

1 [Requirements for residential off-street parking in C-3 districts and for bicycle and car share
2 parking in all districts.]

3 **Ordinance amending the San Francisco Planning Code by amending Section 123 to**
4 **provide that residential parking does not apply to the maximum gross floor area in C-3**
5 **districts; amending Section 151.1 to establish a maximum of one parking space per**
6 **residential unit in C-3 districts; adding Section 151.2 to create a FAR incentive program**
7 **in C-3 Districts to encourage parking ratios of less than 0.75 spaces per unit; adding**
8 **Section 154.1 to revise the minimum dimensions for off-street parking spaces in C-3**
9 **districts; amending Section 155 to allow parking accessed by automated garages or**
10 **car elevators and valet parking in lieu of independently accessible spaces in C-3**
11 **Districts, to exclude car-share parking spaces from the parking pricing requirements of**
12 **Section 155(h) and to add Section 155(s) to require compliance with specified urban**
13 **design requirements for off-street parking and loading spaces on development lots**
14 **larger than 5,000 square feet in C-3 Districts; amending Section 155.5 to require bicycle**
15 **parking for residential uses in all districts in addition to the DTR districts; amending**
16 **Section 157 to provide for a demonstration that car-share parking cannot satisfy the**
17 **need for non-accessory parking as a conditional use; amending Section 166 to specify**
18 **minimum requirements for car-share parking spaces and to authorize substitution of**
19 **car-share parking spaces for certain required parking in all districts in addition to the**
20 **DTR districts; amending Section 166 to establish a certification process for car-share**
21 **organizations, to specify minimum requirements for car-share parking spaces and to**
22 **authorize substitution of car-share parking spaces for certain required parking in all**
23 **districts in addition to the DTR districts; amending Section 167 to require that parking**
24 **spaces in new residential buildings of 10 units or more in C-3 districts be sold or**
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1 leased separately from the units; amending Section 204.5 to exclude car-share parking
2 spaces from the maximum number of spaces allowed as an accessory use; amending
3 Section 303(c)(2)(B) to provide for consideration of whether a use seeking a conditional
4 use permit is providing car-share parking; amending Section 309 to provide for review
5 of C-3 projects seeking more than 0.375 parking space per dwelling unit and to allow
6 exceptions from the requirements of Section 155(s); amending Section 790.10 to
7 include a car-share parking as part of a community residential parking use; amending
8 Section 890.10 to include a car-share parking as part of a community commercial
9 parking garage use; and adopting findings.

10 Note: Additions are *single-underline italics Times New Roman*;
11 deletions are ~~*strikethrough italics Times New Roman*~~.
12 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

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

14 Section 1. Findings.

15 1. Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
16 ordinance will serve the public necessity; convenience and welfare for the reasons set forth in
17 Planning Commission Resolution No. _____, and incorporates such reasons by this
18 reference thereto. A copy of said resolution is on file with the Clerk of the Board of
19 Supervisors in File No. _____.

20 2. The Board of Supervisors finds that this ordinance is in conformity with the
21 Priority Policies of Section 101.1 of the Planning Code and with the General Plan, and hereby
22 adopts the findings set forth in Planning Commission Resolution No. _____ and
23 incorporates such findings by reference as if fully set forth herein. A copy of said resolution is
24 on file with the Clerk of the Board of Supervisors in File No. _____.

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1 Section 2. The San Francisco Planning Code is hereby amended by amending
2 Section 123, to read as follows:

3 SEC. 123. MAXIMUM FLOOR AREA RATIO.

4 (a) The limits upon the floor area ratio of buildings, as defined by this Code, shall be
5 as stated in this Section and Sections 124 through 128. The maximum floor area ratio for any
6 building or development shall be equal to the sum of the basic floor area ratio for the district,
7 as set forth in Section 124, plus any premiums and floor area transfers which are applicable to
8 such building or development under Sections 125, 127 and 128, and as restricted by the
9 provisions of Sections 123(c) and (d) and 124(b) and (j).

10 (b) No building or structure or part thereof shall be permitted to exceed, except as
11 stated in Sections 172 and 188 of this Code, the floor area ratio limits herein set forth for the
12 district in which it is located.

13 (c) The amount of TDR that may be transferred to a development lot, as allowed by
14 Section 128, is limited as follows:

15 (1) The gross floor area of a structure on a lot in the C-3-O and C-3-O (SD)
16 Districts, but excepting, for purposes of the calculation of the maximum permitted FAR under this
17 Section 123(c)(1) only, the gross floor area used for off-street parking for dwelling units, may not
18 exceed a floor area ratio of 18 to 1;

19 (2) The gross floor area of a structure on a lot in the C-3-R, C-3-G and C-3-S
20 Districts, but excepting, for purposes of the calculation of the maximum permitted FAR under this
21 Section 123(c)(2) only, the gross floor area used for off-street parking for dwelling units, may not
22 exceed a floor area ratio that is 1-½ times the basic floor area limit for the district as provided
23 in Section 124. This section shall not apply to the C-3-S (SU) District.

1 (d) The gross floor area of a structure on a lot on which is or has been located a
2 Significant or Contributory Building may not exceed the basic floor area ratio limits stated in
3 Section 124 except as provided in Section 128(c)(2).

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

6 SEC. 151.1. PERMITTED OFF-STREET PARKING IN C-3 AND DOWNTOWN
7 RESIDENTIAL (DTR) DISTRICTS.

8 (a) For any use in DTR districts, off-street accessory parking shall not be required
9 as specified in Section 151.1 herein. The quantities specified in Table 151.1 shall serve as
10 the maximum amount of off-street parking that may be provided as accessory to the uses
11 specified. For uses in DTR districts not described in Table 151.1, the off-street requirements
12 specified in Table 151 and set forth in Section 204.5 of this Code shall serve as maximums for
13 the total amount of accessory parking that may be provided. Where off-street parking is
14 provided that exceeds the quantities specified in table 151.1 or as set forth in Section 204.5 of
15 this Code, such parking shall be classified not as accessory parking but as either a principally
16 permitted or conditional use, depending upon the use provisions applicable to the district in
17 which the parking is located. In considering an application for a conditional use for any such
18 parking due to the amount being provided, the Planning Commission shall consider the
19 criteria set forth in Section 157 of this Code.

20 (b) In DTR districts, Where a number or ratio of spaces are described in Table 151.1,
21 such number or ratio shall refer to the total number of parked cars accommodated in the
22 project proposal, regardless of the arrangement of parking, and shall include all spaces
23 accessed by mechanical means, valet, or non-independently accessible means. For the
24 purposes of determining the total number of cars parked, the area of an individual parking
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1 space, except for those spaces specifically designated for persons with physical disabilities,
 2 may not exceed 185 square feet, including spaces in tandem, or in parking lifts, elevators or
 3 other means of vertical stacking.

4 (c) Any off-street parking space dedicated for use as a car-share parking space, as
 5 defined in Section 166, shall not be counted toward the total parking allowed as accessory in
 6 this Section.

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8 Table 151.1	
9 OFF-STREET PARKING ALLOWED AS ACCESSORY	
10 Use or Activity	11 Number of Off-Street Car Parking Spaces or Space Devoted to Off-Street Car Parking Permitted
12 Dwelling units, except as specified below	13 P up to one car for each two dwelling units <i>in DTR districts and P up to 0.375 car for each dwelling unit in C-3 districts</i> ; up to one car for each dwelling unit, subject to the criteria and procedures of Section 151.1(b) 151.1(d); NP above one space per unit.
14 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	15 P up to one car for each 13 dwelling units; NP above.
16 Group housing of any kind	17 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.
18 SRO units	19 P up to one car for each 20 units, plus one for the manager's dwelling unit, if any. NP above.
20 All offices uses	21 <i>In DTR districts,</i> P up to seven percent of the gross floor area of such uses; NP above.

22 (d) In C-3 and DTR districts, any request for accessory parking in excess of what is
 23 permitted by right shall be reviewed on a case-by-case basis by the Planning Commission,
 24 subject to the procedures set forth in Section 309 of this Code for C-3 districts and 309.1 of this
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1 Code for DTR districts. In granting approval for parking accessory to residential uses above
2 that permitted by right in Table 151.1, the Commission shall make the following affirmative
3 findings:

4 (1) In DTR districts, all parking in excess of that allowed by right is stored and
5 accessed by mechanical means, valet, or non-independently accessible method that
6 maximizes space efficiency and discourages use of vehicles for commuting or daily errands;

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

10 (3) accommodating excess accessory parking does not degrade the overall urban
11 design quality of the project proposal;

12 (4) in DTR districts, all parking in the project is set back from façades facing streets
13 and alleys and lined with active uses, and that the project sponsor is not requesting any
14 exceptions or variances requiring such treatments elsewhere in this Code, and in C-3 districts
15 the provisions of Section 155(s) are satisfied; and

16 (5) excess accessory parking does not diminish the quality and viability of existing
17 or planned streetscape enhancements.

18 Section 4. The San Francisco Planning Code is hereby amended by adding
19 Section 151.2, to read as follows:

20 SEC. 151.2 INCENTIVES FOR REDUCING PARKING IN NEW RESIDENTIAL
21 BUILDINGS IN C-3 DISTRICTS.

22 To encourage the provision of less residential accessory parking in C-3 districts in support of
23 the City Charter's Transit First Policy, additional floor area may be applied up to the maximum FAR
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1 permitted pursuant to Section 123. Additional floor area may be applied according to the following
2 schedule:

3 (a) 0.5 additional FAR for 0.75 cars parked per unit or less;

4 (b) 1.0 additional FAR for 0.5 cars parked per unit or less; and

5 (c) 2.0 additional FAR for 0 cars parked per unit.

6 (d) For purposes of this Section, the total number of cars parked per unit shall be calculated
7 according to the provisions of Section 153.

8 Section 5. The San Francisco Planning Code is hereby amended by adding
9 Section 154.1, to read as follows:

10 SEC. 154.1 MINIMUM DIMENSIONS FOR OFF-STREET PARKING AND LOADING IN C-3
11 DISTRICTS.

12 (a) Parking Spaces.

13 (1) Every required and permitted off-street parking space shall comply with the following

14 minimum area standards exclusive of aisles, driveways and maneuvering areas: (i) standard

15 automobile parking spaces shall have a minimum length of 18 feet and minimum width of 8 feet;

16 (ii) compact automobile parking spaces shall have a minimum length of 15 feet and minimum width of

17 7 feet 6 inches; and (iii) handicapped accessible parking spaces shall have a minimum length of 18 feet

18 and minimum width of 12 feet. In cases that are subject to a limit on the number of spaces permitted,

19 parking spaces shall not be of a size that would accommodate two parked vehicles, as determined by

20 the Planning Department.

21 (2) Any required off-street parking space may be a compact car space. For this purpose

22 every compact car space shall comply with the minimum area standards established and applied in the

23 manner provided in the preceding paragraph and shall be specifically marked and identified as a

24 compact car space.

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1 (3) Ground floor ingress and egress to any off-street parking spaces provided for a
2 structure or use, and all spaces to be designated as preferential carpool or van pool parking, and their
3 associated driveways, aisles and maneuvering areas, shall maintain a minimum vertical clearance of
4 seven feet.

5 (b) Freight Loading and Service Vehicle Spaces. Every required off-street freight loading
6 space shall have a minimum length of 35 feet, a minimum width of 12 feet, and a minimum vertical
7 clearance including entry and exit of 14 feet, except as provided below.

8 (1) Minimum dimensions specified herein shall be exclusive of platform, driveways and
9 maneuvering areas except that minimum vertical clearance must be maintained to accommodate
10 variable truck height due to driveway grade.

11 (2) The first such space required for any structure of use shall have a minimum width of
12 10 feet, a minimum length of 25 feet, and a minimum vertical clearance, including entry and exit, of
13 12 feet.

14 (3) Each substituted service vehicle space provided under Section 1539a)(6) of this Code
15 shall have a minimum width of eight feet, a minimum length of 20 feet, and a minimum vertical
16 clearance of seven feet.

17 Section 6. The San Francisco Planning Code is hereby amended by amending
18 Section 155, to read as follows:

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

21 Required off-street parking and freight loading facilities shall meet the following
22 standards as to location and arrangement. In addition, facilities that are not required but are
23 actually provided shall meet the following standards unless such standards are stated to be
24 applicable solely to required facilities. In application of the standards of this Code for off-

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1 street parking and loading, reference may be made to provisions of other portions of the
2 Municipal Code concerning off-street parking and loading facilities, and to standards of the
3 Bureau of Engineering of the Department of Public Works. Final authority for the application
4 of such standards under this Code, and for adoption of regulations and interpretations in
5 furtherance of the stated provisions of this Code shall, however, rest with the Department of
6 City Planning.

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

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

11 (c) Every off-street parking or loading space shall have adequate means of ingress
12 from and egress to a street or alley. Access to off-street loading spaces shall be from alleys in
13 preference to streets. In C-3 Districts, where reasonably possible, access to off-street parking and
14 loading spaces shall be from streets and alleys which are identified as base case streets in the
15 Downtown Streetscape Plan and minor streets rather than transit preferential streets or major arterial
16 streets, all as identified in the Downtown Plan, a component of the General Plan. Adequate reservoir
17 space shall be provided on private property for entrance of vehicles to off-street parking and loading
18 spaces, except with respect to spaces independently accessible directly from the street.

19 (d) Every required off-street parking or loading space shall be independently
20 accessible, with the exception of a parking space for a minor second dwelling unit in an
21 RH-1(S) District, or as otherwise provided by the Bernal Heights Special Use District set forth
22 in Section 242. In the C-3 and DTR Districts, all required and permitted parking spaces may be
23 independently accessible or provided in mechanical parking structures that allow a vehicle to be
24 accessed without having to move another vehicle under its own power or accessed by a valet attendant.

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1 ~~(d)~~(e) All off-street freight loading and service vehicle spaces in the C-3-O, C-3-R,
2 C-3-G, and South of Market Districts shall be completely enclosed and access from a public
3 street or alley shall be provided by means of a private service driveway, which is totally
4 contained within the structure. Such a private service driveway shall include adequate space
5 to maneuver trucks and service vehicles into and out of all provided spaces, and shall be
6 designed so as to facilitate access to the subject property while minimizing interference with
7 street and sidewalk circulation. Any such private service driveway shall be of adequate width
8 to accommodate drive-in movement from the adjacent curb or inside traffic lane but shall in no
9 case exceed 30 feet. Notwithstanding the foregoing, if an adjacent street or alley is
10 determined to be primarily used for building service, pursuant to the provisions of Section 309
11 in a C-3-O, C-3-R or C-3-G District, or the provisions of Section 307(g) in a South of Market
12 District, up to four spaces may be allowed to be individually accessible directly from such a
13 street or alley.

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

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

5 ~~(g)~~(h) In order to discourage long-term commuter parking, any off-street parking
6 spaces provided for a structure or use other than residential or hotel in a C-3 District, whether
7 classified as an accessory or conditional use, which are otherwise available for use for long
8 term parking by downtown workers shall maintain a rate or fee structure for their use such that
9 the rate charge for four hours of parking duration is no more than four times the rate charge
10 for the first hour, and the rate charge for eight or more hours of parking duration is no less
11 than 10 times the rate charge for the first hour. Additionally, no discounted parking rate shall
12 be permitted for weekly, monthly or similar time-specific periods. The requirements of this
13 subsection shall not apply to an off-street parking space dedicated for use as a car-share parking space
14 through a Notice of Special Restriction recorded against the title of the subject property during the time
15 the space is actually used for parking a car-share vehicle, as defined in Section 166.

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

19 ~~(i)~~(j) For each 25 off-street parking spaces provided, one such space shall be
20 designed and designated for handicapped persons. These spaces shall be accessible at all times.

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

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1 ~~(k)~~(l) Off-street parking and loading facilities shall be arranged and designed so as to
2 prevent encroachments upon sidewalk areas and reasonably avoid interference with bicycle lanes,
3 transit-only lanes and adjacent properties, in the maneuvering, standing, queuing and storage of
4 vehicles, by means of the layout of facilities and by use of bumper or wheel guards or such
5 other devices as are necessary.

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

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

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

14 ~~(o)~~(p) No area credited as all or part of a required off-street parking space shall also be
15 credited as all or part of a required off-street loading space, or used as all or part of an
16 unrequired off-street loading space. No area credited as all or part of a required off-street
17 loading space shall also be credited as all or part of a required off-street parking space, or
18 used as all or part of an unrequired off-street parking space.

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

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

23 (s) Location of Parking in C-3 Districts.

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1 (1) On lots of over 5,000 square feet, off-street parking spaces located on the same lot as
2 the uses served by them shall be located below the grade of an abutting street or residential/service
3 alley, as provided below, or if located above-grade shall conform to the requirements and design
4 standards of subsection (2), (3) and (4) unless an exception is granted by the Planning Commission
5 pursuant to subsection (5).

6 (2) Above-grade parking at the ground floor facing a public street or a public alley that is
7 classified in the General Plan as a residential or mixed residential/service alley shall be recessed a
8 minimum of 25 feet on the ground floor and space for active uses, as defined in subsection (3), shall be
9 provided along the length of the horizontal building frontage between the parking and the public right-
10 of-way and for a minimum of 25 feet along the length of the horizontal building frontage of an alley
11 designated as a service only alley, measured from the entrance to the alley from a public street. When
12 an alley has not been classified in the General Plan as a residential alley, mixed residential/service
13 alley, or service alley, the Zoning Administrator shall classify the alley according to the classification
14 criteria set forth in the General Plan. This determination shall be issued as a written decision, based
15 on substantial evidence in the public record, and shall be subject to the administrative appeals process
16 set forth in Section 308.2 of this Code. The portions of the exterior wall of a building floor containing
17 parking that are above the level of a sloping sidewalk on a public street or alley by more than three feet
18 shall be deemed to be above grade. Any parking above the ground floor shall be adequately concealed
19 from view from the public right-of-way by an exterior wall that is integrated into the architectural
20 design of the building, provides a visually interesting building façade and creates a pleasant and
21 attractive pedestrian environment.

22 (3) The active use requirement shall not apply to those portions of the frontage needed to
23 accommodate non-active uses such as structural elements of the building and other building features
24 required to be at the face of the building, garage and loading entries and exits, fire doors and certain
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1 utility structures required to be on the ground level. These non-active uses should be interspersed with
2 active uses to maintain pedestrian interest along the building face.

3 (4) For purposes of this subsection (s) "Active uses" are uses that allow for public access
4 and generate people-oriented activity such as retail and personal service uses, theaters, arts,
5 entertainment and cultural related facilities, hotels, residential units, residential common areas such as
6 fitness rooms, and lobbies. At least one-half of the total horizontal building frontage facing a public
7 right-of-way subject to the active use requirement of subsection (2) shall be devoted to entrances to
8 active uses and display space and window space at the pedestrian eye-level allowing visibility of the
9 inside of the building. Such windows shall use clear, untinted glass, except for decorative or
10 architectural accents. Any decorative railings or decorative grille work, other than wire mesh, which
11 is placed in front of or behind such windows, shall be at least seventy-five percent (75%) open to
12 perpendicular view and no more than six feet in height above grade.

13 (5) The Planning Commission may grant exceptions to the requirements of subsection (2)
14 pursuant to Section 309(g) upon finding that the proposed design adequately conceals the above-grade
15 parking from view from the public right-of-way by an exterior wall that is integrated into the
16 architectural design of the building, provides a visually interesting building façade and creates a
17 pleasant and attractive pedestrian environment.

18 Section 7. The San Francisco Planning Code is hereby amended by amending
19 Section 155.5, to read as follows:

20 SEC. 155.5. BICYCLE PARKING REQUIRED FOR RESIDENTIAL USES.

21 (a) For buildings of 4 dwelling units or more, bicycle parking shall be provided in the
22 minimum quantities specified in Table 155.5, regardless of whether off-street car parking is
23 available. The maximum requirement is 400 spaces. Use of bicycle parking required by this
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1 section shall be provided at no cost or fee to building occupants and tenants.

2 (b) Definitions. See Section 155.1(a).

3 (c) Layout. If more than 100 spaces is required, up to one-third of the spaces may
4 require the bicycle to be parked in a vertical position. Large developments with multiple
5 buildings are encouraged to site required bicycle parking in smaller facilities located close to
6 residential entries for each building, rather than in one large centralized garage space.
7 Required bicycle parking spaces shall not be provided within dwelling units, balconies, or
8 required open space. Bicycle parking must otherwise meet the standards set out for Class 1
9 parking as described in Section 155.1(d).

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11 **Table 155.5**
BICYCLE PARKING SPACES REQUIRED FOR RESIDENTIAL USES

	Minimum Number of Bicycle Parking Spaces Required
Dwelling units in <i>all DTR</i> Districts	For projects up to 50 dwelling units, one Class 1 space for every 2 dwelling units.
	For projects over 50 dwelling units, 25 Class 1 spaces plus one Class 1 space for every 4 dwelling units over 50.
Group housing in <i>all DTR</i> Districts	One Class 1 space for every 3 bedrooms.
Dwelling units dedicated to senior citizens or physically disabled persons	None required

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1 Section 8. The San Francisco Planning Code is hereby amended by amending
2 Section 157, to read as follows:

3 SEC. 157. CONDITIONAL USE APPLICATIONS FOR PARKING EXCEEDING
4 ACCESSORY AMOUNTS: ADDITIONAL CRITERIA.

5 In considering any application for a conditional use for parking for a specific use or
6 uses, where the amount of parking provided exceeds the amount classified as accessory
7 parking in Section 204.5 of this Code, the City Planning Commission shall ~~consider~~ apply the
8 following criteria in addition to those stated in Section 303(c) and elsewhere in this Code:

9 (a) Demonstration that trips to the use or uses to be served, and the apparent
10 demand for additional parking, cannot be satisfied by the amount of parking which exists or is
11 likely to be provided in the foreseeable future, by car pool arrangements, by more efficient use
12 of existing non-street and off-street parking available in the area, and other means;

13 ~~(b)~~ Demonstration that the apparent demand for additional parking cannot be satisfied by
14 the provision by the applicant of a car-share parking space or spaces as defined in Section 166 of this
15 Code.

16 ~~(b)(c)~~ The absence of potential detrimental effects of the proposed parking upon the
17 surrounding area, especially through unnecessary demolition of sound structures, contribution
18 to traffic congestion, or disruption of or conflict with transit services;

19 ~~(e)(d)~~ In the case of uses other than housing, limitation of the proposed parking to
20 short-term occupancy by visitors rather than long-term occupancy by employees; and

21 ~~(d)(e)~~ Availability of the proposed parking to the general public at times when such
22 parking is not needed to serve the use or uses for which it is primarily intended.

23 Section 9. The San Francisco Planning Code is hereby amended by amending Section
24 166, to read as follows:

1 SEC. 166. CAR SHARING.

2 (a) Findings. The Board hereby finds and declares as follows:

3 One of the challenges posed by new development is the increased number of privately-owned
4 automobiles it brings to San Francisco's congested neighborhoods. Growth in the number of privately-
5 owned automobiles increases demands on the City's limited parking supply and often contributes to
6 increased traffic congestion, transit delays, pollution and noise.

7 Car-sharing can mitigate the negative impacts of new development by reducing the rate of
8 individual car-ownership per household, the average number of vehicle miles driven per household and
9 the total amount of automobile-generated pollution per household. Accordingly, car-sharing services
10 should be supported through the Planning Code when a car-sharing organization can demonstrate that
11 it reduces: (i) the number of individually-owned automobiles per household; (ii) vehicle miles traveled
12 per household; and (iii) vehicle emissions generated per household.

13 (b) Definitions. For purposes of this Code, the following definitions shall apply:

14 (1) A "car-share service" is a mobility enhancement service that provides an
15 integrated citywide network of neighborhood-based motor vehicles available to members by
16 reservation on an hourly basis, or in smaller intervals, and at variable rates. Car-sharing is
17 designed to complement existing transit and bicycle transportation systems by providing a
18 practical alternative to private motor vehicle ownership, with the goal of reducing over-
19 dependency on individually owned motor vehicles.

20 (2) A "certified car-share organization" is any public or privately-owned entity that
21 provides a membership-based car-share service to the public and manages, maintains and insures a
22 network of motor vehicles throughout San Francisco for shared use by individual and group members.
23 To qualify as a certified car-share organization, a car-share organization shall submit a written report
24 prepared by an independent third party academic institution or transportation consulting firm that

1 clearly demonstrates, based on a statistically significant analysis of quantitative data, that such car-
2 sharing service has achieved the following environmental performance goals in any market where they
3 have operated for at least two years: (i) a net reduction in the number of individually-owned
4 automobiles per household; (ii) a net reduction in the number of vehicle miles traveled per household;
5 and (iii) a net reduction in the amount of vehicle emissions generated per household. This report shall
6 be called a Car-sharing Certification Study and shall be reviewed by Planning Department staff for
7 accuracy and made available to the public upon request. The Zoning Administrator shall only approve
8 certification of a car-share organization if the Planning Department concludes that the Certification
9 Study is technically accurate and clearly demonstrates that the car-share organization has achieved all
10 three environmental performance goals during a two-year period of operation. The Zoning
11 Administrator may establish specific quantifiable performance thresholds, as appropriate, for each of
12 the three environmental performance goals.

13 (3) The Planning Department shall maintain a list of certified car-share organizations that
14 the Zoning Administrator has determined meet the minimum environmental performance criteria set
15 forth in subsection 166(b)(2) above. Any car-share organization seeking to benefit from any of the
16 provisions of this Code must be listed as a certified car-share organization.

17 ~~(3)~~ (4) An "off-street car-share parking space" is any parking space generally
18 complying with the standards set forth for the district in which it is located and dedicated for
19 current or future use by any car share organization through a deed restriction, condition of
20 approval or license agreement. Such deed restriction, condition of approval or license
21 agreement must grant priority use to any certified car-share organization that can make use of
22 the space, although such spaces may be occupied by other vehicles so long as no certified
23 car-share organization can make use of the dedicated car-share spaces.

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1 (4) ~~(5)~~ A "car-share vehicle" is a vehicle provided by a certified car-share organization
2 for the purpose of providing a car-share service.

3 (5) ~~(6)~~ A "property owner" refers to the owner of a property at the time of project
4 approval and its successors and assigns.

5 (b) Requirements for Provision of Car-Share Parking Spaces.

6 (1) In newly constructed buildings ~~in DTR Districts~~ containing residential uses or
7 existing buildings being converted to residential uses, if parking is provided, car-share parking
8 spaces shall be provided in the amount specified in Table 166.

Table 166 REQUIRED CAR SHARE PARKING SPACES	
Number of Residential Units	Number of Required Car Share Parking Spaces
0 – 49	0
50 – 200	1
201 or more	1, plus 1 for every 200 dwelling units over 200

17 (2) The required car-share spaces shall be made available, at no cost, to a certified
18 car-share organization as defined in Section (a)(2) above for purposes of providing car-share
19 services for its car-share service subscribers. At the election of the property owner, the car-
20 share spaces may be provided (i) on the building site, (ii) on another off-street site within
21 800 feet of the building site.

22 (3) Off-Street Spaces. If the car-share space or spaces are located on the building
23 site or another off-street site:
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1 (A) the parking areas of the building shall be designed in a manner that will make
2 the car-share parking spaces accessible to non-resident subscribers from outside the building
3 as well as building residents;

4 (B) prior to Planning Department approval of the first building or site permit for a
5 building subject to the car share requirement, a Notice of Special Restriction on the property
6 shall be recorded indicating the nature of requirements of this Section and identifying the
7 minimum number and location of the required car-share parking spaces. The form of the
8 notice and the location or locations of the car-share parking spaces shall be approved by the
9 Planning Department;

10 (C) all car-share parking spaces shall be constructed and provided at no cost
11 concurrently with the construction and sale of units; and

12 (D) if it is demonstrated to the satisfaction of the Planning Department that no
13 certified car-share organization can make use of the dedicated car-share parking spaces, the
14 spaces may be occupied by non-car-share vehicles; provided, however, that upon ninety (90)
15 days of advance written notice to the property owner from a certified car-share organization,
16 the property owner shall terminate any non car-sharing leases for such spaces and shall
17 make the spaces available to the car-share organization for its use of such spaces.

18 (c) Provision of a required car-share parking space shall not be counted against the
19 number of parking spaces allowed by this Code as a principal use, an accessory use, or a
20 conditional use.

21 Section 10. The San Francisco Planning Code is hereby amended by amending
22 Section 167 to read as follows:

23 SEC. 167. PARKING COSTS SEPARATED FROM HOUSING COSTS IN NEW
24 RESIDENTIAL BUILDINGS.

25

1 (a) In DTR and C-3 Districts, all off-street parking spaces accessory to residential
2 uses in new structures of 10 dwelling units or more, or in new conversions of non-residential
3 buildings to residential use of 10 dwelling units or more, shall be leased or sold separately
4 from the rental or purchase fees for dwelling units for the life of the dwelling units, such that
5 potential renters or buyers have the option of renting or buying a residential unit at a price
6 lower than would be the case if there were a single price for both the residential unit and the
7 parking space. Renters or buyers of on-site inclusionary affordable units provided pursuant to
8 Section 315 shall have an equal opportunity to rent or buy a parking space on the same terms
9 and conditions as offered to renters or buyers of other dwelling units.

10 (b) Exception. The Planning Commission may grant an exception from this
11 requirement for projects which include financing for affordable housing that requires that costs
12 for parking and housing be bundled together.

13 Section 11. The San Francisco Planning Code is hereby amended by amending
14 Section 204.5, to read as follows:

15 SEC. 204.5 PARKING AND LOADING AS ACCESSORY USES.

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

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

21 (b) Such parking or loading facilities shall be for use by the occupants, patrons,
22 employees or services of the structure or use to which they are accessory. Accessory parking
23 facilities for any dwelling in any R District shall be limited, further, to storage of private
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1 passenger automobiles, private automobile trailers and boats, and trucks of rated capacity
2 not exceeding ¾ ton.

3 (c) Accessory parking facilities shall include only those facilities which do not
4 exceed the following amounts for a structure, lot or development: three spaces where one
5 space is required by this Code; four spaces where two spaces are required by this Code;
6 150 percent of the required number of spaces where three or more spaces are required by
7 this Code; 15 spaces or seven percent of the total gross floor area of the structure or
8 development, whichever is greater, or in NC Districts, three spaces, where no off-street
9 parking spaces are required by this Code. For purposes of calculation under the last
10 provision just stated, gross floor area shall be as defined by this Code, and the area
11 considered to be devoted to parking shall be only the parking spaces and aisles, excluding
12 entrance and exit driveways and ramps. Off-street parking facilities which exceed the
13 amounts stated in this Subsection (c) shall be classified as either a principal or a conditional
14 use, depending upon the use provisions applicable to the district in which such facilities are
15 located. Car-share parking spaces, as defined in Section 166 of this Code, that are provided in excess
16 of any required car-share parking or in lieu of the minimum required parking pursuant to Section 166,
17 shall be deemed to be an accessory use and shall not be counted toward the above maximum number of
18 parking spaces.

19 Section 12. The San Francisco Planning Code is hereby amended by amending
20 Section 303, to read as follows:

21 SEC. 303. CONDITIONAL USES.

22 (a) General. The City Planning Commission shall hear and make determinations
23 regarding applications for the authorization of conditional uses in the specific situations in
24 which such authorization is provided for elsewhere in this Code. The procedures for
25

1 conditional uses shall be as specified in this Section and in Sections 306 through 306.6,
2 except that Planned Unit Developments shall in addition be subject to Section 304, medical
3 institutions and post-secondary educational institutions shall in addition be subject to the
4 institutional master plan requirements of Section 304.5, and conditional use and Planned Unit
5 Development applications filed pursuant to Article 7, or otherwise required by this Code for
6 uses or features in Neighborhood Commercial Districts, and conditional use applications
7 within South of Market Districts, shall be subject to the provisions set forth in Sections 316
8 through 316.8 of this Code, in lieu of those provided for in Sections 306.2 and 306.3 of this
9 Code, with respect to scheduling and notice of hearings, and in addition to those provided for
10 in Sections 306.4 and 306.5 of this Code, with respect to conduct of hearings and
11 reconsideration.

12 (b) Initiation. A conditional use action may be initiated by application of the owner,
13 or authorized agent for the owner, of the property for which the conditional use is sought.

14 (c) Determination. After its hearing on the application, or upon the recommendation
15 of the Director of Planning if the application is filed pursuant to Sections 316 through 316.8 of
16 this Code and no hearing is required, the City Planning Commission shall approve the
17 application and authorize a conditional use if the facts presented are such to establish:

18 (1) That the proposed use or feature, at the size and intensity contemplated and at
19 the proposed location, will provide a development that is necessary or desirable for, and
20 compatible with, the neighborhood or the community.

21 (A) In Neighborhood Commercial Districts, if the proposed use is to be located at a
22 location in which the square footage exceeds the limitations found in Planning Code
23 § 121.2(a) or 121.2(b), the following shall be considered:
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1 (i) The intensity of activity in the district is not such that allowing the larger use will
2 be likely to foreclose the location of other needed neighborhood-servicing uses in the area;
3 and

4 (ii) The proposed use will serve the neighborhood, in whole or in significant part,
5 and the nature of the use requires a larger size in order to function; and

6 (iii) The building in which the use is to be located is designed in discrete elements
7 which respect the scale of development in the district; and

8 (2) That such use or feature as proposed will not be detrimental to the health,
9 safety, convenience or general welfare of persons residing or working in the vicinity, or
10 injurious to property, improvements or potential development in the vicinity, with respect to
11 aspects including but not limited to the following:

12 (A) The nature of the proposed site, including its size and shape, and the proposed
13 size, shape and arrangement of structures;

14 (B) The accessibility and traffic patterns for persons and vehicles, the type and
15 volume of such traffic, and the adequacy of proposed off-street parking and loading *and of*
16 *proposed alternatives to off-street parking, including provision of car-share parking spaces, as defined*
17 *in Section 166 of this Code;*

18 (C) The safeguards afforded to prevent noxious or offensive emissions such as
19 noise, glare, dust and odor;

20 (D) Treatment given, as appropriate, to such aspects as landscaping, screening,
21 open spaces, parking and loading areas, service areas, lighting and signs; and

22 (3) That such use or feature as proposed will comply with the applicable provisions
23 of this Code and will not adversely affect the Master Plan; and

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1 (4) With respect to applications filed pursuant to Article 7 of this Code, that such use
2 or feature as proposed will provide development that is in conformity with the stated purpose
3 of the applicable Neighborhood Commercial District, as set forth in zoning control category .1
4 of Sections 710 through 729 of this Code; and

5 (5) (A) With respect to applications filed pursuant to Article 7, Section 703.2(a),
6 zoning categories .46, .47, and .48, in addition to the criteria set forth above in
7 Section 303(c)(1—4), that such use or feature will:

8 (i) Not be located within 1,000 feet of another such use, if the proposed use or
9 feature is included in zoning category .47, as defined by Section 790.36 of this Code; and/or

10 (ii) Not be open between two a.m. and six a.m.; and

11 (iii) Not use electronic amplification between midnight and six a.m.; and

12 (iv) Be adequately soundproofed or insulated for noise and operated so that
13 incidental noise shall not be audible beyond the premises or in other sections of the building
14 and fixed-source equipment noise shall not exceed the decibel levels specified in the San
15 Francisco Noise Control Ordinance.

16 (B) Notwithstanding the above, the City Planning Commission may authorize a
17 conditional use which does not satisfy the criteria set forth in (5)(A)(ii) and/or (5)(A)(iii) above,
18 if facts presented are such to establish that the use will be operated in such a way as to
19 minimize disruption to residences in and around the district with respect to noise and crowd
20 control.

21 (C) The action of the Planning Commission approving a conditional use does not
22 take effect until the appeal period is over or while the approval is under appeal.

23 (6) With respect to applications for live/work units in RH and RM Districts filed
24 pursuant to Section 209.9(f) or 209.9(h) of this Code, that:

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1 (A) Each live/work unit is within a building envelope in existence on the effective
2 date of Ordinance No. 412-88 (effective October 10, 1988) and also within a portion of the
3 building which lawfully contains at the time of application a nonconforming, nonresidential use;

4 (B) There shall be no more than one live/work unit for each 1,000 gross square feet
5 of floor area devoted to live/work units within the subject structure; and

6 (C) The project sponsor will provide any off-street parking, in addition to that
7 otherwise required by this Code, needed to satisfy the reasonably anticipated auto usage by
8 residents of and visitors to the project.

9 Such action of the City Planning Commission, in either approving or disapproving the
10 application, shall be final except upon the filing of a valid appeal to the Board of Supervisors
11 as provided in Section 308.1.

12 (d) Conditions. When considering an application for a conditional use as provided
13 herein with respect to applications for development of “dwellings” as defined in Chapter 87 of
14 the San Francisco Administrative Code, the Commission shall comply with that Chapter which
15 requires, among other things, that the Commission not base any decision regarding the
16 development of “dwellings” in which “protected class” members are likely to reside on
17 information which may be discriminatory to any member of a “protected class” (as all such
18 terms are defined in Chapter 87 of the San Francisco Administrative Code). In addition, when
19 authorizing a conditional use as provided herein, the City Planning Commission, or the Board
20 of Supervisors on appeal, shall prescribe such additional conditions, beyond those specified in
21 this Code, as are in its opinion necessary to secure the objectives of the Code. Once any
22 portion of the conditional use authorization is utilized, all such conditions pertaining to such
23 authorization shall become immediately operative. The violation of any condition so imposed
24 shall constitute a violation of this Code and may constitute grounds for revocation of the
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1 conditional use authorization. Such conditions may include time limits for exercise of the
2 conditional use authorization; otherwise, any exercise of such authorization must commence
3 within a reasonable time.

4 (e) Modification of Conditions. Authorization of a change in any condition previously
5 imposed in the authorization of a conditional use shall be subject to the same procedures as a
6 new conditional use. Such procedures shall also apply to applications for modification or
7 waiver of conditions set forth in prior stipulations and covenants relative thereto continued in
8 effect by the provisions of Section 174 of this Code.

9 (f) Conditional Use Abatement. The Planning Commission may consider the
10 possible revocation of a conditional use or the possible modification of or placement of
11 additional conditions on a conditional use when the Planning Commission determines, based
12 upon substantial evidence, that the applicant for the conditional use had submitted false or
13 misleading information in the application process that could have reasonably had a substantial
14 effect upon the decision of the Commission or the conditional use is not in compliance with a
15 condition of approval, is in violation of law if the violation is within the subject matter
16 jurisdiction of the Planning Commission or operates in such a manner as to create hazardous,
17 noxious or offensive conditions enumerated in Section 202(c) if the violation is within the
18 subject matter jurisdiction of the Planning Commission and these circumstances have not
19 been abated through administrative action of the Director, the Zoning Administrator or other
20 City authority. Such consideration shall be the subject of a public hearing before the Planning
21 Commission but no fee shall be required of the applicant or the subject conditional use
22 operator.

23 (1) The Director of Planning or the Planning Commission may seek a public hearing
24 on conditional use abatement when the Director or Commission has substantial evidence
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1 submitted within one year of the effective date of the Conditional Use authorization that the
2 applicant for the conditional use had submitted false or misleading information in the
3 application process that could have reasonably had a substantial effect upon the decision of
4 the Commission or substantial evidence of a violation of conditions of approval, a violation of
5 law, or operation which creates hazardous, noxious or offensive conditions enumerated in
6 Section 202(c).

7 (2) The notice for the public hearing on a conditional use abatement shall be subject
8 to the notification procedure as described in Sections 306.3 and 306.8 except that notice to
9 the property owner and the operator of the subject establishment or use shall be mailed by
10 regular and certified mail.

11 (3) In considering a conditional use revocation, the Commission shall consider
12 whether and how the false or misleading information submitted by the applicant could have
13 reasonably had a substantial effect upon the decision of the Commission, or the Board of
14 Supervisors on appeal, to authorize the conditional use, substantial evidence of how any
15 required condition has been violated or not implemented or how the conditional use is in
16 violation of the law if the violation is within the subject matter jurisdiction of the Planning
17 Commission or operates in such a manner as to create hazardous, noxious or offensive
18 conditions enumerated in Section 202(c) if the violation is within the subject matter jurisdiction
19 of the Planning Commission. As an alternative to revocation, the Commission may consider
20 how the use can be required to meet the law or the conditions of approval, how the
21 hazardous, noxious or offensive conditions can be abated, or how the criteria of
22 Section 303(c) can be met by modifying existing conditions or by adding new conditions which
23 could remedy a violation.

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1 (4) Appeals. A decision by the Planning Commission to revoke a conditional use, to
2 modify conditions or to place additional conditions on a conditional use or a decision by the
3 Planning Commission refusing to revoke or amend a conditional use, may be appealed to the
4 Board of Supervisors within 30 days after the date of action by the Planning Commission
5 pursuant to the provisions of Section 308.1(b) The Board of Supervisors may disapprove the
6 action of the Planning Commission in an abatement matter by the same vote necessary to
7 overturn the Commission's approval or denial of a conditional use. The Planning
8 Commission's action on a conditional use abatement issue shall take effect when the appeal
9 period is over or, upon appeal, when there is final action on the appeal.

10 (5) Reconsideration. The decision by the Planning Commission with regards to a
11 conditional use abatement issue or by the Board of Supervisors on appeal shall be final and
12 not subject to reconsideration within a period of one year from the effective date of final action
13 upon the earlier abatement proceeding, unless the Director of Planning determines that:

14 (A) There is substantial new evidence of a new conditional use abatement issue that
15 is significantly different than the issue previously considered by the Planning Commission; or

16 (B) There is substantial new evidence about the same conditional use abatement
17 issue considered in the earlier abatement proceeding, this new evidence was not or could not
18 be reasonably available at the time of the earlier abatement proceeding, and that new
19 evidence indicates that the Commission's decision in the earlier proceeding ha not been
20 implemented within a reasonable time or raises significant new issues not previously
21 considered by the Planning Commission. The decision of the Director of Planning regarding
22 the sufficiency and adequacy of evidence to allow the reconsideration of a conditional use
23 abatement issue within a period of one year from the effective date of final action on the
24 earlier abatement proceeding shall be final.

1 (g) Hotels and Motels.

2 (1) With respect to applications for development of tourist hotels and motels, the
3 Planning Commission shall consider, in addition to the criteria set forth in Subsections (c) and
4 (d) above:

5 (A) The impact of the employees of the hotel or motel on the demand in the City for
6 housing, public transit, childcare, and other social services. To the extent relevant, the
7 Commission shall also consider the seasonal and part-time nature of employment in the hotel
8 or motel;

9 (B) The measures that will be taken by the project sponsor to employ residents of
10 San Francisco in order to minimize increased demand for regional transportation; and

11 (C) The market demand for a hotel or motel of the type proposed.

12 (2) Notwithstanding the provisions of Sub-sections (f)(1) above, the Planning
13 Commission shall not consider the impact of the employees of a proposed hotel or motel
14 project on the demand in the City for housing where:

15 (A) The proposed project would be located on property under the jurisdiction of the
16 San Francisco Port Commission; and

17 (B) The sponsor of the proposed project has been granted exclusive rights to
18 propose the project by the San Francisco Port Commission prior to June 1, 1991.

19 (3) Notwithstanding the provisions of Subsection (f)(1) above, with respect to the
20 conversion of residential units to tourist hotel or motel use pursuant to an application filed on
21 or before June 1, 1990 under the provisions of Chapter 41 of the San Francisco
22 Administrative Code, the Planning Commission shall not consider the criteria contained in
23 Subsection (f)(1) above; provided, however, that the Planning Commission shall consider the
24 criteria contained in Subsection (f)(1)(B) at a separate public hearing if the applicant applies
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1 for a permit for new construction or alteration where the cost of such construction or alteration
2 exceeds \$100,000. Furthermore, no change in classification from principal permitted use to
3 conditional use in Section 216(b)(i) of this Code shall apply to hotels or motels that have filed
4 applications on or before June 1, 1990 to convert residential units to tourist units pursuant to
5 Chapter 41 of the San Francisco Administrative Code.

6 (h) Internet Services Exchange.

7 (1) With respect to application for development of Internet Services Exchange as
8 defined in Section 209.6(c), the Planning Commission shall, in addition to the criteria set forth
9 in Subsection (c) above, find that:

10 (A) The intensity of the use at this location and in the surrounding neighborhood is
11 not such that allowing the use will likely foreclose the location of other needed neighborhood-
12 serving uses in the area;

13 (B) The building in which the use is located is designed in discrete elements, which
14 respect the scale of development in adjacent blocks, particularly any existing residential uses;

15 (C) Rooftop equipment on the building in which the use is located is screened
16 appropriately.

17 (D) The back-up power system for the proposed use will comply with all applicable
18 federal state, regional and local air pollution controls.

19 (E) Fixed-source equipment noise does not exceed the decibel levels specified in
20 the San Francisco Noise Control Ordinance.

21 (F) The building is designed to minimize energy consumption, such as through the
22 use of energy-efficient technology, including without limitation, heating , ventilating and air
23 conditioning systems, lighting controls, natural ventilation and recapturing waste heat, and as
24 such commercially available technology evolves;

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1 (G) The project sponsor has examined the feasibility of supplying and, to the extent
2 feasible, will supply all or a portion of the building's power needs through on-site power
3 generation, such as through the use of fuel cells or co-generation;

4 (H) The project sponsor shall have submitted design capacity and projected power
5 use of the building as part of the conditional use application; and

6 (2) As a condition of approval, and so long as the use remains an Internet Services
7 Exchange, the project sponsor shall submit to the Planning Department on an annual basis
8 power use statements for the previous twelve-month period as provided by all suppliers of
9 utilities and shall submit a written annual report to the Department of Environment and the
10 Planning Department which shall state: (a) the annual energy consumption and fuel
11 consumption of all tenants and occupants of the Internet Services Exchange; (b) the number
12 of all diesel generators located at the site and the hours of usage, including usage for testing
13 purposes; (c) evidence that diesel generators at the site are in compliance with all applicable
14 local, regional, state and federal permits, regulations and laws; and (d) such other information
15 as the Planning Commission may require.

16 (3) The Planning Department shall have the following responsibilities regarding
17 Internet Services Exchanges:

18 (A) Upon the effective date of the requirement of a conditional use permit for an
19 Internet Services Exchange, the Planning Department shall notify property owners of all
20 existing Internet Services Exchanges that the use has been reclassified as a conditional use;

21 (B) Upon the effective date of the requirement of a conditional use permit for an
22 Internet Services Exchange, the Planning Department shall submit to the Board of
23 Supervisors and to the Director of the Department of Building Inspection a written report
24 covering all existing Internet Services Exchanges and those Internet Services Exchanges
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1 seeking to obtain a conditional use permit, which report shall state the address, assessor's
2 block and lot, zoning classification, square footage of the Internet Services Exchange
3 constructed or to be constructed, a list of permits previously issued by the Planning and/or
4 Building Inspection Departments concerning the Internet Services Exchange, the date of
5 issuance of such permits, and the status of any outstanding requests for permits from the
6 Planning and/or Building Inspection Departments concerning Internet Services Exchange; and

7 (C) Within three years from the effective date of the requirement of a conditional use
8 permit for an Internet Services Exchange, the Planning Department, in consultation with the
9 Department of Environment, shall submit to the Board of Supervisors a written report, which
10 report shall contain the Planning Commission's evaluation of the effectiveness of the
11 conditions imposed on Internet Services Exchanges, and whether it recommends additional or
12 modified conditions to reduce energy and fuel consumption, limit air pollutant emissions, and
13 enhance the compatibility of industrial uses, such as Internet Services Exchanges, located
14 near or in residential or commercial districts.

15 (i) Formula Retail Uses.

16 (1) With respect to an application for a formula retail use as defined in
17 Section 703.3, whenever a conditional use permit is required per Section 703.3(f), the
18 Planning Commission shall consider, in addition to the criteria set forth in Subsection (c)
19 above:

20 (A) The existing concentrations of formula retail uses within the neighborhood
21 commercial district.

22 (B) The availability of other similar retail uses within the neighborhood commercial
23 district.

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1 (C) The compatibility of the proposed formula retail use with the existing
2 architectural and aesthetic character of the neighborhood commercial district.

3 (D) The existing retail vacancy rates within the neighborhood commercial district.

4 (E) The existing mix of Citywide-serving retail uses and neighborhood serving retail
5 uses within the neighborhood commercial district.

6 (j) Large-Scale Retail Uses. With respect to applications for the establishment of
7 large-scale retail uses under Section 121.6, in addition to the criteria set forth in
8 Subsections (c) and (d) above, the Commission shall consider the following:

9 (A) The extent to which the retail use's parking is planned in a manner that creates
10 or maintains active street frontage patterns;

11 (B) The extent to which the retail use is a component of a mixed-use project or is
12 designed in a manner that encourages mixed-use building opportunities;

13 (C) This shift in traffic patterns that may result from drawing traffic to the location of
14 the proposed use; and

15 (D) The impact that the employees at the proposed use will have on the demand in
16 the City for housing, public transit, childcare, and other social services.

17 (k) Movie Theater Uses.

18 (1) With respect to a change in use or demolition of a movie theater use as set forth
19 in Sections 221.1, 703.2(b)(1)(B)(ii), 803.2(b)(2)(B)(iii) or 803.3(b)(1)(B)(ii), in addition to the
20 criteria set forth in Subsections (c) and (d) above, the Commission shall make the following
21 findings:

22 (A) Preservation of a movie theater use is no longer economically viable and cannot
23 affect a reasonable economic return to the property owner;

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1 (i) For purposes of defining “reasonable economic return,” the Planning
2 Commission shall be guided by the criteria for “fair return on investment” as set forth in
3 Section 228.4(a).

4 (B) The change in use or demolition of the movie theater use will not undermine the
5 economic diversity and vitality of the surrounding neighborhood commercial district; and

6 (C) The resulting project will preserve the architectural integrity of important historic
7 features of the movie theater use affected.

8 Section 13. The San Francisco Planning Code is hereby amended by amending
9 Section 309 to read as follows:

10 SEC. 309. PERMIT REVIEW IN C-3 DISTRICTS.

11 The provisions and procedures set forth in this Section shall govern the review of
12 project authorization and building and site permit applications for the construction or
13 substantial alteration of structures in C-3 Districts, the granting of exceptions to certain
14 requirements of this Code where the provisions of this Section are invoked, the approval of
15 open space provided in compliance with Section 138, and the approval of streetscape
16 improvements in compliance with Section 138.1. The categories of alterations deemed to be
17 substantial shall be established by the City Planning Commission after a public hearing.
18 When any action authorized by this Section is taken, any determination with respect to the
19 proposed project required or authorized pursuant to CEQA may also be considered. This
20 Section shall not require additional review in connection with a site or building permit
21 application if review hereunder was completed with respect to the same proposed structure or
22 alteration in connection with a project authorization application pursuant to Section 322.

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

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- 1 (1) Exceptions to the setback and rear yard requirements as permitted in
2 Sections 132.1 and 134(d);
- 3 (2) Exceptions to the ground-level wind current requirements as permitted in
4 Section 148;
- 5 (3) Exceptions to the sunlight to public sidewalk requirement as permitted in
6 Section 146;
- 7 (4) Exceptions to the requirement of independently accessible parking spaces as
8 permitted in Section 155(c);
- 9 (5) Exceptions to the requirements for off-site parking facilities as permitted in Section
10 155(s);
- 11 (6) Provision for exceeding an accessory residential parking ratio of 0.375 off-street car
12 parking spaces per dwelling unit, up to a maximum of one car parking space per dwelling unit,
13 pursuant to the criteria described in Section 151.1.
- 14 ~~(5)~~7 Exceptions to the freight loading and service vehicle space requirements as
15 permitted in Section 161(h);
- 16 ~~(6)~~8 Exceptions to the off-street tour bus loading space requirements as permitted in
17 Section 162;
- 18 ~~(7)~~9 Exceptions to the height limits for vertical extensions as permitted in
19 Section 260(b)(1)(G) and for upper tower extensions as permitted in Section 263.7;
- 20 ~~(8)~~10 Exceptions to the height limits in the 80-130F and 80-130X Height and Bulk
21 Districts as permitted in Section 263.6 and in the 200-400S Height and Bulk District as
22 permitted in Section 263.8;
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1 ~~(9)~~(11) Exceptions to the bulk requirements as permitted in Sections 270 and 272. A
2 project applicant seeking an exception shall file an application on a form provided by the
3 Zoning Administrator.

4 (b) Additional Requirements. In addition to the requirements set forth in this Code,
5 additional requirements and limitations (hereafter referred to as modifications) may be
6 imposed on the following aspects of a proposed project, through the imposition of conditions,
7 in order to achieve the objectives and policies of the Master Plan or the purposes of this
8 Code:

9 (1) Building siting, orientation, massing and facade treatment, including proportion,
10 scale, setbacks, materials, cornice, parapet and fenestration treatment, and design of building
11 tops;

12 (2) Aspects of the project affecting views and view corridors, shadowing of
13 sidewalks and open spaces, openness of the street to the sky, ground-level wind current, and
14 maintenance of predominant streetwalls in the immediate vicinity;

15 (3) Aspects of the project affecting parking, traffic circulation and transit operation
16 and loading points;

17 (4) Aspects of the project affecting its energy consumption;

18 (5) Aspects of the project related to pedestrian activity, such as placement of
19 entrances, street scale, visual richness, location of retail uses, and pedestrian circulation, and
20 location and design of open space features;

21 (6) Aspects of the project affecting public spaces adjacent to the project, such as
22 the location and type of street trees and landscaping, sidewalk paving material, and the
23 design and location of street furniture as required by Section 138.1;

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1 (7) Aspects of the project relating to quality of the living environment of residential
2 units, including housing unit size and the provisions of open space for residents;

3 (8) Aspects of the design of the project which have significant adverse
4 environmental consequences;

5 (9) Aspects of the project that affect its compliance with the provisions of
6 Sections 1109(c), 1111.2(c), 1111.6(c), and 1113 regarding new construction and alterations
7 in conservation districts;

8 (10) Other aspects of the project for which modifications are justified because of its
9 unique or unusual location, environment, topography or other circumstances.

10 (c) Notice of Application for Building or Site Permit. After receipt of an application
11 for a project authorization or building or site permit for new construction or substantial
12 alteration of a structure in a C-3 District, the Zoning Administrator shall mail notice of the
13 application to all owners of property immediately adjacent to the property that is the subject of
14 the application, using for this purpose the names and addresses as shown on the citywide
15 Assessment Roll in the Assessor's Office, and, in addition, shall publish notice at least once in
16 an official newspaper of general circulation.

17 (d) Notice of Proposed Approval. If, after a review of a project authorization or
18 permit application, the Zoning Administrator determines that an application complies with the
19 provisions of this Code and that no exception is sought as provided in Subsection (a), and the
20 Director of Planning determines that no additional modifications are warranted as provided in
21 Subsection (b), and that the open space requirements of Section 138 and the streetscape
22 requirements of Section 138.1 have been complied with, the Zoning Administrator shall
23 provide notice of the proposed approval of the application in the manner set forth in
24 Subsection (c) and, in addition, to any person who has requested such notice in writing. If no
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1 request for City Planning Commission review pursuant to Subsection (g) is made within
2 10 days of such notice, the Zoning Administrator shall approve the application.

3 (e) Hearing and Determination of Applications for Exceptions.

4 (1) Hearing. The City Planning Commission shall hold a public hearing on an
5 application for an exception as provided in Subsection (a).

6 (2) Notice of Hearing. Notice of such hearing shall be mailed not less than 10 days
7 prior to the date of the hearing to the project applicant, to property owners within 300 feet of
8 the project that is the subject of the application, using for this purpose the names and
9 addresses as shown on the citywide Assessment Roll in the Assessor's Office, and to any
10 person who has requested such notice. The notice shall state that the written
11 recommendation of the Director of Planning regarding the request for an exception is
12 available for public review at the office of the Department of City Planning.

13 (3) Decision and Appeal. The Commission may, after public hearing and after
14 making appropriate findings, approve, disapprove or approve subject to conditions, the
15 application for an exception. The decision of the City Planning Commission may be appealed
16 to the Board of Permit Appeals by any person aggrieved within 15 days after the date of the
17 decision by filing a written notice of appeal with that Body, setting forth wherein it is alleged
18 that there was an error in the interpretation of the provisions of this Code or abuse of
19 discretion on the part of the City Planning Commission.

20 (4) Decision on Appeal. Upon the hearing of an appeal, the Board of Permit
21 Appeals may, subject to the same limitations as are placed on the City Planning Commission
22 by Charter or by this Code, approve, disapprove or modify the decision appealed from. If the
23 determination of the Board differs from that of the Commission it shall, in a written decision,
24 specify the error in interpretation or abuse of discretion on the part of the Commission and
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1 shall specify in the findings, as part of the written decision, the facts relied upon in arriving at
2 its determination.

3 (f) Director's Recommendations.

4 (1) Recommendations. If the Director of Planning determines that modifications
5 through the imposition of conditions are warranted as provided in Subsection (b), or that the
6 open space requirements of Section 138 or the streetscape requirements of Section 138.1
7 have not been complied with, the matter shall be scheduled for hearing before the City
8 Planning Commission; provided, however, that if the Director determines that Section 138 and
9 Section 138.1 have been complied with and the applicant does not oppose the imposition of
10 conditions which the Director has determined are warranted, the applicant may waive the right
11 to a hearing before the Commission in writing and agree to the conditions, in which case the
12 Zoning Administrator shall provide notice of such fact according to the notice given for
13 applications governed by Subsection (d), so that any person seeking additional modifications
14 or objecting to the Section 138 or Section 138.1 determination may make such a request as
15 provided in Subsection (g). If no request is made within 10 days of such notice, the Zoning
16 Administrator shall approve the application subject to the conditions.

17 (2) Notice. Notice of any meeting of the City Planning Commission pursuant to this
18 subsection shall be mailed to the project applicant, to property owners immediately adjacent
19 to the site of the application using for this purpose the names and addresses as shown on the
20 citywide Assessment Roll in the Assessor's Office, and to any person who has requested
21 such notice. The notice shall state that the Director's written recommendation is available for
22 public review at the Department of City Planning.

23 (3) Commission Action. The City Planning Commission may, after public hearing
24 and after making appropriate findings, approve, disapprove or approve subject to conditions
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1 applications considered pursuant to Subsection (b) or for compliance with Section 138 or
2 Section 138.1.

3 (g) City Planning Commission Review Upon Request.

4 (1) Requests. Within 10 days after notice of the proposed approval has been given,
5 as provided in Subsection (d), any person may request in writing that the City Planning
6 Commission impose additional modifications on the project as provided in Subsection (b) or
7 consider the application for compliance with Section 138 or Section 138.1. Said written
8 request shall state why additional modifications should be imposed notwithstanding its
9 compliance with the requirements of this Code and shall identify the policies or objectives that
10 would be promoted by the imposition of conditions, or shall state why Section 138 has not
11 been complied with.

12 (2) Commission Consideration. The City Planning Commission shall consider at a
13 public meeting each written request for additional modifications and for consideration of
14 Section 138 and Section 138.1 compliance and may, by majority vote, direct that a hearing be
15 conducted to consider such modifications or compliance, which hearing may be conducted at
16 the same meeting that the written request is considered and decided. Notice of such meeting
17 shall be mailed to the project applicant, to property owners immediately adjacent to the site of
18 the application using for this purpose the names and addresses as shown on the citywide
19 Assessment Roll in the Assessor's Office, to any person who has requested such notice, and
20 to any person who has submitted a request for additional requirements. In determining
21 whether to conduct such a hearing, the Commission shall determine whether, based upon a
22 review of the project, reasonable grounds exist justifying a public hearing in order to consider
23 the proposed additional modifications, Section 138 compliance or Section 138.1 compliance.

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1 (3) Commission Action. If the Commission determines to conduct a hearing to
2 consider the imposition of additional modifications or Section 138 compliance, it may, after
3 such hearing and after making appropriate findings, approve, disapprove, or approve subject
4 to conditions the building or site permit or project authorization application. If the Commission
5 determines not to conduct a hearing, the Zoning Administrator shall approve the application
6 subject to any conditions imposed by the Director of Planning to which the applicant has
7 consented.

8 (h) Hearings on Projects Over 50,000 Square Feet of Gross Floor Area or Over
9 75 Feet in Height. The City Planning Commission shall hold a public hearing not otherwise
10 required by this Section on all building and site permit and project authorization applications
11 for projects which will result in a net addition of more than 50,000 square feet of gross floor
12 area of space or which will result in a building that is greater than 75 feet in height. Notice of
13 such hearing shall be mailed not less than 10 days prior to the date of the hearing to the
14 project applicant, to property owners immediately adjacent to the site of the application using
15 for this purpose the names and addresses as shown on the citywide Assessment Roll in the
16 Assessor's Office, and to any person who has requested such notice.

17 (i) Imposition of Conditions, General. If, pursuant to the provisions of this Section,
18 the City Planning Commission determines that conditions should be imposed on the approval
19 of a building or site permit application, project authorization application or an application for
20 exceptions and the applicant agrees to comply, the Commission may approve the application
21 subject to those conditions, and if the applicant refuses to so agree, the Commission may
22 disapprove the application.

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1 (j) Change of Conditions. Authorization of a change in any condition previously
2 imposed pursuant to this Section shall require an application for a change in conditions, which
3 application shall be subject to the procedures set forth in this Section.

4 Section 14. The San Francisco Planning Code is hereby amended by amending
5 Section 790.10, to read as follows:

6 SEC. 790.10. AUTOMOBILE PARKING, COMMUNITY RESIDENTIAL.

7 A use which provides parking accommodations, including a garage or lot, for the
8 storage of private passenger automobiles for residents of the vicinity and meeting the
9 requirements of Section 159 and other Sections in Article 1.5 of this Code, and for non-
10 accessory car-share parking spaces, as defined in Section 166, when permitted by this Code, and
11 excluding accessory parking, except car-share parking spaces, as defined in Section 204.5 of this
12 Code.

13 Section 15. The San Francisco Planning Code is hereby amended by amending 2
14 Section 890.10, to read as follows:

15 SEC. 890.10. AUTOMOBILE PARKING GARAGE, COMMUNITY COMMERCIAL.

16 A use which provides temporary parking accommodations in a garage, or combination garage
17 and lot, for automobiles, vans, trucks, bicycles and/or motorcycles for operators, employees,
18 clients and/or visitors of a permitted, or approved conditional, nonresidential use in the vicinity,
19 and for non-accessory car-share parking spaces, as defined in Section 166 of this Code, when
20 permitted by this Code, whether or not they are part of a principal or approved conditional use, /

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1 without parking of recreational vehicles, mobile homes, boats or other vehicles or storage of
2 vehicles, goods or equipment.

3 APPROVED AS TO FORM:
4 DENNIS J. HERRERA, City Attorney

5 By: _____
6 Elaine C. Warren
7 Deputy City Attorney

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