

1 [Requirements for off-street parking and loading.]

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3 **Ordinance amending the San Francisco Planning Code by amending Section 150 to**  
4 **allow residential accessory parking, including required spaces, in residential districts**  
5 **to be rented or leased to residents who live in the area; amending Section 151 to**  
6 **reduce the required number of parking spaces for housing for seniors and physically**  
7 **handicapped persons, affordable housing, group housing, SRO units and residential**  
8 **care facilities; amending Section 154 to revise the minimum dimensions for off-street**  
9 **parking spaces, to encourage space-efficient parking and to no longer require**  
10 **independently accessible parking and define independently accessible parking to**  
11 **include parking accessed by automated garages or car elevators and valet parking;**  
12 **amending Section 155 to delete a requirement for independently accessible parking**  
13 **and require parking design to prevent bicycle and transit lane conflicts; amending**  
14 **Section 157 to provide for a demonstration that car-share parking cannot satisfy the**  
15 **need for non-accessory parking as a conditional use; amending Section 167 to provide**  
16 **for optional parking in all new residential buildings or conversions to residential**  
17 **buildings of 10 units or more; amending Section 204.5 to allow residential accessory**  
18 **parking, including required spaces, in residential districts to be rented or leased to**  
19 **residents who live in the area; amending Section 303(c)(2)(B) to provide for**  
20 **consideration of whether a use seeking a conditional use permit is providing car-share**  
21 **parking; amending Section 790.10 to include a car-share parking space as part of a**  
22 **community residential parking use; amending Section 890.7 to include a car-share**  
23 **parking space as part of a community residential automobile parking lot use; amending**  
24 **Section 890.8 to include a car-share parking space as part of a community residential**  
25 **automobile parking garage use; and adopting findings.**

1                   Note:       Additions are single-underline italics Times New Roman;  
2                               deletions are ~~strikethrough italics Times New Roman~~.  
3                               Board amendment additions are double underlined.  
                              Board amendment deletions are ~~strikethrough normal~~.

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

5           Section 1. Findings.

6           (1)    Pursuant to Planning Code Section 302, this Board of Supervisors finds that this  
7 ordinance will serve the public necessity convenience and welfare for the reasons set forth in  
8 Planning Commission Resolution No. \_\_\_\_\_, and incorporates such reasons by this  
9 reference thereto. A copy of said resolution is on file with the Clerk of the Board of  
10 Supervisors in File No. \_\_\_\_\_.

11          (2)    The Board of Supervisors finds that this ordinance is in conformity with the  
12 Priority Policies of Section 101.1 of the Planning Code and with the General Plan, and hereby  
13 adopts the findings set forth in Planning Commission Resolution No. \_\_\_\_\_ and incorporates  
14 such findings by reference as if fully set forth herein. A copy of said resolution is on file with  
15 the Clerk of the Board of Supervisors in File No. \_\_\_\_\_.

16          Section 2. The San Francisco Planning Code is hereby amended by amending  
17 Sections 150, 151, 154, 155, 157, 167, 204.5, 303, 790.10, 890.7, and 890.8 ~~890.10~~ to read  
18 as follows:

19          Sec. 150. OFF-STREET PARKING AND LOADING REQUIREMENTS.

20          (a)    General. This Article 1.5 is intended to assure that off-street parking and loading  
21 facilities are provided in amounts and in a manner that will be consistent with the objectives  
22 and policies of the San Francisco Master Plan, as part of a balanced transportation system  
23 that makes suitable provision for use of both private vehicles and transit. With respect to off-  
24 street parking, this Article is intended to require needed facilities but discourage excessive  
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1 amounts of parking, to avoid adverse effects upon surrounding areas and uses, and to  
2 encourage effective use of public transit as an alternative to travel by private automobile.

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

7 (c) Additions to Structure and Uses.

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

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

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

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

11 (e) Conditional Use Cases. When authorizing a conditional use under Section 303  
12 of this Code, the City Planning Commission may require such additional off-street parking and  
13 loading spaces, and apply such other standards in addition to those stated in this Article 1.5,  
14 as are in its opinion necessary to secure the objectives of this Code.

15 Sec. 151. SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES.

16 Off-street parking spaces shall be provided in the minimum quantities specified in the  
17 following table, except as otherwise provided in Section 151.1 and Section 161 of this Code.  
18 Where the building or lot contains uses in more than one of the categories listed, parking  
19 requirements shall be calculated in the manner provided in Section 153 of this Code. Where  
20 off-street parking is provided which exceeds certain amounts in relation to the quantities  
21 specified in this table, as set forth in Section 204.5 of this Code, such parking shall be  
22 classified not as accessory parking but as either a principal or a conditional use, depending  
23 upon the use provisions applicable to the district in which the parking is located. In  
24 considering an application for a conditional use for any such parking, due to the amount being  
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provided, the City Planning Commission shall ~~consider~~ apply the criteria set forth in Section 157 of this Code.

Table 151 OFF-STREET PARKING SPACES REQUIRED	
Use or Activity	Number of Off-Street Parking Spaces Required
Dwelling, except as specified below, and except in the Bernal Heights Special Use District as provided in Section 242	One for each dwelling unit.
Dwelling, RC-4, RSD except in the Van Ness Special Use District	One for each four dwelling unit.
Dwelling, specifically designed for and occupied by senior citizens or physically handicapped persons, as defined and regulated by Section 209.1(m) of this Code	<i>None in districts other than RH-1 and RH-2, except, for purposes of determining spaces required by this Code in Section 204.5 <del>One-fifth</del> the number of spaces specified above for the district in which the dwelling is located. In RH-1 and RH-2 Districts, one-fifth the number of spaces specified above for the district in which the dwelling is located.</i>
<i>Dwelling, in an affordable housing project as defined by Section 313.1 or 315.1 of this Code.</i>	<i>None in districts other than RH-1 and RH-2, except, for purposes of determining spaces required by this Code in Section 204.5, the number otherwise required in this Table 151 for a dwelling unit for the district in which the dwelling is located. The number otherwise required in this Table 151 for a dwelling unit for the district in which the dwelling is located.</i>
Group housing of any kind	<i>None in districts other than RH-2, except for purposes of determining spaces required by this Code in Section 204.5 one for each three bedrooms or for each six beds, whichever results in the greater requirements, plus one for the manager's dwelling unit if any, with a minimum of two spaces required. In RH-2 Districts, <del>One</del> for each three bedrooms or for each six beds, whichever results in the greater requirement, plus one for the manager's dwelling unit if any, with a minimum of two spaces required.</i>
SRO units	<i>None, except for purposes of determining spaces required by this Code in Section 204.5 in <del>the</del></i>

	South of Market base area, one for each 20 units, plus one for the manager's dwelling unit, if any, with a minimum of two spaces.
Hotel, inn or hostel in NC Districts	0.8 for each guest bedroom.
Hotel, inn or hostel in districts other than NC	One for each 16 guest bedrooms where the number of guest bedrooms exceeds 23, plus one for the manager's dwelling unit, if any.
Motel	One for each guest unit, plus one for the manager's dwelling unit, if any.
Mobile home park	One for each vehicle or structure in such park, plus one for the manager's dwelling unit if any.
Hospital or other inpatient medical institution	One for each 16 guest excluding bassinets or for each 2,400 square feet of gross floor area devoted to sleeping rooms, whichever results in the greater requirement, provided that these requirements shall not apply if the calculated number of spaces is no more than two.
Residential care facility	<i>None in districts other than RH-1 and RH-2, except for purposes of determining spaces required by this Code in Section 204.5. In RH-1 and RH-2 Districts, one <del>One</del> for each 10 residents, where the number of residents exceeds nine</i>
Child care facility	One for each 25 children to be accommodated at any one time, where the number of such children exceeds 24.
Elementary school	One for each six classrooms.
Secondary school	One for each two classrooms.
Post-secondary educational institution	One for each two classrooms.
Church or other religious institutions	One for each 20 seats by which the number of seats in the main auditorium exceeds 200.
Theater or auditorium	One for each eight seats up to 1,000 seats where the number of seats exceeds 50 seats, plus one for each 10 seats in excess of 1,000.
Stadium or sports arena	One for each 15 seats.
Medical or dental office or outpatient clinic	One for each 300 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.
Offices or studios of architects, engineers, interior designers and other design professionals and studios of graphic artists	One for each 1,000 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.
Other business office	One for each 500 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet, except one for each 750 square feet within the SSO District, where the occupied floor area exceeds 5,000

		square feet.
1	Restaurant, bar, nightclub, pool hall, dancehall, bowling alley or other similar enterprise	One for each 200 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.
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3	Retail space devoted to the handling of bulky merchandise such as motor vehicles, machinery or furniture	One for each 1,000 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.
4		
5	Greenhouse or plant nursery	One for each 4,000 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.
6		
7	Other retail space	One for each 500 square feet of occupied floor area up to 20,000 where the occupied floor area exceeds 5,000 square feet, plus one for each 250 square feet of occupied floor area in excess of 20,000.
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9	Service, repair or wholesale sales space, including personal, home or business service space in South of Market Districts.	One for each 1,000 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.
10		
11	Mortuary	Five
12	Storage or warehouse space, and space devoted to any use first permitted in an M-2 District	One for each 2,000 square feet of occupied floor area, where the occupied floor area exceeds 10,000 square feet.
13	Arts activities and spaces except theater or auditorium spaces	One for each 2,000 square feet of occupied floor area, where the occupied floor area exceeds 7,500 square feet.
14	Other manufacturing and industrial uses	One for each 1,500 square feet of occupied floor area, where the occupied floor area exceeds 7,500 square feet.
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16	Live/work units	One for each 2,000 square feet of occupied floor area, where the occupied floor area exceeds 7,500 square feet, except in RH or RM Districts, within which the requirement shall be one space for each live/work unit.
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Sec. 154. DIMENSIONS FOR OFF-STREET PARKING, FREIGHT LOADING AND SERVICE VEHICLE SPACES.

(a) Parking Spaces. Required Parking spaces are not required to be may be either independently accessible or space-efficient as described in 154(a)(4) and 154(a)(5), except as required elsewhere in the Building Code for spaces specifically designated for persons with physical disabilities. Space-efficient parking is encouraged.

1           (1) ~~Every required~~ Each independently accessible off-street parking space shall have a  
2 minimum area of ~~160-144~~ square feet for a standard space and 112.5 square feet for a compact  
3 space, except for the types of parking spaces authorized by Paragraph (a)(4) below and spaces  
4 specifically designated for persons with physical disabilities, the requirements for which are set forth in  
5 the Building Code. ~~, except as specified in Paragraph (a)(2) below.~~ Every required space shall be  
6 of usable shape. The area of any such space shall be exclusive of driveways, aisles and  
7 maneuvering areas. The parking space requirements for the Bernal Heights Special Use  
8 District are set forth in Section 242.

9           (2) ~~In the case of any structure or use for which four or more off street parking spaces are~~  
10 ~~required, the fourth such space may be a compact car space, and for each two spaces required in~~  
11 ~~excess of four, the second such space may be a compact car space. For this purpose every compact car~~  
12 ~~space shall have a minimum area of 127.5 square feet and shall be specifically marked and identified~~  
13 ~~as a compact car space. For dwelling units or group housing within RED, SPD, RSD, SLR, SLI or SSO~~  
14 ~~Districts, 100 percent compact sizes shall be permitted. Any ratio of standard spaces to compact spaces~~  
15 ~~may be permitted, so long as compact car spaces are specifically marked and identified as a compact~~  
16 space. Special provisions relating to the Bernal Heights Special Use District are set forth in  
17 Section 242.

18           (3) Off-street parking spaces in DTR and C-3 Districts shall have no minimum area or  
19 dimension requirements, except as required elsewhere in the Building Code for spaces specifically  
20 designated for persons with physical disabilities.

21           (4) Parking spaces in mechanical parking structures that allow a vehicle to be accessed  
22 without having to move another vehicle under its own power shall be deemed to be independently  
23 accessible. Parking spaces that are accessed by a valet attendant and are subject to such conditions as  
24 may be imposed by the Zoning Administrator to insure the availability of attendant service at the time  
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1 the vehicle may reasonably be needed or desired by the user for whom the space is required, shall be  
2 deemed to be independently accessible. Any conditions imposed by the Zoning Administrator pursuant  
3 to this Section shall be recorded as a Notice of Special Restriction.

4 (5) Space-efficient parking is parking in which vehicles are stored and accessed by valet,  
5 mechanical stackers or lifts, certain tandem spaces, or other space-efficient means. Tandem  
6 spaces shall only count towards satisfying the parking requirement if no more than one car  
7 needs to be moved to access the desired parking space. Space-efficient parking is encouraged,  
8 and may be used to satisfy minimum-parking requirements so long as the project sponsor can  
9 demonstrate that all required parking can be accommodated by the means chosen.

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

14 ~~(4) In DTR and C-3 Districts, there shall be no minimum area or dimension requirements~~  
15 ~~for off-street parking spaces, except as required elsewhere in this Code for spaces specifically~~  
16 ~~designated for persons with physical disabilities, nor shall they be required to be independently~~  
17 ~~accessible. The use of mechanical parking lifts, valet services and other means to increase the~~  
18 ~~efficiency of space devoted to parking are encouraged.~~

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

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

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

4           (3)     Each substituted service vehicle space provided under Section 153(a)(6) of this  
5 Code shall have a minimum width of eight feet, a minimum length of 20 feet, and a minimum  
6 vertical clearance of seven feet.

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

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

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

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

22          (c)     Every off-street parking or loading space shall have adequate means of ingress  
23 from and egress to a street or alley. Access to off-street loading spaces shall be from alleys in  
24 preference to streets. ~~Every required off street parking or loading space shall be independently~~  
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~~accessible, with the exception of a parking space for a minor second dwelling unit in an RH-1(S) District, or as otherwise provided by the Bernal Heights Special Use District set forth in Section 242. In C-3 Districts, if it is found, in accordance with the provisions of Section 309, that independently accessible spaces are infeasible due to site constraints, or in South of Market Districts if it is found, in accordance with the provisions of Section 307(g) of this Code, that independently accessible spaces for nonresidential activities are infeasible due to site constraints or that valet parking would provide a more convenient and efficient means of serving business clients, the substitution of attendant parking spaces for independently accessible spaces may be approved. Access to off-street loading spaces shall be from alleys in preference to streets.~~

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

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

(d) All off-street freight loading and service vehicle spaces in the C-3-O, C-3-R, C-3-G, and South of Market Districts shall be completely enclosed and access from a public street or alley shall be provided by means of a private service driveway, which is totally contained within the structure. Such a private service driveway shall include adequate space to maneuver trucks and service vehicles into and out of all provided spaces, and shall be designed so as to facilitate access to the subject property while minimizing interference with street and sidewalk circulation. Any such private service driveway shall be of adequate width to accommodate drive-in movement from the adjacent curb or inside traffic lane but shall in no

1 case exceed 30 feet. Notwithstanding the foregoing, if an adjacent street or alley is  
2 determined to be primarily used for building service, pursuant to the provisions of Section 309  
3 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  
4 District, up to four spaces may be allowed to be individually accessible directly from such a  
5 street or alley.

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

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

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

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

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

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

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

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

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

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

3 (o) No area credited as all or part of a required off-street parking space shall also be  
4 credited as all or part of a required off-street loading space, or used as all or part of an  
5 unrequited off-street loading space. No area credited as all or part of a required off-street  
6 loading space shall also be credited as all or part of a required off-street parking space, or  
7 used as all or part of an unrequited off-street parking space.

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

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

12 (r) Protected Pedestrian- and Transit-Oriented Street Frontages. In order to  
13 preserve the pedestrian character of certain downtown and neighborhood commercial districts  
14 and to minimize delays to transit service, garage entries, driveways or other vehicular access  
15 to off-street parking or loading shall be regulated as follows on the following street frontages:

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

18 (2) The entire portion of Market Street in the C-3 Districts, not permitted.

19 (3) The entire portion of California Street, The Embarcadero, Folsom Street, Geary  
20 Street, Mission Street, Powell Street and Stockton Street in the C-3 Districts, and Grant  
21 Avenue from Market Street to Bush Street and Montgomery Street from Market Street to  
22 Columbus Avenue, not permitted except with a conditional use permit.

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

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

17 (1) Ground Floor or Below-Grade Parking and Street Frontages with Active Uses.

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

23 (B) Parking at the ground-level to the full height of the ground-level parking shall be  
24 lined with active uses, as defined by Section 145.4(e), to a depth of at least 25 feet along all  
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1 street frontages, except for space allowed for parking and loading access, building egress,  
2 and access to mechanical systems. So as not to preclude conversion of parking space to  
3 other uses in the future, parking at the ground-level shall not be sloped and shall have a  
4 minimum clear ceiling height of nine feet.

5 (i) Where a non-accessory off-street parking garage permitted under Section  
6 223(m)-(p) is located in the Mid-Market area described below in subsection 155(s)(3)(B) and  
7 fronts more than one street of less than 45 feet in width, a conditional use may be granted in  
8 accordance with Section 303 that allows an exception to this requirement for one of the street  
9 frontages. The above provision authorizing such conditional use shall sunset eight years from  
10 the effective date of the ordinance enacting this subsection 155(s)(1)(A)(i).

11 (C) Parking allowed above the ground-level in accordance with an exception under  
12 Section 309 or a conditional use in accordance with Section 303 as authorized by subsections  
13 155(s)(2) or 155(s)(3) shall be entirely screened from public rights-of-way in a manner that  
14 accentuates ground floor retail and other uses, minimizes louvers and other mechanical  
15 features and is in keeping with the overall massing and architectural vocabulary of the  
16 building's lower floors. So as not to preclude conversion of parking space to other uses in the  
17 future, parking allowed above the ground-level shall not be sloped and shall have a minimum  
18 clear ceiling height of nine feet.

19 (2) Residential accessory parking. For residential accessory off-street parking in C-  
20 3 Districts, two additional floors of above-grade parking beyond the at-grade parking allowed  
21 by Section 155(s)(1), to a maximum ceiling height of 35 feet from grade, may be permitted  
22 subject to the provisions of subsections 155(s)(2)(A) or 155(s)(2)(B) below:

23 (A) In a manner provided in Section 309 of this Code provided it can be clearly  
24 demonstrated that transportation easements or contaminated soil conditions make it  
25



1 practically infeasible to build parking below-ground. The determination of practical infeasibility  
2 shall be made based on an independent, third-party geotechnical assessment conducted by a  
3 licensed professional and funded by the project sponsor. The Planning Director shall make a  
4 determination as to the objectivity of the study prior to the Planning Commission's  
5 consideration of the exception application under Section 309.

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

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

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

23 (B) As a conditional use in accordance with the criteria set forth in Section 303,  
24 provided the site contains an existing non-accessory off-street surface parking lot with valid  
25

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

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

(5) Parking and Loading Access.

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

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

6 Sec. 157. CONDITIONAL USE APPLICATIONS FOR PARKING EXCEEDING  
7 ACCESSORY AMOUNTS: ADDITIONAL CRITERIA.

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

12 (a) Demonstration that trips to the use or uses to be served, and the apparent  
13 demand for additional parking, cannot be satisfied by the amount of parking classified by this  
14 Code as accessory, by transit service which exists or is likely to be provided in the  
15 foreseeable future, by car pool arrangements, by more efficient use of existing on-street and  
16 off-street parking available in the area, and by other means;

17 ~~(b)~~ Demonstration that the apparent demand for additional parking cannot be satisfied by  
18 the provision by the applicant of one or more a car-share parking space or spaces in addition to  
19 those that may already be required by as defined in Section 166 of this Code.

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

23 ~~(e)(d)~~ In the case of uses other than housing, limitation of the proposed parking to  
24 short-term occupancy by visitors rather than long-term occupancy by employees; and  
25

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

3           Sec. 167. PARKING COSTS SEPARATED FROM HOUSING COSTS IN NEW  
4 RESIDENTIAL BUILDINGS.

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

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

19           Sec. 204.5 PARKING AND LOADING AS ACCESSORY USES.

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

22           (a)     Such parking or loading facilities shall be located on the same lot as the  
23 structure or use served by them. (For provisions concerning required parking on a separate lot  
24 as a principal or conditional use, see Sections 156, 159, 160 and 161 of this Code.)  
25

1 (b) Unless rented on a monthly basis to serve a dwelling unit within 1,250-feet  
2 pursuant to Section 204.5(b)(1), below. ~~Such parking or loading facilities shall be for use by~~  
3 ~~the occupants, patrons, employees or services of the structure or use to which they are~~  
4 ~~accessory.~~ A accessory parking facilities for any dwelling in any R District shall be limited,  
5 further, to storage of private passenger automobiles, private automobile trailers and boats,  
6 and trucks of a rated capacity not exceeding 3/4 ton. Notwithstanding any provision of this  
7 Code to the contrary, the following shall be permitted as an accessory use:

8 (1) Lease, for term of no less than one month, of a lawfully existing off-street  
9 parking space that is required or permitted to serve a dwelling unit on the same lot, for use by  
10 any resident of a dwelling unit located on a different lot within 1,250 feet of such parking  
11 space.

12 (c) Accessory parking facilities shall include only those facilities which do not  
13 exceed the following amounts for a structure, lot or development: three spaces where one  
14 space is required by this Code; four spaces where two spaces are required by this Code; 150  
15 percent of the required number of spaces where three or more spaces are required by this  
16 Code; and, in all districts other than NC, 15 spaces or seven percent of the total gross floor  
17 area of the structure or development, whichever is greater, or in NC Districts, three spaces,  
18 where no off-street parking spaces are required by this Code. For purposes of calculation  
19 under the last provision just stated, gross floor area shall be as defined by this Code, and the  
20 area considered to be devoted to parking shall be only the parking spaces and aisles,  
21 excluding entrance and exit driveways and ramps. Off-street parking facilities which exceed  
22 the amounts stated in this Subsection (c) shall be classified as either a principal or a  
23 conditional use, depending upon the use provisions applicable to the district in which such  
24 facilities are located.

1           Sec. 303. CONDITIONAL USES.

2           (a)     General. The City Planning Commission shall hear and make determinations  
3 regarding applications for the authorization of conditional uses in the specific situations in  
4 which such authorization is provided for elsewhere in this Code. The procedures for  
5 conditional uses shall be as specified in this Section and in Sections 306 through 306.6,  
6 except that Planned Unit Developments shall in addition be subject to Section 304, medical  
7 institutions and post-secondary educational institutions shall in addition be subject to the  
8 institutional master plan requirements of Section 304.5, and conditional use and Planned Unit  
9 Development applications filed pursuant to Article 7, or otherwise required by this Code for  
10 uses or features in Neighborhood Commercial Districts, and conditional use applications  
11 within South of Market Districts, shall be subject to the provisions set forth in Sections 316  
12 through 316.8 of this Code, in lieu of those provided for in Sections 306.2 and 306.3 of this  
13 Code, with respect to scheduling and notice of hearings, and in addition to those provided for  
14 in Sections 306.4 and 306.5 of this Code, with respect to conduct of hearings and  
15 reconsideration.

16           (b)     Initiation. A conditional use action may be initiated by application of the owner,  
17 or authorized agent for the owner, of the property for which the conditional use is sought. For  
18 a conditional use application to relocate a general advertising sign under subsection (1)  
19 below, application shall be made by a general advertising sign under subsection (1) below,  
20 application shall be made by a general advertising sign company that has filed a Relocation  
21 Agreement application and all required information with the Planning Department pursuant to  
22 Section 2.21 of the San Francisco Administrative Code.

23           (c)     Determination. After its hearing on the application, or upon the recommendation  
24 of the Director of Planning if the application is filed pursuant to Sections 316 through 316.8 of  
25

1 this Code and no hearing is required, the City Planning Commission shall approve the  
2 application and authorize a conditional use if the facts presented are such to establish:

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

6 (A) In Neighborhood Commercial Districts, if the proposed use is to be located at a  
7 location in which the square footage exceeds the limitations found in Planning Code §  
8 121.2(a) or 121.2(b), the following shall be considered:

9 (i) The intensity of activity in the district is not such that allowing the larger use will  
10 be likely to foreclose the location of other needed neighborhood-servicing uses in the area;  
11 and

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

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

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

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

22 (B) The accessibility and traffic patterns for persons and vehicles, the type and  
23 volume of such traffic, and the adequacy of proposed off-street parking and loading and of  
24  
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1 proposed alternatives to off-street parking, including provisions of car-share parking spaces, as  
2 defined in Section 166 of this Code.

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

21 (d) Conditions. When considering an application for a conditional use as provided  
22 herein with respect to applications for development of "dwellings" as defined in Chapter 87 of  
23 the San Francisco Administrative Code, the Commission shall comply with that Chapter which  
24 requires, among other things, that the Commission not base any decision regarding the  
25

1 development of "dwellings" in which "protected class" members are likely to reside on  
2 information which may be discriminatory to any member of a "protected class" (as all such  
3 terms are defined in Chapter 87 of the San Francisco Administrative Code). In addition, when  
4 authorizing a conditional use as provided herein, the City Planning Commission, or the Board  
5 of Supervisors on appeal, shall prescribe such additional conditions, beyond those specified in  
6 this Code, as are in its opinion necessary to secure the objectives of the Code. Once any  
7 portion of the conditional use authorization is utilized, all such conditions pertaining to such  
8 authorization shall become immediately operative. The violation of any condition so imposed  
9 shall constitute a violation of this Code and may constitute grounds for revocation of the  
10 conditional use authorization. Such conditions may include time limits for exercise of the  
11 conditional use authorization; otherwise, any exercise of such authorization must commence  
12 within a reasonable time.

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

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

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

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

20 (3) In considering a conditional use revocation, the Commission shall consider  
21 whether and how the false or misleading information submitted by the applicant could have  
22 reasonably had a substantial effect upon the decision of the Commission, or the Board of  
23 Supervisors on appeal, to authorize the conditional use, substantial evidence of how any  
24 required condition has been violated or not implemented or how the conditional use is in  
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1 violation of the law if the violation is within the subject matter jurisdiction of the Planning  
2 Commission or operates in such a manner as to create hazardous, noxious or offensive  
3 conditions enumerated in Section 202(c) if the violation is within the subject matter jurisdiction  
4 of the Planning Commission. As an alternative to revocation, the Commission may consider  
5 how the use can be required to meet the law or the conditions of approval, how the  
6 hazardous, noxious or offensive conditions can be abated, or how the criteria of Section  
7 303(c) can be met by modifying existing conditions or by adding new conditions which could  
8 remedy a violation.

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

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

22 (A) There is substantial new evidence of a new conditional use abatement issue that  
23 is significantly different than the issue previously considered by the Planning Commission; or  
24  
25

1 (B) There is substantial new evidence about the same conditional use abatement  
2 issue considered in the earlier abatement proceeding, this new evidence was not or could not  
3 be reasonably available at the time of the earlier abatement proceeding, and that new  
4 evidence indicates that the Commission's decision in the earlier proceeding has not been  
5 implemented within a reasonable time or raises significant new issues not previously  
6 considered by the Planning Commission. The decision of the Director of Planning regarding  
7 the sufficiency and adequacy of evidence to allow the reconsideration of a conditional use  
8 abatement issue within a period of one year from the effective date of final action on the  
9 earlier abatement proceeding shall be final.

10 (g) Hotels and Motels.

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

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

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

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

21 (2) Notwithstanding the provisions of Sub-sections (f)(1) above, the Planning  
22 Commission shall not consider the impact of the employees of a proposed hotel or motel  
23 project on the demand in the City for housing where:  
24  
25

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

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

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

16 (h) Internet Services Exchange.

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

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

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

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

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

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

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

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

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

16 (2) As a condition of approval, and so long as the use remains an Internet Services  
17 Exchange, the project sponsor shall submit to the Planning Department on an annual basis  
18 power use statements for the previous twelve-month period as provided by all suppliers of  
19 utilities and shall submit a written annual report to the Department of Environment and the  
20 Planning Department which shall state: (a) the annual energy consumption and fuel  
21 consumption of all tenants and occupants of the Internet Services Exchange; (b) the number  
22 of all diesel generators located at the site and the hours of usage, including usage for testing  
23 purposes; (c) evidence that diesel generators at the site are in compliance with all applicable  
24  
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1 local, regional, state and federal permits, regulations and laws; and (d) such other information  
2 as the Planning Commission may require.

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

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

8 (B) Upon the effective date of the requirement of a conditional use permit for an  
9 Internet Services Exchange, the Planning Department shall submit to the Board of  
10 Supervisors and to the Director of the Department of Building Inspection a written report  
11 covering all existing Internet Services Exchanges and those Internet Services Exchanges  
12 seeking to obtain a conditional use permit, which report shall state the address, assessor's  
13 block and lot, zoning classification, square footage of the Internet Services Exchange  
14 constructed or to be constructed, a list of permits previously issued by the Planning and/or  
15 Building Inspection Departments concerning the Internet Services Exchange, the date of  
16 issuance of such permits, and the status of any outstanding requests for permits from the  
17 Planning and/or Building Inspection Departments concerning Internet Services Exchange; and

18 (C) Within three years from the effective date of the requirement of a conditional use  
19 permit for an Internet Services Exchange, the Planning Department, in consultation with the  
20 Department of Environment, shall submit to the Board of Supervisors a written report, which  
21 report shall contain the Planning Commission's evaluation of the effectiveness of the  
22 conditions imposed on Internet Services Exchanges, and whether it recommends additional or  
23 modified conditions to reduce energy and fuel consumption, limit air pollutant emissions, and  
24  
25



1 enhance the compatibility of industrial uses, such as Internet Services Exchanges, located  
2 near or in residential or commercial districts.

3 (i) Formula Retail Uses.

4 (1) With respect to an application for a formula retail use as defined in Section  
5 703.3, whenever a conditional use permit is required per Section 703.3(f), the Planning  
6 Commission shall consider, in addition to the criteria set forth in Subsection (c) above:

7 (A) The existing concentrations of formula retail uses within the Neighborhood  
8 Commercial District.

9 (B) The availability of other similar retail uses within the Neighborhood Commercial  
10 District.

11 (C) The compatibility of the proposed formula retail use with the existing  
12 architectural and aesthetic character of the Neighborhood Commercial District.

13 (D) The existing retail vacancy rates within the Neighborhood Commercial District.

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

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

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

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

23 (C) This shift in traffic patterns that may result from drawing traffic to the location of  
24 the proposed use; and  
25

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

3 (k) Movie Theater Uses.

4 (1) With respect to a change in use or demolition of a movie theater use as set forth  
5 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  
6 criteria set forth in Subsections (c) and (d) above, the Commission shall make the following  
7 findings:

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

10 (i) For purposes of defining "reasonable economic return," the Planning  
11 Commission shall be guided by the criteria for "fair return on investment" as set forth in  
12 Section 228.4(a).

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

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

18 **Sec. 790.10. AUTOMOBILE PARKING, COMMUNITY RESIDENTIAL.**

19 A use which provides parking accommodations, including a garage or lot, for the  
20 storage of private passenger automobiles for residents of the vicinity and meeting the  
21 requirements of Section 159 and other Sections in Article 1.5 of this Code, and for off-street  
22 car-share parking spaces, as defined in Section 166, when permitted by this Code, and excluding  
23 accessory parking, as defined in Section 204.5 of this Code.

24 **Sec. 890.7. AUTOMOBILE PARKING LOT, COMMUNITY RESIDENTIAL.**  
25

1 A use which provides temporary parking accommodations on an open lot or lot surrounded by  
2 a fence or wall for private automobiles, trucks, vans, bicycles and/or motorcycles for residents  
3 and visitors of residents of the vicinity, and for off-street car-share parking spaces, as defined  
4 in Section 166 of this Code, when permitted by this Code, without parking of commercial  
5 vehicles, recreational vehicles, mobile homes, boats or other vehicles or long-term storage of  
6 vehicles.

7 Sec. 890.8. AUTOMOBILE PARKING GARAGE, COMMUNITY RESIDENTIAL.

8 A use which provides temporary parking accommodations in a garage, or combination garage  
9 and lot for private automobiles, trucks, vans, bicycles and/or motorcycles for residents and  
10 visitors of residents in the vicinity, and for off-street car-share parking spaces, as defined in  
11 Section 166 of this Code, when permitted by this Code, without parking of commercial  
12 vehicles, recreational vehicles, mobile homes, boats or other vehicles or long-term storage of  
13 vehicles.

14 ~~Sec. 890.10. AUTOMOBILE PARKING GARAGE, COMMUNITY COMMERCIAL.~~

15 ~~———— A use which provides temporary parking accommodations in a garage, or combination~~  
16 ~~garage and lot, for automobiles, vans, trucks, bicycles and/or motorcycles for operators,~~  
17 ~~employees, clients and/or visitors of a permitted, or approved conditional, nonresidential use~~  
18 ~~in the vicinity, and for off-street car-share parking spaces, as defined in Section 166 of this~~  
19 ~~Code, when permitted by this Code, without parking of recreational vehicles, mobile homes,~~  
20 ~~boats or other vehicles or storage of vehicles, goods or equipment.~~

21 APPROVED AS TO FORM:

22 DENNIS J. HERRERA, City Attorney

23 By: \_\_\_\_\_  
24 Elaine C. Warren  
25 Deputy City Attorney

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