department Staff (herein after "Staff") presented the 5 topics in Phase 1, which include Clerical and Minor Modifications, Transfer of Development Rights, Limited Commercial Uses, Bike Parking and Signs, as outlined in a memo sent to the Commission on February 29, 2012; and

Whereas Phases 2 and 3 will be heard at separate Commission hearings; and

Whereas, the proposed zoning changes have been determined to be exempt from environmental review under the General Rule Exclusion (Section 15061(b)(3) of the CEQA Guidelines); and

Whereas, the Commission has heard and considered the testimony presented to it at the public hearings and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties; and

Whereas, the all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

Whereas, the Commission has reviewed the proposed Ordinance; and

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors **approve with modifications** the areas of the proposed ordinance covered in Phase 1, as discussed at the March 1, 2012 Planning Commission Hearing. Specifically, the Commission recommends the following modifications:

Clerical Modifications:

1. In Section 202 under the description of RH Districts, there is an added parenthesis in front of RH-2, this should be deleted. Also, under the description of PDR Districts "PDR-1-"should be changed to "PDG-1-G."
2. Sections 604(a) should reference Vintage Signs and not historic signs in conformance with Ordinance # 0160-11

Non Clerical Modifications:

1. Consider the implications of adding the Embarcadero to Scenic Street Special Sign District controls to large events held along the Embarcadero. Provide a provision to allow for temporary signs for large events along the Embarcadero, such as the America's Cup. Include a maximum duration for such temporary signs, so that they must be taken down after the event.
2. Remove the prohibition on reinstating lapsed LCUs where a residential unit has been established.
3. Maintain the existing height limits for signs in the in the C and M Districts.
4. Modify Section 151.1(f) so that any funds recovered from enforcing the Planning Code's bike parking requirements by the Planning Department are given to the Planning Department, and not the Metropolitan Transportation Administration.
5. Consider expanding the proposed legislation so that changing the copy, color or logo on a sign does not require that the sign be brought into conformance with current Planning Code requirements.

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. In 1973, the San Francisco City Planning Commission and Board of Supervisors adopted the "Transit First Policy", giving top priority to public transit investments as the centerpiece of the city's transportation policy and adopting street capacity and parking policies to discourage increases in automobile traffic;

2. On October 26, 2010 the Board of Supervisors adopted the goal of having 20% of trips by bike by the year 2020;

3. Existing buildings contribute to the unique character of San Francisco. Reusing buildings, rather than demolishing and rebuilding them, can preserve the built character of neighborhoods, as well as foster sustainability by conserving the energy and materials embodied in these buildings;

4. The Planning Code's sign regulations have not been significantly changes since they were adopted. The proposed legislation seeks to rationalize and consolidate some of the existing controls.

5. Small commercial uses, although often nonconforming, tend to provide convenience goods and services on a retail basis to meet the frequent and recurring needs of neighborhood residents within a short distance of their homes;

6. Over the years, the Planning Code has been amended and expanded. While many of these changes have been necessary to address emerging issues and changing policy in the City, the current Planning Code can be overly complex and redundant;

7. **General Plan Compliance.** Phase 1 of the proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

I. TRANSPORTATION ELEMENT

OBJECTIVE 1
MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT AND INEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY LIVING ENVIRONMENT OF THE BAY AREA

Policy 1.2
Ensure the safety and comfort of pedestrians throughout the city.

Policy 1.3
Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs, particularly those of commuters.

Phase 1 of the proposed Ordinance would remove bike parking from FAR calculations, require renovated building to provide bike parking, and require hotels to provide bike parking. All of these measures help promote the City's transit first policy, and give priority to alternative modes of transportation.

II. URBAN DESIGN ELEMENT

OBJECTIVE 4
IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY

Policy 4.14
Remove and obscure distracting and cluttering elements.

Phase 1 of the proposed Ordinance makes several changes to the City's sign controls which would provide the Planning Department with more authority to require that nonconforming signs be removed. It would also remove some provisions in the Planning Code, most notable from the Van Ness Special Use District, that allow for larger and flashing signs. These proposed changes would help to remove obscure distracting and cluttering elements in the City.

8. The proposed replacement project is consistent with the eight General Plan priority policies set forth in Section 101.1 in that:

A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

Phase 1 of the proposed Ordinance will encourage neighborhood-serving retail uses or opportunities for employment in or ownership of such businesses by allowing expired Limited Conforming Uses to be reestablished.

B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

Phase 1 of the proposed Ordinance will allow Limited Conforming Uses to be reinstated, helping to conserve and protect the cultural and economic diversity of the City's neighborhoods.

C) The City's supply of affordable housing will be preserved and enhanced:

Phase 1 of the proposed Ordinance will not have any impact on affordable housing.

D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

Phase 1 of the proposed Ordinance will not have any impact on commuter traffic or MUNI transit.

E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

Phase 1 of the proposed Ordinance would not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.

F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

Preparedness against injury and loss of life in an earthquake is unaffected by Phase 1 of the proposed Ordinance. Any new construction or alteration associated with a use would be executed in compliance with all applicable construction and safety measures.

G) That landmark and historic buildings will be preserved:

Phase 1 of the proposed Ordinance will broaden the City's TDR program, which is used to preserve and the City's historic buildings.

H) Parks and open space and their access to sunlight and vistas will be protected from development:

The City's parks and open space and their access to sunlight and vistas would be unaffected by Phase 1 of the proposed Ordinance. It is not anticipated that permits would be such that sunlight access, to public or private property, would be adversely impacted.

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on December 15, 2011.

Linda Avery
Commission Secretary

AYES: Commissioners Moore, Sugaya, Fong, Antonini, Miguel, Borden and Wu

NAYS: none

ABSENT: none

ADOPTED: March 1, 2012

SAN FRANCISCO
PLANNING DEPARTMENT

Memo to the Planning Commission

HEARING DATE: MARCH 1, 2012
Continued from the February 9, 2012 hearing

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Project Name:	Amendments relating to: Parking, Awning, Signs, Exposure, Open Space, and Limited Conforming Uses.
Case Numbers:	2011.0532T [Board File No. 11-0548] and 2011.0533Z [Board File No. 11-0577]
Initiated by:	Supervisor Chiu / Introduced May 3, 2011
Staff Contact:	Aaron Starr, Legislative Affairs aaron.starr@sfgov.org, 415-558-6362
Reviewed by:	AnMarie Rodgers, Manager Legislative Affairs anmarie.rodgers@sfgov.org, 415-558-6395
Recommendation:	**Approval with Modifications**

BACKGROUND

At the February 9 hearing, the Planning Commission's final motion was made by Commissioner Borden and seconded by Commissioner Antonioni. The motion was for a three week continuance so that the Supervisor's office could work with individual Commissioners who have issues with specific pieces of the legislation. The intent behind this motion was to ensure that with the continuance there was a targeted discussion on issues at the next hearing. President Miguel encouraged his fellow Commissioners to communicate with both Staff and the Supervisor's office to ensure that staff knew what the Commissioner's wanted to discuss at the next hearing. The motion passed with a 5 to 1 vote, with Commissioner Sugaya voting against the motion.

Since that hearing, Staff met with newly elected Commission President Fong and Vice President Wu, who requested that staff chose 5 topics with broad consensus to discuss at the next hearing in order to have a targeted discussion. The topics that staff selected include Clerical and Minor Modifications, Transfer of Development Rights, Limited Commercial Uses, Bike Parking, and Signs.

The bulk of the information provided below is the same information that was provided in the previous staff report. Further, the Department's recommendation for Approval with Modifications, as outlined in the staff report, has not changed.

TOPICS FOR DICSUCCION

Clerical and Minor Modifications

Staff estimates that there about 120 clerical and minor modifications in the proposed legislation which seek to fix errors in the Code, delete obsolete references and provide clarification to certain Code sections. These changes are minor and help make the Code a more usable and effective document. Allowing these changes to move forward would significantly reduce the size of the proposed legislation and provide needed fixes to the Planning Code.

Clerical modifications include but are not limited to: correcting spelling errors, correcting incorrect references, removing redundant language, revising Department names, adding titles or headings to sections, correcting tenses, updating references or sections that were missed in previous Code changes, updating outdated language, and the like.

Minor modifications are changes that make more extensive text change, but which do not substantially change the Planning Code or entitlements. These include consolidating all awning and canopy controls into one section, consolidating Vintage Sign controls and Historic Marquee controls into one section, consolidating auto uses in Articles 2 and 8, simplifying definitions, and changing outdated references.

Transfer of Development Rights (TDRs):

The proposed changes to the TDR program were endorsed by the Historic Preservation Commission, and while there is concern about how the TDR program is tracked, there appears to be consensus that the proposed change is beneficial to the City and furthers the goals of the TDR program.

The proposed change would allow TDRs to be sold across C-3 Districts. The Department believes the market for TDRs is currently gridlocked. By allowing increased flexibility, more properties will be able to sell and use the TDR market.

1. **The Way It Is Now:**

   Development rights can be transferred when:
   - The Transfer Lot and the Development Lot are located in the same C-3 Zoning District; or
   - The Transfer Lot is located in a C-3-O, or C-3-R District and the Development Lot is located in the C-3-O(SD) Special Development District; or
   - When the Transfer Lot contains a Significant building and is located in the Extended Preservation District, as set forth in Section 819, or a C-3-G or C-3-S District and the Development Lot is located in the C-3-O (SD) Special District; or
   - The Transfer Lot is in a C-3-R District or a District designated C-3-O (SD) in the Yerba Buena Center Redevelopment Plan and is located in the Yerba Buena Center Redevelopment Project Area and the Development Lot is located in a C-3-O District;
   - The Transfer Lot is in a P District adjacent to a C-3 District and meets the requirements established in subsection (a)(4) above and the Development Lot is located in a C-3 District; or
   - The Transfer Lot is located in any C-3 District and contains an individual landmark designated pursuant to Article 10 and the Development Lot is located in any C-3 District but not within a Redevelopment Agency Plan Area.

   The Way It Would Be:

   Transfer of Development Rights would be limited to the following:
   - The Transfer Lot and the Development Lot are located in a C-3 Zoning District; or
   - The Transfer Lot contains a Significant building and is located in the South of Market Extended Preservation District, as set forth in Section 819, District; or
   - The Transfer Lot is in a P District adjacent to a C-3 District and meets the requirements established in subsection (a)(4) above and the Development Lot is located in a C-3 District; or
   - The Transfer Lot is located in any C-3 District and contains an individual landmark designated pursuant to Article 10 and the Development Lot is located in any C-3 District but not within a Redevelopment Agency Plan Area.

Basis for Recommendation:
This change basically allows TDRs to be transferred freely thought the C-3 District. The original restriction, which only allowed TDRs within the same C-3 District, was done to ensure that development wasn't concentrated in any one C-3 District. Since the program was enacted, a large percentage of TDRs have been transferred within the same C-3 Districts. Now that the program has been in place for 25 years and many districts in downtown have been built out, it's necessary to liberalize the controls in order to equalize the supply and demand ratio and keep the program alive.

Limited Commercial Uses

1. **The Way It Is Now:**
   The Code does not currently allow lapsed LCUs to be reactivated once that use has been abandoned.

   The Way It Would Be:
   The proposed legislation would allow lapsed LCUs to be reinstated with Conditional Use Authorization so long as the space is located on or below the ground floor and was in commercial or industrial use prior to January 1, 1960; the subject space has not been converted to a dwelling unit; and the proposed commercial use meets all other requirements in the Code.

   Basis for Recommendation:
   The Department is often overturned at the Board of Appeals when we deny a permit for reinstituting LCUs; allowing them to be reinstated through the CU process will provide a clearer and more direct process for property owners who wish to do so. This change will also provide greater convenience for residents by placing more goods and services closer to where they live, which is a hallmark and benefit of living in a dense urban environment.

   The Department recommends removing the prohibition on reinstituting LCUs that have been converted to residential units. Often, these spaces are not very well suited for residential units since they were originally designed as commercial spaces. Removing this provision would allow the Commission to determine whether or not the conversion is appropriate on a case by case basis, rather than making a blanket prohibition.

Bike Parking

The proposed changes to bike parking also don't appear to be overly controversial. They generally seek to encourage the inclusion of bike parking in new and existing buildings.

1. **The Way It Is Now:**
   Bicycle parking is currently included in Gross Floor Area calculations.

   The Way It Would Be:
   Bicycle parking would no longer be included in Gross Floor Area calculations.

   Basis for Recommendation:
   Bike parking is something that the Department requires and encourages above the minimum standards. Removing bike parking for FAR calculations will remove a perceived "penalty" for including bike parking in a development and create an incentive to dedicate more space to bike parking than required.

2. **The Way It Is Now:**
   Currently, the ZA enforces Bike Parking regulations. There is a $50/day fine imposed on violations if they have not been abated within 30 days, and fines are deposited with the Department of Parking and Traffic for expenditure by and for the Department's Bicycle Program.

   The Way It Would Be:
   Under the proposed legislation, violations would be handled through the regular Planning Department enforcement procedures and fees for violating this section of the Code would be the same as any other Code violation and fees would still be collected for the MTA's Bicycle Program.

   Basis for Recommendation:
   The current provision separates out bicycle parking from the rest of the Code provisions without any clear reason. Bike parking violations should be treated like any other Code violation. To that end, the Department believes the money generated from enforcement should go to the Planning Department to cover costs associated with that enforcement, and not to the MTA's Bicycle Program.

3. **The Way It Is Now:**
   Bicycle parking is required when you construct a new commercial building or when a commercial building is enlarged and has a construction cost of at least $1,000,000.00.

   The Way It Would Be:
   The proposed legislation would require bicycle parking when a building undergoes a major change of use: any use involving half or more of the building's square footage, or 10,000 or more square feet or any increase in the amount of off-street automobile parking.

   Basis for Recommendation:
   This change helps to advance the City's goal of having 20% of trips by bike by 2012 by ensuring that bike commuters have a safe and secure place to park their bikes when they get to work.

4. **The Way It Is Now:**
   Bicycle Parking is required for new retail buildings, but not new hotels.

   The Way It Would Be:
   The proposed legislation would require bike parking for new hotels under the same rules that apply to Retail Buildings.

   Basis for Recommendation:
   This change helps to advance the City's goal of having 20% of trips by bike by 2012 by encouraging hotel workers and possibly guest to commute by bicycle.

<u>Signs, Awnings and Canopies</u>

The existing sign, awning and canopy controls are unnecessarily complicated. Providing consistency in these regulations is a much needed change. While the Department generally supports these efforts, there are a couple of elements that the Department recommends moderating.

1. **The Way It Is Now:**
   Section 136.1 states that awnings cannot be less than eight feet above the finished grade and no portion of any awning shall be higher than the windowsill level of the lowest story exclusive of the ground story and mezzanine, provided that no such awning shall in any case exceed a height of 16 feet or the roofline of the building to which it is attached, whichever is lower.

The Way It Would Be:
The existing regulations would still apply; in addition awnings would not be able to extend above the bottom of projecting upper-story window bays, or cover and belt cornice or horizontal molding. And where piers or columns define individual store front bays an awning may not cover such piers or columns.

Basis for Recommendation:
The goal here is to make awning controls more in line with the Kearny/Mason/Market Street awning controls, which better articulate how awnings should relate to a building. This provision also helps to simplify the Code by making awning controls consistent throughout the City.

2. **The Way It Is Now:**
The Code currently allows nonconforming signs to exists until the end of the sign's normal life.

The Way It Would Be:
The proposed legislation adds language to this section of the Code that states: Signs would be brought into conformance when the operation ceases, moves to another location, when a new building is constructed or at the end of the signs natural life. In addition, signs would also be required to be removed within 90 days of the business going out of business. The addition of this provision would provide the Planning Department greater ability to remove signs that are nonconforming.

Basis for Recommendation:
This change will help to phase out signs that no longer comply with the Planning Code, and will provide the Department with more authority to require abandoned signs be removed.

3. **The Way It Is Now:**
606(c) Signs for Limited Conforming Uses are currently regulated by the sign requirements in Residential Districts.

The Way It Would Be:
New regulations would be inserted into the Code that specifically cover signs for LCUs. These regulations are similar to controls for signs in NC-1 Zoning Districts with some slight variation.

Basis for Recommendation:
This provision would rationalize our sign controls for LCUs by modeling them after sign controls for a district (NC-1) that has a similar intensity and use types.

4. **The Way It Is Now:**
Section 607(b) Roof signs are permitted in all C, M, and PDR Districts so long as they conform to a list of specific criteria.

The Way It Would Be:
Roof signs would be prohibited in all C Districts; this would include the C-3 Downtown Districts and the C-2 Districts, which are generally located along the northeast waterfront and Stonestown Mall.

Basis for Recommendation:
Roof signs create visual clutter and add height to buildings.

5. **The Way It Is Now:**
Signs are currently allowed to be up to 100' in C-3 Districts, and 40' in all other C and M Districts.

The Way It Would Be:
Signs in all C and M Districts would be limited to 40' in height. This would include the C-3 Downtown Districts and the C-2 Districts, which are generally located along the Northeast Waterfront and Stonestown Mall. M Districts include the piers along the Northeast Waterfront and south of the Bay Bridge, as well as parcels located in Mission Bay, Eastern Neighborhoods and the Bayview/Hunters Point area.

Basis for Recommendation:
The Department doesn't find that the 100' height limit is problematic in the C-3 District given the scale of the District. It recommends either keeping the height at 100' or reducing it to no less than 60'.

6. **The Way It Is Now:**
Signs in RC Districts are regulated under Section 606, which also regulates all signs in Residential Districts.

The Way It Would Be:
Signs in RC Districts, which include some of San Francisco's densest neighborhoods such as the Tenderloin and areas along Van Ness Avenue, would now be regulated by the controls in Section 607.1, which currently regulates signs in NC Districts.

Basis for Recommendation:
This proposed change is intended to rationalize our sign controls by making them consistent thought the City's mixed use districts.

7. **The Way It Is Now:**
Signs for Gas Stations that are attached to the gas station building can project 10 above the roof line.

The Way It Would Be:
Gas station signs that are attached to the building could no longer project above the roof line.

Basis for Recommendation:
Gas stations are the only use in the Code where this is allowed. Since free standing signs can already project above the station roof line, the Department doesn't see the need to continue allowing this exception for gas stations.

8. **The Way It Is Now:**
The Embarcadero is not included in the list of Scenic Street Special Sign District. Scenic Street Special Sign District Controls prohibit general advertising signs and signs exceeding 200 square feet in area on any portion of a property that is within 200 feet of any street included on this list. New General Advertising signs are banned in the City, but existing general advertising signs can be moved to other areas of the City, including the Embarcadero, with approval from the Planning Commission and Board of Supervisors.

The Way It Would Be:
The Embarcadero would be included on this list. Once on the list, signs on the Embarcadero would be restricted to 200 sq. ft. and general advertising signs would be prohibited.

Basis for Recommendation:
While the Department thinks it is appropriate to add the Embarcadero to the Scenic Street Special Sign District list, it is concerned about the impacts this could have on the ability of large events

along the Embarcadero, such the America's Cup, to install temporary signs during the event that don't meet the requirements of the Scenic Street Special Sign District controls. The Department believes that there should be a provision that exempts temporary signs for such events.

RECOMMENDATION:	**Recommend Approval with Modifications**

Attachments:
n/a

SMALL BUSINESS COMMISSION
OFFICE OF SMALL BUSINESS

CITY AND COUNTY OF SAN FRANCISCO
EDWIN M. LEE, MAYOR

October 13, 2011

Ms. Angela Calvillo, Clerk of the Board
Board of Supervisors
City Hall room 244
1 Carlton B. Goodlett Place
San Francisco, CA 94102-4694

Re: Board of Supervisors File No. 110548 [Planning Code - Zoning - Uses, Signs, Building Features, Floor Area Ratio, Parking, and Compliance in Specified Use Districts.]

Small Business Commission Recommendation: **Approval of selected sections. No comment on remaining parts of the ordinance.**

Dear Ms. Calvillo:

On October 3, 2011, the Small Business Commission voted 5-1 to recommend that the Board of Supervisors approve selected parts of BOS File No. 110767.

The Commission supports the following selected parts of File No. 110548 that the Commission believes are within the direct scope of our purview.

- **Accessory uses in Commercial, Residential-Commercial, and Industrial Districts**
  (Amendments to Section 204.3)
- **Sign, Awning, Canopy, and Marquee controls**
  (Amendments to Sections 136, 136.1, 136.2, 136.3, 262, 602.9, 602.24, 602.25, 602.26, 606, 607, 607.1, 608.6, 608.8, 608.10, 790.24, 790.26, 790.58, 890.21, 890.24, and 890.58)
- **Limited Commercial Uses in Residential Districts**
  (Amendments to Sections 186, 209.9, and 231)

The Commission makes no comment on remaining sections of the proposed ordinance.

Sincerely,

Regina Dick-Endrizzi
Director, Office of Small Business

cc. Supervisor David Chiu
Jason Elliott, Mayor's Office
Aaron Starr, San Francisco Planning Department

INTRODUCTION FORM

By a member of the Board of Supervisors or the Mayor

Time Stamp or Meeting Date

I hereby submit the following item for introduction:

- [x] 1. For reference to Committee:
  An ordinance, resolution, motion, or charter amendment
- [ ] 2. Request for next printed agenda without reference to Committee
- [ ] 3. Request for Committee hearing on a subject matter
- [ ] 4. Request for letter beginning "Supervisor _____ inquires..."
- [ ] 5. City Attorney request
- [ ] 6. Call file from Committee
- [ ] 7. Budget Analyst request (attach written motion).
- [ ] 8. Substitute Legislation File Nos.
- [ ] 9. Request for Closed Session
- [ ] 10. Board to Sit as A Committee of the Whole
- [ ] 11. Question(s) submitted for Mayoral Appearance before the BOS on _____.

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- [ ] Small Business Commission
- [ ] Youth Commission
- [ ] Ethics Commission
- [ ] Planning Commission
- [ ] Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a different form.]

Sponsor(s): Supervisor David Chiu

SUBJECT: Zoning – Uses, Signs, Building Features, Floor Area Ratio, Parking, and Compliance in Specified Use Districts

The text is listed below or attached:

See attached.

Signature of Sponsoring Supervisor: [redacted]

For Clerk's Use Only:

110548

Ordinance amending the San Francisco Planning Code by repealing Sections 136.2, 136.3, 158, 187, 249.15, 263.2, 263.3, 602.25, 602.26, 607.3 and 607.4 and amending various other Code sections to (1) increase the amount of principally permitted parking spaces for dwellings and modify floor-area controls in RC-4 and C-3 Districts, (2) make off-street parking requirements in the Van Ness Special Use District and RC-3 Districts consistent with those of RC-4 Districts, (3) eliminate minimum parking requirements for the Chinatown Mixed Use Districts and North Beach Neighborhood Commercial Districts, (4) allow exceptions from required parking under specified circumstances, (5) amend the restrictions on off-street parking rates and extend them to additional zoning districts, (6) revise sign, awning, canopy and marquee controls in specified zoning districts, (7) increase the permitted use size for limited corner commercial uses in RTO and RM districts, and allow reactivation of lapsed limited commercial uses in R districts, (8) revise the boundaries of and modify parking and screening requirements in the Washington-Broadway and Waterfront Special Use Districts, (9) modify controls for uses and accessory uses in Commercial and Residential-Commercial Districts; (10) permit certain exceptions from exposure and open space requirements for historic buildings, and (11) modify conformity requirements in various use districts; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.