SAN FRANCISCO
PLANNING DEPARTMENT

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January 21, 2010

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

Re: **Transmittal of Planning Department Case Number 2009.1053TZ: Parking & Garage Requirements in the North Beach NCD, Broadway NCD, Chinatown Mixed Use Districts & the creation of the Telegraph Hill-North Beach Residential Special Use District**

BOS File No: 09-1165

Planning Commission Recommendation: *Approval with Modifications*

Dear Ms. Calvillo,

On January 14th, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance;

The proposed Ordinance introduced by Supervisor Chiu would amend several sections in the Planning Code that deal with off-street parking requirements and the installation of new garage openings in existing residential structures. Below is a brief summary of the proposal:

1. Eliminate the minimum off-street parking requirements for residential uses and institute a maximum parking cap in the Broadway Neighborhood Commercial District (714.94), North Beach Neighborhood Commercial District (722.94), and the Chinatown Mixed Use and Community Business Districts (803.2 & 810); and

2. Require a Conditional Use Authorization to install a garage in an existing residential structure; and

3. Create the Telegraph Hill-North Beach Residential Special Use District to reduce the off-street parking requirements and require a Conditional Use Authorization to install a garage in a residential structure; and

4. Add Columbus Avenue between Washington and North Point Streets to the list of streets where garage entries, driveways, or other vehicular access to off-street parking or loading are prohibited; and

5. Amend the Public Works Code by amending section 732.2 to prohibit the issuance of minor sidewalk encroachment permits that would facilitate the installation of parking in a residential structure.

The proposed changes have been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c)(2).

At the January 14th hearing, the Commission voted to recommend **approval with modifications** of the proposed Ordinance. Specifically, the Commission recommends the following changes:

New Off-Street Residential Parking Controls: Approval as Proposed

The Commission supports eliminating the off-street parking requirements and the initiation of residential maximum caps in the 4 areas proposed (Broadway NCD, North Beach NCD, Chinatown Mixed Use Districts, and the new Telegraph Hill-North Beach Residential SUD). Removing the 1-to-1 off-street parking ratio is in line with the Commission's current policies, as evidenced in the many large plan areas that have been adopted in the past several years.

New Telegraph Hill-North Beach Residential Special Use District: Approval as Proposed

The Commission supports the creation of the Telegraph Hill-North Beach Residential SUD for it is through this SUD that the parking controls for new construction and voluntary installations will be put in place.

Expansion of the Residential Special Use District: Proposed Addition to Legislation
The Commission supports the possible expansion of the New Telegraph Hill-North Beach Special Use District so that a larger area of off-street residential parking requirements would be amended. The proposed expanded boundaries are:

- Bay Street to the north;
- Polk Street to the west;
- California Street to the south; and
- Sansom Street to the east.

Conditional Use Authorization Criteria: Approval with Modifications

The Commission suggests the following Conditional Use criteria that the Commission must use (i.e., substituting those below for what is proposed), as well as the procedures listed below:

NEW Conditional Use Criteria:

1. Removal of residential unit

a. The proposed garage opening/addition of off-street parking will not cause the "Removal" of a dwelling unit or "Conversion of a Residential Unit" as defined in Section 317 of the Planning Code.[1]

2. Decrease in habitable area
   a. 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. Adverse impact on historic resource
   a. A garage opening on a historic resource must meet the requirements of Zoning Administrator Bulletin 2006.1a: *Procedures and Criteria for Adding Garages to Existing Residential Structures*, which assures that no adverse impacts will be made to a historic resource.
   b. In considering a garage opening/addition of off-street parking, the Commission shall balance the reduction of an adverse impact to a historic resource with the inclusion of a minor sidewalk encroachment vs. the sidewalk accessibility issues that an encroachment will have on the pedestrian space.
      i. NOTE: This will require the modification of the DPW Code change.

4. Number of parking spaces vs. loss of on-street parking spaces
   a. The proposed curb cut required for the off-street parking will be configured in a manner that 1) will minimize the loss of on-street parking, and 2) will not cause the excessive loss of on-street parking.
   b. Notwithstanding the above, the Commission will not authorize a proposal with a curb cut which removes more than two on-street parking spaces.

5. Sidewalk Accessibility
   a. The proposed garage/addition of off-street parking will not: 1) include as part of the proposal a sidewalk encroachment permit if the project is located on a Neighborhood Commercial Street or Transit-Preferential Street as defined in Code Section 155(f), or

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[1] Section 317: (b)(1) - "*Conversion of Residential Unit*" shall mean the removal of cooking facilities in a Residential Unit or the change of occupancy (as defined and regulated by the Building Code), or the change of use (as defined and regulated by the Planning Code), of any Residential Unit to a non-residential use. (b)(9) - "*Removal*" shall mean, with reference to a wall, roof or floor structure, its dismantling, its relocation or its alteration of the exterior function by construction of a new building element exterior to it. Where a portion of an exterior wall is removed, any remaining wall with a height less than the Building Code requirement for legal head room shall be considered demolished. Where exterior elements of a building are removed and replaced for repair or maintenance, in like materials, with no increase in the extent of the element or volume of the building, such replacement shall not be considered Removal for the purposes of this Section. The foregoing does not supersede any requirements for or restrictions on noncomplying structures and their reconstruction as governed by Article 1.7 of this Code.

2) reduces the path of travel on the sidewalk to less than 6 feet; and 3) the slope of the sidewalk will not be greater than 2%.

b. All parking of vehicles in a driveway shall be screened in accordance with Section 142 of the Planning Code.[2]

6. Design Guidelines
   a. The proposed project is consistent with the Residential Design Guidelines, including the Zoning Administrator Bulletin 2006.1A: *Procedures and Criteria for Adding Garages to Existing Residential Structures*.
   b. The proposed project will meet the landscape improvements requirements of Section 143.

7. No-Fault Evictions
   a. There have been no "no fault" evictions, as defined in Section 37.9(a)(7)-(13) of the San Francisco Administrative Code, within the past ten years.

8. Priority Policies
   a. The proposed off-street parking/garage installation is consistent with the Priority Policies of Section 101.1 of the Planning Code.

NEW Procedures:

1. DPW Review
   a. Prior to approval by the Planning Commission, the Department of Public Works ("DPW") will be consulted about whether the proposed garage opening will require a minor sidewalk encroachment permit or a street tree removal permit, and whether they will be granted.

2. MTA-DPT review
   a. Prior to approval by the Planning Commission, the Metropolitan Transportation Authority ("MTA") and/or Department of Public Transit ("DPT") will be consulted about whether the proposed garage opening/curb cut will impact the transportation

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[2] Section 142: Screening of Parking Areas in R, NC, and Eastern Neighborhoods Mixed Use Districts.

Off-street parking areas in R, NC and Eastern Neighborhoods Mixed Use Districts shall be screened as provided in this Section. (a) Every off-street parking space not within a building, where not enclosed by solid building walls, shall be screened from view from all streets and alleys through use of garage doors or by some other means. (b) Along rear yard areas and other interior open spaces, all off-street parking spaces, driveways and maneuvering areas not within buildings shall be screened from view and confined by solid building walls. (c) Off-street parking spaces in parking lots shall meet the requirements of Section 156 and other applicable provisions of Article 1.5 of this Code. Such parking areas shall be screened from view as provided in Section 156(d) of this Code.

network, the off-street parking supply for the block, and the safety for transit riders, bicyclists, and pedestrians.

DPW Code Change: Approval with Modifications

1. The Commission suggests that this proposed change be ***removed*** as a city-wide requirement. In some instances, particularly due to site constraints and topography, an encroachment permit may allow a parking/garage installation without negatively impacting the public realm. The Commission/Department should be able to use this tool to mitigate impacts.

2. Amend the proposed DPW Code Section 723 to state the following:
    a. If a proposed encroachment permit will be used to facilitate the installation of off-street parking in an existing structure in the North Beach NCD, Broadway NCD, Chinatown Mixed Use Districts, or the Telegraph Hill-North Beach Residential SUD, as defined by the Planning Code, then such permit will only be issued upon the approval of a Conditional Use Authorization by the Planning Commission.
    b. NOTE: Prior to the Conditional Use hearing, DPW will forward a recommendation about the proposed garage opening which will outline whether a minor sidewalk encroachment permit will be granted.

Miscellaneous

1. 41 foot Street Issue
    a. Suggest including all alleyways in the Chinatown Mixed Use Districts as prohibited from new curb cuts into Section 155.

2. Columbus Avenue Restrictions
    a. The Commission supports adding Columbus Avenue from North Point to Washington Streets to the list of streets in Section 161 where new garage entranceways, driveways, and other off-street vehicular access is prohibited.

3. *NEW ADDITION TO SECTION 161:*
    a. In addition to adding Columbus Avenue to Section 161, which would prohibit new curb cuts, the Commission also supports including the following:

        i. Broadway from the Embarcadero on the East to Polk Street on the west.

NOTE: there are several technical amendments that the Commission is recommending. Certain sections of the Code that is cited in the Ordinance are outdated or incomplete, and there are some clean-up changes that must be made. The Commission is recommending that these changes be made, but the itemized list will be forwarded to the Board of Supervisors separately from the Planning Commission's recommendation.

Please find attached documents relating to the Commission's action. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

John Rahaim
Director of Planning

cc: Supervisor Chiu

Attachments (one copy of the following):
Planning Commission Resolution No. 18010
Planning Commission Executive Summary for Case No. 2009.1053TZ

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Planning Commission Resolution No. 18011

HEARING DATE: JANUARY 14, 2010

Project Name:	**Parking & Garage Requirements in the North Beach NCD, Broadway NCD, Chinatown Mixed Use Districts & the creation of the Telegraph Hill-North Beach Residential Special Use District**
Case Number:	2009.1053TZ [Board File No. 09-1165]
Initiated by:	Supervisor Chiu / Introduced October 6, 2009
Staff Contact:	Tara Sullivan, Legislative Affairs tara.sullivan@sfgov.org, 415-558-6257
Reviewed By:	AnMarie Rodgers, Manager Legislative Affairs anmarie.rodgers@sfgov.org, 415-558-6395
90-day Deadline:	January 12, 2010
30-day Extension:	February 11, 2010
Recommendation:	**Approval with Modifications**

RECOMMENDING THAT THE BOARD OF SUPERVISORS <u>ADOPT WITH MODIFICATIONS</u> AN ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO REQUIRE A CONDITIONAL USE AUTHORIZATION FOR THE INSTALLATION OF A GARAGE OPENING IN EXISTING BUILDINGS, REDUCE THE PARKING REQUIREMENTS IN CERTAIN NORTHEAST NEIGHBORHOODS, CREATE THE TELEGRAPH HILL-NORTH BEACH RESIDENTIAL SPECIAL USE DISTRICT, INLCUDING AMENDING SECTION SU01 OF THE ZONING MAP, AND AMENDING THE PUBLIC WORKS CODE BY AMENDING SECTION 732.2 TO PROHIBIT THE ISSUANCE OF MINOR SIDEWALK ENCROACHMENT PERMITS THAT WOULD FACILITATE THE INSTALLATION OF PARKING IN A RESIDENTIAL STRUCTURE; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE PRIORITY POLICIES OF PLANNING CODE SECTION 101

PREAMBLE

Whereas, on October 6, 2009, Supervisor Chiu introduced a proposed Ordinance under Board File Number 09-1165 that would amend several sections in the Planning Code that deal with off-street parking requirements and the installation of new garage openings in existing residential structures; and

Whereas, on January 14, 2010, the San Francisco Planning Commission (hereinafter "Commission") conducted duly noticed public hearings at a regularly scheduled meetings to consider the proposed Ordinance; and

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

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

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

Whereas, the Commission has reviewed the proposed Ordinance; and

MOVED, that the Commission hereby recommends that the Board of Supervisors recommends ***approval with modifications of the proposed ordinance*** and adopts the attached Draft Resolution to that effect. Specifically, the Commission recommends the following modifications:

New Off-Street Residential Parking Controls: Approval as Proposed

The Commission supports eliminating the off-street parking requirements and the initiation of residential maximum caps in the 4 areas proposed (Broadway NCD, North Beach NCD, Chinatown Mixed Use Districts, and the new Telegraph Hill-North Beach Residential SUD). Removing the 1-to-1 off-street parking ratio is in line with the Commission's current policies, as evidenced in the many large plan areas that have been adopted in the past several years.

New Telegraph Hill-North Beach Residential Special Use District: Approval as Proposed

The Commission supports the creation of the Telegraph Hill-North Beach Residential SUD for it is through this SUD that the parking controls for new construction and voluntary installations will be put in place.

Expansion of the Residential Special Use District: Proposed Addition to Legislation

The Commission supports the possible expansion of the New Telegraph Hill-North Beach Special Use District so that a larger area of off-street residential parking requirements would be amended. The proposed expanded boundaries are:

- Bay Street to the north;
- Polk Street to the west;
- California Street to the south; and
- Sansom Street to the east.

Conditional Use Authorization Criteria: Approval with Modifications

The Commission suggests the following Conditional Use criteria that the Commission must use (i.e., substituting those below for what is proposed), as well as the procedures listed below:

NEW Conditional Use Criteria:

1. Removal of residential unit
    a. The proposed garage opening/addition of off-street parking will not cause the "Removal" of a dwelling unit or "Conversion of a Residential Unit" as defined in Section 317 of the Planning Code.[1]

2. Decrease in habitable area
    a. 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. Adverse impact on historic resource
    a. A garage opening on a historic resource must meet the requirements of Zoning Administrator Bulletin 2006.1a: *Procedures and Criteria for Adding Garages to Existing Residential Structures*, which assures that no adverse impacts will be made to a historic resource.
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        i. NOTE: This will require the modification of the DPW Code change.

4. Number of parking spaces vs. loss of on-street parking spaces
    a. The proposed curb cut required for the off-street parking will be configured in a manner that 1) will minimize the loss of on-street parking, and 2) will not cause the excessive loss of on-street parking.
    b. Notwithstanding the above, the Commission will not authorize a proposal with a curb cut which removes more than two on-street parking spaces.

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[1] Section 317: (b)(1) - "*Conversion of Residential Unit*" shall mean the removal of cooking facilities in a Residential Unit or the change of occupancy (as defined and regulated by the Building Code), or the change of use (as defined and regulated by the Planning Code), of any Residential Unit to a non-residential use. (b)(9) - "*Removal*" shall mean, with reference to a wall, roof or floor structure, its dismantling, its relocation or its alteration of the exterior function by construction of a new building element exterior to it. Where a portion of an exterior wall is removed, any remaining wall with a height less than the Building Code requirement for legal head room shall be considered demolished. Where exterior elements of a building are removed and replaced for repair or maintenance, in like materials, with no increase in the extent of the element or volume of the building, such replacement shall not be considered Removal for the purposes of this Section. The foregoing does not supersede any requirements for or restrictions on noncomplying structures and their reconstruction as governed by Article 1.7 of this Code.

5. Sidewalk Accessibility
    a. The proposed garage/addition of off-street parking will not: 1) include as part of the proposal a sidewalk encroachment permit if the project is located on a Neighborhood Commercial Street or Transit-Preferential Street as defined in Code Section 155(f), or 2) reduces the path of travel on the sidewalk to less than 6 feet; and 3) the slope of the sidewalk will not be greater than 2%.
    b. All parking of vehicles in a driveway shall be screened in accordance with Section 142 of the Planning Code.[2]

6. Design Guidelines
    a. The proposed project is consistent with the Residential Design Guidelines, including the Zoning Administrator Bulletin 2006.1A: *Procedures and Criteria for Adding Garages to Existing Residential Structures.*
    b. The proposed project will meet the landscape improvements requirements of Section 143.

7. No-Fault Evictions
    a. There have been no "no fault" evictions, as defined in Section 37.9(a)(7)-(13) of the San Francisco Administrative Code, within the past ten years.

8. Priority Policies
    a. The proposed off-street parking/garage installation is consistent with the Priority Policies of Section 101.1 of the Planning Code.

NEW Procedures:

1. DPW Review
    a. Prior to approval by the Planning Commission, the Department of Public Works ("DPW") will be consulted about whether the proposed garage opening will require a minor sidewalk encroachment permit or a street tree removal permit, and whether they will be granted.

2. MTA-DPT review
    a. Prior to approval by the Planning Commission, the Metropolitan Transportation Authority ("MTA") and/or Department of Public Transit ("DPT") will be consulted about whether the proposed garage opening/curb cut will impact the transportation network, the off-street parking supply for the block, and the safety for transit riders, bicyclists, and pedestrians.

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[2] Section 142: Screening of Parking Areas in R, NC, and Eastern Neighborhoods Mixed Use Districts.

Off-street parking areas in R, NC and Eastern Neighborhoods Mixed Use Districts shall be screened as provided in this Section. (a) Every off-street parking space not within a building, where not enclosed by solid building walls, shall be screened from view from all streets and alleys through use of garage doors or by some other means. (b) Along rear yard areas and other interior open spaces, all off-street parking spaces, driveways and maneuvering areas not within buildings shall be screened from view and confined by solid building walls. (c) Off-street parking spaces in parking lots shall meet the requirements of Section 156 and other applicable provisions of Article 1.5 of this Code. Such parking areas shall be screened from view as provided in Section 156(d) of this Code.

DPW Code Change: Approval with Modifications

1. The Commission suggests that this proposed change be ***removed*** as a city-wide requirement. In some instances, particularly due to site constraints and topography, an encroachment permit may allow a parking/garage installation without negatively impacting the public realm. The Commission/Department should be able to use this tool to mitigate impacts.

2. Amend the proposed DPW Code Section 723 to state the following:
    a. If a proposed encroachment permit will be used to facilitate the installation of off-street parking in an existing structure in the North Beach NCD, Broadway NCD, Chinatown Mixed Use Districts, or the Telegraph Hill-North Beach Residential SUD, as defined by the Planning Code, then such permit will only be issued upon the approval of a Conditional Use Authorization by the Planning Commission.
    b. NOTE: Prior to the Conditional Use hearing, DPW will forward a recommendation about the proposed garage opening which will outline whether a minor sidewalk encroachment permit will be granted.

Miscellaneous

1. 41 foot Street Issue
    a. Suggest including all alleyways in the Chinatown Mixed Use Districts as prohibited from new curb cuts into Section 155.

2. Columbus Avenue Restrictions
    a. The Commission supports adding Columbus Avenue from North Point to Washington Streets to the list of streets in Section 161 where new garage entranceways, driveways, and other off-street vehicular access is prohibited.

3. *NEW ADDITION TO SECTION 161:*
    a. In addition to adding Columbus Avenue to Section 161, which would prohibit new curb cuts, the Commission also supports including the following:

        i. Broadway from the Embarcadero on the East to Polk Street on the west.

NOTE: there are several technical amendments that the Commission is recommending. Certain sections of the Code that is cited in the Ordinance are outdated or incomplete, and there are some clean-up changes that must be made. The Commission is recommending that these changes be made, but the itemized list will be forwarded to the Board of Supervisors separately from the Planning Commission's recommendation.

FINDINGS

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

1. The Planning Code sets up parking requirements for all types of development. The intent is to assure that off-street parking and loading facilities are provided in amounts and in a manner that will be consistent with the objectives and policies of the General Plan, as part of a balanced transportation system that makes suitable provisions for use of both private vehicles and transit.

2. With respect to off-street parking, the Code is intended to require needed facilities but discourage excessive amounts of parking, to avoid adverse effects upon the surrounding areas and uses, and to encourage effective use of public transit as an alternative to travel by private automobile.

3. Over the past several years, the Commission and City has enacted several long-range area-wide plans which included lowering the parking requirements for new construction and voluntary installations. These requirements are consistent with what is proposed in the Ordinance for the Neighborhood Commercial Districts and the Chinatown Mixed Use Districts. The Commission supports lowering these requirements.

4. The Commission also understands the need to create the Telegraph Hill-North Beach Residential Special Use District. It is through this SUD that the parking requirements for new construction and voluntary installations will be put in place. This area of San Francisco has a very high percentage of existing off-street parking and a low percentage of on-street parking. In light of the City's Transit-First Policies, as well as the Better Streets program and General Plan goals, the Commission supports the creation of this SUD to lower the parking thresholds.

5. The Commission strongly recommends that the proposed Conditional Use criteria be amended.

6. The criteria forwarded by the Commission outlines the best practices in terms of design review, coordination with DPW and MTA, as well as attempting to mitigate and reduce the loss of on-street parking spaces for the installation of off-street parking spaces

7. The Commission does not think that a city-wide ban on minor encroachment permits should be enacted.

8. Therefore, the Commission recommends ***approval with modifications of the proposed Ordinance.***

9. **General Plan Compliance.** The proposed Ordinance is, on balance, consistent with the following Objectives and Policies of the General Plan:

I. TRANSPORTATION ELEMENT.

Policy 20.2: Reduce, relocate or prohibit automobile facility features on transit preferential streets, such as driveways and loading docks, to avoid traffic conflicts and automobile congestion.

Policy 34.5: Minimize the construction of new curb cuts in areas where on-street parking is in short supply and locate them in a manner such that they retain or minimally diminish the number of existing on-street parking spaces.

Policy 40.4: Driveways and curb cuts should be designed to avoid maneuvering on sidewalks or in street traffic, and when crossing sidewalks, they should be only as wide as necessary to accomplish this function.

Policy 24.4: Preserve pedestrian-oriented building frontages.

Policy 26.1: Retain streets and alleys not required for traffic, or portions thereof, for through pedestrian circulation and open space use.

Objective 30: Ensure that the provision of new or enlarged parking facilities does not adversely affect the livability and desirability of the city and its various neighborhoods.

II. URBAN DESIGN ELEMENT.

Fundamental Principles for Neighborhood Environment #10: Parking garages lack visual interest if they have extensive rows of doors, blank walls or exposed vehicles. Extensive curb cuts prevent planting and other enhancement of the street, eliminate curb-side parking and are potentially dangerous to pedestrians.

Policy 4.4: Design walkways and parking facilities to minimize danger to pedestrians. Driveways across sidewalks should be kept to a practical minimum, with control maintained over the number and width of curb cuts.

Conservation Principle #3B: New blank facades introduced into areas of older, more detailed buildings detract from neighborhood character.

Conservation Principle #5: Preservation of San Francisco's strong and continuous downtown street facades will ensure maintenance of that area's distinctive character and urban quality. A consistent commercial façade on neighborhood shopping streets will give definition to those areas and promote activity.

Conservation Principle #12: Street space provides an important form of public open space, especially in areas of high density that are deficient in other amenities.

Policy 2.8: Maintain a strong presumption against the giving up of street areas for private ownership or use, or for construction of public buildings.

Neighborhood Environment Principle #10D: The inclusion of stores at ground level maintains continuity of pedestrian activity on what would otherwise be a sterile street frontage of parking garages in a commercial area.

Neighborhood Environment Principle #16: Continuity of interest and activities at ground level in commercial buildings adjacent to pedestrian ways creates rich street life and enhances pedestrian experiences.

Neighborhood Environment Principle #16C: Major office buildings contribute more to street life if they have commercial activity at ground level.

Neighborhood Environment Principle #18: Alleys and small streets which are usable as part of the general network of pedestrian and service ways are potential areas of activity and interest.

II. CHINATOWN AREA PLAN.

Objective 1: Preserve the distinctive urban character, physical environment, and cultural heritage of Chinatown.

Policy 1.2: Promote a building form that harmonizes with the scale of existing buildings and width of Chinatown's streets.

Policy 1.4: Protect the historic and aesthetic resources of Chinatown.

Objective 3: Stabilize and where possible increase the supply of housing.

Policy 3.1: Conserve existing housing.

Objective 7: Manage transportation impacts to stabilize or reduce the difficulties of walking, driving, delivering goods, parking, or using transit in Chinatown.

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

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

   The proposed Ordinance would not significantly impact existing neighborhood-serving retail uses or opportunities for employment in or ownership of such businesses.

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

   The proposed Ordinance will not improve the existing housing and neighborhood character by regulating the installation of off-street parking and garage openings in existing buildings, thus allowing the cultural and economic diversity of the District 3 neighborhoods.

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

   The proposed Ordinance will help preserve the City's supply of affordable housing by preventing the loss of dwelling units for the installation of off-street parking.

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

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

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

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

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

Preparedness against injury and loss of life in an earthquake is unaffected by the proposed amendments. Any construction or alteration associated with formula retail establishment would be executed in compliance with all applicable construction and safety measures.

G) That landmark and historic buildings will be preserved:

Landmarks and historic buildings would be unaffected by the proposed amendments. Should a potential off-site parking-garage installation be located within a landmark or historic building, such site would be evaluated under typical Planning Code provisions and comprehensive Planning Department policies. Any proposals for an Article 10 building will be reviewed by the Historic Preservation Commission.

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

The proposed Ordinance will not impact the City's parks and open space.

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on January 14, 2010.

Linda Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: January 14, 2010

SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary
Planning Code Text & Map Change
HEARING DATE: JANUARY 14, 2010

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Project Name:	**Parking & Garage Requirements in the North Beach NCD, Broadway NCD, Chinatown Mixed Use Districts & the creation of the Telegraph Hill-North Beach Residential Special Use District**
Case Number:	2009.1053TZ [Board File No. 09-1165]
Initiated by:	Supervisor Chiu / Introduced October 6, 2009
Staff Contact:	Tara Sullivan, Legislative Affairs tara.sullivan@sfgov.org, 415-558-6257
Reviewed By:	AnMarie Rodgers, Manager Legislative Affairs anmarie.rodgers@sfgov.org, 415-558-6395
90-day Deadline:	January 12, 2010
30-day Extension:	February 11, 2010
Recommendation:	**Approval with Modifications – see pg. 4 for specific recommendations**

PLANNING CODE AMENDMENT

The proposed Ordinance introduced by Supervisor Chiu would amend several sections in the Planning Code that deal with off-street parking requirements and the installation of new garage openings in existing residential structures. Below is a brief summary of the proposal (detailed analysis is found on pg. 3):

1. Eliminate the minimum off-street parking requirements for residential uses and institute a maximum parking cap in the Broadway Neighborhood Commercial District (714.94), North Beach Neighborhood Commercial District (722.94), and the Chinatown Mixed Use and Community Business Districts (803.2 & 810); and

2. Require a Conditional Use Authorization to install a garage in an existing residential structure; and

3. Create the Telegraph Hill-North Beach Residential Special Use District to reduce the off-street parking requirements and require a Conditional Use Authorization to install a garage in a residential structure; and

4. Add Columbus Avenue between Washington and North Point Streets to the list of streets where garage entries, driveways, or other vehicular access to off-street parking or loading are prohibited; and

5. Amend the Public Works Code by amending section 732.2 to prohibit the issuance of minor sidewalk encroachment permits that would facilitate the installation of parking in a residential structure.

The Way It Is Now:
Article 1.5: Off-Street Parking and Loading is the chapter of the Planning Code that establishes parking maximums and minimums throughout the city.

In Residentially-zoned districts that are located within the subject area (RH-2, RM-1, and RM-2[1]), the off-street residential parking requirements are 1 space to 1 dwelling unit.

In the Broadway and North Beach NCDs, the off-street residential parking requirements are 1 space to 1 dwelling unit.

In the three Chinatown Mixed Use Districts,[2] the off-street residential parking requirements are 1 space to 1 dwelling unit.

Section 150 states that for any structure that was lawfully in existence in 1955 or 1968 (the date the parking requirements were added to the Code – 1955 for residential districts, 1968 for commercial districts), off-street parking is not required to be installed. Only if there is a major addition to such structure or use are off-street parking spaces required – and only for the portion of the new addition itself. Therefore, for the majority of existing structures in the City, off-street parking is not required, but is voluntary.

Currently an existing building can apply for a permit to install a garage opening and provide parking for the dwelling unit(s). It should be noted that the installation of a garage opening and parking is not a requirement but a voluntary action and subject to the discretionary approval of the Planning Department.

There are no conditional use requirements for new garage installations in existing buildings, nor are these applications subject to a 30-day notification under Section 311 of the Code.

For new construction projects, the off-street parking requirements are required.

Other Agency Review:
In addition to review by the Planning Department, new parking/garage installations are reviewed by the Department of Public Works. DPW must approve a street improvement permit, which is required for any new driveway cut. Often a minor sidewalk encroachment permit is needed if the installation literally 'encroaches' onto the public sidewalk or right-of-way. Finally, a tree removal permit may be required if an existing tree is in the path of the driveway.

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[1] RH-2: Residential, Two Family. RM-1: Residential, Mixed, Low Density. RM-2: Residential, Mixed, Moderate Density.

[2] Chinatown Community Business District (810), Chinatown Visitor Retail District (811), and Chinatown Neighborhood Commercial District (812).

The San Francisco MTA also can review a new parking/garage installation if the proposed curb-cut is larger than 30′ wide.

Both of these agency reviews can occur simultaneously, before, or after Planning review. Typically applications are submitted to the Planning Department for first review and approval.

The Way It Would Be:

The proposed Ordinance would do the following:

Specific Controls for the Broadway NCD (714.94), North Beach NCD (724.94), & Chinatown Mixed Use Districts (810):

New Off-Street Residential Parking Controls:

1. Permitted: up to one car for each two dwelling units;
2. Conditional Use: up to .75 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(f);
3. Not Permitted: above 0.75 cars for each dwelling unit. §§ 151.1, 161(a) (g)
4. Conditional Use required if installing a garage in an existing building.

Conditional Use Criteria to be used by the Commission:

Installing a garage in an ***existing building*** may be permitted as a ***conditional use*** if, in addition to the criteria set forth in Section 303, the Planning Commission finds that:

1. The installation is consistent with
    a. The priority policies of Section 101.1 of this Code,
    b. The Better Streets Policy in Chapter 98 of the San Francisco Administrative Code, and
2. The garage would not decrease sidewalk accessibility,
3. The garage would not front on a public right-of-way narrower than 41 feet, and
4. There have been no "no fault" evictions, as defined in Section 37.9(a)(7)-(13) of the San Francisco Administrative Code, within the past ten years.

NEW Telegraph Hill-North Beach Residential Special Use District Controls (249.46): see attached map.

New Off-Street Residential Parking Controls:

1. Permitted: Up to three cars for each four dwelling units;
2. Conditional Use: Up to one car for each dwelling unit, subject to the criteria and procedures of Section 151.1(f);
3. Not Permitted: Above one car for each dwelling unit.

Conditional Use Criteria to be used by the Commission:

Installing a garage in an ***existing building*** may be permitted as a conditional use if, in addition to the criteria set forth in Section 303, the Planning Commission finds that:

1. The installation is consistent with

a. The priority policies of Section 101.1 of this Code,

b. The Better Streets Policy in Chapter 98 of the San Francisco Administrative Code, and

2. The garage would not decrease sidewalk accessibility,
3. The garage would not front on a public right-of-way narrower than 41 feet, and
4. There have been no "no fault" evictions, as defined in Section 37.9(a)(7)-(13) of the San Francisco Administrative Code, within the past ten years.

Miscellaneous amendments:

1. Section 155 will be amended to include Columbus Avenue between Washington and North Point Streets to a list of streets where garage entrances, driveways, and other off-street vehicular access is not permitted.
2. Section 161 will be amended to cross-reference the new parking and garage requirements in the Broadway and North Beach NCDs, Chinatown Mixed Use Districts, and the Telegraph Hill-North Beach Residential SUD controls.

DPW Code Amendment to Section 723.2:

723.2: Minor Sidewalk Encroachment. (new line)

(b).... No encroachment shall be approved that would facilitate the addition of a parking garage in a residential structure.

REQUIRED COMMISSION ACTION

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

RECOMMENDATION

The Department has a recommendation of ***approval with modifications***.

New Off-Street Residential Parking Controls: Approval as Proposed

The Department supports the elimination of the off-street parking requirements and the initiation of residential maximum caps in the 4 areas proposed (Broadway NCD, North Beach NCD, Chinatown Mixed Use Districts, and the new Telegraph Hill-North Beach Residential SUD). Removing the 1-to-1 off-street parking ratio is in line with the Department's current policies, as evidenced in the many large plan areas that have been adopted in the past several years.

New Telegraph Hill-North Beach Residential Special Use District: Approval as Proposed

The Department supports the creation of the Telegraph Hill-North Beach Residential SUD for it is through this SUD that the parking controls for new construction and voluntary installations will be put in place.

Conditional Use Authorization Requirement for the Installation of Parking within an Existing Building: Replace Requirement with 30-day notification

1. Replace the Conditional Use Authorization Requirement with a 30-day notification process pursuant to Section 311 or 312.
    a. This process allows Discretionary Review to be filed and the application will be reviewed by the Planning Commission.
        i. Put in place detailed policy criteria (such as those listed below) that the Department must adhere to when reviewing parking/garage installations.

The Department does not believe that a Conditional Use authorization is the best vehicle for approving garage and off-street parking installations. With detailed policy and guidelines that staff must follow, the Department believes that the majority of these applications can be approved at staff-level, subject to a 30-day public notice period.

Conditional Use Authorization Criteria: Approval with Modifications

If, in lieu of the recommendation above, a Conditional Use Authorization was to move forward as the vehicle for reviewing and approving parking/garage installations in existing buildings, then the Department suggests the following Conditional Use criteria that the Commission must use (i.e., substituting those below for what is proposed), as well as the procedures listed below:

NEW Conditional Use Criteria:

1. Removal of residential unit
    a. The proposed garage opening/addition of off-street parking will not cause the "Removal" of a dwelling unit or "Conversion of a Residential Unit" as defined in Section 317 of the Planning Code.[3]

2. Decrease in habitable area
    a. 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.

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[3] Section 317: (b)(1) - "*Conversion of Residential Unit*" shall mean the removal of cooking facilities in a Residential Unit or the change of occupancy (as defined and regulated by the Building Code), or the change of use (as defined and regulated by the Planning Code), of any Residential Unit to a non-residential use. (b)(9) - "*Removal*" shall mean, with reference to a wall, roof or floor structure, its dismantling, its relocation or its alteration of the exterior function by construction of a new building element exterior to it. Where a portion of an exterior wall is removed, any remaining wall with a height less than the Building Code requirement for legal head room shall be considered demolished. Where exterior elements of a building are removed and replaced for repair or maintenance, in like materials, with no increase in the extent of the element or volume of the building, such replacement shall not be considered Removal for the purposes of this Section. The foregoing does not supersede any requirements for or restrictions on noncomplying structures and their reconstruction as governed by Article 1.7 of this Code.

3. Adverse impact on historic resource
    a. A garage opening on a historic resource must meet the requirements of Zoning Administrator Bulletin 2006.1a: *Procedures and Criteria for Adding Garages to Existing Residential Structures,* which assures that no adverse impacts will be made to a historic resource.
    b. In considering a garage opening/addition of off-street parking, the Commission shall balance the reduction of an adverse impact to a historic resource with the inclusion of a minor sidewalk encroachment vs. the sidewalk accessibility issues that an encroachment will have on the pedestrian space.
        i. NOTE: This will require the modification of the DPW Code change.

4. Number of parking spaces vs. loss of on-street parking spaces
    a. The proposed curb cut required for the off-street parking will be configured in a manner that 1) will minimize the loss of on-street parking, and 2) will not cause the excessive loss of on-street parking.
    b. Notwithstanding the above, the Commission will not authorize a proposal with a curb cut which removes more than two on-street parking spaces.

5. Sidewalk Accessibility
    a. The proposed garage/addition of off-street parking will not: 1) include as part of the proposal a sidewalk encroachment permit if the project is located on a Neighborhood Commercial Street or Transit-Preferential Street, as identified in Code Section 151(f), or 2) reduces the path of travel on the sidewalk to less than 6 feet; and 3) the slope of the sidewalk will not be greater than 2%.
    b. All parking of vehicles in a driveway shall be screened in accordance with Section 142 of the Planning Code.[4]

6. Design Guidelines
    a. The proposed project is consistent with the Residential Design Guidelines, including the Zoning Administrator Bulletin 2006.1A: *Procedures and Criteria for Adding Garages to Existing Residential Structures.*
    b. The proposed project will meet the landscape improvements requirements of Section 143.

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[4] Section 142: Screening of Parking Areas in R, NC, and Eastern Neighborhoods Mixed Use Districts.

Off-street parking areas in R, NC and Eastern Neighborhoods Mixed Use Districts shall be screened as provided in this Section. (a) Every off-street parking space not within a building, where not enclosed by solid building walls, shall be screened from view from all streets and alleys through use of garage doors or by some other means. (b) Along rear yard areas and other interior open spaces, all off-street parking spaces, driveways and maneuvering areas not within buildings shall be screened from view and confined by solid building walls. (c) Off-street parking spaces in parking lots shall meet the requirements of Section 156 and other applicable provisions of Article 1.5 of this Code. Such parking areas shall be screened from view as provided in Section 156(d) of this Code.

NEW Procedures:

1. DPW Review
    a. Prior to approval by the Planning Commission, the Department of Public Works ("DPW") will be consulted about whether the proposed garage opening will require a minor sidewalk encroachment permit or a street tree removal permit, and whether they will be granted.

2. MTA-DPT review
    a. Prior to approval by the Planning Commission, the Metropolitan Transportation Authority ("MTA") and/or Department of Public Transit ("DPT") will be consulted about whether the proposed garage opening/curb cut will impact the transportation network, the off-street parking supply for the block, and the safety for transit riders, bicyclists, and pedestrians.

DPW Code Change: Approval with Modifications

1. The Department suggests that this proposed change be ***removed*** as a city-wide requirement. In some instances, particularly due to site constraints and topography, an encroachment permit may allow a parking/garage installation without negatively impacting the public realm. The Commission/Department should be able to use this tool to mitigate impacts.

2. Amend the proposed DPW Code Section 723 to state the following:
    a. If a proposed encroachment permit will be used to facilitate the installation of off-street parking in an existing structure in the North Beach NCD, Broadway NCD, Chinatown Mixed Use Districts, or the Telegraph Hill-North Beach Residential SUD, as defined by the Planning Code, then such permit will only be issued upon the approval of a Conditional Use Authorization by the Planning Commission.
    b. NOTE: Prior to the Conditional Use hearing, DPW will forward a recommendation about the proposed garage opening which will outline whether a minor sidewalk encroachment permit will be granted.

Miscellaneous

1. 41 foot Street Issue
    a. Suggest including all alleyways in the Chinatown Mixed Use Districts as prohibited from new curb cuts into Section 155.

2. Columbus Avenue Restrictions
    a. The Department supports adding Columbus Avenue from North Point to Washington Streets to the list of streets in Section 161 where new garage entranceways, driveways, and other off-street vehicular access is prohibited.

NOTE: there are several technical amendments that the Department is recommending. Certain sections of the Code that is cited in the Ordinance are outdated or incomplete, and there are some clean-up changes that must be made. The Department is recommending that these changes be made, but the

itemized list will be forwarded to the Board of Supervisors separately from the Planning Commission's recommendation.

BASIS FOR RECOMMENDATION

The Planning Code sets up parking requirements for all types of development. The intent is to assure that off-street parking and loading facilities are provided in amounts and in a manner that will be consistent with the objectives and policies of the General Plan, as part of a balanced transportation system.[5]

With respect to off-street parking, the Code is intended to provide needed facilities but discourage excessive amounts of parking, to avoid adverse effects upon the surrounding areas and uses, and to encourage alternatives to travel by private automobile and to maximize habitable space.[6]

New Off-Street Residential Parking Controls
Over the past several years, the Department and City has enacted several long-range area-wide plans which included removing the parking requirements for residential and commercial uses and at time imposing maximum caps on parking. These controls are consistent with what is proposed in the Ordinance for the Neighborhood Commercial Districts and the Chinatown Mixed Use Districts. The Department supports extending these controls to high density area that have opportunities for travel by transit, walking, or biking.

New Telegraph Hill-North Beach Residential Special Use District
The Department also understands the need to create the Telegraph Hill-North Beach Residential Special Use District. It is through this SUD that the parking controls for new construction and voluntary installations will be put in place. This area of San Francisco has a very high percentage of existing off-street parking and a low percentage of on-street parking. In light of the City's Transit-First Policies, as well as General Plan goals, the Department supports the creation of this SUD to lower the parking thresholds.

Conditional Use Authorization Requirement for the Installation of Parking within an Existing Building
The Department feels that the proposal to require a Conditional Use Authorization for the installation of parking/garage in all existing buildings to be overly burdensome to property owners, the Commission, and local community groups. While the Department acknowledges that parking/garage installations need to be reviewed more consistently, requiring a Conditional Use Authorization for every application appears to be an extreme measure.

The Department recommends that new garage/parking installations should be subject to the 30-day notification period under Sections 311. This, combined with a more rigid internal review process of these installations, will enable those proposals that have community issues to be brought before the Planning Commission for review. If a proposal meets all of the guidelines and policies, then there should not be a

[5] Planning Code Section 150(a): Off-Street Parking and Loading Requirements.

[6] Ibid.

Conditional Use Authorization entitlement attached - it should be approved as a regular building permit. If issues arise that the Department was not aware of, then the proposal should go to the Commission for review and approval. The 30 day notification process will allow the affected neighbors and community organizations to review and comment upon the application, while saving costs (time and money) for a mandatory Conditional Use Authorization hearing.

Conditional Use Authorization Criteria
As mentioned above, if the Conditional Use Authorization is the method that will move forward for the review of garage/parking installations in existing buildings, then the Department strongly recommends that the criteria be amended.

Those that are proposed in the legislation are too broad, not defined nor tailored to the type of project it is meant to apply to, and subject to interpretation. If the goal is to have straight-forward criteria in place for the Department/Commission to use, then they should be laid out as such.

The proposed criterion that deals with no-fault (i.e., Ellis Act) evictions should be removed altogether. The Department does not believe that the Planning Code is the appropriate vehicle for dealing with this issue. Further, a project sponsor can easily evade this provision by applying for (and receiving) a permit for parking/garage and then proceed to Ellis Act the building afterwards. The requirement does not appear to prevent the process from happening. Putting into place two criteria that deal with the removal and modification of a dwelling unit(s), will help alleviate the impact of the loss of residential units for garage installations.

The remainder of the criteria forwarded by the Department outlines the best practices in terms of design review, coordination with DPW and MTA, as well as attempting to mitigate and reduce the loss of on-street parking spaces for the installation of off-street parking spaces.

DPW Code Change
The Department does not think that a city-wide ban on minor encroachment permits should be enacted. It does not appear to be necessary. The criteria listed above outline a few circumstances where a minor sidewalk encroachment permit may be needed – to help mitigate the installation into a historic resource or if there are other extreme conditions where one is necessary. The Department believes that minor encroachment permits that require cheek walls should not be approved.

As such, the Department is recommending that the proposed language be removed altogether or be modified as suggested to apply only to those areas subject to the proposed legislation.

Miscellaneous
One proposed Ordinance states that "no garage shall front a public right of way narrower than 41 feet." The Department finds this condition to conflict with larger planning policies. Planning practice is to 1) generally encourage more off-street parking entrances to be located on secondary, smaller streets, rather than larger, main thoroughfares, or 2) on special alleyways, converting street space to shared space and open space uses.

The Chinatown Mixed Use Districts are characterized by the many small alleys and streets. The Department believes that these alleys have unique character and should not have any additional curb cuts or off-street parking, and thus proposes that these alleys be included in a list that prohibits new garage entries, driveways, or other vehicle access.

ENVIRONMENTAL REVIEW

The proposal to amend Planning Code would result in no physical impact on the environment. The proposed amendment is exempt from environmental review under Section 15060(c)(3) and 15378 of the CEQA Guidelines.

PUBLIC COMMENT

As of the date of this report, the Planning Department has received 8 letters and approximately 20 phone inquiries in support or opposition to the proposal from the public.

RECOMMENDATION:	Approval with Modifications

Attachments:

Exhibit A:	Draft Planning Commission Resolution
Exhibit B:	Map of Proposed Telegraph Hill-North Beach SUD
Exhibit C:	Zoning Administrator Bulletin 2006.1a: *Procedures and Criteria for Adding Garages to Existing Residential Structures*
Exhibit D:	Draft Board of Supervisors Ordinance
Exhibit E:	Public Comment Emails

Number 2006.1a | ZONING ADMINISTRATOR BULLETIN | December 2006

PROCEDURES AND CRITERIA FOR ADDING GARAGES TO EXISTING RESIDENTIAL STRUCTURES

This Bulletin is written to explain Planning Department procedures for the review of permit applications which propose to add garages to existing residential structures in order to provide off-street parking. The review requirements of other City Agencies, such as the Department of Building Inspection (DBI) or the Department of Public Works (DPW) are not addressed in this document.

In certain circumstances, approval of such permit applications can be granted immediately (e.g. over-the-counter). In other instances, the application may be routed upstairs for further staff review, after which it may be approved or disapproved.

All applications may be reviewed first at the Planning Information Counter (PIC). An initial determination can be made by PIC Staff as to whether the subject structure is a 'historic resource.' Any proposal to add a new garage in a structure which is considered a potential historic resource must be reviewed by one of the Department's preservation specialists and may be subject to the supplemental review process set forth in Zoning Administrator Bulletin 2006.1b, 'Additional Procedures for Adding Garages to Residential Historic Resources and Potential Historic Resources.' For the purposes of this bulletin these structures or "historic resources" are buildings constructed in or before 1913 that appear to be of historic or architectural merit and those previously evaluated and included on specified registers and surveys. This also includes properties over fifty years old that may be found to be historic resources based on available historic information.

For all other structures, Planning Staff at the PIC will determine compliance with the Planning Code, the General Plan, the Residential Design Guidelines (RDG)[1], and the specific criteria contained below. Should the proposed curb cut and garage door meet these standards, the application may be approved over-the-counter.

1. *Appearance of Garage Door.* Garage door design and materials should be compatible with the existing building and surrounding neighborhood character.

2. *Placement of the Curb Cut and Garage.* The location of curb cut and garage door should ensure maximum compatibility with the structure's context.
    a. *On-Street Parking.* Could a greater number of on-street parking spaces be retained if the curb-cut and garage were shifted elsewhere on the building's frontage?
    b. *Loss of Existing Street Trees.* Could existing street trees adjacent to the subject property remain if the garage and/or curb-cut was shifted elsewhere on the building's frontage? [2]
    c. *Loss of existing Significant Trees.* Could existing Significant Trees within the subject parcel remain if the garage and/or curb-cut was shifted elsewhere on the building's frontage?[3]

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[1] Pages 35 to 37 of the RDG contain recommended standards for new garage openings and curb cuts.

[2] Should any street tree removal be proposed, the application would be routed upstairs for further review while a Street Tree Removal Permit is sought from the Department of Public Works (DPW).

[3] For purposes of this Bulletin, a Significant Tree is defined in Public Works Code Section 810A as a tree within 10 feet of the front property line which meets at least one of the following criteria: (a) a diameter at breast height (DBH) in excess of 12 inches, (b) a height in excess of 20 feet, or (c) a canopy in excess of 15 feet. Any removal of or impact to Significant Trees would result in the application being routed upstairs for further review while the applicant pursues required permits from DPW.

3. *Width of Garage Door and Curb Cut.* The total width of the garage door should be no larger than necessary to accommodate the off-street parking space. The total width of the curb cut should not exceed the Department's standard curb cut maximum of 10 feet[4] [5]. In any instance where a proposed curb cut or garage door exceeds either of these dimensional requirements, the application will be routed upstairs for further review, where the burden will be upon the applicant to show that there are special circumstances which warrant larger dimensions, such as:

    a. *Site Constraints.* Is there a severe (1) lateral slope or (2) grade change in the front setback? Is the width of the lot or sidewalk atypical?
    b. *Street Constraints.* Is the width of the street prohibitively narrow such that maneuvering a standard automobile into the proposed garage is not be possible?
    c. *Limited garage or building depth.* When proposing a new multiple-space garage, could the garage be made deeper?
    d. *On-street parking spaces.* Does excessive curb-cut or garage door width further decrease the number of available on-street parking spaces?
    e. *Over-parking.* Would the proposal result in the provision of more than one parking space per dwelling unit?

4. *Creation of new street trees.* Are new street trees included in the proposal? If existing street trees would be removed, are replacement trees of similar caliper and canopy size proposed?

5. *Building Expansion.* Would any exterior dimension of the structure be increased? If building would be lifted to accommodate the garage, or if the proposal involves any exterior expansion whatsoever, in most cases neighborhood notification would be required and the application would be routed upstairs for further review.

6. *Interference with Transit, Bicycles or Pedestrians.* New or expanded garages or curb-cuts which are located along Transit Preferential Streets or which would otherwise affect transit stops, bicycle or primary pedestrian streets will be routed upstairs for further review.

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[4] This is a restatement of policies set forth in Zoning Administrator Bulletin 96.1.While Bulletin 96.1 presents background information and establishes a policy foundation for the regulation of curb cuts, this Bulletin (2006.1a) expands on and supersedes the policies contained in 96.1.

[5] The Department's standard curb cut (7 feet across at the street level and 18 inch transition slopes [where the curb tapers down to the street] on either side) was established in Zoning Administrator Bulletin 96.1 and is reiterated on page 37 of the RDG.

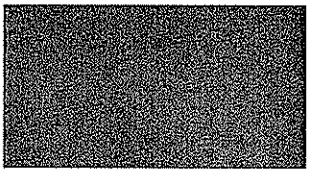
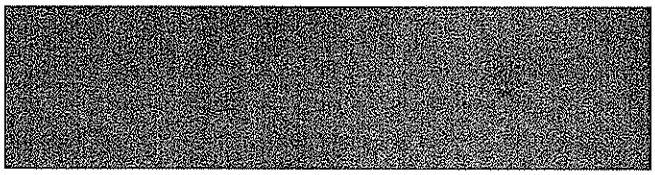
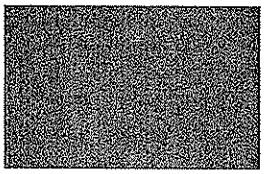
ADDITIONAL PROCEDURES FOR ADDING GARAGES TO RESIDENTIAL HISTORIC RESOURCES & POTENTIAL HISTORIC RESOURCES

The ongoing demand for off-street parking in San Francisco has created a serious challenge for its historic resources. This bulletin is written to ensure adequate and consistent review of the City's known and potential historic resources.

Rehabilitation and alteration standards for the preservation of designated City Landmark properties are contained in Article 10 of the Planning Code. However, there are structures within San Francisco that are considered historic resources in addition to landmark properties. For the purposes of this bulletin these additional structures or "historic resources" are buildings constructed in or before 1913 that appear to be of historic or architectural merit and those previously evaluated and included on specified registers and surveys. This also includes properties over fifty years old that may be found to be historic resources based on available historic information.

Inserting a new garage opening can have a major impact on a historic resource and the surrounding neighborhood. Due to this potential impact, the Planning Department reviews proposals for new garages on a case-by-case basis. Department staff will review all proposals for compatibility with the Secretary of the Interior's Standards for the Treatment of Historic Properties.[6] These Standards were developed by the National Park Service and are applied as set forth by the California Environmental Quality Act (CEQA) Guidelines Section 15331. [It is important to note that as legal non-conforming structures, the Planning Code does not require the provision of off-street parking for these properties.]

Below is a list of the character-defining features that, if altered, may trigger additional Planning Department review; however, please note that in some instances the insertion of a garage opening will not be approved in a historic resource.

Generally, raising a historic resource to insert a garage opening is strongly discouraged when the act may render the building ineligible for the California or National Register. In some instances, raising a structure to insert a garage opening may be approved to avoid the removal of historic fabric as long as the integrity of the building, its original design, proportions, and its relationship to adjacent buildings are not compromised.

In cases where a garage opening may be appropriate, great care should be taken in the design and execution of the work. In addition to the criteria set forth in Zoning Administrator Bulletin 2006.1a, the following criteria apply to the review of new garages in historic resources.

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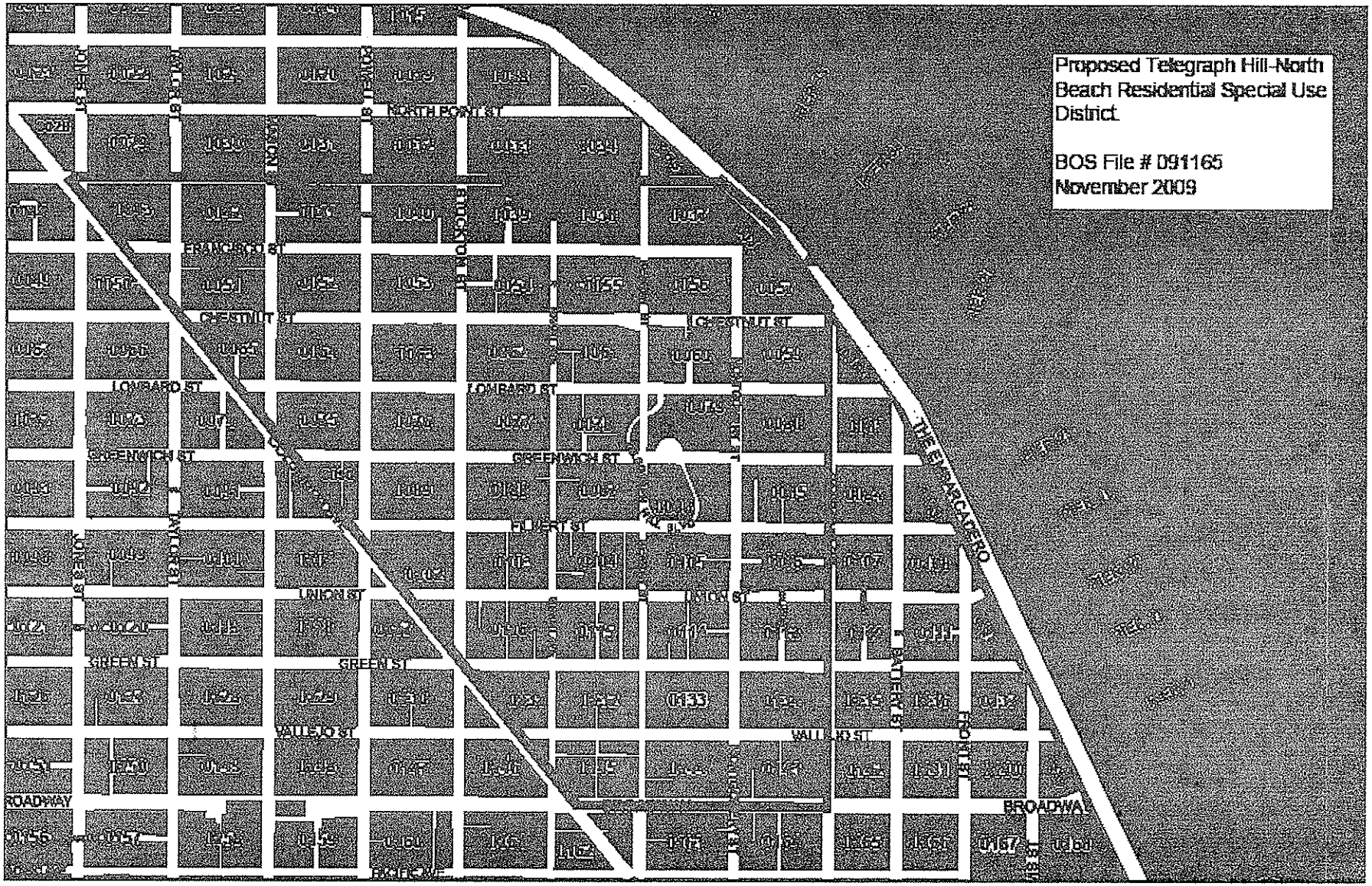
[6] For more information please refer to the San Francisco Planning Department Preservation Bulletin No. 21. http://www.sfgov.org/site/uploadedfiles/planning/preservation/PresBulletin21Standards.pdf

- Garage openings should be inserted on the side or rear whenever possible. These "secondary elevations" have fewer character-defining features.
- A new opening and curb cut should be no larger than absolutely necessary while still meeting the requirements of the existing Building and Planning Codes.
- Explore obtaining a Minor Encroachment Permit (Section 723.2 of the Public Works Code) from the Department of Public Works (DPW). This permit allows for the extension of the driveway into the public right-of-way and can lower the height of the garage door to avoid the removal of character-features. DPW can be reached at (415) 554-5810.
- All detailing, including garage doors, surrounds, and decorative features, should be compatible with the building's architectural features without creating a false sense of history.
- Garages should be designed to be inconspicuous so they do not project out from the front façade of the building; however, new garage structures in the front yard setback of steeply sloping lots or in retaining walls may be appropriate.
- Landscape improvements should be incorporated into the proposal to minimize the impact a new garage opening has on the building and the surrounding streetscape.

Please note that approval of all garages, including those in historic resources and potential historic resources, is discretionary and are subject to CEQA as well as other relevant city requirements and code provisions.



San Francisco Planning Department
Planning Code Text & Map Change
Planning Case Number 2009.1053TZ
Tara Sullivan/558-6257