

[Planning Code - Permitting Parking in Driveways]

Ordinance amending the Planning Code to permit parking of up to two operable vehicles, not including boats, trailers, recreational vehicles, mobile homes, or buses, in driveways located in required front setbacks, side yards, or rear yards; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. Environmental and Land Use Findings.

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

(b) On _____, the Planning Commission, in Resolution No. _____, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The

Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. _____, and is incorporated herein by reference.

(c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this ordinance will serve the public necessity, convenience and welfare for the reasons set forth in Planning Commission Resolution No. _____.

Section 2. Articles 1.2 and 1.5 of the Planning Code are hereby amended by revising Sections 136, 142, 145.1, and 151.1 to read as follows:

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

| <i>Streets and Alleys</i> | <i>Set- backs</i> | <i>Yards</i> | <i>Usable Open Space</i> | |
|--|------------------------------|---------------------|---|--|
| X | X | X | | <p>* * * *</p> <p>(c) The permitted obstructions shall be as follows:</p> <p>* * * *</p> <p>(30) Driveways, for use only to provide necessary access to required or permitted parking that is located in the buildable area of the subject property other than in a required open area, <i>and</i> where such driveway has only the minimum width needed for such access, and <u>to provide parking in the front setback, side yard, or rear yard for operable vehicles.</u></p> |

subject to the following limitations: ~~in no case shall~~
~~parking be allowed in the setback;~~

(A) Boats, trailers, recreational vehicles,
mobile homes, and buses shall not be parked in the
driveway;

(B) No more than two vehicles per lot may
be parked in a driveway, regardless of the lot size or
driveway length;

(C) Vehicles parked in the driveway shall
not encroach onto the public right-of-way; and

(D) Except as specified in this subsection
(c)(30), in no case shall parking be allowed in the setback
or yard.

* * * *

**SEC. 142. SCREENING AND GREENING OF PARKING AND VEHICULAR USE
AREAS.**

* * * *

**(a) Screening of Parking and Vehicular Use Areas less than 25 Linear Feet
Adjacent to a Public Right-of-Way.**

* * * *

(2) Along rear yard areas and other interior open spaces, all off-street parking spaces, driveways and maneuvering areas within buildings shall be screened from view and confined by solid building walls-, except that driveways used for off-street parking as permitted in Section 136(c)(30) of this Code are not subject to this subsection (a)(2).

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**SEC. 145.1. STREET FRONTAGES IN NEIGHBORHOOD COMMERCIAL,
RESIDENTIAL-COMMERCIAL, COMMERCIAL, AND MIXED USE DISTRICTS.**

* * * *

(b) Definitions.

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

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

(B) Building alterations that would increase the gross square footage of a structure by 20 percent or more; or

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

* * * *

(c) Controls. The following requirements shall generally apply, except for those controls listed in subsections (c)(1) Above Grade Parking Setback and (c)(4) Ground Floor Ceiling Height, which only apply to a "development lot" as defined above and except as specified in subsection (d).

* * * *

(1) Above-Grade Parking Setback. Off-street parking at street grade on a development lot must be set back at least 25 feet on the ground floor and at least 15 feet on floors above, from any facade facing a street at least 30 feet in width. Parking above the ground level shall be entirely screened from all public rights-of-way in a manner that accentuates ground floor uses, minimizes mechanical features and is in keeping with the overall massing and architectural vocabulary of the building. In C-3 Districts, parking above

1 the ground level, where permitted, shall also be designed to facilitate conversion to other uses
2 by maintaining level floors and a clear ceiling height of nine feet or equal to that of the
3 adjacent street-fronting active uses, whichever is greater. Removable parking ramps and off-
4 street parking in driveways permitted under Section 136(c)(30) of this Code are excluded from this
5 requirement.

6 * * * *

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

10 * * * *

11 (b) **Controls.** Off-street accessory parking shall not be required for any use, and the
12 quantities of off-street parking specified in Table 151.1 shall serve as the maximum amount of
13 off-street parking that may be provided as accessory to the uses specified. Variances from
14 accessory off-street parking limits, as described in this Section 151.1, may not be granted.
15 Where off-street parking is provided that exceeds the quantities specified in Table 151.1 or as
16 explicitly permitted by this Section, such parking shall be classified not as accessory parking
17 but as either a principally permitted or Conditional Use, depending upon the use provisions
18 applicable to the district in which the parking is located. Off-street parking in driveways permitted
19 under Section 136(c)(30) of this Code shall not count toward any maximum quantities specified in
20 Table 151.1. In considering an application for a Conditional Use for any such parking due to the
21 amount being provided, the Planning Commission shall consider the criteria set forth in
22 Sections 303(t) or 303(u) of this Code.

23 * * * *

1 Section 3. Effective Date. This ordinance shall become effective 30 days after
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
4 of Supervisors overrides the Mayor's veto of the ordinance.

5
6 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
7 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
8 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
9 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
10 additions, and Board amendment deletions in accordance with the "Note" that appears under
11 the official title of the ordinance.

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13 APPROVED AS TO FORM:
14 DAVID CHIU, City Attorney

15 By: /s/ Kathy J. Shin
16 KATHY J. SHIN
Deputy City Attorney

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