

File No. 120881

Committee Item No. 4

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date October 20, 2014

Board of Supervisors Meeting

Date _____

Cmte Board

<input type="checkbox"/>	<input type="checkbox"/>	Motion
<input type="checkbox"/>	<input type="checkbox"/>	Resolution
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ordinance
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legislative Digest
<input type="checkbox"/>	<input type="checkbox"/>	Budget and Legislative Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Youth Commission Report
<input type="checkbox"/>	<input type="checkbox"/>	Introduction Form
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Department/Agency Cover Letter and/or Report
<input type="checkbox"/>	<input type="checkbox"/>	MOU
<input type="checkbox"/>	<input type="checkbox"/>	Grant Information Form
<input type="checkbox"/>	<input type="checkbox"/>	Grant Budget
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<input type="checkbox"/>	<input type="checkbox"/>	Award Letter
<input type="checkbox"/>	<input type="checkbox"/>	Application
<input type="checkbox"/>	<input type="checkbox"/>	Public Correspondence

OTHER (Use back side if additional space is needed)

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Completed by: Andrea Ausberry Date October 16, 2014

Completed by: _____ Date _____

1 [Planning Code, Zoning Map - Uses, Conformity of Uses, Parking Requirements for Uses, and
2 Special Use Districts]

3 **Ordinance amending the Planning Code, by repealing Section 158 and amending**
4 **various other Code Sections, to modify controls for uses and accessory uses in**
5 **Commercial and Residential Commercial (RC) Districts; eliminate minimum parking**
6 **requirements for the Chinatown Mixed Use Districts, RC Districts, the Broadway and**
7 **North Beach Neighborhood Commercial Districts (NCDs), and the Washington-**
8 **Broadway Special Use District (SUD); make maximum residential parking permitted in**
9 **Downtown Commercial and RC Districts consistent with Neighborhood Commercial**
10 **Transit (NCT) Districts; make maximum non-residential parking in RC Districts,**
11 **Chinatown Mixed Use Districts, and Broadway and North Beach NCDs consistent with**
12 **NCT Districts; make surface parking lots a non-conforming use in Downtown**
13 **Commercial Districts; modify conformity requirements in various use districts; modify**
14 **streetscape requirements, public open space requirements, floor-area ratio**
15 **calculations, and transportation management requirements for various uses in certain**
16 **districts; permit certain exceptions from exposure and open space requirements for**
17 **historic buildings; remove references to deleted sections of the Code; amend Zoning**
18 **Map Sheet SU01 to consolidate the two Washington-Broadway SUDs and revise the**
19 **boundaries; and making environmental findings, Section 302, findings, and findings of**
20 **consistency with the General Plan, and the priority policies of Planning Code, Section**
21 **101.1.**

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

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

Supervisor Chiu
BOARD OF SUPERVISORS

1 Section 1. Findings.

2 (a) The Planning Department has determined that the actions contemplated in this
3 ordinance comply with the California Environmental Quality Act (California Public Resources
4 Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of
5 Supervisors in File No. 120881 and is incorporated herein by reference.

6 (b) Pursuant to Planning Code Section 302, this Board finds that these Planning Code
7 amendments will serve the public necessity, convenience, and welfare for the reasons set
8 forth in Planning Commission Resolution Nos. 18554, 18626, 18615, and 18616, and the
9 Board incorporates such reasons herein by reference. A copy of Planning Commission
10 Resolution Nos. 18554, 18626, 18615, and 18616 are on file with the Clerk of the Board of
11 Supervisors in File No. 120881.

12 (c) This Board finds that these Planning Code amendments are consistent with the
13 General Plan and with the Priority Policies of Planning Code Section 101.1 for the reasons set
14 forth in the above-referenced Planning Commission Resolution Nos., and the Board hereby
15 incorporates such reasons herein by reference.

16
17 Section 2. The San Francisco Planning Code is hereby amended by repealing Section
18 158 (Major Parking Garages in C-3 Districts) in its entirety.

19
20 Section 3. The San Francisco Planning Code is hereby amended by amending the
21 following sections or specific subsections: Sections 102.9, 135, 138, 138.1, 140, 141, 151,
22 151.1, 155, 156, 157.1, 158.1, 161, 163, 182, 184, 204.3, 204.2, 204.5, 206.3, 223, 239, 243,
23 249.25, 307, 309, 714, 722, 810, 811 and 812, to read as follows:

24 **SEC. 102.9. FLOOR AREA, GROSS.**

1 In districts other than C-3, the sum of the gross areas of the several floors of a building
2 or buildings, measured from the exterior faces of exterior walls or from the centerlines of walls
3 separating two buildings. Where columns are outside and separated from an exterior wall
4 (curtain wall) which encloses the building space or are otherwise so arranged that the curtain
5 wall is clearly separate from the structural members, the exterior face of the curtain wall shall
6 be the line of measurement, and the area of the columns themselves at each floor shall also
7 be counted.

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

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

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

18 (2) Elevator shafts, stairwells, exit enclosures and smokeproof enclosures, at each
19 floor;

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

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

23 (5) Floor space in balconies or mezzanines in the interior of the building;
24
25

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

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

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

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

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

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

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

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

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

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

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

8 (7) In C-3 Districts, floor space dedicated to parking which does not exceed the amount
9 principally permitted as accessory, and is located underground;

10 (8) ~~(7)~~ Bicycle parking which meets the standards of Sections 155.1 through 155.5 of
11 this Code;

12 ~~(9)~~(8) Arcades, plazas, walkways, porches, breezeways, porticos and similar features
13 (whether roofed or not), at or near street level, accessible to the general public and not
14 substantially enclosed by exterior walls; and accessways to public transit lines, if open for use
15 by the general public; all exclusive of areas devoted to sales, service, display, and other
16 activities other than movement of persons;

17 ~~(10)~~ (9) Balconies, porches, roof decks, terraces, courts and similar features, except
18 those used for primary access as described in Paragraph (a)(6) above, provided that:

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

1 (B) If more than 70 percent of the perimeter of such an area is enclosed, either by
2 building walls (exclusive of a railing or parapet not more than three feet eight inches high), or
3 by such walls and interior lot lines, and the clear space is 15 feet or more in both dimensions,
4 (1) the area shall be excluded from gross floor area if it is fully open to the sky (except for roof
5 eaves, cornices or belt courses which project no more than two feet from the face of the
6 building wall), and (2) the area may have roofed areas along its perimeter which are also
7 excluded from gross floor area if the minimum clear open space between any such roof and
8 the opposite wall or roof (whichever is closer) is maintained at 15 feet (with the above
9 exceptions) and the roofed area does not exceed 10 feet in depth; (3) in addition, when the
10 clear open area exceeds 625 square feet, a canopy, gazebo, or similar roofed structure
11 without walls may cover up to 10 percent of such open space without being counted as gross
12 floor area.

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

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

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

1 ~~(13)~~ ~~(12)~~ Ground floor area in the C-3-0, C-3-O(SD), C-3-S, C-3-S(SU) and C-3-G
2 Districts devoted to building or pedestrian circulation and building service;

3 ~~(14)~~ ~~(13)~~ In the C-3-0, C-3-O(SD), C-3-S, C-3-S(SU) and C-3-G Districts, space
4 devoted to personal services, restaurants, and retail sales of goods intended to meet the
5 convenience shopping and service needs of downtown workers and residents, not to exceed
6 5,000 occupied square feet per use and, in total, not to exceed 75 percent of the area of the
7 ground floor of the building plus the ground level, on-site open space. Said uses shall be
8 located on the ground floor, except that, in order to facilitate the creation of more spacious
9 ground floor interior spaces, a portion of the said uses, in an amount to be determined
10 pursuant to the provisions of Section 309, may be located on a mezzanine level;

11 ~~(15)~~ ~~(14)~~ An interior space provided as an open space feature in accordance with the
12 requirements of Section 138;

13 ~~(16)~~ ~~(15)~~ Floor area in C-3, South of Market Mixed Use Districts, and Eastern
14 Neighborhoods Mixed Use Districts devoted to child care facilities provided that:

15 (A) Allowable indoor space is no less than 3,000 square feet and no more than
16 6,000 square feet, and

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

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

21 (D) The space is used for child care for the life of the building as long as there is a
22 demonstrated need. No change in use shall occur without a finding by the City Planning
23 Commission that there is a lack of need for child care and that the space will be used for a
24 facility described in Subsection 45 18 below dealing with cultural, educational, recreational,
25 religious, or social service facilities;

1 ~~(17)~~ ~~(16)~~ Floor area in C-3, South of Market Mixed Use Districts, and Eastern
2 Neighborhoods Mixed Use Districts permanently devoted to cultural, educational, recreational,
3 religious or social service facilities available to the general public at no cost or at a fee
4 covering actual operating expenses, provided that such facilities are:

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

6 (B) Are made available rent free for occupancy only by nonprofit corporations or
7 institutions for such functions. Building area subject to this subsection shall be counted as
8 occupied floor area, except as provided in Subsections 102.10(a) through (f) of this Code, for
9 the purpose of calculating the off-street parking and freight loading requirements for the
10 project.;

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

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

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

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

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

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

4 (18) (20) In the C-3-0(SD) District, space devoted to personal services, eating and
5 drinking uses, or retail sales of goods and that is located on the same level as the rooftop park
6 on the Transbay Transit Center and directly accessible thereto by a direct publicly-accessible
7 pedestrian connection meeting the standards of Section 138(j)(1); and.

8 (19) (24) In the C-3-0(SD) District, publicly-accessible space on any story above a
9 height of 600 feet devoted to public accommodation that offers extensive views, including
10 observation decks, sky lobbies, restaurants, bars, or other retail uses, as well as any elevators
11 or other vertical circulation dedicated exclusively to accessing or servicing such space. The
12 space must be open to the general public during normal business hours throughout the year,
13 and may charge a nominal fee for access.

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

16 (d) **Amount Required.** Usable open space shall be provided for each building in
17 the amounts specified herein and in Tables 135A and B for the district in which the building is
18 located; provided, however, that in the Downtown Residential (DTR) Districts, open space
19 shall be provided in the amounts specified in Section 825 of this Code.

20 In Neighborhood Commercial Districts, the amount of usable open space to be
21 provided shall be the amount required in the nearest Residential District, but the minimum
22 amount of open space required shall be in no case greater than the amount set forth in Table
23 135A for the district in which the building is located. The distance to each Residential District
24 shall be measured from the midpoint of the front lot line or from a point directly across the
25 street there from, whichever requires less open space.

1 (1) For dwellings other than those specified in Paragraphs (d)(2) through (d)(5)
2 below, the minimum amount of usable open space to be provided for use by each dwelling
3 unit shall be as specified in the second column of Table 135A if such usable open space is all
4 private. Where common usable open space is used to satisfy all or part of the requirement for
5 a dwelling unit, such common usable open space shall be provided in an amount equal to
6 1.33 square feet for each one square foot of private usable open space specified in the
7 second column of Table 135A. In such cases, the balance of the required usable open space
8 may be provided as private usable open space, with full credit for each square foot of private
9 usable open space so provided.

10 (2) For group housing structures and SRO units, the minimum amount of usable
11 open space provided for use by each bedroom or SRO unit shall be $\frac{4}{3}$ one-third the amount
12 required for a dwelling unit as specified in Paragraphs (d)(1) above and (d)(4) and (d)(5);
13 below. For purposes of these calculations, the number of bedrooms on a lot shall in no case
14 be considered to be less than one bedroom for each two beds. Where the actual number of
15 beds exceeds an average of two beds for each bedroom, each two beds shall be considered
16 equivalent to one bedroom.

17 (3) For dwellings specifically designed for and occupied by senior citizens ~~or~~
18 ~~physically handicapped persons~~, as defined and regulated by Section 102.6.1 209.1(m) of this
19 Code, the minimum amount of usable open space to be provided for use by each dwelling unit
20 shall be $\frac{1}{2}$ one-half the amount required for each dwelling unit as specified in Paragraph (d)(1)
21 above.

22 (4) **DTR Districts.** For all residential uses, 75 square feet of open space is required
23 per dwelling unit. All residential open space must meet the provisions described in this
24 Section unless otherwise established in this subsection or in Section 825 or a Section
25 governing an individual DTR District. Open space requirements may be met with the following

types of open space: "private usable open space" as defined in Section 135(a) of this Code, "common usable open space" as defined in Section 135(a) of this Code, and "publicly accessible open space" as defined in subsection (h) below. At least 40 percent of the residential open space is required to be common to all residential units. Common usable open space is not required to be publicly-accessible. Publicly-accessible open space, including off-site open space permitted by subsection (i) below and by Section 827(a)(9), meeting the standards of subsection (h) may be considered as common usable open space. For residential units with direct access from the street, building setback areas that meet the standards of Section 145.1 and the Ground Floor Residential Design Guidelines may be counted toward the open space requirement as private non-common open space.

(5) **Eastern Neighborhoods Mixed Use Districts.** The minimum amount of usable open space to be provided for use by each dwelling unit shall be as specified in Table 135B. For group housing structures and SRO units, the minimum amount of usable open space provided for use by each bedroom shall be $\frac{1}{3}$ one-third the amount required for a dwelling unit as specified in Table 135B.

TABLE 135A MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING OUTSIDE THE EASTERN NEIGHBORHOODS MIXED USE DISTRICT		
District	Square Feet Of Usable Open Space Required For Each Dwelling Unit If All Private	Ratio of Common Usable Open Space That May Be Substituted for Private
RH-1(D), RH-1	300	1.33
RH-1(S)	300 for first unit; 100 for minor second unit	1.33
RH-2	125	1.33

1	RH-3	100	1.33
2	RM-1, RC-1, RTO, RTO-M	100	1.33
3	RM-2, RC-2, SPD	80	1.33
4	RM-3, RC-3, RED	60	1.33
5	RM-4, RC-4, RSD	36	1.33
6	C-3, C-M, SLR, SLI, SSO, M-1, M-2	36	1.33
7	C-1, C-2	Same as for the R District establishing the dwelling unit density ratio for the C-1 or C-2 District property	
8	<u>NC Districts</u> NC-1, NC-2, NCT-1, NCT-2, NC-S, Inner Sunset, Sacramento Street, West Portal Avenue, Ocean Avenue, Glen Park	400 <u>As specified in the Zoning Control Table for the district</u>	1.33
9	NC-3, Castro Street, Inner Clement Street, Outer Clement Street, Upper Fillmore Street, Haight Street, Union Street, Valencia Street, 24th Street Mission, 24th Street Nee Valley, NCT-3, SoMa, Mission Street	80	1.33
10	Broadway, Hayes Gough, Upper Market Street, North Beach, Polk Street	60	1.33
11	Chinatown Community Business, Chinatown Residential Neighborhood Commercial, Chinatown Visitor Retail	48	1.00
12	DTR	This table not applicable. 75 square feet per dwelling. See Sec. 135(d)(4).	

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

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

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

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

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

Exceptions from these requirements for certain qualifying historic buildings may be permitted, subject to the requirements and procedures of Section 307(h) of this Code.

[NOTE TO EDITOR: Diagram not shown but not to be deleted.]

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

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

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

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

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

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

12 (D) Streetscape improvements with landscaping and pedestrian amenities that
13 result in additional pedestrian space beyond the pre-existing sidewalk width and conform to
14 the Better Streets Plan and any other applicable neighborhood streetscape plans per Section
15 138.1 or other related policies such as those associated with sidewalk widenings or building
16 setbacks, other than those intended by design for the use of individual ground floor residential
17 units; and

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

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

21 (B) Be appropriately landscaped;

22 (C) Be protected from uncomfortable winds;

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

- 1 (E) Be well signed and accessible to the public during daylight hours;
2 (F) Be well lit if the area is of the type requiring artificial illumination;
3 (G) Be designed to enhance user safety and security;
4 (H) Be of sufficient size to be attractive and practical for its intended use; and
5 (I) Have access to drinking water and toilets if feasible and appropriate.

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

12 (4) **Informational Plaque:** Prior to issuance of a permit of occupancy, a plaque
13 shall be placed in a publicly conspicuous location outside the building at street level, or at the
14 site of any publicly-accessible open space. The plaque shall identify said open space feature
15 and its location, stating the right of the public to use the space and the hours of use,
16 describing its principal required features (e.g., number of seats or other defining features) and
17 stating the name, telephone number, and address of the owner or owner's agent responsible
18 for maintenance. The plaque shall be of no less than 24 inches by 36 inches in size unless
19 specifically reduced by the Zoning Administrator in cases where the nature, size, or other
20 constraints of the open space would make the proscribed dimensions inappropriate.

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

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

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

13 (2) **DTR Districts.** In DTR Districts the provision of off-site publicly accessible open
14 space may be counted toward the requirements of residential open space per the procedures
15 of Section 309.1 provided it is within the individual DTR district of the project or within 500 feet
16 of any boundary of the individual DTR district of the project, and meets the standards of
17 subsection (h).

18 (A) **On Site.** At least 36 square feet per residential unit of required open space must
19 be provided on-site. Pursuant to the procedures of Section 309.1, the Planning Commission
20 may reduce the minimum on-site provision of required residential open space to not less than
21 18 square feet per unit in order to both create additional publicly-accessible open space
22 serving the district and to foster superior architectural design on constrained sites.

23 (B) **Open Space Provider.** The open space required by this Section may be
24 provided individually by the project sponsor or jointly by the project sponsor and other project
25 sponsors, provided that each square foot of jointly developed open space may count toward

1 only one sponsor's requirement. With the approval of the Planning Commission, a public or
2 private agency may develop and maintain the open space, provided that (i) the project
3 sponsor or sponsors pay for the cost of development of the number of square feet the project
4 sponsor is required to provide, (ii) provision satisfactory to the Commission is made for the
5 continued maintenance of the open space for the actual lifetime of the building giving rise to
6 the open space requirement, and (iii) the Commission finds that there is reasonable
7 assurance that the open space to be developed by such agency will be developed and open
8 for use by the time the building, the open space requirement of which is being met by the
9 payment, is ready for occupancy.

10 (3) **Ocean Avenue NCT.** In the Ocean Avenue NCT District, the provision of off-
11 site publicly accessible open space may be credited toward the residential usable open space
12 requirement subject to the procedures of Section 303. Any such open space shall meet the
13 publicly accessible open space standards set forth in Section 135(h) and be provided within
14 800 feet of the project. No more than 50 percent of a project's usable open space requirement
15 may be satisfied off-site. The publicly accessible off-site usable open space shall be
16 constructed, completed, and ready for use no later than the project itself, and shall receive its
17 certificate of final completion from the Department of Building Inspection prior to the issuance
18 of any certificate of final completion or temporary certificate of occupancy for the project itself.

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

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

(b) **Amount Required.** Except in the C-3-0(SD) District, open space shall be provided in the amounts specified below for all uses except (i) residential uses, which shall be governed by Section 135 of this Code; and (ii) institutional uses; ~~and (iii) uses in a predominantly retail building. For the purposes of this section, a "predominantly retail building" is one in which 2/3 or more of the occupied floor area is in retail use.~~ In the C-3-0(SD) District, open space shall be provided in the amounts below for all non-residential uses.

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

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

- (1) Be of adequate size;

- 1 (2) Be situated in such locations and provide such ingress and egress as will make
2 the area easily accessible to the general public;
- 3 (3) Be well-designed, and where appropriate, be landscaped;
- 4 (4) Be protected from uncomfortable wind;
- 5 (5) Incorporate various features, including ample seating and, if appropriate, access
6 to food service, which will enhance public use of the area;
- 7 (6) Have adequate access to sunlight if sunlight access is appropriate to the type of
8 area;
- 9 (7) Be well-lighted if the area is of the type requiring artificial illumination;
- 10 (8) Be open to the public at times when it is reasonable to expect substantial public
11 use;
- 12 (9) Be designed to enhance user safety and security;
- 13 (10) If the open space is on private property, provide toilet facilities open to the
14 public;
- 15 (11) Have at least 75 percent of the total open space approved be open to the public
16 during all daylight hours.

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

22 The Commission may, by resolution, declare certain types of open space ineligible
23 throughout C-3 Districts, or in certain defined areas, if it determines that a disproportionate
24 number of certain types of open space, or that an insufficient number of parks and plazas, is
25 being provided in order to meet the public need for open space and recreational uses. Such

1 resolution may exempt from its application projects whose permit applications are on file with
2 the ~~Department of City~~ Planning Department. Over time, no more than 20 percent of the space
3 provided under this Section shall be indoor space and at least 80 percent shall be outdoor
4 space. Once an indoor space has been approved, another such feature may not be approved
5 until the total square footage of outdoor open space features approved under this Section
6 exceeds 80 percent of the total square footage of all open spaces approved under this
7 Section.

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

20 **SEC. 138.1. STREETSCAPE AND PEDESTRIAN IMPROVEMENTS.**

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

24 (1) **Street trees.**

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

6 (ii) **Standards.**

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

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

9 (bb) Be suitable for the site;

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

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

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

20 (B) **DTR, RC, C, NC and Mixed-Use Districts, and Planned Unit Developments.**

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

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

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

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

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

6 (C) **Continuous soil-filled trench.** Street trees shall be planted in a continuous
7 soil-filled trench parallel to the curb, such that the basin for each tree is connected, if all the
8 following conditions are present: (1) the subject lot is in one of the Districts specified in
9 Subsection 138.1(c)(1)(ii)(B); (2) the project is on a lot that (a) is greater than 1/2-acre in total
10 area, (b) contains 250 feet of total lot frontage on one or more publicly-accessible rights-of-
11 way, or (c) the frontage encompasses the entire block face between the nearest two
12 intersections with any other publicly-accessible rights-of-way, and (2) (3) the project includes
13 (a) new construction; or (b) addition of 20% or more of gross floor area to an existing exiting
14 building; or (c) alteration to greater than 50% of the existing square footage of a building.

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

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

20 (iii) **Approvals, and waivers, and modifications.**

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

1 (B) **Determination of infeasibility or undesirability.** Required street trees may be
2 found to be infeasible or undesirable under the following circumstances:

3 (aa) **Technical infeasibility.** ~~The In any case in which the Department of Public~~
4 ~~Works may determine that one or more cannot grant approval for installation of a trees in the~~
5 ~~public right-of-way cannot be planted or cannot meet all the requirements of subsections~~
6 ~~(ii)(A) – (C), on the basis of inadequate sidewalk width, interference with utilities or other~~
7 ~~reasons regarding the public welfare, and where installation of such tree on the lot itself is~~
8 ~~impractical, the tree planting requirements of this Section 138.1(c)(1) may be modified or~~
9 ~~waived by the Zoning Administrator as described herein:~~

10 (bb) **Incompatibility with existing policy.** The Zoning Administrator may determine
11 that the planting of street trees conflicts with policies in the General Plan such as the
12 Downtown Plan policy favoring unobstructed pedestrian passage or the Commerce and
13 Industry Element policies to facilitate industry.

14 (C) **Waiver or modification.** In any case in which a street tree is determined to be
15 infeasible or undesirable under subsections (aa) or (bb), the Zoning Administrator may waive
16 or modify the street tree requirement as follows:

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

19 (bb) ~~When a pre-existing site constraint prevents the installation of a street tree, as~~
20 ~~As an alternative to payment of any portion of the in-lieu fee, the Zoning Administrator may~~
21 ~~modify the requirements of this section to allow the installation of alternative landscaping,~~
22 ~~including:~~ sidewalk landscaping that is compliant with applicable water use requirements of
23 Chapter 63 of the Administrative Code, to satisfy the requirements of Section 138.1(c)(1),
24 subject to permit approval from the Department of Public Works in accordance with Public
25 Works Code Section 810B, planter boxes, tubs, or similar above-ground landscaping, street

1 trees that do not meet all of the requirements of subsections (ii)(A) – (C), or street trees
2 planted in a required front setback area on the subject property.

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

11 (D) Credit for existing street trees. Where there is an existing, established street
12 tree fronting the subject property, as determined by the Department of Public Works, the
13 street tree requirement shall be waived and no in-lieu fee shall be applied for that particular
14 tree.

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

16 **(i) Application.**

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

1 (B) Project sponsors that meet the thresholds of this Subsection shall submit a
2 streetscape plan to the Planning Department showing the location, design, and dimensions of
3 all existing and proposed streetscape elements in the public right-of-way directly adjacent to
4 the fronting property, including street trees, sidewalk landscaping, street lighting, site
5 furnishings, utilities, driveways, and curb lines, and the relation of such elements to proposed
6 new construction and site work on the subject property.

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

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

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

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

21 (B) **Sidewalk widening.** The Planning Department in consultation with other
22 agencies shall evaluate whether sufficient roadway space is available for sidewalk widening
23 for the entirety or a portion of the fronting public right-of-way in order to meet or exceed the
24 recommended sidewalk widths for the appropriate street type per Table 2 and the Better
25 Streets Plan and/or to provide additional space for pedestrian and streetscape amenities. If it

1 is found that sidewalk widening is feasible and desirable, the Planning Department shall
2 require the owner or developer to install such sidewalk widening as a condition of approval,
3 including all associated utility re-location, drainage, and street and sidewalk paving.

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

9 **Table 2. Recommended Sidewalk Widths by Street Type**

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

	Ceremonial	varies
Small	Alley	9'
	Shared public way	n/a
	Paseo	varies

(iii) **Review and approvals.**

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

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

1 (C) **Waiver.** Any City agency tasked with the design, permitting, use, and
2 maintenance of the public right-of-way, may waive any or all Department required
3 improvements of the streetscape plan as described in this Subsection under that agency's
4 jurisdiction if said agency determines that such improvement or improvements is
5 inappropriate, interferes with utilities to an extent that makes installation financially infeasible,
6 or would negatively affect the public welfare. Any such waiver shall be from the Director or
7 General Manager of the affected agency, shall be in writing to the applicant and the
8 Department, and shall specify the basis for the waiver. Waivers, if any, shall be obtained prior
9 to commencement of construction of the streetscape improvements unless extenuating
10 circumstances arise during the construction of said improvements. If such a waiver is granted,
11 the Department reserves the right to impose alternative requirements that are the same as or
12 similar to the elements in the adopted streetscape plan after consultation with the affected
13 agency. This Subsection shall not apply to the waiver of the street tree requirement set forth in
14 Section 138.1(c)(1).

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

23 (1) **Downtown Streetscape Plan.**

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

1 (A) Any new construction;

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

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

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

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

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

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

20 (i) In the Rincon Hill Downtown Residential Mixed Use (RH-DTR) and Folsom and
21 Main Residential/Commercial Special Use Districts, the boundaries of which are shown in
22 Section Map No. 1 of the Zoning Map, for all frontages abutting a public sidewalk, the project
23 sponsor is required to install sidewalk widening, street trees, lighting, decorative paving,
24 seating and landscaping in accordance with the Streetscape Plan of the Rincon Hill Area
25 Plan, developed by the Planning Department and approved by the Board of Supervisors for:

1 (A) any new construction; or (B) the addition of floor area equal to 20 percent or more of an
2 existing building; ~~or (C) alteration to greater than 50% of the existing square footage of a~~
3 ~~building.~~

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

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

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

11 (A) construct new buildings;

12 (B) include building alterations which increase the gross square footage of a structure by 20
13 percent or more;

14 (C) change uses involving half or more of the building floor area, or more than
15 10,000 square feet;

16 (D) add off-street parking or loading; or

17 (D) (E) remove off-street parking or loading.

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

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

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

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

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

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

6 (a) Requirements. With the exception of dwelling units in single room occupancy
7 buildings in the South of Market Mixed Use Districts, in each dwelling unit in any use district,
8 the required windows (as defined by Section 504 of the San Francisco Housing Code) of at
9 least one room that meets the 120-square-foot minimum superficial floor area requirement of
10 Section 503 of the Housing Code shall face directly on an open area of one of the following
11 types:

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

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

1 (b) **Exceptions.** For historic buildings identified in Section 307(h)(1) ~~which are located~~
2 ~~within the Eastern Neighborhoods Mixed Use Districts, and for the conversion of a nonconforming use~~
3 ~~in an existing building to a residential use in a district where the residential use is principally~~
4 ~~permitted,~~ the requirements of this Section 140 may be modified or waived pursuant to the
5 procedures and criteria set forth in Sections 307(h) and 329. This administrative exception does
6 not apply to new additions to historic buildings.

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

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

19 (b) In C-3 Districts, whenever the enclosure or screening of the features listed in
20 Section 260(b)(1)(A) and (B), will be visually prominent, modifications may, in accordance with
21 provisions of Section 309, be required in order to insure that: (1) the enclosure or screening is
22 designed as a logical extension of the building form and an integral part of the overall building
23 design; (2) its cladding and detailing is comparable in quality to that of the rest of the building;
24 (3) if enclosed or screened by additional volume, as authorized by Section 260(b), the rooftop
25 form is appropriate to the nature and proportions of the building, and is designed to obscure

1 the rooftop equipment and appurtenances and to provide a more balanced and graceful
2 silhouette for the top of the building or structure; and (4) the additional building volume is not
3 distributed in a manner which simply extends vertically the walls of the building.

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

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

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

19 (a) **Applicability.** Off-street parking spaces shall be provided in the minimum
20 quantities specified in Table 151, except as otherwise provided in Section 151.1 and Section
21 161 of this Code. Where the building or lot contains uses in more than one of the categories
22 listed, parking requirements shall be calculated in the manner provided in Section 153 of this
23 Code. Where off-street parking is provided which exceeds certain amounts in relation to the
24 quantities specified in Table 151, as set forth in subsection (c) Section 204.5 of this Code, such
25 parking shall be classified not as accessory parking but as either a principal or a conditional

use, depending upon the use provisions applicable to the district in which the parking is located. In considering an application for a conditional use for any such parking, due to the amount being provided, the City Planning Commission shall consider the criteria set forth in Section 157 of this Code.

(b) **Minimum parking required.**

Table 151
OFF-STREET PARKING SPACES REQUIRED

Use or Activity	Number of Off-Street Parking Spaces Required
Dwelling, except as specified below, and except in the Bernal Heights Special Use District as provided in Section 242	One for each dwelling unit.
Dwelling, in the Broadway and North Beach Neighborhood Commercial Districts and the Chinatown Mixed Use Districts	P up to one car for each two dwelling units; C up to .75 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(g); NP above 0.75 cars for each dwelling unit.
Dwelling, in the Telegraph Hill – North Beach Residential Special Use District	<u>None required.</u> P up to three cars for each four dwelling units; C up to one car for each dwelling unit, subject to the criteria and procedures of Section 151.1(g); NP above one car for each dwelling unit.
Dwelling, RC-4, except in the Van Ness Special Use District	One for each four dwelling units.
Dwelling, specifically designed for and	None in districts other than RH-1 and RH-2,

1 2 3 4 5 6 7	occupied by senior citizens as defined in Section 102.6.1 of this Code, or persons with physical disabilities	except, for purposes of determining spaces required by this Code in Section 204.5, the number of spaces specified above for the district in which the dwelling is located. In RH- 1 and RH-2 Districts, one-fifth the number of spaces specified above for the district in which the dwelling is located.
8 9 10 11 12 13	Dwelling, in an affordable housing project as defined by Section 401 of this Code.	None in districts other than RH-1 and RH-2, except, for purposes of determining spaces required by this Code in Section 204.5, the number otherwise required in this Table 151 for a dwelling unit for the district in which the dwelling is located.
14 15 16 17 18 19 20 21 22 23 24 25	Group housing of any kind	None in districts other than RH-2, except for purposes of determining spaces required by this Code in Section 204.5, one for each three bedrooms or for each six beds, whichever results in the greater requirements, plus one for the manager's dwelling unit if any, with a minimum of two spaces required. In RH-2 Districts, for each three bedrooms or for each six beds, whichever results in the greater requirement, plus one for the manager's dwelling unit if any, with a minimum of two spaces required.

1	Hotel, inn or hostel in NC Districts	0.8 for each guest bedroom.
2	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.
3		
4		
5	Motel	One for each guest unit, plus one for the manager's dwelling unit, if any.
6		
7	Mobile home park	One for each vehicle or structure in such park, plus one for the manager's dwelling unit if any.
8		
9		
10	Hospital or other inpatient medical institution	One for each 8 beds excluding bassinets or for each 2,400 square feet of gross floor area devoted to sleeping rooms, whichever results in the greater requirement, provided that these requirements shall not apply if the calculated number of spaces is no more than two.
11		
12		
13		
14		
15		
16		
17	Residential care facility	None in districts other than RH-1 and RH-2, except for purposes of determining spaces required by this Code in Section 204.5. In RH-1 and RH-2 Districts, one for each 10 residents, where the number of residents exceeds nine.
18		
19		
20		
21		
22		
23	Child care facility	One for each 25 children to be accommodated at any one time, where the number of such children exceeds 24.
24		
25		

1	Elementary school	One for each six classrooms.
2	Secondary school	One for each two classrooms.
3	Post-secondary educational institution	One for each two classrooms.
4	Church or other religious institutions	One for each 20 seats by which the number of seats in the main auditorium exceeds 200.
5		
6	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.
7		
8		
9	Stadium or sports arena	One for each 15 seats.
10	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.
11		
12		
13	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.
14		
15		
16	Other business office	One for each 500 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.
17		
18		
19	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.
20		
21		
22		
23	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.
24		
25		

1	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.
2		
3		
4	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.
5		
6		
7		
8		
9	Service, repair or wholesale sales	One for each 1,000 square feet of occupied floor space, including personal, home or area, where the occupied floor area exceeds 5,000 square feet.
10		
11		
12		
13	Mortuary	Five
14	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.
15		
16		
17	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.
18		
19		
20	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.
21		
22		
23	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
24		
25		

RM Districts, within which the requirement shall be one space for each live/work unit.

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

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

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

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

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

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

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

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

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

Table 151.1

OFF-STREET PARKING PERMITTED AS ACCESSORY

Use or Activity	Space Devoted to Off-Street Car Parking or Number of Off-Street Car Parking
-----------------	--

1		Spaces Permitted
2	Dwelling units in RH-DTR Districts	P up to one car for each two dwelling units;
3		up to one car for each dwelling unit, subject to
4		the criteria and procedures of Section
5		151.1(e); NP above one space per unit.
6	Dwelling units in C-3 and SB-DTR, Districts	P up to one car for each four dwelling units;
7	except as specified below	up to 0.75 cars for each dwelling unit, subject
8		to the criteria and procedures of Section
9		151.1(f); NP above 0.75 cars for each
10		dwelling unit.
11	Dwelling units in C-3 and SB-DTR, Districts	P up to one car for each four dwelling units;
12	with at least 2 bedrooms and at least 1,000	up to one car for each dwelling unit, subject to
13	square feet of occupied floor area	the criteria and procedures of Section
14		151.1(f); NP above one car for each dwelling
15		unit.
16	<u>Dwelling Units in C-3 Districts</u>	<u>P up to one car for each two dwelling units; C up</u>
17		<u>to three cars for each four dwelling units, subject</u>
18		<u>to the criteria and procedures of Section 151.1(f).</u>
19		<u>NP above three cars for each four dwelling units.</u>
20	Dwelling units in C-3 Districts and in the Van	P up to one car for each four dwelling units; C
21	Ness and Market Downtown Residential	up to .5 cars for each dwelling unit, subject to
22	Special Use District	the criteria and procedures of Section
23		151.1(f); NP above two cars for each four
24		dwelling units.
25	Dwelling units and SRO units in SLI, SSO,	P up to one car for each four dwelling units;

1	MUG, MUR, MUO, SPD Districts, except as	up to 0.75 cars for each dwelling unit, subject
2	specified below	to the criteria and conditions and procedures
3		of Section 151.1(g); NP above 0.75 cars for
4		each dwelling unit.
5	Dwelling units in SLI, SSO, MUG, MUR,	P up to one car for each four dwelling units;
6	MUO, SPD Districts with at least 2 bedrooms	up to one car for each dwelling unit, subject to
7	and at least 1,000 square feet of occupied	the criteria and conditions and procedures of
8	floor area	Section 151.1(g); NP above one car for each
9		dwelling unit.
10	Dwelling units and SRO units in NCT, <u>RC</u> , C-	P up to one car for each two dwelling units; C
11	M, RSD, and SLR Districts , <u>Chinatown Mixed</u>	up to 0.75 cars for each dwelling unit, subject
12	<u>Use, Broadway NCD, North Beach NCD</u> , and the	Section 151.1(g); NP above 0.75 cars for
13	Upper Market NCD <u>Districts</u> , except as	each dwelling unit.
14	specified below	
15	Dwelling units in the Ocean Avenue NCT	P up to one car for each unit; NP above.
16	Districts and Glen Park NCT District.	
17	Dwelling units and SRO units in RTO and	P up to three cars for each four dwelling units;
18	RED Districts, except as specified below.	C up to one car for each dwelling unit, subject
19		to the criteria and procedures of Section
20		151.1(g); NP above one car for each dwelling
21		unit.
22	Dwelling units and SRO units in UMU	P up to 0.75 cars for each dwelling unit; NP
23	Districts, except as specified below	above.
24		
25	Dwelling units in UMU District with at least 2	P up to 1 car for each dwelling unit and

1	bedrooms and at least 1,000 square feet of	subject to the conditions of 151.1(g); NP
2	occupied floor area	above.
3	Group housing of any kind	P up to one car for each three bedrooms or
4		for each six beds, whichever results in the
5		greater requirement, plus one for the
6		manager's dwelling unit if any. NP above.
7	All non-residential uses in C-3 and C-M	Not to exceed 7% of gross floor area of such
8	Districts	uses, except not to exceed 3.5% of gross
9		floor area in the C-3-0(SD) District. See
10		requirements in Section 204.5.
11	Hotel, inn, or hostel	P up to one for each 16 guest bedrooms, plus
12		one for the manager's dwelling unit, if any.
13	Motel	P up to one for each guest unit, plus one for
14		the manager's dwelling unit, if any.
15	Hospital or other inpatient medical institution	P up to one for each 8 guest beds excluding
16		bassinets or for each 2,400 square feet of
17		gross floor area devoted to sleeping rooms,
18		whichever results in the lesser requirement.
19	Residential care facility	P up to one for each 10 residents.
20	Child care facility	P up to one for each 25 children to be
21		accommodated at any one time.
22	Elementary school	P up to one for each six classrooms.
23	Secondary school	P up to one for each two classrooms.
24	Post-secondary educational institution	P up to one for each two classrooms.
25	Church or other religious institutions	P up to one for each 20 seats.

1	Theater or auditorium	P up to one for each eight seats up to 1,000
2		seats, plus one for each 10 seats in excess of
3		1,000.
4	Stadium or sports arena	P up to one for each 15 seats.
5	Medical or dental office or outpatient clinic	P up to one for each 300 square feet of
6		occupied floor area.
7	All office uses in C-3, DTR, C-M, SLR SSO,	P up to seven percent of the gross floor area
8	SPD, MUG, MUR, and MUO Districts	of such uses and subject to the pricing
9		conditions of Section 155 (g); NP above.
10		
11	<u>All office uses in Chinatown Mixed Use Districts</u>	<u>P up to seven percent of the gross floor area of</u>
12		<u>such uses; NP above.</u>
13	Office uses in M-1, UMU, PDR-1-D, and	P up to one car per 1,000 square feet of
14	PDR-1-G Districts, except as specified below	gross floor area and subject to the pricing
15		conditions of Section 155 (g); NP above.
16	Office uses in M-1, UMU, PDR-1-D, and	P up to one car per 500 square feet of gross
17	PDR-1-G Districts where the entire parcel is	floor area; NP above.
18	greater than ¼-mile from Market, Mission, 3rd	
19	and 4th Street north of Berry Street	
20	<u>Limited Corner Commercial Uses Non-</u>	None permitted.
21	<u>residential uses</u> in RTO and RM districts	
22	permitted under Section 231.	
23	All non-residential uses in NCT, RSD, and	For uses in Table 151 that are described as a
24	SLR districts <u>and the Broadway, North Beach,</u>	ratio of occupied floor area, P up to 1 space
25	<u>and</u> Upper Market NCDs, except for retail	per 1,500 square feet of occupied floor area

1	grocery stores with over 20,000 gross square	or the quantity specified in Table 151,
2	feet as specified below	whichever is less, and subject to the
3		conditions and criteria of Section 151.1(g).
4		NP above.
5	Retail grocery store uses in NCT, RSD, and	P up 1 space per 500 square feet of occupied
6	SLR districts and the <u>Broadway, North Beach,</u>	floor area, and subject to the conditions and
7	<u>and</u> Upper Market NCDs with over 20,000	criteria of Section 151.1(g). C up to 1 space
8	square feet of occupied floor area	per 250 square feet of occupied floor area for
9		that area in excess of 20,000 square feet,
10		subject to the conditions and criteria of
11		Section 151.1(g). NP above.
12	All retail in the Eastern Neighborhoods Mixed	P up to one for each 1,500 square feet of
13	Use Districts where any portion of the parcel	gross floor area.
14	is less than ¼ mile from Market, Mission, 3rd	
15	and 4th Streets north of Berry Street, except	
16	grocery stores of over 20,000 gross square	
17	feet.	
18	With the exception of Eastern Neighborhoods	P up to one for each 200 square feet of
19	Mixed Use Districts as set forth above, all	occupied floor area. In South of Market Mixed
20	other restaurant, bar, nightclub, pool hall,	Use Districts, participation in transportation
21	dance hall, bowling alley or other similar	programs may be required per Section
22	enterprise	151.1(i).
23	With the exception of Eastern Neighborhoods	P up to one for each 1,000 square feet of
24	Mixed Use Districts as set forth above, all	occupied floor area.
25	other retail space devoted to the handling of	

1	bulky merchandise such as motor vehicles,	
2	machinery or furniture	
3	With the exception of Eastern Neighborhoods	P up to one for each 4,000 square feet of
4	Mixed Use Districts as set forth above, all	occupied floor area.
5	other greenhouse or plant nursery	
6	With the exception of Eastern Neighborhoods	P up to one for each 500 square feet of gross
7	Mixed Use Districts as set forth above, all	floor area up to 20,000 square feet, plus one
8	other retail space	for each 250 square feet of gross floor area in
9		excess of 20,000.
10	Service, repair or wholesale sales space,	P up to one for each 1,000 square feet of
11	including personal, home or business service	occupied floor area.
12	space in South of Market <u>Mixed Use</u> Districts	
13	Mortuary	P up to five.
14	Storage or warehouse space, and space	P up to one for each 2,000 square feet of
15	devoted to any use first permitted in an M-2	occupied floor area.
16	District	
17	Arts activities and spaces except theater or	P up to one for each 2,000 square feet of
18	auditorium spaces	occupied floor area. In South of Market Mixed
19		Use Districts, participation in transportation
20		programs may be required per Section
21		151.1(i).
22	Laboratory	P up to one for each 1,500 square feet of
23		occupied floor area.
24	Small Enterprise Workspace Building	P up to one for each 1,500 square feet of
25		occupied floor area.

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

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

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

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

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

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

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

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

24 (2) Additionally, in granting approval for such accessory parking above that
25 permitted by right, the Commission may require the property owner to pay the annual

1 membership fee to a certified car-share organization, as defined in Section 166(b)(2), for any
2 resident of the project who so requests and who otherwise qualifies for such membership,
3 provided that such requirement shall be limited to one membership per dwelling unit, when the
4 following findings are made by the Commission:

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

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

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

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

16 (A) For projects with 50 units or more, all residential accessory parking in excess of
17 0.5 parking spaces for each dwelling unit shall be stored and accessed by mechanical
18 stackers or lifts, valet, or other space-efficient means that allows more space above-ground
19 for housing, maximizes space efficiency and discourages use of vehicles for commuting or
20 daily errands. The Planning Commission may authorize the request for additional parking
21 notwithstanding that the project sponsor cannot fully satisfy this requirement provided that the
22 project sponsor demonstrates hardship or practical infeasibility (such as for retrofit of existing
23 buildings) in the use of space-efficient parking given the configuration of the parking floors
24 within the building and the number of independently accessible spaces above 0.5 spaces per
25 unit is de minimus and subsequent valet operation or other form of parking space

1 management could not significantly increase the capacity of the parking space above the
2 maximums in Table 151.1;

3 (B) ~~For any project with residential accessory parking in excess of 0.375 parking~~
4 ~~spaces for each dwelling unit, the project complies with the housing requirements of Sections~~
5 ~~415 through 415.9 of this Code except as follows: the inclusionary housing requirements that~~
6 ~~apply to projects seeking conditional use authorization as designated in Section 415.3(a)(2)~~
7 ~~shall apply to the project.~~

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

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

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

18 (g) RTO, RC, NCT, C-M, and Mixed Use Districts, and the Broadway, North Beach, and
19 Upper Market Neighborhood Commercial Districts, and the Van Ness Special Use District. In
20 RTO, RC, and NCT, C-M and South of Market Mixed Use Districts, and the Broadway, North
21 Beach, and Upper Market NCDs, any request for accessory parking in excess of what is
22 principally permitted in Table 151.1, but which does not exceed the maximum amount stated
23 in Table 151.1, shall be reviewed by the Planning Commission as a Conditional Use. In MUG,
24 MUR, MUO, and SPD Districts, any project subject to Section 329 and that requests
25 residential accessory parking in excess of that which is principally permitted in Table 151.1,

1 but which does not exceed the maximum amount stated in Table 151.1, shall be reviewed by
2 the Planning Commission according to the procedures of Section 329. Projects that are not
3 subject to Section 329 shall be reviewed under the procedures detailed in subsection (h),
4 below.

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

9 (A) **Parking for all uses**

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

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

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

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

20 (B) **Parking for Residential Uses**

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

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

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

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

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

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

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

22 (h) **Small residential projects in MUG, MUR, MUO, and SPD Districts.** Any
23 project that is not subject to the requirements of Section 329 and that requests residential
24 accessory parking in excess of what is principally permitted in Table 151.1 shall be reviewed
25 by the Zoning Administrator subject to Section 307(h). The Zoning Administrator may grant

1 parking in excess of what is principally permitted in Table 151.1, not to exceed the maximum
2 amount stated in Table 151.1, only if the Zoning Administrator determines that all of the
3 following conditions are met:

- 4 (1) all the conditions of subsection (g)(1)(A) above have been met.
- 5 (2) parking is not accessed from any protected Transit or Pedestrian Street
6 described in Section 155(r), and
- 7 (3) where more than ten spaces are proposed at least half of them, rounded down
8 to the nearest whole number, are stored and accessed by mechanical stackers or lifts, valet,
9 or other space-efficient means that reduces space used for parking and maneuvering, and
10 maximizes other uses.

11 (i) **Transportation programs in South of Market Mixed Use Districts.** Within
12 the South of Market Mixed Use Districts, upon approval by the Zoning Administrator pursuant
13 to Section 307(g), bars, restaurants, arts, nighttime entertainment, and pool halls greater than
14 10,000 square feet may be required to participate in a Transportation Management Program
15 approved by the Zoning Administrator which may include, but need not be limited to,
16 participation in a coordinated off-site satellite parking facilities program, shuttle service,
17 bicycle parking, projects and programs to improve parking management, specified signage,
18 and designated advertising procedures.

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

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

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

5 (d) All off-street freight loading and service vehicle spaces in the C-3, C-M, DTR,
6 MUO, MUG, MUR, and South of Market Mixed Use Districts shall be completely enclosed and
7 access from a public street or alley shall be provided by means of a private service driveway,
8 which is totally contained within the structure. Such a private service driveway shall include
9 adequate space to maneuver trucks and service vehicles into and out of all provided spaces,
10 and shall be designed so as to facilitate access to the subject property while minimizing
11 interference with street and sidewalk circulation. Any such private service driveway shall be of
12 adequate width to accommodate drive-in movement from the adjacent curb or inside traffic
13 lane but shall in no case exceed 30 feet. Notwithstanding the foregoing, if an adjacent street
14 or alley is determined by the Zoning Administrator to be primarily used for building service, up
15 to four off-street freight or loading spaces may be allowed to be individually accessible directly
16 from such a street or alley, pursuant to the provisions of Section 309 in a C-3 District, the
17 provisions of Section 307(g) in a South of Market Mixed Use District, the provisions of Section
18 309.1 in a DTR District, the provisions of Section 329 for projects subject to Section 329 in a
19 MUO, MUG, or MUR District, or by administrative decision of the Zoning Administrator for
20 projects that are not subject to Section 329 in a MUO, MUG, or MUR District.

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

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

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

9 (2) Not permitted:

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

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

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

14 (D) Mission Street from The Embarcadero to Annie Street and from 10th Street to
15 Division Street,

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

17 (F) Embarcadero in the DTR Districts,

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

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

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

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

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

1 (L) 16th Street between Kansas and Mississippi Streets in the UMU and PDR-1-D
2 Districts,
3 (M) 6th Street for its entirety within the SoMa NCT District,
4 (N) 3rd Street, in the UMU districts for 100 feet north and south of Mariposa and 100
5 feet north and south of 20th Streets, and 4th Street between Bryant and Townsend in the SLI
6 and MUO District,
7 (O) Ocean Avenue within the Ocean Avenue NCT District,
8 (P) Geneva Avenue from I-280 to San Jose Avenue within the NCT-2 District,
9 (Q) Columbus Avenue between Washington and North Point Streets.,
10 (R) Broadway from the Embarcadero on the east to Mason Street on the west, and
11 (S) All alleyways in the Chinatown Mixed Use Districts,
12 (T) Natoma Street from 300 feet westerly of 1st Street to 2nd Street,
13 (U) Ecker Alley in its entirety,
14 (V) Shaw Alley in its entirety,
15 (W) 2nd Street from Market to Folsom Streets,
16 (T) (X) Diamond Street within the Glen Park NCT District,
17 (U) (Y) Chenery Street within the Glen Park NCT District,
18 (T) (Z) Destination Alleyways, as designated in the Downtown Streetscape Plan.
19 (U) (AA) The western (inland) side of the Embarcadero between Townsend and Jefferson
20 Streets.

21 (3) Not permitted except with a Conditional Use authorization, except that in the C-
22 3-0(SD) District, the Planning Commission may grant such permission as an exception
23 pursuant to Section 309 in lieu of a Conditional Use authorization where the amount of
24 parking proposed does not exceed the amounts permitted as accessory according to Section
25 151.1:

1 (A) The entire portion of California Street,
2 (B) ~~The Embarcadero~~, Folsom Street, Geary Street, Mission Street, Powell Street and
3 Stockton Street in the C-3 Districts,
4 (B) (C) Grant Avenue from Market Street to Bush Street,
5 (C) (D) Montgomery Street from Market Street to Columbus Avenue,
6 (D) (E) Haight Street from Market Street to Webster Street,
7 (E) (F) Church Street and 16th Street in the RTO District,
8 (F) (G) Duboce Street from Noe Street to Market Street,
9 (G) ~~Duboce Street from Noe Street to Market Street, and~~
10 (H) Octavia Street from Fell Street to Market Street,
11 (I) 1st, Fremont and Beale Streets from Market to Folsom Streets, *and*
12 (J) The eastern (water) side of The Embarcadero between Townsend and Taylor Streets.
13 (4) In C-3, NCT and RTO Districts, no curb cuts accessing off-street parking or
14 loading shall be created or utilized on street frontages identified along any Transit Preferential,
15 Citywide Pedestrian Network or Neighborhood Commercial Streets as designated in the
16 Transportation Element of the General Plan or official City bicycle routes or bicycle lanes,
17 where an alternative frontage is available. For bicycle lanes, the prohibition on curb cuts
18 applies to the side or sides of the street where bicycle lanes are located; for one-way bicycle
19 routes or lanes, the prohibition on curb cuts shall apply to the right side of the street only,
20 unless the officially adopted alignment is along the left side of the street. Where an alternative
21 frontage is not available, parking or loading access along any Transit Preferential, Citywide
22 Pedestrian Network or Neighborhood Commercial Streets as designated in the Transportation
23 Element of the General Plan or official City bicycle lane or bicycle route, may be allowed on
24 streets not listed in subsection (2) above as an exception in the manner provided in Section
25 309 for C-3 Districts and in Section 303 for NCT and RTO Districts in cases where it can be

1 clearly demonstrated that the final design of the parking access minimizes negative impacts to
2 transit movement and to the safety of pedestrians and bicyclists to the fullest extent feasible.

3 (5) A "development lot" shall mean any lot containing a proposal for new
4 construction, building alterations which would increase the gross square footage of a structure
5 by 20 percent or more, or change of use of more than 50 percent of the gross floor area of a
6 structure containing parking. Pre-existing access to off-street parking and loading on
7 development lots that violates the restrictions of this Section 155(r) may not be maintained.

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

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

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

18 (B) Parking located at or above ground-level shall conform to the street frontage
19 requirements of Section 145.1(c); and shall be lined with active uses, as defined by Section
20 145.4(e), to a depth of at least 25 feet along all ground-level street frontages, except for space
21 allowed for parking and loading access, building egress, and access to mechanical systems.

22 ~~(i) Where a non-accessory off-street parking garage permitted under Section 223(m) (p) is~~
23 ~~located in the Mid-Market area described below in subsection 155(s)(3)(B) and fronts more than one~~
24 ~~street of less than 45 feet in width, a conditional use may be granted in accordance with Section 303~~
25 ~~that allows an exception to this requirement for one of the street frontages. The above provision~~

1 ~~authorizing such conditional use shall sunset eight years from the effective date of the ordinance~~
2 ~~enacting this subsection 155(s)(1)(A)(i).~~

3 (C) Parking allowed above the ground-level in accordance with an exception under
4 Section 309 or a conditional use in accordance with Section 303 as authorized by subsections
5 155(s)(2) or 155(s)(3) shall be entirely screened from public rights-of-way in a manner that
6 accentuates ground floor retail and other uses, minimizes louvers and other mechanical
7 features and is in keeping with the overall massing and architectural vocabulary of the
8 building's lower floors. So as not to preclude conversion of parking space to other uses in the
9 future, parking allowed above the ground-level shall not be sloped and shall have a minimum
10 clear ceiling height of nine feet.

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

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

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

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

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

13 ~~(B)——As a conditional use in accordance with the criteria set forth in Section 303,~~
14 provided the site contains an existing non-accessory off-street surface parking lot with valid
15 permits for such parking as of the effective date of the ordinance enacting this subsection and
16 the site is located in the following Mid-Market area: Assessor's Block 0341, Lots 4 through 9
17 and 13; Block 0342, Lots 1, 2, 4, 7, 11, 12 and 13; Block 0350, Lots 1 through 4; Block 0355,
18 Lots 3 through 12 and 15; Block 3507, Lot 39; Block 3508, Lots 1, 13, 18, 19, 22, 24 through
19 27, 39 and 40; Block 3509, Lots 18, 19, 36, 37 and 40 through 43; Block 3510, Lot 1; Block
20 3701, Lots 5, 8, 10, 11, 12, 20 through 24, 53, 59, 60, 63 and 64; Block 3702, Lots 1, 2, 37,
21 38, 39, 44, 44A, 45, 46, 47, 48, 48A, 51, 52, 53, 54, 56; Block 3703, Lots 1, 2, 3, 7, 10, 11, 12,
22 25, 26, 33, 40, 41, 50, 53, 56 through 68, 70, 74, 75, 76, 78 through 81, 84, 85 and 86; Block
23 3704, Lots 1, 3, 6, 9 through 13, 15, 17 through 22, 24, 35, 38, 39, 42, 43, 45, 62 and 67
24 through 79, Block 3725, Lot 78, 82, 86 through 91 and 93; Block 3727, Lot 1, 91, 94, 96, 97,
25 109, 117, 118, 120, 134, 168 and 173; Block 3728, Lot 1, 72, 75, 76, 81, 82, 83, 89, 103 and

1 105; and Block 0351, Lots 1, 22, 32, 33, 37, 39, 41, 43, 46, 47, 49, 50 and 51 This subsection
2 155(s)(3)(B) shall sunset on July 22, 2014.

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

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

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

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

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

23 **In approving installation of the garage, the Commission shall find that: (1) the proposed garage**
24 **opening/addition of off-street parking will not cause the "removal" or "conversion of residential unit,"**
25 **as those terms are defined in Section 317 of this Code. (2) the proposed garage opening/addition of off-**

1 street parking will not substantially decrease the livability of a dwelling unit without increasing the
2 floor area in a commensurate amount, (3) the building has not had two or more evictions with each
3 eviction associated with a separate unit(s) within the past ten years, and (4) the proposed
4 garage/addition of off-street parking is consistent with the Priority Policies of Section 101.1 of this
5 Code. Prior to the Commission hearing, or prior to the issuance of notification under Section 311(c)(2)
6 of this Code, the Planning Department shall require a signed affidavit by the project sponsor attesting
7 to (1), (2), and (3) above, which the Department shall independently verify. The Department shall also
8 have made a determination that the project complies with (4) above.

9 **SEC. 156. PARKING LOTS.**

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

15 (b) **Conditional Use.**

16 (1) Where parking lots are specified in Articles 2 or 7, or 8 of this Code as a use for
17 which conditional use approval is required in a certain district, such conditional use approval
18 shall be required only for such parking lots in such district as are not qualified as accessory
19 uses under Section 204.5 of this Code. The provisions of this Section 156 shall, however,
20 apply to all parking lots whether classified as accessory, principal or conditional uses.

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

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

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

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

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

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

16 (f) ~~(h)~~ No permanent parking lot shall be permitted in C-3-O, C-3-0(SD), C-3-R, C-3-G
17 and NCT Districts; temporary parking lots may be approved as conditional uses, except in the
18 C-3-0(SD) ~~d~~District, pursuant to the provisions of Section 303 for a period not to exceed five
19 ~~two~~ years from the date of approval; ~~permanent parking lots in C-3-S Districts shall be permitted~~
20 ~~only as a conditional use.~~ No new parking lots may be approved in the C-3-0(SD) ~~d~~District,
21 however conditional use approval for a two-year extension of existing parking lots in the C-3-
22 0(SD) ~~d~~District may be approved pursuant to this ~~S~~Subsection provided that they meet the
23 requirements of subsection (i) ~~(f)~~.

24 (g) ~~(i)~~ Any parking lot approved pursuant to zoning categories .25, .27 and .29 of
25 Sections 813 through 818 of this Code shall be screened in accordance with the standards

described in Section 142, Screening and Greening of Parking and Vehicle Use Areas except where this requirement would prevent otherwise feasible use of the subject lot as an open space or play area for nearby residents.

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

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

~~(2)~~ ~~(h)~~ **Street Tree Requirement.** All parking lots shall meet the street tree requirements specified in Section 143.

~~(i)~~ ~~(i)~~ The conditions of approval for the extension of an existing parking lot in the C-3-0(SD) ~~d~~District shall include the following:

~~(A)~~ ~~(1)~~ a minimum of one parking space for car sharing vehicles meeting all of the requirements in Section 166 for every 20 spaces in said lot;

~~(B)~~ ~~(2)~~ a minimum of two Class 2 bicycle parking spaces for every 50 linear feet of frontage in a highly visible area on the property adjacent to a public sidewalk or shall attain approval from the appropriate City agencies to install such bicycle parking on a public sidewalk on the same block;

~~(C)~~ ~~(3)~~ interior landscaping compliant with the requirements in subsection ~~(j)~~ ~~(h)~~ above, provided that if a site permit has been approved by the Planning Department for construction of a building on the subject lot that would replace the parking lot in less than 2 two years, the

1 trees may be planted in movable planters and the lot need not provide permeable surfaces
2 described in subsection (j) (h).

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

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

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

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

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

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

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

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

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

5 (6) The proposed facility shall dedicate no less than 5% of its spaces for short-term,
6 transient use by car share vehicles as defined in Section 166, vanpool, rideshare, or other co-
7 operative auto programs, and shall locate these vehicles in a convenient and priority location.
8 These spaces shall not be used for long-term storage nor satisfy the requirement of Section
9 166, but rather are intended for use by short-term visitors and customers.

10 (c) **Review of any new publicly-owned non-accessory parking facilities or**
11 **expansion of existing publicly-owned parking facilities in C-3, RC, NCT and RTO**
12 **Districts ~~and in the Van Ness and Market Downtown Residential Special Use District~~** shall meet
13 all of the following criteria, in addition to those of subsection (b):

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

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

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

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

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

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

10 The following exemptions shall apply to the requirements for off-street parking and
11 loading spaces set forth in Sections 151 through 155 of this Code. These provisions, as
12 exemptions, shall be narrowly construed. Where exceptions in this Section require approval
13 by the Planning Commission or Zoning Administrator, the Planning Commission or Zoning
14 Administrator shall consider the criteria of Section 307(i).

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

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

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

1 where a requirement is specified, in Chinatown Visitor Retail, or Chinatown Residential
2 Neighborhood Commercial Districts.

3 (d) ~~(c)~~ **Uses other than dwellings in the CCB District and Washington-Broadway**
4 **SUDs Special Use District**. In recognition of the small scale of development, the desirability of
5 retention and conversion of many existing buildings of established character, the need to
6 relieve congestion, and the provision of public parking facilities on an organized basis at
7 specific locations, no off-street parking shall be required for any use *other than dwellings* in the
8 Washington Broadway Special Use District *Numbers 1 and 2* as described in Section 239 of this
9 Code *and in the Chinatown Community Business District, where the size of the lot does not exceed*
10 *20,000 square feet.*

11 (e) ~~RC-4 Districts~~. In recognition of the close neighborhood orientation of the uses
12 provided for in Residential Commercial Combined Districts of high density, no off-street
13 parking shall be required for any principal use in an RC-4 District for which the form of
14 measurement is occupied floor area, where the occupied floor area of such use does not
15 exceed 10,000 square feet.

16 (f) ~~(d)~~ **Waterfront Special Use Districts SUDs**. In recognition of the policies set forth in
17 the Northeastern Waterfront Plan, a part of the General Plan, the unique nature of the area
18 and the difficulty of providing vehicular access thereto, the Zoning Administrator or Planning
19 Commission in specific cases may determine an appropriate reduction in off-street parking
20 requirements in Waterfront Special Use Districts *Numbers 1 and 3* as described in Sections
21 240.1, 240.2, and 240.3 of this Code, in authorizing any principal or conditional use,
22 respectively, under those sections. In considering any such reduction, the Zoning
23 Administrator for principal uses, and the Planning Commission for conditional uses, shall
24 consider the criteria set forth in Section 307(i) of this Code.

1 ~~(g)~~ (e) **Public parking in lieu of required parking in NC districts.** In instances in
2 which all public agencies involved have certified by resolution that the requirements of this
3 Code (i) will be satisfied in whole or in part by public off-street parking facilities constructed or
4 authorized to be constructed for a special assessment district or upon any other basis, or (ii)
5 in NC Districts will be satisfied by a requirement of a cash contribution in an amount deemed
6 sufficient to provide for the future construction of the required number of parking stalls, or by
7 projects and programs which improve the management of on-street parking in the vicinity or
8 which reduce demand for parking, off-street parking required for individual buildings and uses
9 may be correspondingly reduced if the total off-street parking supply in the area will
10 nevertheless meet the requirements of this Code for all buildings and uses in the area.

11 ~~(h) North of Market SUD.~~ There shall be no minimum off-street parking requirements
12 in the North of Market Residential SUD described in Section 249.5 of this Code.

13 ~~(i)~~ (f) **Freight Loading and service vehicle spaces in C-3 Districts.** In recognition of
14 the fact that site constraints in C-3 Districts may make provision of required freight loading
15 and service vehicle spaces impractical or undesirable, a reduction in or waiver of the provision
16 of freight loading and service vehicle spaces for uses in C-3 Districts may be permitted, in
17 accordance with the provisions of Section 309 of this Code. In considering any such reduction
18 or waiver, the following criteria shall be considered:

19 (1) Provision of freight loading and service vehicle spaces cannot be accomplished
20 underground because site constraints will not permit ramps, elevators, turntables and
21 maneuvering areas with reasonable safety;

22 (2) Provision of the required number of freight loading and service vehicle spaces
23 on-site would result in the use of an unreasonable percentage of ground-floor area, and
24 thereby preclude more desirable use of the ground floor for retail, pedestrian circulation or
25 open space uses;

1 (3) A jointly used underground facility with access to a number of separate buildings
2 and meeting the collective needs for freight loading and service vehicles for all uses in the
3 buildings involved, cannot be provided; and

4 (4) Spaces for delivery functions can be provided at the adjacent curb without
5 adverse effect on pedestrian circulation, transit operations or general traffic circulation, and
6 off-street space permanently reserved for service vehicles is provided either on-site or in the
7 immediate vicinity of the building.

8 (j) (g) NC and RC C-2 Districts. The Zoning Administrator may reduce the off-street
9 parking requirements in NC and C-2 Districts, as described in Article 7 of this Code, and in RC
10 Districts pursuant to the procedures and criteria of 307(h)(2) (g) and (i) of this Code.

11 (k) (h) Historic buildings. There shall be no minimum off-street parking or loading
12 requirements for any principal or conditional use located in (A) a landmark building designated
13 per Article 10 of this Code, (B) a contributing building located within a designated historic
14 district per Article 10, (C) any building designated Category I-IV per Article 11 of this Code, or
15 (D) buildings listed on the National Register and/or California Register.

16 ~~(l) **Dwellings in Chinatown Mixed-Use Districts.** With respect to dwelling units in the~~
17 ~~Chinatown Mixed Use Districts, the parking requirement may be reduced to not less than one space for~~
18 ~~each four dwelling units, if the Zoning Administrator determines pursuant to Section 307(g) that the~~
19 ~~reduced parking requirement is sufficient to serve the reasonably anticipated auto ownership by~~
20 ~~residents of and auto usage by visitors to the project.~~

21 (m) (i) Landmark and Significant Trees. The required off-street parking and loading
22 may be reduced or waived if the Zoning Administrator determines that provision of required
23 off-street parking or loading would result in the loss of or damage to a designated Landmark
24 Tree or Significant Tree, as defined in the Public Works Code. The Zoning Administrator's
25 decision shall be governed by Section 307(i) and shall require either (i) the recommendation

1 of the Department of Public Works Bureau of Urban Forestry, or its successor agency, or (ii)
2 the recommendation of a certified arborist as documented in the subject tree's required tree
3 protection plan.

4 (n)-(j) **Geologic hazards.** No off-street parking or loading shall be required where the
5 Planning Department finds that required parking or loading cannot practically be provided
6 without compromising the earthquake safety or geologic stability of a building and/or
7 neighboring structures and properties.

8 (e) (k) **Protected street frontages and transit stops.** The Planning Commission may
9 reduce or waive required parking or loading for a project if it finds that:

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

13 (2) ~~The~~ only feasible street frontage for a driveway or entrance to off-street parking
14 or loading is located at a transit stop, and

15 (3) ~~The~~ reduced or waived parking and loading can meet the reasonably
16 anticipated mobility needs of residents of, workers in, and visitors to the project.

17 ~~(p) —Garage additions in the North Beach NCD, North Beach-Telegraph Hill Special Use~~
18 ~~District, and Chinatown Mixed-Use Districts. Notwithstanding any other provision of this Code to the~~
19 ~~contrary, a mandatory discretionary hearing by the Planning Commission is required in order to install~~
20 ~~a garage in an existing residential structure of four units or more in the North Beach NCD, the North~~
21 ~~Beach-Telegraph Hill Special Use District, and the Chinatown Mixed Use Districts; Section 311 notice~~
22 ~~is required for a building of less than four units.~~

23 ~~In approving installation of the garage, the Commission shall find that: (1) the proposed garage~~
24 ~~opening/addition of off-street parking will not cause the "removal" or "conversion of residential unit,"~~
25 ~~as those terms are defined in Section 317 of this Code; (2) the proposed garage opening/addition of off-~~

1 ~~street parking will not substantially decrease the livability of a dwelling unit without increasing the~~
2 ~~floor area in a commensurate amount; (3) the building has not had two or more evictions with each~~
3 ~~eviction associated with a separate unit(s) within the past ten years, and (4) the proposed~~
4 ~~garage/addition of off-street parking installation is consistent with the Priority Policies of Section~~
5 ~~101.1 of this Code. Prior to the Planning Commission hearing, or prior to issuance of notification~~
6 ~~under Section 311(c)(2) of this Code, the Planning Department shall require a signed affidavit by the~~
7 ~~project sponsor attesting to (1), (2), and (3) above, which the Department shall independently verify.~~
8 ~~The Department shall also have made a determination that the project complies with (4) above.~~

9 **SEC. 163. TRANSPORTATION MANAGEMENT PROGRAMS AND TRANSPORTATION**
10 **BROKERAGE SERVICES IN COMMERCIAL C-3, EASTERN NEIGHBORHOODS MIXED**
11 **USE, AND SOUTH OF MARKET MIXED USE DISTRICTS.**

12 (c) **Requirement.** For all applicable projects, the project sponsor shall be required
13 to provide on-site transportation brokerage services for the actual lifetime of the project, as
14 provided in this Subsection. Prior to the issuance of a temporary permit of occupancy (for this
15 purpose Section 149(d) shall apply), the project sponsor shall execute an agreement with the
16 Planning Department for the provision of on-site transportation brokerage services and
17 preparation of a transportation management program to be approved by the Director of
18 Planning and implemented by the provider of transportation brokerage services. The
19 transportation management program and transportation brokerage services shall be designed:

20 (1) To promote and coordinate effective and efficient use of transit by tenants and
21 their employees, including the provision of transit information and sale of transit passes on-
22 site;

23 (2) To promote and coordinate ridesharing activities for all tenants and their
24 employees within the structure or use;

1 (3) To reduce parking demand and assure the proper and most efficient use of on-
2 site or off-site parking, where applicable, such that all provided parking conforms with the
3 requirements of Article 1.5 of this Code and project approval requirements;

4 (4) To promote and encourage the provision and proliferation of car-sharing
5 services convenient to tenants and employees of the subject buildings in addition to those
6 required by Section 166, and to promote and encourage those tenants and their employees to
7 prioritize the use of car-share services for activities that necessitate automobile travel,
8 including the promotion and sale of individual and business memberships in certified car-
9 sharing organizations, as defined by Section 166(b)(2).

10 (5) To promote and encourage project occupants to adopt a coordinated flex-time or
11 staggered work hours program designed to more evenly distribute the arrival and departure
12 times of employees within normal peak commute periods;

13 (6) To participate with other project sponsors in a network of transportation
14 brokerage services for the respective downtown, South of Market area, or other area of
15 employment concentration in ~~the Eastern Neighborhoods~~ Mixed Use Districts;

16 (7) To carry out other activities determined by the Planning Department to be
17 appropriate to meeting the purpose of this requirement.

18 **SEC. 182. NONCONFORMING USES: CHANGES OF USE.**

19 The following provisions shall apply to nonconforming uses with respect to changes of
20 use:

21 (b) Except as limited in this Subsection, a nonconforming use may be reduced in
22 size, extent or intensity, or changed to a use that is more widely permitted by the use districts
23 of the City than the existing use, subject to the other applicable provisions of this Code.

24 Except as otherwise provided herein, the new use shall still be classified as a nonconforming
25 use.

1 (1) ~~A n~~Nonconforming commercial and industrial uses in a Residential or Residential
2 Enclave District shall be subject to the requirements of Section 186 (other than a Residential-
3 Commercial Combined District or an RED District), which use is located more than 1/4 mile from the
4 nearest Individual Area Neighborhood Commercial District or Restricted Use Subdistrict described in
5 Article 7 of this Code, may change to another use which is permitted as a principal use at the first story
6 and below in an NC-1 District, or it may change to another use which is permitted as a conditional use
7 at the first story and below in an NC-1 District only upon approval of a conditional use application
8 pursuant to the provisions of Article 3 of this Code. If the nonconforming use is seeking to change in
9 use to a retail sales activity or retail sales establishment which is also a formula retail use, as defined
10 in Section 703.3 of this Code, it shall comply with the provisions of Section 703.3 of this Code. The
11 nonconforming use shall comply with other building standards and use limitations of NC-1 Districts, as
12 set forth in Sections 710.10 through 710.95 of this Code.

13 If the nonconforming use is located within 1/4 mile from any Individual Area Neighborhood
14 Commercial District or Restricted Use Subdistrict described in Article 7 of this Code, the
15 nonconforming use may change to another use which is permitted as a principal use at the first story
16 and below in an NC-1 District and in the Individual Area Neighborhood Commercial District or
17 Restricted Use Subdistrict or Districts within 1/4 mile of the use, or it may change to another use which
18 is permitted as a conditional use at the first story and below in an NC-1 District and in the Individual
19 Area Neighborhood Commercial District or Districts within 1/4 mile of the use only upon approval of a
20 conditional use application pursuant to the provisions of Article 3 of this Code. If the nonconforming
21 use is seeking to change in use to a retail sales activity or retail sales establishment which is also a
22 formula retail use, as defined in Section 703.3 of this Code, it shall comply with the provisions of
23 Section 703.3 of this Code. The nonconforming use shall comply with other building standards and use
24 limitations of NC-1 Districts and any Individual Area NC District or Districts located within 1/4 mile of
25 the use, as set forth in Article 7 of this Code.

1 ~~(2) A nonconforming use in a Residential Commercial Combined District may be changed~~
2 ~~to another use listed in Articles 2 or 7 of this Code as a principal use for the district in which the~~
3 ~~existing use would first be permitted as a principal or conditional use.~~

4 (3) (2) A nonconforming use in a Neighborhood Commercial District may be changed to
5 another use as provided in Subsections (c) and (d) below or as provided in Section 186.1 of
6 this Code.

7 ~~(4) A nonconforming use in any district other than a Residential, Downtown Residential, or~~
8 ~~Neighborhood Commercial District may be changed to another use listed in Articles 2 or 7 of this Code~~
9 ~~as a principal use for the district in which the existing use would first be permitted as a principal use.~~

10 ~~(5) (3)~~ A nonconforming use in any South of Market Mixed Use District may not be
11 changed to an office, retail, bar, restaurant, nighttime entertainment, adult entertainment,
12 hotel, motel, inn, hostel, or movie theater use in any district where such use is otherwise not
13 permitted or conditional, except as provided in Subsection (g) below.

14 (c) A nonconforming use may be changed to a use listed ~~in Articles 2 or 7 of this~~
15 ~~Code~~ as a conditional use for the district in which the property is located, only upon approval of
16 a conditional use application pursuant to the provisions of Article 3 of this Code, subject to the other
17 applicable provisions of this Code, without the necessity of specific authorization by the City Planning
18 Commission except where major work on a structure is involved, and the new use may thereafter
19 be continued as a permitted conditional use, subject to the limitation of Section 178(b) of this
20 Code.

21 (d) A nonconforming use may be changed to a use listed ~~in Articles 2, 7 or 8 of this~~
22 ~~Code~~ as a principal use for the district in which the property is located, subject to the other
23 applicable provisions of this Code, and the new use may thereafter be continued as a
24 permitted principal use.

1 (e) A nonconforming use ~~in an R District subject to termination under the provisions of~~
2 ~~Section 185 of this Code~~ may be converted to a dwelling units or to group housing, in a district
3 ~~where such use is principally permitted, and to two or more dwelling units with conditional use~~
4 authorization, without regard to the requirements of this Code with respect to residential
5 ~~dwelling unit density under Article 2, dimensions, areas and open space under Article 1.2, or required~~
6 ~~off-street parking under Article 1.5, and the Zoning Administrator may provide relief from certain~~
7 ~~other standards specified in Section 307(h) through the procedures of that Section~~, provided the
8 nonconforming use is eliminated by such conversion, provided further that the structure is not
9 enlarged, extended or moved to another location, and provided further that the requirements
10 of the Building Code, the Housing Code and other applicable portions of the Municipal Code
11 are met.

12 (g) Once a nonconforming use has been changed to a principal or conditional use
13 permitted in the district in which the property is located, or brought closer in any other manner
14 to conformity with the use limitations of this Code, the use of the property may not thereafter
15 be returned to its former nonconforming status, except that:

16 (1) ~~Any area which is used as a live/work unit shall be allowed to return to its former~~
17 ~~nonconforming status.~~

18 (2) ~~Within~~ within any South of Market Mixed Use District, any area occupied by a
19 nonconforming office use which is changed to an arts, home and/or business service use
20 falling within zoning categories 102.2 or 816.42 through 816.47 or a wholesale, storage or
21 light manufacturing use falling within zoning categories 816.64 through 816.67 shall be
22 allowed to return to its former nonconforming office use.

23 (3) Upon restoration of a previous nonconforming use as permitted ~~by Subsection (1)~~
24 ~~or (2)~~ above, any modification, enlargement, extension, or change of use, from circumstances
25 which last lawfully existed prior to the ~~creation of the live/work unit, or prior to the~~ change from

1 office use, shall be subject to the provisions of this Article, and the restored nonconforming
2 use shall be considered to have existed continuously since its original establishment, prior to
3 the live/work unit or change to office use, for purposes of this Article.

4 5 **SEC. 184. SHORT-TERM CONTINUANCE OF CERTAIN NONCONFORMING USES.**

6 The period of time during which the following nonconforming uses may continue or
7 remain shall be limited to five years from the effective date of this Code (May 2, 1960), or of
8 the amendment thereto which caused the use to be nonconforming. Every such
9 nonconforming use shall be completely eliminated within 90 days after the expiration of such
10 period.

11 (a) Any nonconforming commercial or industrial use of land where no enclosed
12 building is involved in such use, except for permanent off-street parking lots in the C-3-O, C-3-
13 R and C-3-G Districts existing on the effective date of Ordinance No. 414-85, provided that
14 such lots are screened in the manner required by Section 156(e); such permanent uses shall
15 be eliminated no later than five years and 90 days from the effective date of an amendment to
16 this Code which makes such permanent uses nonconforming.

17 (b) Any use of a type first permitted as a principal or conditional use in an NC, C or
18 M District or in a Residential-Commercial ~~Combined~~ District, when occupying a building in an R
19 District other than a Residential-Commercial ~~Combined~~ District that has an assessed valuation
20 not in excess of \$500 on the effective date of this Code or such later date as the use becomes
21 nonconforming, with the following exceptions:

22 (1) Any lawful use in this category in a building having an assessed valuation of
23 \$250 or more on the effective date of this Code, or such later date as the use becomes
24 nonconforming, shall have a period of permitted continuance of 10 years from the date at
25 which the property was placed in a residential zoning classification, if such a period of

1 continuance produces an expiration date which is later than the expiration date stated above;
2 or

3 (2) Any lawful use in this category which is of a type first permitted in an NC-1
4 District; or of a type first permitted in any other district and supplying commodities at retail, or
5 offering personal services, primarily to residents of the immediate vicinity; shall have a period
6 of permitted continuance of 10 years from the effective date of this Code, or of the
7 amendment thereto which caused the use to be nonconforming. After five years of such
8 period have elapsed, any use as described in this Paragraph (b)(2) shall, upon application, be
9 qualified for consideration by the City Planning Commission as a conditional use as regulated
10 in Section 303 of this Code.

11 **SEC. 204.3. ACCESSORY USES IN C, RC, M, AND PDR DISTRICTS.**

12 (a) **Commercial and Residential-Commercial Districts.** No use shall be permitted
13 as an accessory use to a lawful principal or conditional use in any Commercial or Residential-
14 Commercial C-1 or C-2 District which involves or requires any of the following:

15 ~~(1) — The total employment for such accessory use of more than five persons in a C-1 District,~~
16 ~~or more than 10 persons in a C-2 District;~~

17 ~~(2) — The use of any single machine of more than one horsepower in a C-1 District, or more~~
18 ~~than 2½ horsepower in a C-2 District;~~

19 ~~(3) — The use of machines in any one establishment in an aggregate of more than five~~
20 ~~horsepower in a C-1 District, or more than 10 horsepower in a C-2 District;~~

21 ~~(4)~~ (1) The use of more than $\frac{1}{4}$ one-third of the total floor area occupied by such use
22 and the principal or conditional use to which it is accessory, except in the case of accessory
23 off-street parking or loading; or

24 ~~(2) — Any noise, vibration, or unhealthful emissions extending beyond the premises of the use.~~

25 ~~(5) — The production of goods not intended primarily for retail sale or use on the premises.~~

1 ~~(b) — No use shall be permitted as an accessory use to a lawful principal or conditional use in~~
2 ~~any C-3 District which involves or requires the use of any single machine of more than five~~
3 ~~horsepower; or the use of more than 1/4 one-third of the total floor area occupied by such use and the~~
4 ~~principal or conditional use to which it is accessory, except in the case of accessory off-street parking~~
5 ~~and loading. These limitations shall not apply to equipment or machines pertaining integrally to the~~
6 ~~lawful principal use itself.~~

7 ~~(c) — Notwithstanding the provisions of Sections 227(h) and (i) and 260(b)(2)(l) and (M) of~~
8 ~~this Code, an accessory use to a lawful principal or conditional use in any C or M District which~~
9 ~~involves or requires the installation of a tower or antenna solely for the reception of radio and~~
10 ~~television broadcasts for the exclusive benefit of the residents or occupants in the building on which the~~
11 ~~antenna is placed shall be permitted without regard to the height of such tower or antenna and without~~
12 ~~regard to the proximity of such tower or antenna to any R District.~~

13 ~~(d) (b)~~ **PDR and M Districts.** No use shall be permitted as an accessory use to a
14 lawful principal or conditional use in any PDR or M District which involves or requires the use
15 of more than one-third (1/3) of the total floor area occupied by such use and the principal or
16 conditional use to which it is accessory, except in the case of accessory off-street parking and
17 loading.

18 **SEC. 204.5. PARKING AND LOADING AS ACCESSORY USES.**

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

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

24 (b) Unless rented on a monthly basis to serve a dwelling unit within 1,250-feet
25 pursuant to Section 204.5(b)(1), below, accessory parking facilities for any dwelling in any R

District shall be limited, further, to storage of private passenger automobiles, private automobile trailers and boats, and trucks of a rated capacity not exceeding $\frac{3}{4}$ *three-quarters of* a ton. Notwithstanding any provision of this Code to the contrary, the following shall be permitted as an accessory use:

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

(c) Accessory parking facilities shall include only those facilities which do not exceed the ~~following amounts permitted by Section 151(c) for a structure, lot or development: three spaces where one space is required by this Code; four spaces where two spaces are required by this Code; 150 percent of the required number of spaces where three or more spaces are required by this Code; and, in all districts other than NC, 15 spaces or seven percent of the total gross floor area of the structure or development, whichever is greater, or in NC Districts, three spaces, where no off-street parking spaces are required by this Code. For purposes of calculation under the last provision just stated, gross floor area shall be as defined by this Code, and the area considered to be devoted to parking shall be only the parking spaces and aisles, excluding entrance and exit driveways and ramps.~~

Off-street parking facilities which exceed the amounts stated in ~~this Subsection~~ Section 151(c) shall be classified as either a principal or a conditional use, depending upon the use provisions applicable to the district in which such facilities are located. This subsection (c) does not apply to districts subject to Section 151.1, which establishes maximum amounts of accessory parking for all uses in those districts.

SEC. 206.3. RC (RESIDENTIAL-COMMERCIAL) DISTRICTS.

These districts are intended to recognize, protect, conserve and enhance areas characterized by structures combining residential uses with neighborhood-serving commercial

uses. The predominant residential uses are preserved, while provision is made for supporting uses, usually in or below the ground story, which meet the frequent needs of nearby residents without generating excessive vehicular traffic. The compact, walkable, transit-oriented, and mixed-use nature of these districts is recognized by no minimum ~~certain reductions in off-street parking requirements.~~ The RC Districts are composed of two separate districts, as follows:

RC-1 Districts: Low Density. These districts are no longer in use.

RC-2 Districts: Moderate Density. These districts are no longer in use.

RC-3 Districts: Medium Density. These districts provide for a mixture of medium-density dwellings similar to those in RM-3 Districts, with supporting commercial uses. Open spaces are required for dwellings in the same manner as in RM-3 Districts, except that rear yards need not be at ground level and front setback areas are not required.

RC-4 Districts: High Density. These districts provide for a mixture of high-density dwellings similar to those in RM-4 Districts with supporting commercial uses. Open spaces are required for dwellings in the same manner as in RM-4 Districts, except that rear yards need not be at ground level and front setback areas are not required. The high-density and mixed-use nature of these districts is recognized by certain reductions in off-street parking requirements.

SEC. 223. AUTOMOTIVE.

All automotive uses that have vehicular use areas defined in Section 102.31 shall meet the screening requirements for vehicular use areas in Section 142. All parking shall comply with the applicable requirements of Article 1.5. In Commercial Districts, all parking in structures shall comply with the street frontage requirements of Section 145.1.

C	C-	C-	C-	C-	C-	C-	M-	M-	PDR-	PD	PDR-1-	PDR	
-2	3-	3-	3-	3-	3-	M	1	2	1-G	R-	B	-2	

	O	O(R	G	S					1-			
		S								D			
		D)											
													SEC. 223. AUTOMOTIVE.
	P	P	P	P	P	P	P	P	P	P	P	P	(a) <u>Automobile</u> Sale or Rental , as defined in Section 890.13 of new or used automobiles, when conducted entirely within an enclosed building.
	P				P	P	P	P	P	P	P	P	(b) Sale or rental of new or used trucks, when conducted entirely within an enclosed building.
	€				€	€	P	P	P	P	P	P	(c) (b) Automobile Lot for sSale or Rental , as defined in Section 890.13, when conducted on an open lot of new or used automobiles.
	€				€	€	P	P	P	P	P	P	(d) Lot for sale or rental of new or used trucks.
	€				€	€	P	P	P	P	P	P	(e) Sale or rental of new or used automobile trailers.

N				NA	N	NA	NA	NA	P	P	P	P	(f) Automobile service station for the sale and dispensing of gasoline, other motor fuels and lubricating oil directly into motor vehicles. The following activities shall be permitted at such a service station if normally conducted entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet of any R District:
A					A								(1) The sale and dispensing of greases and brake fluids, including motor vehicle lubrication; and the sale or installation of tires, batteries and other accessories;
													(2) Miscellaneous minor servicing and adjusting, which may include brakes, electrical equipment, fan belt, headlamps, sparkplugs, air filter, distributor points, carburetor, and generator charging rate;

(14) Such other repairs as may be designated by the Chief of the San Francisco Fire Department as minor repairs under Paragraph 8.09(a)(5)(e) of Part II, Chapter IV (Fire Code) of the San Francisco Municipal Code.

P				P	P	P	P	P	P	P	P	P	(h) Repair garage for minor automobile repairs, limited to those repairs and other activities permitted at an automobile service station as described above, and in addition the following minor automobile repairs; all such repairs and other activities shall be conducted entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet of any R District.
													(1) Body and fender repair limited to replacement of parts and spot paint spraying; and
													(2) Removal and replacement of engines, transmissions and differentials, with repairs to these components done elsewhere.
					P		P	P	P	P	P	P	(i) (d) Automotive Repair, as defined in Section 890.15. garage for the following major automobile

											gsf		repairs, if conducted entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet of any R District;
													(1) Internal engine repair or rebuilding;
													(2) Repair or rebuilding of transmissions, differentials or radiators;
													(3) Reconditioning of badly worn or damaged motor vehicles or trailers;
													(4) Collision service, including body, frame or fender straightening or repair; and
													(5) Full body paint spraying.
C				€	€	€	P	P	P	P	P	P	(f) (e) Automobile w <u>Wash, as defined in Section 890.20. when providing on the premises a reservoir</u>
*													

														<i>regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code.</i>
<i>P</i>	<i>€</i>	<i>€</i>	<i>€</i>	<i>€</i>	<i>€</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>€</i>	<i>€</i>	<i>€</i>	<i>€</i>	<i>(m) — Storage garage open to the public for passenger automobiles, as regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code, where such storage garage is not a public building requiring approval by the Board of Supervisors under other provisions of law and is completely enclosed.</i>	
<i>€</i> <i>*</i>	<i>€</i>	<i>€</i>	<i>€</i>	<i>€</i>	<i>€</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>€</i>	<i>€</i>	<i>€</i>	<i>€</i>	<i>(n) — Storage garage open to the public for passenger automobiles, as regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code, where such storage garage is not a public building requiring approval by the Board of Supervisors under other provisions of law and is not completely enclosed.</i>	
<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>(o) — Storage garage open to the</i>	

*														public for passenger automobiles, as regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code, where such storage garage is a public building requiring approval by the Board of Supervisors under other provisions of law.
P	C	C	C	C	C	P	P	P	C	C	C	C		(p) Major (nonaccessory) parking garage not open to the public, as defined in Section 158 and as regulated therein and in Sections 155 and 157 and other provisions of Article 1.5 of this Code.
<u>C</u>							<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		(h) Public Parking Lot, as defined in Section 890.11.
<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		(i) Public Parking Garage, as defined in Section 890.12.
C	C	C	C	C	<u>C</u>	<u>C</u>	NA	NA	P	<u>NA</u>	P	<u>NA</u>	P	(q) (i) Parcel delivery service, limited to facilities for the unloading, sorting and reloading of local retail merchandise for home deliveries, where the
					N	NA					<u>NA</u>			
					A									

													operation is conducted entirely within a completely enclosed building; including garage facilities for local delivery trucks, but excluding repair shop facilities.
					P	P	P	P	P	P		P	(#) <u>(k)</u> Parcel delivery service, not subject to the above limitations.
C				C	P	P	P	P	P	P		P	(s) <u>(l)</u> Ambulance s Service, as defined in Section 890.2.
							<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>(m)</u> Motor Vehicle Tow Service, as defined in Section 890.19.
				€	<u>C</u>	<u>C</u>	P	P	P	P		P	(#) <u>(n)</u> Storage garage for commercial passenger vehicles and light delivery trucks.
					€	P	P	P	P	P		P	(#) <u>(o)</u> Storage yard for commercial vehicles or trucks, if conducted within an area completely enclosed by a wall or concealing fence not less than six feet high.
						<u>C</u>							

								C	<u>P</u>	P	P		P	(v) (<u>p</u>) Truck terminal facility, if located not less than 200 feet from any R District.
									<u>C</u>					

SEC. 239. WASHINGTON-BROADWAY SPECIAL USE DISTRICTS.

In order to provide for certain areas with special traffic and parking considerations, many existing buildings of small scale and established character which have been and will be retained and converted, and certain wholesaling activities carried on with distinct benefit to the city, there shall be two Washington-Broadway Special Use Districts, ~~Numbers 1 and 2~~, as designated on Sectional Map No. 1 SU* of the Zoning Map. The following provisions shall apply ~~within such special use districts~~:

(a) **Required parking.** ~~There shall be certain exemptions from off-street parking requirements.~~ No parking is required for any use, as provided in Section 161(d) of this Code.

(b) **Drive-in uses.** Drive-up facilities, as defined in Section 890.30 of this Code, are not permitted. ~~No permitted use shall include an establishment of the "drive-in" type, serving customers waiting in parked motor vehicles, with the exception of automobile service stations.~~

(c) **Parking lots.** ~~A parking lot, or a storage garage open to the public for passenger automobiles if not a public building requiring approval by the Board of Supervisors under other provisions of law,~~ shall not be permitted as a permanent use, and shall be permitted as a temporary use for up to two five years only upon approval by the Planning Commission as a conditional use under Section 303 of this Code.

(d) **Wholesale establishment.** ~~In Washington-Broadway Special Use District Number 2 only, a wholesale establishment conducted entirely within an enclosed building shall be permitted as a principal use.~~

1 (e) **Parking pricing.** *The parking pricing requirements of Section 155(g) shall apply within*
2 *the district.*

3 **SEC. 243. VAN NESS SPECIAL USE DISTRICT.**

4 (a) **General.** A Special Use District entitled the Van Ness Special Use District, the
5 boundaries of which are shown on Sectional Map No. 2SU02 of the Zoning Map, is hereby
6 established for the purposes set forth below.

7 (b) **Purposes.** In order to implement the objectives and policies of the Van Ness
8 Avenue Area Plan, a part of the General Plan, which includes (i) creation of a mix of
9 residential and commercial uses on the boulevard, (ii) preservation and enhancement of the
10 pedestrian environment, (iii) encouragement of the retention and appropriate alteration of
11 architecturally and historically significant and contributory buildings, (iv) conservation of the
12 existing housing stock, and (v) enhancement of the visual and urban design quality of the
13 street, the following controls are imposed in the Van Ness Special Use District.

14 (c) **Controls.** All provisions of the City Planning Code applicable to an RC-4 District
15 shall apply except as otherwise provided in this Section.

16 (1) **Basic Floor Area Ratio.** The basic floor area ratio limit shall be 7.0 to 1 in the
17 130-foot height district and 4.8:1 in the 80-foot height district. These limits shall apply to
18 dwellings notwithstanding Section 124(b) of this Code, including floor space used for
19 nonaccessory off-street parking, driveways, and maneuvering areas. For definitions of floor
20 area ratio and gross floor area, see Sections 102.11 and 102.9, respectively. The provisions
21 allowing a floor area premium set forth in Section 125(a) shall not apply in the Van Ness
22 Special Use District.

23 (2) **Housing Density.** The restrictions on density set forth in Sections 207, 207.1,
24 208, 209.1 and 209.2 of this Code shall not apply.

1 (3) **Height and Bulk Restrictions.** See Height and Bulk Map No. HT02 2H. See
2 Section 270 of this Code for bulk limits.

3 ~~(4) Awnings, canopies and marquees. Awnings, canopies and marquees, as~~
4 ~~defined in Sections 790.20, 790.26 and 790.58 of this Code, and further regulated by the~~
5 ~~Building Code and Sections 243(c)(5), 136.2 and 607.3 of this Code, are permitted.~~

6 ~~(5) Signs.~~

7 ~~(A) Signs located within the Van Ness Special Use District, with the exception of the Civic~~
8 ~~Center Special Sign District as described in Section 608.3 of this Code and as shown in Sectional Map~~
9 ~~SSD, shall be regulated as provided in Article 6, including Section 607.3 which governs signs located~~
10 ~~in the Van Ness Special Sign District.~~

11 ~~(B) Signs on structures designated as landmarks under the provisions of Section 1004 shall~~
12 ~~be regulated as provided in Section 607.3(d).~~

13 ~~(6)~~ **(4) Rear Yards.** The requirements of this Code applicable to rear yards may be
14 modified or waived by the Zoning Administrator pursuant to Section 307(g) if all of the
15 following conditions are met:

16 (A) The interior block open space formed by the rear yards of abutting properties will
17 not be adversely affected; and

18 (B) A comparable amount of usable open space is provided elsewhere on the lot or
19 within the development where it is more accessible to residents; and

20 (C) The access of light and air to abutting properties will not be significantly
21 impeded.

22 This provision shall be administered pursuant to the procedures which are applicable to
23 variances, as set forth in Sections 306.1 through 306.5 and 308.2 of this Code.

24 ~~(7)~~ **(5) Required Setbacks.** Setbacks for buildings exceeding a height of 50 feet shall
25 be regulated as provided in Section 253.2 of this Code.

1 ~~(8)~~ **(6) Limitation of Nonresidential Uses.**

2 **(A) Residential Uses; Ratio Established.** In newly constructed structures,
3 nonresidential uses shall only be permitted if the ratio between the amount of net additional
4 occupied floor area for residential uses, as defined in this paragraph below, to the amount of
5 occupied floor area for nonresidential uses in excess of the occupied floor area of structures
6 existing on the site at the time the project is approved is 3 to 1 or greater. In additions to
7 existing structures which exceed 20 percent of the gross floor area of the existing structure,
8 nonresidential uses shall be permitted in the addition in excess of 20 percent only if the ratio
9 between the amount of occupied floor area for residential use, as defined in this paragraph
10 below, to the area of occupied floor area for nonresidential use is 3 to 1 or greater. This
11 residential use ratio shall not apply to development sites in the Van Ness Special Use District
12 which have less than 60 feet of street frontage on Van Ness Avenue and have no street
13 frontage other than the Van Ness Avenue frontage. For purposes of this Section,
14 "nonresidential uses" shall mean any use except Dwelling Units or Group Housing ~~those uses~~
15 ~~described in Sections 209.2(d) and (e) (hotel, inn, hostel), 209.3(a) (hospital, medical center or other~~
16 ~~medical institution with in-patient care facilities), 209.4 (community facilities), 209.6 (public facilities~~
17 ~~and utilities), 209.7 (vehicle storage and access) and 209.8 (commercial establishments); in the~~
18 ~~Automotive Special Use District nonresidential uses include automotive uses as described in Section~~
19 ~~237; "residential use" shall mean those uses described in Sections 209.1 and 209.2(a), (b) and (c)~~
20 ~~(dwelling units and group housing).~~

21 **(B) Reduction of Ratio of Residential Uses for Affordable Housing.** The ~~City~~
22 Planning Commission may modify the Van Ness Special Use District residential to
23 nonresidential use ratio between Golden Gate Avenue and California Street as a conditional
24 use in one of the following ways:
25

1 (i) **In-Lieu Fee.** By conditional use, the developer may elect to fulfill the obligation
2 to build housing by paying an in-lieu fee to the Affordable Housing Fund as provided in
3 Section 413 of this Code. No more than a 50 percent reduction of the required housing for a
4 specific project can be fulfilled by paying an in-lieu fee. Use of these funds shall provide
5 affordable housing within 2,000 feet of the Van Ness Special Use District. The in-lieu fee shall
6 be determined by the following formula:

7 (1)

$$\begin{array}{lcl} 8 & & \\ 9 & (\text{Lot Area X FAR}) / 4 \times 3 & = \quad \text{Residential} \\ 10 & & \text{SQ. FT.} \\ 11 & & \text{Requirement} \end{array}$$

12
13 (2)

$$\begin{array}{lcl} 14 & & \\ 15 & \text{Residential} & \text{--- Residential} \\ 16 & \text{SQ. FT.} & \text{SQ. FT.} \quad = \text{LOSS} \\ 17 & \text{Requirement} & \text{Developed} \end{array}$$

18 (3)

$$19 \quad \text{LOSS X \$15 = In-Lieu Fee}$$

20 (ii) **Providing Affordable Housing.** By conditional use, the developer may reduce
21 up to 50 percent of the required amount of on-site housing by maintaining a portion of that
22 housing as permanently affordable for the life of the project. Affordable units shall be
23 managed by a nonprofit housing agency through a duly executed agreement between the
24 project sponsor, the nonprofit agency and the Planning Department. The mix of affordable
25 units retained in the project shall conform to the overall dwelling unit size mix of the project.

1 The portion of retained residential which shall be affordable will be determined by calculating
2 the number of market rate units which could be subsidized by the amount of "in-lieu fee"
3 calculated in Paragraph (i) above. The number of square feet of affordable housing shall be
4 calculated in the following manner:

5 (1)

6 In-Lieu Fee

7 _____
8 \$30/square foot subsidy = Square Feet of
9 Affordable Housing
10 Retained in the Project
11

12 (iii) **Annual Reporting, Evaluation and Adjustments to Affordability and Fee**
13 **Calculations.** The Department shall report annually to the Planning Commission on the
14 activity and utilization of Section 243(c)(8)(B). Based on an evaluation of this report, the
15 Planning Commission may initiate a modification or deletion of Section 243(c)(8)(B).

16 The dollar amounts used in the calculation for Paragraphs (i) and (ii) of this Subsection
17 shall be subject to annual adjustments in accord with Section 413.6(1) of this Code.
18 Affordability shall be defined by rents or sale prices affordable by households with no more
19 than 80 percent of median income standards developed by HUD.

20 (iv) If the Commission finds that taking into consideration projects constructed since
21 the effective date of the Van Ness Special Use District and the housing development potential
22 remaining in the District the overall objective of adding a substantial increment of new housing
23 on Van Ness Avenue will not be significantly compromised, the Commission may by
24 conditional use modify the 3:1 housing ratio or may modify the rules regarding the timing and
25 location of linked projects if in addition to Section 303(c) standards of this Code it finds that:

1 (1) The project is to provide space for expansion of an established business from an
2 adjacent site (for this purpose two sites separated by an alley shall be deemed to be adjacent)
3 or,

4 (2) The project is to provide space for an institutional, hotel, medical, cultural or
5 social service use meeting an important public need which cannot reasonably be met
6 elsewhere in the area, and

7 (3) Housing cannot reasonably be included in the project referred to in (1) and (2)
8 above.

9 The Commission shall consider the feasibility of requiring the project to be constructed
10 in such a manner that it can support the addition of housing at some later time.

11 (C) **Off-Site Provision of Required Residential Space.** For the purpose of
12 calculating the 3 to 1 ratio between residential and nonresidential use, two or more projects
13 for new construction within the Van Ness Special Use District may be considered and
14 approved together as linked projects. The requirements of Paragraph (A) above may be
15 satisfied if the aggregate amount of occupied floor area for residential use in two or more
16 linked projects is at least three times greater than the aggregate amount of occupied floor
17 area for nonresidential use.

18 (i) Those building permit applicants who wish to link two or more projects for the
19 purpose of meeting the 3 to 1 residential to nonresidential ratio shall file with the Planning
20 Department a statement of intent identifying the applications covering the projects that are to
21 be considered and approved together;

22 (ii) When the Planning Department approves an application for a project containing
23 only nonresidential use and the project is linked to one or more other projects pursuant to the
24 statement of intent filed with the Department, it shall include as a condition of approval a
25 requirement prohibiting the project sponsor from commencing any work on the site until the

1 Zoning Administrator issues a written determination that such work may proceed. The Zoning
2 Administrator shall not issue such a determination until those permits authorizing the projects
3 containing residential use have been issued and foundations have been completed at each
4 such site;

5 (iii) If a permit for a project containing nonresidential use expires because of delays
6 in the completion of foundations for linked projects containing residential uses, new permits
7 may be approved for the nonresidential project within three years of such expiration without
8 regard to the 3 to 1 residential ratio requirement if a Temporary Certificate of Occupancy or a
9 Permit of Occupancy has been issued for each project containing residential use;

10 (iv) No building or portion of a building approved as a linked project that contains
11 residential use required to meet the 3 to 1 residential to nonresidential ratio requirement shall
12 be used for any nonresidential purposes; provided, however, that this restriction shall no
13 longer apply if 50 percent or more of the non-residential occupied floor area in the linked
14 projects has been converted to residential use, or has been demolished, or has been
15 destroyed by fire or other act of God;

16 (v) The Zoning Administrator shall impose as a condition of approval of a permit
17 authorizing the residential uses of linked projects the requirement that the owner record in the
18 land records of the property a notice of restrictions, approved as to form by the Zoning
19 Administrator, placed on the use of the property by this Section.

20 (D) **Nonconforming Uses.** A use which existed lawfully at the effective date of this
21 Section and which fails to conform to the use limitation of Section 243(c)(8)(A) above, shall be
22 considered a nonconforming use and subject to the provisions of Sections 180 through 188 of
23 this Code, including the provisions of Section 182 regarding change of use, except as follows:
24
25

1 (i) In calculating the cost of structural alterations pursuant to Section 181(b)(4), the
2 cost of reinforcing the building to meet the standards for seismic loads and forces of the 1975
3 Building Code shall not be included; and

4 (ii) Notwithstanding the provisions of Section 181(b), the structure occupied by the
5 nonconforming use may be enlarged by an amount equal to 20 percent of the gross floor area
6 of the existing structure.

7 (E) **Demolitions.** All demolitions of buildings containing residential use and all
8 conversions from residential uses to nonresidential uses above the ground floor shall be
9 permitted only if authorized as a conditional use under Section 303 of this Code, unless the
10 Director of the Department of Building Inspection or the Chief of the Bureau of Fire Prevention
11 and Public Safety determines that the building is unsafe or dangerous and that demolition is
12 the only feasible means to secure the public safety. When considering whether to grant a
13 conditional use permit for the demolition or conversion, in lieu of the criteria set forth in
14 Planning Code Section 303, consideration shall be given to the adverse impact on the public
15 health, safety and general welfare of the loss of housing stock in the district and to any
16 unreasonable hardship to the applicant if the permit is denied. The definition of residential use
17 shall be as set forth in Section 243(c)(8)(A), but shall not include any guest room in a building
18 classified as a residential hotel subject to the Residential Hotel Unit Conversion and
19 Demolition Ordinance.

20 A conditional use permit shall not be required if the demolition permit is sought in order
21 to comply with a court order directing or permitting the owner to demolish a building because it
22 is unsafe. No person shall be permitted to construct anything on the site of a demolished
23 building subject to such an order for a period of two years unless (a) the proposal is for at
24 least the same number and size of dwelling units and guest rooms and the same amount of
25 nonresidential floor area as that which was demolished or (b) the applicant requests and is

1 granted an exemption from this requirement on the ground that the applicant has
2 demonstrated that (1) the need for demolition did not arise because of the deliberate or
3 unreasonable neglect of the maintenance of the building, or that (2) the restrictions would
4 cause undue hardship to the property owner or that (3) the restrictions would leave the
5 property without any substantial remaining market value or reasonable use.

6 (7) Parking. Projects with parking which exceeds the amount permitted in Section
7 151.1 for an RC District shall be permitted if:

8 (A) the project was approved prior to the effective date of this Ordinance No.
9 _____.

10 (B) the project builds no more parking than the amount approved; and

11 (C) the project proceeds to construction within three years of the effective date of
12 this Ordinance No. _____. *the residential parking requirement shall be one space for each dwelling*
13 *unit; provided, however, that the Zoning Administrator may reduce the parking requirement to not less*
14 *than one space for each four dwelling units pursuant to the procedures and criteria of Sections 307(g)*
15 *and (i) of this Code.*

16 ~~(G)~~ (8) Adult Entertainment Enterprises. The uses described in Section 790.36 221(f)
17 of this Code are not permitted.

18 ~~(H)~~ (9) Other Entertainment Uses. Other Entertainment Uses as defined in Section
19 790.38 of this Code shall require notification as set forth in Section 312 of this Code.

20 ~~(I)~~ (10) Reduction of Ground Level Wind Currents.

21 (A) New buildings and additions to existing buildings shall be shaped, or other wind
22 baffling measures shall be adopted, so that the development will not cause year-round ground
23 level wind currents to exceed, more than 10 percent of the time, between 7:00 a.m. and 6:00
24 p.m., the comfort level of 11 m.p.h. equivalent wind speed in areas of pedestrian use and
25 seven m.p.h. equivalent wind speed in public seating areas. When pre-existing ambient wind

1 speeds exceed the comfort levels specified above, the building shall be designed to reduce
2 the ambient wind speeds in efforts to meet the goals of this requirement.

3 (B) An exception to this requirement may be permitted but only if and to the extent
4 that the project sponsor demonstrates that the building or addition cannot be shaped or wind
5 baffling measures cannot be adopted without unduly restricting the development potential of
6 the building site in question.

7 (i) The exception may permit the building or addition to increase the time that the
8 comfort level is exceeded, but only to the extent necessary to avoid undue restriction of the
9 development potential of the site.

10 (ii) Notwithstanding the above, no exception shall be allowed and no building or
11 addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard
12 level of 26 m.p.h. for a single hour of the year.

13 (C) For the purposes of this Section, the term "equivalent wind speed" shall mean
14 an hourly wind speed adjusted to incorporate the effects of gustiness or turbulence on
15 pedestrians.

16 **SEC. 249.25. JACKSON SQUARE SPECIAL USE DISTRICT.**

17 In order to provide for the protection and enhancement of specialty retail and antique
18 store uses in the Jackson Square area, there shall be established the Jackson Square Special
19 Use District as designated on Sectional Map No. ~~1-SU~~ SU01 of the Zoning Map. The
20 boundaries of this special use district shall be coterminous with the boundaries of the Jackson
21 Square Historic District as established by Appendix B to Article 10 of this Code and further
22 described in Section 3 of that Appendix, and shall also include Lot 4 of Block 195. The
23 following provisions shall apply within the Jackson Square Special Use District:

24 (a) **Purposes.** These controls are intended to protect and enhance the unique
25 retail character of the special use district. All decisions of the Planning Commission and

1 Department for the establishment of ground floor use shall be guided by the following
2 factors:

3 (1) Continuation and enhancement of existing ground floor retail uses are of critical
4 importance to the character of the District and displacement of such uses should be
5 discouraged;

6 (2) Attraction and retention of similar new retail establishments that conform with
7 the character of this District should be encouraged; and

8 (3) Uses that greatly intensify the density of employment have a negative impact on
9 the provision of neighborhood services, traffic circulation, and limited on- and off-street
10 parking.

11 (b) **Controls.**

12 (1) **General.** The provisions of the C-2 use district as established in Section 210.2
13 and applicable provisions of the *Garment Shop Special Use District (Section 236)* and the
14 Washington-Broadway Special Use Districts (Section 239), and the Chinatown Community
15 Business District (Section 810.1), shall prevail except as provided in paragraphs (2) and (3)
16 below.

17 (2) **Conditional Uses.**

18 (A) ~~(a)~~ Office uses set forth in Sections 219(a), (b), (c), and (d), and Sections 890.70
19 and 890.111, and all institutional uses set forth in Sections 217 and 890.50, at the ground
20 floor are subject to conditional use authorization pursuant to Section 303 of this Code,
21 provided, however, that building lobbies, entrances, and exits to and from the basement,
22 ground floor, or upper floors, and other reasonably-sized common areas at the ground floor
23 shall be permitted without conditional use authorization. In addition to the findings required
24 under Section 303(c) for conditional use authorization, the Commission shall make the
25 following findings:

1 (i) The use shall be necessary to preserve the historic resource and no other use
2 can be demonstrated to preserve the historic resource.

3 (ii) The use shall be compatible with, and shall enhance, the unique retail character
4 of the District.

5 ~~(B) (b)~~ Subsection (b)(2)(A) ~~(a)~~ shall not apply to any use that fronts Pacific Street.

6 (3) **Prohibited Uses.** Adult entertainment enterprises, as defined in Section 221(k)
7 *of this Code* are prohibited.

8 **SEC. 307. OTHER POWERS AND DUTIES OF THE ZONING ADMINISTRATOR.**

9 In addition to those specified in Sections 302 through 306, and Sections 316 through
10 316.8 of this Code, the Zoning Administrator shall have the following powers and duties in
11 administration and enforcement of this Code. The duties described in this Section shall be
12 performed under the general supervision of the Director of Planning, who shall be kept
13 informed of the actions of the Zoning Administrator.

14 (g) **Exceptions from Certain Specific Code Standards through Administrative**
15 **Review in the Chinatown Mixed Use Districts and the South of Market Mixed Use**
16 **Districts.** The Zoning Administrator may allow complete or partial relief from parking, rear
17 yard, open space and wind and shadow standards as authorized in the applicable sections of
18 this Code, when modification of the standard would result in a project better fulfilling the
19 criteria set forth in the applicable section. The procedures and fee for such review shall be
20 the same as those which are applicable to variances, as set forth in Sections 306.1 through
21 306.5 and 308.2.

22 (h) **Exceptions from Certain Specific Code Standards through Administrative**
23 **Review ~~in the Eastern Neighborhoods Mixed Use Districts.~~ *In the Eastern Neighborhoods Mixed***
24 **~~Use Districts, the~~ *The* Zoning Administrator** may allow complete or partial relief from certain
25 standards specifically identified below, in Section 161, or and elsewhere in this Code when

1 modification of the standard would result in a project fulfilling the criteria set forth below and in
2 the applicable section.

3 (1) **Applicability.**

4 (A) **Eastern Neighborhoods Mixed Use Districts.** For projects not subject to Section
5 329, relief may be provided for the following requirements: rear yard; non-residential open
6 space; off-street loading requirements; and off-street parking limits up to the maximum
7 quantities described in Section 151.1.

8 (B) **Dwelling Unit Exposure for Historic Buildings.** Relief may also be provided for
9 dwelling unit exposure requirements for buildings which are designated landmark buildings or
10 contributory buildings within designated historic districts per Article 10 of this Code, any
11 building designated Category I-IV per Article 11 of this Code, and/or buildings recorded with the
12 State Historic Preservation Office as eligible for the California Register, when the following
13 criteria are met: (i) literal enforcement of Section 140 would result in the material impairment
14 of the historic resource; and (ii) the project complies with the Secretary of the Interior's
15 Standards, (36 C.F.R. § 67.7 (2001)) and/or Section 1006 and any related Article 10
16 appendices of this Code. This administrative exception does not apply to new additions to historic
17 buildings.

18 (C) **Residential Open Space for Historic Buildings.** For a landmark building designated
19 per Article 10 of this Code, a contributing building located within a designated historic district per
20 Article 10, or any building designated Category I-IV per Article 11 of this Code, the provision of off-
21 site publicly accessible open space, meeting the requirements of Section 135(h), may be credited
22 toward the residential usable open space requirement.

23 (D) **Conversion of Non-conforming Uses to Residential Uses.** The Zoning Administrator
24 may modify or waive dwelling unit exposure requirements, rear yard requirements, open space
25

1 requirements for inner courts, and the substitution of off-site publicly accessible open space for
2 required residential open space, provided:

3 (i) That the residential use, whether dwelling units group housing, or SRO units, are
4 principally permitted in the district or districts in which the project is located;

5 (ii) That the nonconforming use is eliminated by such conversion, provided further that the
6 structure is not enlarged, extended or moved to another location; and

7 (iii) That the requirements of the Building Code, the Housing Code and other applicable
8 portions of the Municipal Code are met.

9 (2) **Procedures.** The review of a modification requested under this Section shall be
10 conducted as part of, and incorporated into, a related building permit application or other
11 required project authorizations; no additional fee shall be required. Under no circumstances
12 shall such modification provide relief from any fee, including those related to usable open
13 space pursuant to Sections 135(j) and 135.3(d). The provisions of this Subsection (h) shall not
14 preclude such additional conditions as may be deemed necessary by the Zoning
15 Administrator to further the purposes of this Section or other Sections of this Code.

16 **SEC. 309. PERMIT REVIEW IN C-3 DISTRICTS.**

17 The provisions and procedures set forth in this Section shall govern the review of
18 project authorization and building and site permit applications for (1) the construction or
19 substantial alteration of structures in C-3 Districts, (2) the granting of exceptions to certain
20 requirements of this Code where the provisions of this Section are invoked, and (3) the
21 approval of open space and streetscape requirements of the Planning Code. When any action
22 authorized by this Section is taken, any determination with respect to the proposed project
23 required or authorized pursuant to CEQA may also be considered. This Section shall not
24 require additional review in connection with a site or building permit application if review
25

1 hereunder was completed with respect to the same proposed structure or alteration in
2 connection with a project authorization application pursuant to Section 322.

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

5 (1) Exceptions to the setback and rear yard requirements as permitted in Sections
6 132.1 and 134(d);

7 (2) Exceptions to the ground-level wind current requirements as permitted in
8 Section 148;

9 (3) Exceptions to the sunlight to public sidewalk requirement as permitted in Section
10 146;

11 ~~(4) Exceptions to the limitation on residential accessory parking as permitted in~~
12 ~~Section 151.1(e);~~

13 ~~(4) (5)~~ Exceptions to the limitation on curb cuts for parking access as permitted in
14 Section 155(r);

15 ~~(5) (6)~~ Exceptions to the limitations on above-grade residential accessory parking as
16 permitted in Section 155(s);

17 ~~(6) (7)~~ Exceptions to the freight loading and service vehicle space requirements as
18 permitted in Section 161(f) (h);

19 ~~(7) (8)~~ Exceptions to the off-street tour bus loading space requirements as permitted in
20 Section 162;

21 ~~(8) (9)~~ Exceptions to the height limits for vertical extensions as permitted in Section
22 260(b)(1)(G) and for upper tower extensions as permitted in Section ~~263.9~~ 263.7;

23 ~~(9) (10)~~ Exceptions to the height limits in the 80-130F and 80-130X Height and Bulk
24 Districts as permitted in Section ~~263.8~~ 263.6 and in the 200-400S Height and Bulk District as
25 permitted in Section ~~263.10~~ 263.8;

(10) (11) Exceptions to the bulk requirements as permitted in Sections 270 and 272.

SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

			Broadway
No.	Zoning Category	§ References	Controls
714.22	Off-Street Parking, Commercial/In stitutional	§§ 150, 153—157, 159—160, 204.5	Generally, n None required. <u>Limits set forth in § 151.1 if occupied floor area is less than 5,000 sq. ft.</u> §§ 151, 161(g)
714.94	Off-Street Parking, Residential	§§ 150, 151.1, 153—157, 159— 160, 204.5	<u>None required.</u> P up to 0.5 parking spaces for each one car for each two dwelling units; C up to .75 cars parking spaces for each dwelling unit, subject to the criteria and procedures of Section 151.1 (f); NP above 0.75 cars for each dwelling unit. §§ 151.1, 166, 167, 145.1 161(a) (g) # Mandatory discretionary review by the Planning Commission if installing a garage in an existing residential building of four or more units and Section 311 notice for a building of less than four units.

**SPECIFIC PROVISIONS FOR THE BROADWAY NEIGHBORHOOD COMMERCIAL
DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
§ 714.65	§ 236	GARMENT SHOP SPECIAL USE DISTRICT
<u>§ 714.68</u>	<u>§ 249.35</u>	<p><u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD).</u></p> <p><u>Boundaries: The FFSRUD and its ¼ mile buffer includes, but is not limited to, the Broadway Neighborhood Commercial Districts.</u></p> <p><u>Controls: Within the FFSRUD and its ¼ mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its ¼ mile buffer, fringe financial services are P subject to the restrictions set forth in Section 259.35(c)(3).</u></p>
§ 714722.94	§§ 150, 153-157, 159-160, 204.5	<p><u>BROADWAY OFF-STREET PARKING RESIDENTIAL</u></p> <p><u>Boundaries: Broadway NCD</u></p> <p><u>Controls: Installing a garage in an existing residential building of four or more units requires a mandatory discretionary review by the Planning Commission; Section 311 notice is required for a building of less than four units. In approving installation of the garage, the Commission shall find that: (1) the proposed garage opening/addition of off-street parking will not cause the "removal" or "conversion of residential unit," as those terms are defined in Section 317 of this Code; (2) the proposed garage opening/addition of off-street parking will not substantially decrease the livability of a dwelling unit without increasing the floor area in a commensurate amount; (3) the</u></p>

building has not had two or more "no-fault" evictions, as defined in 37.9(a)(7)—(13) of the San Francisco Administrative Code, with each eviction associated with a separate unit(s) within the past ten years, (4) the garage would not front on a public right-of-way narrower than 41 feet, and (5) the proposed garage/addition of off-street parking installation is consistent with the Priority Policies of Section 101.1 of this Code.

Boundaries: ~~Applicable only for the portion of Broadway NCD as mapped on Sectional Map 1-SUa~~

Controls: ~~Garment shops are P at the 1st and 2nd stories~~

SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

			North Beach
No.	Zoning Category	§ References	Controls
722.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153—157, 159—160, 204.5	Generally, n None required. <u>Limits set forth in if occupied floor area is less than 5,000 sq. ft.</u> §§ 151.1, 161(g)
722.94	Off-Street Parking, Residential	§§ 150, 151.1, 153—157, 159—160, 204.5	<u>None required.</u> -P up to <u>0.5 parking spaces one</u> car for each two dwelling units; C up to .75 cars <u>parking spaces</u> for each dwelling unit, <u>subject to the criteria and procedures of Section 151.1(f); NP above 0.75 cars for each dwelling unit.</u> §§ 151.1, 166, 167, 145.1

161(a)(g)

if installing a garage in an existing
residential building

**SPECIFIC PROVISIONS FOR THE NORTH BEACH NEIGHBORHOOD
COMMERCIAL DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
§ 722.65	§ 236	<i>GARMENT SHOP SPECIAL USE DISTRICT</i>
§ 722.94	§§ 150, 153-157, 159-160, 204.5	NORTH BEACH OFF-STREET PARKING, RESIDENTIAL Boundaries: North Beach NCD Controls: Installing a garage in an existing residential building of four or more units requires a mandatory discretionary review by the Planning Commission; Section 311 notice is required for a building of less than four units. <i>In</i> <i>approving installation of the garage, the Commission shall find</i> <i>that:</i> (1) the proposed garage opening/addition of off-street parking will not cause the "removal" or "conversion of residential unit," as those terms are defined in Section 317 of this Code; (2) the proposed garage opening/addition of off- street parking will not substantially decrease the livability of a dwelling unit without increasing the floor area in a commensurate amount; (3) the building has not had two or more "no-fault" evictions, as defined in 37.9(a)(7)—(13) of the San Francisco Administrative Code, with each eviction

associated with a separate unit(s) within the past ten years,
 (4) the garage would not front on a public right-of-way
 narrower than 41 feet, and (5) the proposed garage/addition of
 off-street parking installation is consistent with the Priority
 Policies of Section 101.1 of this Code.

B. Prior to the Planning Commission hearing, or prior to
 issuance of notification under Section 311(c)(2) of this Code,
 the Planning Department shall require a signed affidavit by the
 project sponsor attesting to (1), (2), and (3) above, which the
 Department shall independently verify. The Department shall
 also have made a determination that the project complies with
 (4) and (5) above.

~~**Boundaries:** Applicable only for the portion of North Beach
 NCD as mapped on Sectional Map SU01a~~

~~**Controls:** Garment shops are P at the 1st and 2nd stories~~

Table 810

CHINATOWN COMMUNITY BUSINESS DISTRICT ZONING CONTROL TABLE
SPECIFIC PROVISIONS FOR CHINATOWN COMMUNITY BUSINESS DISTRICT

Section		Zoning Controls
§ 810.71	§ 236	Garment Shop Special Use District applicable only for portions of the Chinatown Community Business District as mapped on Sectional Map No. 1-SUa

Table 811
CHINATOWN VISITOR RETAIL DISTRICT ZONING CONTROL TABLE
SPECIFIC PROVISIONS FOR CHINATOWN VISITOR RETAIL DISTRICT

Section		Zoning Controls
§ 811.71	§ 236	Garment Shop Special Use District applicable only for portions of the Chinatown Community Business District as mapped on Sectional Map No. 1 SUa

Table 812
CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE
SPECIFIC PROVISIONS FOR RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT

Section		Zoning Controls
§ 812.71	§ 236	Garment Shop Special Use District applicable only for portions of the Chinatown Community Business District as mapped on Sectional Map No. 1 SUa

Section 4. Pursuant to Sections 106 and 302(c) of the Planning Code, the following amendments to Sheet SU01 of the Zoning Map of the City and County of San Francisco, duly approved and recommended to the Board of Supervisors by the Planning Commission, are hereby adopted:

Delete Washington-Broadway SUD #1 and Washington-Broadway SUD #2 from the Zoning Map and replace them with one Washington-Broadway Special Use District consisting of the properties described below.

Washington-Broadway
Special Use District

Property Description

All C-2 zoned parcels on Blocks 0163,
0164, 0165, 0166, 0173, 0174, 0175,
0176, 0195, 0196, and 0197

Section 5. Effective Date. This Ordinance shall become effective 30 days from the date of passage.

Section 6. This section is uncodified. In enacting this ordinance, the Board intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams, or any other constituent part of the Planning Code that are explicitly shown in this legislation as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the legislation.

Specifically, the Board of Supervisors recognizes that both this ordinance and the ordinance in File No. 120220 amend Sections 135 and 138 of the Planning Code. The Board intends that, if adopted, the additions and deletions shown in both ordinances be given full force and effect. To this end, the Board directs the City Attorney's Office and the publisher to harmonize the provisions of each ordinance.

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

By:


JUDITH A. BOYAJIAN
Deputy City Attorney

Supervisor Chiu
BOARD OF SUPERVISORS

LEGISLATIVE DIGEST

[Planning Code, Zoning Map - Uses, Conformity of Uses, Parking Requirements for Uses, and Special Use Districts]

Ordinance amending the San Francisco Planning Code by repealing Section 158 and amending various other Code Sections to: 1) modify controls for uses and accessory uses in C and RC Districts; 2) eliminate minimum parking requirements for the Chinatown Mixed Use Districts, RC Districts, the Broadway and North Beach NCDs, and the Washington-Broadway SUD; 3) make maximum residential parking permitted in C-3 and RC Districts consistent with NCT Districts; 4) make maximum non-residential parking in RC Districts, Chinatown Mixed Use Districts, and Broadway and North Beach NCDs consistent with NCT Districts; 5) make surface parking lots a non-conforming use in C-3 Districts; 6) modify conformity requirements in various use districts; 7) modify streetscape requirements, public open space requirements, floor-area ratio calculations, and transportation management requirements for various uses in certain districts; 8) permit certain exceptions from exposure and open space requirements for historic buildings; 9) remove references to deleted Sections of the Code; 10) amend Sheet SU01 of the Zoning Map to consolidate the two Washington-Broadway SUDs and revise the boundaries; and 11) making environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Existing Law

Among other things, the Planning Code regulates open space and streetscapes; accessory uses; parking and automotive uses; conformity of uses and changes of use. The Code also establishes a number of Special Use Districts with special zoning requirements, which are mapped in the San Francisco Zoning Map.

Amendments to Current Law

Amendments have been made to the following Planning Code sections that deal with the above requirements. In addition, the Zoning Map is amended to consolidate the two Washington-Broadway Special Use Districts into a single district that is limited to the C-2 zoned areas between Washington and Broadway Street.

Open Space and Streetscapes

- Sections 135 and 307 are amended to allow historic buildings to obtain exceptions from the inner court requirements and the obtain a credit towards the residential usable open space requirement by providing off-site publicly accessible open space.
- Section 138.1 is amended to add requirements for the removal and modification of private encroachments on public rights-of-way.

- Section 140 is amended to permit exceptions from dwelling unit exposure and residential open space requirements when converting historic buildings to residential use.
- Nonsubstantive amendments have been made to the above sections, as well as to Sections 138 and 141.

Parking and Automotive Uses

Sections 102.9, 151, 151.1, 155, 156, 157.1, 158.1, 161, 163, 223, 243, 309, 714, 722, 810, 811, and 812 are amended to:

- Eliminate minimum parking requirements for all uses in RC Districts, Chinatown Mixed Use Districts, and the Broadway and North Beach Neighborhood Commercial Districts.
- Reduce the amount of parking permitted for dwelling units in RC-3 districts and the Van Ness special use district to .5 spaces per unit and .75 spaces per unit with conditional use authorization, consistent with NC-T districts.
- Increase the permitted residential parking in C-3 and RC-4 districts to .5 spaces per unit and .75 spaces per unit with conditional use authorization, consistent with NC-T districts
- Extend transportation brokerage requirements to all non-residential projects over 100,000 square feet in Commercial and Mixed Use Districts.
- Consolidate various automotive use definitions in C, M, and PDR Districts with those for Mixed-Use Districts.
- Remove exceptions permitting non-accessory parking above the ground floor exceptions from parking screening requirements in C-3 Districts.
- Count parking in excess of principally permitted amounts towards gross floor-area in C-3 districts.
- Consolidate the conditional use findings for non-accessory parking in C-3 Districts in a single section.
- Delete the obsolete Garment Shop Special Use District.

Accessory uses in Commercial, Residential-Commercial, and Industrial Districts

Section 204.3 is amended to:

- Subject accessory uses in RC districts to the requirements of Commercial Districts rather than those of Residential Districts.
- Increase the maximum permitted size of an accessory use in Commercial and Residential-Commercial Districts from one-quarter to one-third of the gross floor area, consistent with NC, Mixed Use, and Industrial Districts.
- Remove limitations on the number of employees for an accessory use in a C-2 district.
- Remove maximum horsepower permitted for machines in accessory uses in Commercial Districts.
- Require that mechanical noise, vibration, or unhealthful emissions from accessory uses in Commercial and Residential-Commercial Districts not extend outside the premises.

Conformity, Changes of Use, and Other Building Requirements

Sections 182 and 184 are amended to:

- Subject nonconforming commercial and industrial uses in a Residential or Residential Enclave District to the requirements of Section 186.
- Expand the exception from residential density limits and minimum parking requirements when converting a non-conforming use in an existing building to a dwelling unit, from residential districts in all districts where residential uses are principally permitted, and permit conversion to more than one dwelling unit with conditional use authorization.
- No longer permit construction of basement spaces under public streets and alleys.
- Require nonconforming commercial or industrial uses to be eliminated no later than five years and 90 days from the effective date of an amendment to the Code which makes such permanent uses nonconforming.
- Make surface parking lots a nonconforming use in C-3 Districts, but permit them to continue with conditional use authorization for up to five years at a time.

Background

This ordinance aims to advance several goals of the City's General Plan and the Priority Policies of Planning Code Section 101.1, as follows:

Reduce off-street parking requirements in dense, mixed-use neighborhoods located near transit. San Francisco's Planning Code has provided for reduced parking requirements in dense and transit-rich neighborhoods since the 1960s, as a way of reducing traffic congestion, encouraging walking, cycling, and public transit, and making efficient use of scarce land. Planning Code changes in the past decade have eliminated minimum parking requirements in many transit-rich areas of the City, including Rincon Hill (2005), Downtown (2006), The Market & Octavia Plan area (2008), Eastern Neighborhoods (2008), Balboa Park (2009) and for residential uses in Chinatown, North Beach, and Telegraph Hill (2010). This ordinance removes the remaining parking requirements in Chinatown and RC Districts and the Broadway and North Beach Neighborhood Commercial Districts, and reduces residential parking requirements in the Van Ness corridor, where a bus rapid transit project was recently adopted. The ordinance also permits administrative exceptions from minimum parking requirements in the Fisherman's Wharf area (Waterfront SUD #2).

Encourage the preservation and reuse of existing buildings. San Francisco's existing buildings contribute to the unique character of San Francisco. Reusing buildings, rather than demolishing and rebuilding them, can preserve the built character of neighborhoods, as well as foster sustainability by conserving the energy and materials embodied in these buildings. Certain provisions of the Planning Code can be difficult for existing buildings to comply with, which limits their potential uses, or can entail a costly and time-consuming variance process for the building owner. This ordinance permits the conversion of non-conforming uses to

residential uses, without regard to density limits or parking requirements, in all districts where residential uses are principally permitted. It establishes an administrative exception process from open space and dwelling unit exposure requirements for historic buildings, and permits dwellings to front onto alleys of 20' or more.

Encourage small business formation and retention by increasing flexibility for accessory uses in Commercial, Industrial, and Residential-Commercial Districts. Small businesses that combine office, production, retail, and even residential uses are increasingly common in San Francisco, but frequently do not fit into traditional zoning categories. This ordinance creates more flexibility in zoning around accessory uses, by increasing the maximum square footage for accessory uses in Commercial and Residential-Commercial Districts from one-quarter to one-third of available square footage, and replacing limitations on the horsepower of machines and number of employees in Commercial Districts with 'good neighbor' performance standards.

Reduce variances and conditional uses and increase code compliance. Another goal of this ordinance is to decrease the number of planning code variances and conditional uses, by providing administrative process for certain exceptions which are otherwise desirable (appropriate reuse of historic buildings, or ensuring the earthquake safety of buildings) and making certain projects or features which conform to general plan and area plan goals (dense residential projects in C-3 districts, and residential projects with reduced parking in RC and Chinatown districts) principally permitted. The ordinance also provides more flexibility in converting non-conforming uses to residences where residences are principally permitted.

Code Simplification: The ordinance seeks to simplify the Planning Code by removing obsolete sections, consolidating controls for a single use or feature into a single code section, and harmonizing similar definitions and controls across use districts.

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/ITY No. 554-5227

September 17, 2012

File No. 120881

Bill Wycko
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Mr. Wycko:

On September 4, 2012, Supervisor Chiu introduced the following proposed legislation:

File No. 120881

Ordinance amending the San Francisco Planning Code by repealing Section 158 and amending various other Code Sections to: 1) modify controls for uses and accessory uses in C and RC Districts; 2) eliminate minimum parking requirements for the Chinatown Mixed Use Districts, RC Districts, the Broadway and North Beach NCDs, and the Washington-Broadway SUD; 3) make maximum residential parking permitted in C-3 and RC Districts consistent with NCT Districts; 4) make maximum non-residential parking in RC Districts, Chinatown Mixed Use Districts, and Broadway and North Beach NCDs consistent with NCT Districts; 5) make surface parking lots a non-conforming use in C-3 Districts; 6) modify conformity requirements in various use districts; 7) modify streetscape requirements, public open space requirements, floor-area ratio calculations, and transportation management requirements for various uses in certain districts; 8) permit certain exceptions from exposure and open space requirements for historic buildings; 9) remove references to deleted Sections of the Code; 10) amend Sheet SU01 of the Zoning Map to consolidate the two Washington-Broadway SUDs and revise the boundaries; and 11) making environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

This legislation is being transmitted to you for environmental review, pursuant to Planning Code Section 306.7(c).

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Alisa Miller".

By: Alisa Miller, Committee Clerk
Land Use & Economic Development Committee

Attachment

c: Monica Pereira, Environmental Planning
Joy Navarrete, Environmental Planning

Non-physical exemption
CEQA Section 15060(c)(2)
9/20/12
JOY NAVARRETE



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No 18554

HEARING DATE: MARCH 1, 2012

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

<i>Project Name:</i>	Zoning Map Amendments – Washington-Broadway Special Use District 1; Waterfront Special Use District 2 and 3; Special Districts for Sign Illumination; and Special Districts for Scenic Streets	Planning Information: 415.558.6377
<i>Case Number:</i>	2011.0533Z [Board File No. 11-0547]	
<i>Initiated by:</i>	Supervisor Chiu / Introduced May 3, 2011	
<i>Staff Contact:</i>	Aaron Starr, Legislative Affairs aaron.starr@sfgov.org, 415-558-6362	
<i>Reviewed by:</i>	AnMarie Rodgers, Manager Legislative Affairs anmarie.rodgers@sfgov.org, 415-558-6395	
<i>Recommendation:</i>	Recommend Approval with Modifications	

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT WITH MODIFICATIONS A PROPOSED ORDINANCE THAT WOULD AMEND SHEETS SU01, SS01, AND SS02 OF THE SAN FRANCISCO ZONING MAP TO: 1) ADD BLOCKS AND LOTS TO THE WASHINGTON-BROADWAY SPECIAL USE DISTRICT 1; 2) ADD BLOCKS TO THE WATERFRONT SPECIAL USE DISTRICT 2; 3) DELETE BLOCKS AND ADD LOTS TO THE WATERFRONT SPECIAL USE DISTRICT 3; 4) MAKE THE BOUNDARIES OF THE SPECIAL DISTRICT FOR SIGN ILLUMINATION ON BROADWAY CO-EXTENSIVE WITH THE BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT; 5) DELETE THE VAN NESS SPECIAL DISTRICT FOR SIGN ILLUMINATION; AND 6) ADD THE EMBARCADERO FROM TAYLOR STREET TO SECOND STREET TO THE SPECIAL DISTRICT FOR SCENIC STREETS; 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 101.1.

PREAMBLE

Whereas, on May 3, 2011, Supervisor Chiu introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 11-0547 which would amending Sheets SU01, SS01, and SS02 of the San Francisco Zoning Map to: Ordinance amending Sheets SU01, SS01, and SS02 of the San Francisco Zoning Map to: 1) add blocks and lots to the Washington-Broadway Special Use District 1; 2) add blocks to the Waterfront Special Use District 2; 3) delete blocks and add lots to the Waterfront Special Use District 3; 4) make the boundaries of the Special District for Sign Illumination on Broadway co-extensive with the Broadway Neighborhood Commercial District; 5) delete the Van Ness Special District for Sign

Illumination; and 6) add The Embarcadero from Taylor Street to Second Street to the Special District for Scenic Streets; 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 101.1 ; and

Whereas, on October 20, 2012, December 15, 2011, February 9, 2012 and March 1, 2012 the San Francisco Planning Commission (hereinafter "Commission") conducted duly noticed public hearings at regularly scheduled meeting to consider the proposed Ordinance; and

Whereas on February 8, 2012, the legislative sponsor, Board President David Chiu, sent the Commission a memorandum requesting that the Commission not consider certain topics from the proposed Ordinance as it is his intend to remove the following topics from the proposed Ordinance: proposed changes to Port Property and the expansion of the Waterfront Advisory Committee.

Whereas on March 1, 2012, the Planning Commission considered a portion of the proposed Ordinance herein referred to as "Phase One", covering the subject area of the Embarcadero Scenic Street Sign District; and

Whereas, the Commission requested that the next hearing consider the "Phase Two" topics of the same proposed Ordinance including the topics of changes to the Washington Broadway and Waterfront SUDs and the Van Ness Special Sign District for Illumination, and the Special District for Sign Illumination on Broadway; and

Whereas, the proposed map changes were determined to be exempt from environmental review under the General Rule Exclusion (Section 15061(b)(3) of the CEQA Guidelines); and

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

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

Whereas, the Commission has reviewed the proposed Ordinance; and

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors **approve with modifications** the proposed ordinance. Specifically, the Commission recommends the following modifications:

1. Consider the implications of adding the Embarcadero to Scenic Street Special Sign District controls to large events held along the Embarcadero. Provide a provision to allow for temporary signs for large events along the Embarcadero, such as the America's Cup, and include a maximum duration for such temporary signs, so that they must be taken down after the event.

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 Embarcadero is a prominent street in San Francisco that would benefit from the added protections provided by the Scenic Street Sign district. However, some accommodation should be made for temporary events like the America's Cup.
2. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

I. URBAN DESIGN ELEMENT

OBJECTIVE 4

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY

Policy 4.14

Remove and obscure distracting and cluttering elements.

The proposed legislation would add the Embarcadero to the Special District for Scenic Streets sign controls, which would help to reduce distracting and cluttering elements in the City.

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

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

The proposed legislation will not have a negative impact on neighborhood-serving retail.

- 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 legislation will help improve existing neighborhood character by helping to reduce visual clutter along the Embarcadero. The proposed legislation will also strengthen area plans by creating greater consistency between districts found in the General Plan and the Planning Code.

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

The proposed Ordinance will have no adverse effect on the City's supply of affordable housing.

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

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 new construction or alteration associated with a use would be executed in compliance with all applicable construction and safety measures.

- G) That landmark and historic buildings will be preserved:

Landmarks and historic buildings would be unaffected by the proposed legislation.

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

The City's parks and open space and their access to sunlight and vistas would not be negatively impacted by the proposed legislation.

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on March 1, 2012.

Linda Avery
Commission Secretary

AYES: Commissioners Sugaya, Antonin, Miguel, Borden, Wu

NAYS: Commissioner Moore

ABSENT: none

RECUSED: Commissioner Fong

ADOPTED: March 1, 2012



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 18615

HEARING DATE: MAY 3, 2012

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Project Name: Amendments relating to:
Parking, Awning, Signs, Exposure, Open Space, and Limited
Conforming Uses.

Case Number: 2011.0532T [Board File No. 11-0548]

Initiated by: Supervisor Chiu / Introduced May 3, 2011

Staff Contact: Aaron Starr, Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362

Reviewed by: AnMarie Rodgers, Manager Legislative Affairs
anmarie.rodgers@sfgov.org, 415-558-6395

Recommendation: **Recommend Approval with Modifications of "Phase Two" Including the Topics of Automotive Uses, Limited Corner Commercial Uses (LCCUs), Accessory Uses, Non-Conforming Uses, and Washington Broadway and Waterfront SUDs.**

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE WITH MODIFICATIONS THAT WOULD AMEND THE SAN FRANCISCO PLANNING CODE BY REPEALING SECTIONS 136.2, 136.3, 158, 187, 249.15, 263.2, 263.3, 602.25, 602.26, 607.3 AND 607.4 AND AMENDING VARIOUS OTHER CODE SECTIONS TO (1) INCREASE THE AMOUNT OF PRINCIPALLY PERMITTED PARKING SPACES FOR DWELLINGS IN RC-4 AND C-3 DISTRICTS, (2) MAKE OFF-STREET PARKING REQUIREMENTS IN THE VAN NESS SPECIAL USE DISTRICT AND RC-3 DISTRICTS CONSISTENT WITH THOSE OF RC-4 DISTRICTS, (3) ELIMINATE MINIMUM PARKING REQUIREMENTS FOR THE CHINATOWN MIXED USE DISTRICTS AND NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICTS, (4) ALLOW EXCEPTIONS FROM REQUIRED PARKING UNDER SPECIFIED CIRCUMSTANCES, (5) AMEND THE RESTRICTIONS ON OFF-STREET PARKING RATES AND EXTEND THEM TO ADDITIONAL ZONING DISTRICTS, (6) REVISE SIGN, AWNING, CANOPY AND MARQUEE CONTROLS IN SPECIFIED ZONING DISTRICTS, (7) INCREASE THE PERMITTED USE SIZE FOR LIMITED CORNER COMMERCIAL USES IN RTO AND RM DISTRICTS, AND ALLOW REACTIVATION OF LAPSED LIMITED COMMERCIAL USES IN R DISTRICTS, (8) REVISE THE BOUNDARIES OF AND MODIFY PARKING AND SCREENING REQUIREMENTS IN THE WASHINGTON-BROADWAY AND WATERFRONT SPECIAL USE DISTRICTS, (9) MODIFY CONTROLS FOR USES AND ACCESSORY USES IN COMMERCIAL AND RESIDENTIAL-COMMERCIAL DISTRICTS, (10) PERMIT CERTAIN EXCEPTIONS FROM EXPOSURE AND OPEN SPACE REQUIREMENTS FOR HISTORIC BUILDINGS, AND (11) MODIFY CONFORMITY REQUIREMENTS IN VARIOUS USE DISTRICTS; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, SECTION 302

FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE PRIORITY POLICIES OF PLANNING CODE SECTION 101.1.

PREAMBLE

Whereas, on May 3, 2011 Supervisor Chiu introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 11-0548 which would amend the San Francisco Planning Code by repealing Sections 136.2, 136.3, 158, 187, 249.15, 263.2, 263.3, 602.25, 602.26, 607.3 and 607.4 and amending various other Code sections to (1) increase the amount of principally permitted parking spaces for dwellings in RC-4 and C-3 Districts, (2) make off-street parking requirements in the Van Ness Special Use District and RC-3 Districts consistent with those of RC-4 Districts, (3) eliminate minimum parking requirements for the Chinatown Mixed Use Districts and North Beach Neighborhood Commercial Districts, (4) allow exceptions from required parking under specified circumstances, (5) amend the restrictions on off-street parking rates and extend them to additional zoning districts, (6) revise sign, awning, canopy and marquee controls in specified zoning districts, (7) increase the permitted use size for limited corner commercial uses in RTO and RM districts, and allow reactivation of lapsed limited commercial uses in R districts, (8) revise the boundaries of and modify parking and screening requirements in the Washington-Broadway and Waterfront Special Use Districts, (9) modify controls for uses and accessory uses in Commercial and Residential-Commercial Districts, (10) permit certain exceptions from exposure and open space requirements for historic buildings, and (11) modify conformity requirements in various use districts; and

Whereas, on December 15, 2011, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance; and

Whereas on February 8, 2012, the legislative sponsor, Board President David Chiu, sent the Commission a memorandum requesting that the Commission not consider certain topics from the proposed Ordinance as it is his intent to remove the following topics from the proposed Ordinance: The C-3 parking changes, Affordable Housing FAR exemptions, changes to Planning Code Section 155(g) having to do with the long term parking rate structure, and proposed changes to Port Property and the expansion of the Waterfront Advisory Committee.

Whereas on March 1, 2012, the Planning Commission considered a portion of the proposed Ordinance, herein referred to as "Phase One", covering the subject areas of Clerical and Minor Modifications, Transfer of Development Rights (TDRS), Limited Commercial Uses, Bike Parking, and Signs; and

Whereas, at the March 1, 2012 hearing, the Commission recommended approval with modifications of Phase One in Resolution Number 18553; and

Whereas, at this same hearing the Commission requested that the remainder of the proposed Ordinance be brought back for two later hearings; and

Whereas, the Commission requested that the next hearing consider the "Phase Two" topics of the same proposed Ordinance including the topics of changes to Automotive Uses, Limited Corner Commercial

Uses (LCCUs), Accessory Uses, Non-Conforming Uses, Washington Broadway and Waterfront SUDs and the Van Ness Avenue SUD; and

Whereas, the Commission further requested that the remainder of the topics of the proposed Ordinance be considered at a later hearing called "Phase Three" that would include the topics of changes to Parking, Open Space for Commercial Uses, Gross Floor Area and Floor Area Ratio, Streetscape Improvements, Transportation Management, and Powers of the Zoning Administrator; and

Whereas, this hearing is to consider the topics described as "Phase Two"; and

Whereas, the Commission requested that the proposed Changes to the Van Ness SUD which include parking ratio modifications, the elimination of the Van Ness Sign District and the Van Ness Special Sign District for illumination be brought back to the Commission under Phase Three; and

Whereas, the proposed zoning changes have been determined to be exempt from environmental review under the General Rule Exclusion (Section 15061(b)(3) of the CEQA Guidelines); and

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

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

Whereas, the Commission has reviewed the proposed Ordinance; and

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors **approve with modifications** Phase Two of the proposed ordinance. Specifically, the Commission recommends the following modifications:

Auto Uses

1. Modifying the proposed controls for parking lots in Section 223(l) - "parking lots" - for the C-2 District from "prohibited" to "Conditional Use Authorization".
2. Modify proposed Section 223(o) to require a CU for Storage Yards for Commercial Vehicles or Trucks in C-M Districts rather than prohibiting them outright.

LCCUs

3. Do not amend Section 231 to allow LCCUs to have 2,500 sq. ft. or allow them within 100' of a corner. This proposed change should be reviewed when the Market and Octavia Plan undergoes its scheduled 5 year review.
4. Do not add proposed Section 231(k), which requires Conditional Use authorization when converting a dwelling unit to establish a Limited Corner Commercial Use. Dwelling unit conversions are already controlled by Section 317.

Nonconforming Uses

5. Modify the proposed changes to Section 182 so that a nonconforming use can only be converted to one dwelling unit as of right, and require a CU for the conversion of more than one dwelling unit, and remove the provision that allows a non-conforming use to be converted to group housing as of right.
6. Add the following modifications to Section 184 to clarify when surface parking lots would need to cease operation:

Any nonconforming commercial or industrial use of land where no enclosed building is involved in such use, ~~except for permanent off street parking lots in the C-3-O, C-3-R, C-3-G Districts existing on the effective date of Ordinance 414-85, provided that such lots are screened in the manner required by Section 156(e)~~ shall be eliminated no later than five years and 90 days from the effective date of Ordinance No. [INSERT];

7. Modify Planning Code Section 156 to allow for a 5 year temporary use permit instead of a 2 year temporary use permit.

~~(f)(4)~~ No permanent parking lot shall be permitted in C-3-O, C-3-R, C-3-G and NCT Districts; temporary parking lots may be approved as conditional uses pursuant to the provisions of Section 303 for a period not to exceed two years from the date of approval in NCT Districts and five years from the date of approval in C-3 Districts; permanent parking lots in C-3-S Districts shall be permitted only as a conditional use.

Washington-Broadway SUD

8. Remove the provision in the proposed Ordinance that would change surface parking lots from a conditional use to "not permitted."

FINDINGS

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

1. San Francisco's Planning Code has provided for reduced parking requirements in dense and transit-rich neighborhoods since the 1960s, as a way of reducing traffic congestion, encouraging walking, cycling, and public transit, and making efficient use of scarce land;
2. In 1973, the San Francisco City Planning Commission and Board of Supervisors adopted the "Transit First Policy", giving top priority to public transit investments as the centerpiece of the city's transportation policy and adopting street capacity and parking policies to discourage increases in automobile traffic;

3. Off-street parking facilities increase building costs, which in turn are transferred to costs of housing and doing business. As a land use, off-street parking facilities compete with and displace land uses that provide greater social and economic benefit to the city;
4. A basic assumption of the Transportation Element is that a desirable living environment and a prosperous business environment cannot be maintained if traffic levels continue to increase in any significant way. A balance must be restored to the city's transportation system, and various methods must be used to control and reshape the impact of automobiles on the city. This includes limiting the city's parking capacity, especially long-term parking in commercial areas;
5. On October 26, 2010 the Board of Supervisors adopted the goal of having 20% of trips by bike by the year 2020;
6. The City of San Francisco's Housing Element seeks to remove unnecessary constraints to the construction and rehabilitation of housing;
7. Existing buildings contribute to the unique character of San Francisco. Reusing buildings, rather than demolishing and rebuilding them, can preserve the built character of neighborhoods, as well as foster sustainability by conserving the energy and materials embodied in these buildings.
8. Small commercial uses, although often nonconforming, tend to provide convenience goods and services on a retail basis to meet the frequent and recurring needs of neighborhood residents within a short distance of their homes;
9. Small businesses that combine office, production, retail, and even residential uses are increasingly common in San Francisco, but frequently do not fit into traditional zoning categories. Creating more flexibility in zoning around accessory uses will help add to the vibrancy of the City's neighborhoods and to the City's diverse economic base;
10. Over the years, the Planning Code has been amended and expanded. While many of these changes have been necessary to address emerging issues and changing policy in the City, the current Planning Code can be overly complex and redundant;
11. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

I. HOUSING ELEMENT

OBJECTIVE 1

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

POLICY 1.6

Consider greater flexibility in number and size of units within established building envelopes in community based planning processes, especially if it can increase the number of affordable units in multi-family structures.

POLICY 1.10

Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

OBJECTIVE 8

BUILD PUBLIC AND PRIVATE SECTOR CAPACITY TO SUPPORT, FACILITATE, PROVIDE AND MAINTAIN AFFORDABLE HOUSING.

OBJECTIVE 12

BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION

Policy 12.1

Encourage new housing that relies on transit use and environmentally sustainable patterns of movement.

Phase Two of the proposed Ordinance changes Section 182 to allow "any nonconforming use to be converted to dwelling units or to group housing, in a district where such use is principally permitted, without regard to the requirements of this Code with respect to residential density or required off-street parking." The Commission finds that this change is too broad because it allows any nonconforming use in any Zoning District where housing and group housing are principally permitted to be converted to an unspecified number of dwelling units. The Commission believes that one housing unit is acceptable, but anything more than that should require Conditional Use Authorization. The Commission also feels that that group housing should be excluded from this section.

II. TRANSPORTATION ELEMENT

OBJECTIVE 1

MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT AND INEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY LIVING ENVIRONMENT OF THE BAY AREA

Policy 1.2

Ensure the safety and comfort of pedestrians throughout the city.

Policy 1.3

Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs, particularly those of commuters.

Phase Two of the proposed Ordinance would exempt Automotive Service Stations that are located on Primary Transit Streets or Citywide Pedestrian Network Streets from the conversion process for Automotive Service Station and guide decision makers to consider General Plan policies during this conversion. Similarly, changes recommended by this Commission to require Conditional Use authorization for certain parcel delivery service and storage yards would still permit the use, but provide greater oversight to ensure that the district is still able to serve its primary function.

OBJECTIVE 7

DEVELOP A PARKING STRATEGY THAT ENCOURAGES SHORT-TERM PARKING AT THE PERIPHERY OF DOWNTOWN AND LONG-TERM INTERCEPT PARKING AT THE PERIPHERY OF THE URBANIZED BAY AREA TO MEET THE NEEDS OF LONG-DISTANT COMMUTERS TRAVELING BY AUTOMOBILE TO SAN FRANCISCO OR NEARBY DESTINATIONS.

Policy 7.1

Reserve a majority of the off-street parking spaces at the periphery of downtown for short term parking.

Phase Two of the proposed Ordinance with the recommended modifications would increase scrutiny of parking lots in the C-2 district, by adding a requirement for Conditional Use authorization.

IV. MARKET & OCTAVIA AREA PLAN

In order to track implementation, the Planning Department will monitor vital indicators.

The existing controls for LCCUs were developed as part of an eight year community planning processes about what should be permitted in an RTO district. The intent of the corner store in these districts was to allow for neighborhood serving uses, with a very limited capacity and impact on the residential context. Accordingly the Commission feels that leaving the controls as currently drafted is appropriate. The Commission generally recommends that ideas specific to the community planning efforts be continued through the initial five-year post-plan adoption period, which for the Market Octavia Plan ends May 2013. The Planning Code provides an avenue for re-evaluating these controls after five years. It should be noted that while the LCCU concept was originated with the community planning efforts, these controls currently apply outside of the plan areas in the RM-3 and RM-4 districts.

IV. NORTHEAST WATERFRONT AREA PLAN

Policy 8.2

Limit additional parking facilities in the northeastern waterfront and minimize the impact of this parking. Discourage long-term parking for work trips which could be accommodated by transit.

Restrict additional parking to: (a) short-term (less than four hour) parking facilities to meet needs of additional business, retail, restaurant, marina, and entertainment activities; (b) long-term parking facilities for maritime activities, hotel and residential uses. To the extent possible, locate parking away from areas of intense pedestrian activity. Encourage shared parking at adjacent or nearby facilities.

Policy 8.6

Remove or relocate inland those existing parking facilities on or near the water's edge or within areas of intense pedestrian activity.

Phase Two of the proposed Ordinance allows parking for any principle or conditional use to be waived by the Zoning Administrator per Code Section 161 in all three Waterfront Special Use Districts. The proposed changes are consistent with the way the Code treats other high density, mixed use districts. While the three SUDs vary slightly, their overall character and location are similar enough that they should all be subject to parking waivers under Section 161.

COMMERCE AND INDUSTRY ELEMENT

Policy 6.1

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

Phase Two of the proposed legislation would change the specific restriction, such as horse power, to performance based restrictions (i.e, no noise, vibration or unhealthful emissions beyond the premises). This change replaces arbitrary numerical limits with performance standards to limit disturbances to neighbors. The horsepower limits currently established in the Code can be violated by standard vacuums or coffee grinders. Limiting the number of employees as well as the allowable floor area adds an additional layer of restrictions that isn't necessary if the size restriction already ensures that the use is accessory to the main use.

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

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

Phase Two of the proposed Ordinance will not have any negative impact on neighborhood-serving retail uses.

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

Phase Two of the proposed Ordinance would allow nonconforming uses to convert to housing without regard to specific requirements in the Planning Code, which will help add housing and preserve neighborhood character by allowing existing buildings to be more easily adapted to new uses.

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

Phase Two of the proposed Ordinance will not have a negative impact on the City's supply of affordable housing.

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

Phase Two of the proposed Ordinance will not have any negative impact on commuter traffic or MUNI.

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

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

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

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

- G) That landmark and historic buildings will be preserved:

Phase Two of the proposed ordinance would allow Landmark and historic buildings to be adaptively reused more easily by exempting them from certain provisions in the Planning Code, which would reduce the amount of change that is required to add housing to historic buildings and help preserve them for the future.

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

The City's parks and open space and their access to sunlight and vistas would be unaffected by the proposed amendments. It is not anticipated that permits would be such that sunlight access, to public or private property, would be adversely impacted.

Resolution No. 18615
Hearing Date: May 3, 2012

CASE NO. 2011.0532T
Parking, Awning, Signs, Exposure, Open Space, & LCUs

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on May 3, 2012

Linda Avery
Commission Secretary

AYES: Commissioners Antonini, Borden, Fong, Miguel, Moore and Wu

NAYS: Commissioner Sugaya

ABSENT: None

ADOPTED: May 3, 2012



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 18616

HEARING DATE: MAY 3, 2012

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

<i>Project Name:</i>	Zoning Map Amendments – Washington-Broadway Special Use District 1; Waterfront Special Use District 2 and 3; Special Districts for Sign Illumination; and Special Districts for Scenic Streets.	Planning Information: 415.558.6377
<i>Case Number:</i>	2011.0533Z [Board File No. 11-0547]	
<i>Initiated by:</i>	Supervisor Chiu / Introduced May 3, 2011	
<i>Staff Contact:</i>	Aaron Starr, Legislative Affairs aaron.starr@sfgov.org, 415-558-6362	
<i>Reviewed by:</i>	AnMarie Rodgers, Manager Legislative Affairs anmarie.rodgers@sfgov.org, 415-558-6395	
<i>Recommendation:</i>	Recommend Approval with Modifications of "Phase Two" Washington-Broadway Special Use District 1; Waterfront Special Use District 2 and 3; and Special Districts for Sign Illumination on Broadway.	

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT WITH MODIFICATIONS A PROPOSED ORDINANCE THAT WOULD AMEND SHEETS SU01, SS01, AND SS02 OF THE SAN FRANCISCO ZONING MAP TO: 1) ADD BLOCKS AND LOTS TO THE WASHINGTON-BROADWAY SPECIAL USE DISTRICT 1; 2) ADD BLOCKS TO THE WATERFRONT SPECIAL USE DISTRICT 2; 3) DELETE BLOCKS AND ADD LOTS TO THE WATERFRONT SPECIAL USE DISTRICT 3; 4) MAKE THE BOUNDARIES OF THE SPECIAL DISTRICT FOR SIGN ILLUMINATION ON BROADWAY CO-EXTENSIVE WITH THE BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT; 5) DELETE THE VAN NESS SPECIAL DISTRICT FOR SIGN ILLUMINATION; AND 6) ADD THE EMBARCADERO FROM TAYLOR STREET TO SECOND STREET TO THE SPECIAL DISTRICT FOR SCENIC STREETS; 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 101.1.

PREAMBLE

Whereas, on May 3, 2011, Supervisor Chiu introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 11-0547 which would amending Sheets SU01, SS01, and SS02 of the San Francisco Zoning Map to: Ordinance amending Sheets SU01, SS01, and SS02 of the San Francisco Zoning Map to: 1) add blocks and lots to the Washington-Broadway Special Use District 1; 2) add blocks to the Waterfront Special Use District 2; 3) delete blocks and add lots to the Waterfront Special Use

District 3; 4) make the boundaries of the Special District for Sign Illumination on Broadway co-extensive with the Broadway Neighborhood Commercial District; 5) delete the Van Ness Special District for Sign Illumination; and 6) add The Embarcadero from Taylor Street to Second Street to the Special District for Scenic Streets; 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 101.1 ; and

Whereas, on December 15, 2011, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance; and

Whereas on February 8, 2012, the legislative sponsor, Board President David Chiu, sent the Commission a memorandum requesting that the Commission not consider certain topics from the proposed Ordinance as it is his intend to remove the following topics from the proposed Ordinance: proposed changes to Port Property and the expansion of the Waterfront Advisory Committee.

Whereas on March 1, 2012, the Planning Commission considered a portion of the proposed Ordinance herein referred to as "Phase One", covering the subject area of the Embarcadero Scenic Street Sign District; and

Whereas, at the March 1, 2012 hearing, the Commission recommended approval with modifications of Phase One in Resolution Number 18554; and

Whereas, at this same hearing the Commission requested that the next hearing consider the "Phase Two" topics of the same proposed Ordinance including the topics of changes to the Washington Broadway and Waterfront SUDs, the Van Ness Special Sign District, and the Special District for Sign Illumination on Broadway and Van Ness; and

Whereas, the May 3, 2012 hearing is to consider the topics described as "Phase Two"; and

Whereas, at the May 3, 2012 hearing the Commission requested that the proposed Changes to the Van Ness SUD, which include the elimination of the Van Ness Sign District and the Special Sign District for illumination on Van Ness be brought back to the Commission under "Phase Three"; and

Whereas, the proposed map changes were determined to be exempt from environmental review under the General Rule Exclusion (Section 15061(b)(3) of the CEQA Guidelines); and

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

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

Whereas, the Commission has reviewed the proposed Ordinance; and

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors **approve with modifications** "Phase Two" of the proposed ordinance. Specifically, the Commission recommends the following modifications:

1. Do not move lots 0015, 0016, and 0017 from the Waterfront SUD No. 3 to the Waterfront SUD No. 2.

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. Having two Washington Broadway SUDs is not necessary, as the existing underling zoning can accommodate for any differences in land uses. Merging the two helps to simplify the Planning Code.
2. Moving lots 0015, 0016, and 0017 from the Waterfront SUD No. 3 to the Waterfront SUD No. 2 does not create any substantial changes and would unnecessarily complicate the understanding of how the waterfront design review process relates to Port properties.
3. Correcting the zoning map so that it is consistent with the Planning Code is good governance.
4. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:
5. The proposed replacement project is consistent with the eight General Plan priority policies set forth in Section 101.1 in that:

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

Phase Two of the proposed Ordinance will not have a negative impact on neighborhood-serving retail.

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

Phase Two of the proposed Ordinance would have no impact on existing housing and neighborhood character.

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

Phase Two of the proposed Ordinance will have no adverse effect on the City's supply of affordable housing.

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

Phase Two of the proposed Ordinance will not 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:

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

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

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

- G) That landmark and historic buildings will be preserved:

Landmarks and historic buildings would be unaffected by the proposed legislation.

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

The City's parks and open space and their access to sunlight and vistas would not be negatively impacted by the proposed legislation.

Resolution No. 18616
Hearing Date: May 3, 2012

CASE NO. 2011.0533Z
Zoning Map Amendments

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on May 3, 2012

Linda Avery
Commission Secretary

AYES: Commissioners Antonini, Borden, Miguel, Moore, Sugaya, Wu

NAYS: none

ABSENT: none

RECUSED Commissioner Fong

ADOPTED: May 3, 2012



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 18626

HEARING DATE: MAY 17, 2012

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
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Fax:
415.558.6409

Planning
Information:
415.558.6377

Project Name: Amendments relating to:
Parking, Awning, Signs, Exposure, Open Space, and Limited
Conforming Uses.

Case Number: 2011.0532T [Board File No. 11-0548]

Initiated by: Supervisor Chiu / Introduced May 3, 2011

Staff Contact: Aaron Starr, Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362

Reviewed by: AnMarie Rodgers, Manager Legislative Affairs
anmarie.rodgers@sfgov.org, 415-558-6395

Recommendation: **Recommend Approval with Modifications Of "Phase Three"**
Including the Topics of Parking, Opens Space for Commercial Uses,
Gross Floor Area and Floor Area Ratio, Streetscape Improvements,
Transportation Management, Powers of the Zoning Administrator, and
the Van Ness SUD and SSD

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE WITH MODIFICATIONS THAT WOULD AMEND THE SAN FRANCISCO PLANNING CODE BY REPEALING SECTIONS 136.2, 136.3, 158, 187, 249.15, 263.2, 263.3, 602.25, 602.26, 607.3 AND 607.4 AND AMENDING VARIOUS OTHER CODE SECTIONS TO (1) INCREASE THE AMOUNT OF PRINCIPALLY PERMITTED PARKING SPACES FOR DWELLINGS IN RC-4 AND C-3 DISTRICTS, (2) MAKE OFF-STREET PARKING REQUIREMENTS IN THE VAN NESS SPECIAL USE DISTRICT AND RC-3 DISTRICTS CONSISTENT WITH THOSE OF RC-4 DISTRICTS, (3) ELIMINATE MINIMUM PARKING REQUIREMENTS FOR THE CHINATOWN MIXED USE DISTRICTS AND NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICTS, (4) ALLOW EXCEPTIONS FROM REQUIRED PARKING UNDER SPECIFIED CIRCUMSTANCES, (5) AMEND THE RESTRICTIONS ON OFF-STREET PARKING RATES AND EXTEND THEM TO ADDITIONAL ZONING DISTRICTS, (6) REVISE SIGN, AWNING, CANOPY AND MARQUEE CONTROLS IN SPECIFIED ZONING DISTRICTS, (7) INCREASE THE PERMITTED USE SIZE FOR LIMITED CORNER COMMERCIAL USES IN RTO AND RM DISTRICTS, AND ALLOW REACTIVATION OF LAPSED LIMITED COMMERCIAL USES IN R DISTRICTS, (8) REVISE THE BOUNDARIES OF AND MODIFY PARKING AND SCREENING REQUIREMENTS IN THE WASHINGTON-BROADWAY AND WATERFRONT SPECIAL USE DISTRICTS, (9) MODIFY CONTROLS FOR USES AND ACCESSORY USES IN COMMERCIAL AND RESIDENTIAL-COMMERCIAL DISTRICTS, (10) PERMIT CERTAIN EXCEPTIONS FROM EXPOSURE AND OPEN SPACE REQUIREMENTS FOR HISTORIC BUILDINGS, AND (11) MODIFY CONFORMITY REQUIREMENTS IN VARIOUS USE

DISTRICTS; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE PRIORITY POLICIES OF PLANNING CODE SECTION 101.1.

PREAMBLE

Whereas, on May 3, 2011 Supervisor Chiu introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 11-0548 which would amend the San Francisco Planning Code by repealing Sections 136.2, 136.3, 158, 187, 249.15, 263.2, 263.3, 602.25, 602.26, 607.3 and 607.4 and amending various other Code sections to (1) increase the amount of principally permitted parking spaces for dwellings in RC-4 and C-3 Districts, (2) make off-street parking requirements in the Van Ness Special Use District and RC-3 Districts consistent with those of RC-4 Districts, (3) eliminate minimum parking requirements for the Chinatown Mixed Use Districts and North Beach Neighborhood Commercial Districts, (4) allow exceptions from required parking under specified circumstances, (5) amend the restrictions on off-street parking rates and extend them to additional zoning districts, (6) revise sign, awning, canopy and marquee controls in specified zoning districts, (7) increase the permitted use size for limited corner commercial uses in RTO and RM districts, and allow reactivation of lapsed limited commercial uses in R districts, (8) revise the boundaries of and modify parking and screening requirements in the Washington-Broadway and Waterfront Special Use Districts, (9) modify controls for uses and accessory uses in Commercial and Residential-Commercial Districts, (10) permit certain exceptions from exposure and open space requirements for historic buildings, and (11) modify conformity requirements in various use districts; and

Whereas, on December 15, 2011, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance; and

Whereas on February 8, 2012, the legislative sponsor, Board President David Chiu, sent the Commission a memorandum requesting that the Commission not consider certain topics from the proposed Ordinance as it is his intent to remove the following topics from the proposed Ordinance: The C-3 parking and FAR changes, changes to Planning Code Section 155(g) having to do with the long term parking rate structure, and proposed changes to Port Property and the expansion of the Waterfront Advisory Committee.

Whereas on March 1, 2012, the Planning Commission considered a portion of the proposed Ordinance, herein referred to as "Phase One", covering the subject areas of Clerical and Minor Modifications, Transfer of Development Rights (TDRS), Limited Commercial Uses, Bike Parking, and Signs; and

Whereas, at this same hearing the Commission requested that the remainder of the proposed Ordinance be brought back for two later hearings; and

Whereas, the Commission requested that the next hearing consider the "Phase Two" topics of the same proposed Ordinance including the topics of changes to Automotive Uses, Limited Corner Commercial Uses (LCCUs), Accessory Uses, Non-Conforming Uses, and Washington Broadway and Waterfront SUDs, and the Van Ness Avenue SUD and SSD; and

Whereas, the Commission further requested that the remainder of the topics of the proposed Ordinance be considered at a later hearing called "Phase Three" that would include the topics of changes to Parking, Opens Space for Commercial Uses, Gross Floor Area and Floor Area Ratio, Streetscape Improvements, Transportation Management, and the Powers of the Zoning Administrator; and

Whereas, at the March 1, 2012 hearing, the Commission recommended approval with modifications of Phase One in Resolution Number 18553; and

Whereas, at the May 3, 2012 hearing, the Commission requested that the proposed Changes to the Van Ness SUD which include parking ratio modifications, the elimination of the Van Ness Sign District and the Van Ness Special Sign District for illumination be brought back to the Commission under Phase Three; and

Whereas, at the May 3, 2012 hearing, the Commission recommended approval with modifications of Phase Two in Resolution Number 18615; and

Whereas, this hearing is to consider the topics described as "Phase Three"; and

Whereas, the proposed zoning changes have been determined to be exempt from environmental review under the General Rule Exclusion (Section 15061(b)(3) of the CEQA Guidelines); and

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

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

Whereas, the Commission has reviewed the proposed Ordinance; and

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors **approve with modifications** Phase Three of the proposed ordinance. Specifically, the Commission recommends the following modifications:

Clerical Modifications:

1. Section 249.5(a) should also reference map SU02, the North of Market Residential SUD is on both SU01 and SU02.
2. Section 309.1(b)(1)(F) references 827(a)(8)(AO(ii), it should reference 827(a)(8)(A)(ii)
3. Section 151(c)(4) should be amended to read as follows:

"In all districts other than NC, 15 spaces or seven percent of the total gross floor area of the structure or development, which is ever greater, *where no other spaces are required by this Section.*"

This section was moved to Section 151 from another Section of the Code and reformatted. In the process, the underlined portion was inadvertently deleted.

Substantive Changes:

Parking

1. Accept the changes proposed in Supervisor Chiu's letter dated April 26, 2012 that remove the minimum parking controls and set maximum parking controls in RC Districts and Van Ness Avenue SUD.

Streetscape Improvements

2. Integrate the changed outline in Exhibit A of this Motion, which cover Section 138.1 of the Planning Code.

Powers of the ZA

3. Amend Section 161 of the Planning Code to allow the Zoning Administrator to grant exceptions to off-street parking requirements in C-2 Districts per Section 307. This recommended change would result in allowing administrative exceptions to off-street parking requirements in all districts except the RH and RM districts.

Van Ness Avenue

4. Do not delete the Van Ness Special Sign District from the Planning Code under the proposed Ordinance; this issue should be studied further and possibly introduced under separate legislation.
5. Remove the provision in the Van Ness Special Sign District that allows General Advertising Signs within the Van Ness SSD.
6. Add a grandfathering clause to the legislation that allows projects that have already been approved by the Planning Commission but not yet vested to be exempt from any parking changes on Van Ness Avenue. This includes both commercial and residential projects.

FINDINGS

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

1. San Francisco's Planning Code has provided for reduced parking requirements in dense and transit-rich neighborhoods since the 1960s, as a way of reducing traffic congestion, encouraging walking, cycling, and public transit, and making efficient use of scarce land;

2. In 1973, the San Francisco City Planning Commission and Board of Supervisors adopted the "Transit First Policy", giving top priority to public transit investments as the centerpiece of the city's transportation policy and adopting street capacity and parking policies to discourage increases in automobile traffic;
3. Off-street parking facilities increase building costs, which in turn are transferred to costs of housing and doing business. As a land use, off-street parking facilities compete with and displace land uses that provide greater social and economic benefit to the city;
4. A basic assumption of the Transportation Element is that a desirable living environment and a prosperous business environment cannot be maintained if traffic levels continue to increase in any significant way. A balance must be restored to the city's transportation system, and various methods must be used to control and reshape the impact of automobiles on the city. This includes limiting the city's parking capacity, especially long-term parking in commercial areas;
5. On October 26, 2010 the Board of Supervisors adopted the goal of having 20% of trips by bike by the year 2020;
6. The City of San Francisco's Housing Element seeks to remove unnecessary constraints to the construction and rehabilitation of housing;
7. Existing buildings contribute to the unique character of San Francisco. Reusing buildings, rather than demolishing and rebuilding them, can preserve the built character of neighborhoods, as well as foster sustainability by conserving the energy and materials embodied in these buildings.
8. Small commercial uses, although often nonconforming, tend to provide convenience goods and services on a retail basis to meet the frequent and recurring needs of neighborhood residents within a short distance of their homes;
9. Small businesses that combine office, production, retail, and even residential uses are increasingly common in San Francisco, but frequently do not fit into traditional zoning categories. Creating more flexibility in zoning around accessory uses will help add to the vibrancy of the City's neighborhoods and to the City's diverse economic base;
10. Over the years, the Planning Code has been amended and expanded. While many of these changes have been necessary to address emerging issues and changing policy in the City, the current Planning Code can be overly complex and redundant;
11. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

I. HOUSING ELEMENT

OBJECTIVE 1

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

POLICY 1.6

Consider greater flexibility in number and size of units within established building envelopes in community based planning processes, especially if it can increase the number of affordable units in multi-family structures.

POLICY 1.10

Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

Phases Three of the proposed ordinance will make it easier to build more housing in transit rich neighborhoods by excluding dwelling unit density calculations in C-3 Zoning Districts.

OBJECTIVE 10

Ensure a streamlined, yet thorough, and transparent decision-making process.

Policy 10.2

Implement planning process improvements to both reduce undue project delays and provide clear information to support community review.

Phase Three of the proposed Ordinance would stream line the approval process by expanding the ZA's authority by allowing him to waive Dwelling Unit Exposure requirements for Article 11 buildings, consistent with the ZA's current authority to waive Dwelling Unit Exposure requirements for Article 10 buildings.

OBJECTIVE 11

SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO NEIGHBORHOODS.

Policy 11.7

Respect San Francisco's historic fabric, by preserving landmark buildings and ensuring consistency with historic districts.

Phase Three of the proposed ordinance makes it easier to convert existing buildings into residential units by granting the Zoning Administrator greater powers to waive certain Planning Code requirements.

OBJECTIVE 12

BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION

Policy 12.1

Encourage new housing that relies on transit use and environmentally sustainable patterns of movement.

Phases Three of the proposed ordinance recognizes the dense transit rich nature of many of San Francisco's neighborhoods and removes or significantly reduces minimum parking requirements to encourage transit use and other forms of transportation.

II. TRANSPORTATION ELEMENT

OBJECTIVE 1

MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT AND INEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY LIVING ENVIRONMENT OF THE BAY AREA

Policy 1.2

Ensure the safety and comfort of pedestrians throughout the city.

Policy 1.3

Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs, particularly those of commuters.

Phases Three of the proposed ordinance requires that projects of certain sizes implement the Better Street Plans, which enhances the pedestrian realm; and it allows the Zoning Administrator to reduce or waive required parking or loading for a project when the only feasible street frontage for a driveway or entrance to off-street parking or loading is located on a protected pedestrian-, cycling-, or transit-oriented street frontage, or the only feasible street frontage for a driveway or entrance to off-street parking or loading is located at a transit stops. Phases 3 also requires that more projects provide transportation brokerage service and transportation management plans, which helps achieve the City's goal of providing more alternatives to the private automobile. Phase 3 also includes Short term parking in FAR calculations in C-3 Districts, creating a disincentive for adding short term parking to new developments in C-3 Districts.

III. URBAN DESIGN ELEMENT

OBJECTIVE 1

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE AND A MEANS OF ORIENTATION

Policy 1.10

Indicate the purposes of streets by adopting and implementing the Better Streets Plan, which identifies a hierarchy of street types and appropriate streetscape elements for each street type.

Phase Three of the proposed ordinance would require more projects to remove encroachments into the public right-of-way in order to implement the City's Better Streets Plan.

IV. OPEN SPACE ELEMENT

OBJECTIVE 2

DEVELOP AND MAINTAIN A DIVERSIFIED AND BALANCED CITYWIDE SYSTEM OF HIGH QUALITY PUBLIC OPEN SPACE.

Policy 2.1

Provide an adequate total quantity and equitable distribution of public open spaces throughout the City.

Phases Three of the proposed ordinance would require buildings in the C-3 that are primarily retail to provide open space. This would help to increase the amount of open space available in the downtown core, which is an area of the City that has limited access to public open space.

V. VAN NESS AVENUE AREA PLAN

OBJECTIVE 8

CREATE AN ATTRACTIVE STREET AND SIDEWALK SPACE WHICH CONTRIBUTES TO THE TRANSFORMATION OF VAN NESS AVENUE INTO A RESIDENTIAL BOULEVARD.

Policy 8.11

Permit general advertising signs, business signs and other identifying signs. Permitted signs should meet the following design criteria:

- Signs should not feature any flashing, blinking, fluctuating or otherwise animated light. Likewise, signs should not feature any moving parts.
- Wall signs shall not be less than 10 feet above grade and should not be higher than 45 feet above grade and should not be higher than the lowest residential window sill.
- Projecting signs and general advertising signs should not be higher than 36 feet. Projecting signs shall in no case project more than 4 feet over the sidewalk.
- General advertisement signs should conform to State Outdoor Advertisement regulations requiring that no advertising display shall be placed within 100 feet from another advertising display.
- Signs should not be placed in front of windows.

Modifying the Ordinance so that the Van Ness Special Sign District is not removed is consistent with this policy of the Van Ness Area Plan. Further, removing the Van Ness Special Sign District for Illumination from the Planning Code and Zoning Map is also consistent with this policy of the Van Ness Area Plan, as it specifically prohibits flashing or blinking signs.

OBJECTIVE 9

PROVIDE SAFE AND EFFICIENT MOVEMENT AMONG ALL USERS ON VAN NESS AVENUE.

Policy 9.7

Require residential parking at a ratio of one parking space per dwelling unit.

The Commission acknowledges this policy and notes that it is in opposition to other policies in the General Plan that seek to reduce parking. The Commission hereby decides that removing the requirement of 1 to 1 parking along Van Ness Avenue is on-balance consistent with the City's General Plan and the mixed use high density character of Van Ness Avenue. This provision of the General Plan is out of date and is in contrast to the recent steps that the City has been taking to require less parking for all uses. Further, the City's Transit first policy prioritizes transit over automobile use and Van Ness is a major transit corridor. For this reason, the Commission recommends to adopt the portion of the proposed Ordinance that would remove the Van Ness Special Use District exception from the broader parking requirement for RC-4 districts, which are currently required at a ratio of 1 parking space to every 4 dwelling units. The Commission recommends adding a grandfathering clause to the legislation that allows projects that have already been approved by the Planning Commission but not yet vested to be exempt from this provision.

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

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

Phase Three of the proposed Ordinance will not negatively impact existing neighborhood-serving retail uses.

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

Phase Three of the proposed Ordinance would remove minimum parking requirements from transit rich urban areas of the City

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

Phase Three of the proposed Ordinance will not have a negative impact on the City's supply of affordable housing.

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

Phase Three of the proposed Ordinance seeks to reduce the impact that private automobiles have on City streets by eliminating minimum parking requirements and replacing them with maximum parking requirements.

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

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

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

Preparedness against injury and loss of life in an earthquake is unaffected by the proposed Ordinance. Any new construction or alteration associated with a use would be executed in compliance with all applicable construction and safety measures.

- G) That landmark and historic buildings will be preserved:

Phase Three of the proposed Ordinance would allow Landmark and historic buildings to be adaptively reused more easily by exempting them from certain provisions in the Planning Code, which would reduce the amount of change that is required to add housing to historic buildings and help preserve them for the future.

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

The City's parks and open space and their access to sunlight and vistas would be unaffected by the proposed amendments. It is not anticipated that permits would be such that sunlight access, to public or private property, would be adversely impacted.

Resolution No. 18626
Hearing Date: May 17, 2012

CASE NO. 2011.0532T
Parking, Awning, Signs, Exposure, Open Space, & LCUs

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on May 17, 2012

Linda Avery
Commission Secretary

AYES: Commissioners Borden, Fong, Miguel, Sugaya, Wu

NAYS: Commissioner Antonini

ABSENT: Commissioner Moore

ADOPTED: May 17, 2012

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

September 17, 2012

File No. 120881

Bill Wycko
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Mr. Wycko:

On September 4, 2012, Supervisor Chiu introduced the following proposed legislation:

File No. 120881

Ordinance amending the San Francisco Planning Code by repealing Section 158 and amending various other Code Sections to: 1) modify controls for uses and accessory uses in C and RC Districts; 2) eliminate minimum parking requirements for the Chinatown Mixed Use Districts, RC Districts, the Broadway and North Beach NCDs, and the Washington-Broadway SUD; 3) make maximum residential parking permitted in C-3 and RC Districts consistent with NCT Districts; 4) make maximum non-residential parking in RC Districts, Chinatown Mixed Use Districts, and Broadway and North Beach NCDs consistent with NCT Districts; 5) make surface parking lots a non-conforming use in C-3 Districts; 6) modify conformity requirements in various use districts; 7) modify streetscape requirements, public open space requirements, floor-area ratio calculations, and transportation management requirements for various uses in certain districts; 8) permit certain exceptions from exposure and open space requirements for historic buildings; 9) remove references to deleted Sections of the Code; 10) amend Sheet SU01 of the Zoning Map to consolidate the two Washington-Broadway SUDs and revise the boundaries; and 11) making environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

This legislation is being transmitted to you for environmental review, pursuant to Planning Code Section 306.7(c).

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Miller".

By: Alisa Miller, Committee Clerk
Land Use & Economic Development Committee

Attachment

c: Monica Pereira, Environmental Planning
Joy Navarrete, Environmental Planning

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
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MEMORANDUM

TO: Regina Dick-Endrizzi, Director
Chris Schulman, Commission Secretary
Small Business Commission, City Hall, Room 448

FROM: Alisa Miller, Clerk, Land Use and Economic Development Committee
Board of Supervisors

DATE: September 17, 2012

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Land Use & Economic Development Committee

The Board of Supervisors' Land Use and Economic Development Committee has received the following, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 120881

Ordinance amending the San Francisco Planning Code by repealing Section 158 and amending various other Code Sections to: 1) modify controls for uses and accessory uses in C and RC Districts; 2) eliminate minimum parking requirements for the Chinatown Mixed Use Districts, RC Districts, the Broadway and North Beach NCDs, and the Washington-Broadway SUD; 3) make maximum residential parking permitted in C-3 and RC Districts consistent with NCT Districts; 4) make maximum non-residential parking in RC Districts, Chinatown Mixed Use Districts, and Broadway and North Beach NCDs consistent with NCT Districts; 5) make surface parking lots a non-conforming use in C-3 Districts; 6) modify conformity requirements in various use districts; 7) modify streetscape requirements, public open space requirements, floor-area ratio calculations, and transportation management requirements for various uses in certain districts; 8) permit certain exceptions from exposure and open space requirements for historic buildings; 9) remove references to deleted Sections of the Code; 10) amend Sheet SU01 of the Zoning Map to consolidate the two Washington-Broadway SUDs and revise the boundaries; and 11) making environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

_____ No Comment

_____ Recommendation Attached

Chairperson, Small Business Commission

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: John Rahaim, Director, Planning Department

FROM: Alisa Miller, Clerk, Land Use and Economic Development Committee
Board of Supervisors

DATE: September 17, 2012

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed legislation, introduced by Supervisor Chiu on September 4, 2012, which is being forwarded to your department for informational purposes.

File No. 120881

Ordinance amending the San Francisco Planning Code by repealing Section 158 and amending various other Code Sections to: 1) modify controls for uses and accessory uses in C and RC Districts; 2) eliminate minimum parking requirements for the Chinatown Mixed Use Districts, RC Districts, the Broadway and North Beach NCDs, and the Washington-Broadway SUD; 3) make maximum residential parking permitted in C-3 and RC Districts consistent with NCT Districts; 4) make maximum non-residential parking in RC Districts, Chinatown Mixed Use Districts, and Broadway and North Beach NCDs consistent with NCT Districts; 5) make surface parking lots a non-conforming use in C-3 Districts; 6) modify conformity requirements in various use districts; 7) modify streetscape requirements, public open space requirements, floor-area ratio calculations, and transportation management requirements for various uses in certain districts; 8) permit certain exceptions from exposure and open space requirements for historic buildings; 9) remove references to deleted Sections of the Code; 10) amend Sheet SU01 of the Zoning Map to consolidate the two Washington-Broadway SUDs and revise the boundaries; and 11) making environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

NOTICE OF PUBLIC HEARING

LAND USE AND ECONOMIC DEVELOPMENT COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

NOTICE IS HEREBY GIVEN THAT the Land Use and Economic Development Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: Monday, September 29, 2014

Time: 1:30 p.m.

Location: Committee Room 263, located at City Hall
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

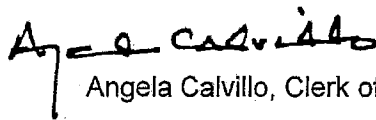
Subject: File No. 120881. Ordinance amending the Planning Code, by repealing Section 158 and amending various other Code Sections, to modify controls for uses and accessory uses in C and RC Districts; eliminate minimum parking requirements for the Chinatown Mixed Use Districts, RC Districts, the Broadway and North Beach NCDs, and the Washington-Broadway SUD; make maximum residential parking permitted in C-3 and RC Districts consistent with NCT Districts; make maximum non-residential parking in RC Districts, Chinatown Mixed Use Districts, and Broadway and North Beach NCDs consistent with NCT Districts; make surface parking lots a non-conforming use in C-3 Districts; modify conformity requirements in various use districts; modify streetscape requirements, public open space requirements, floor-area ratio calculations, and transportation management requirements for various uses in certain districts; permit certain exceptions from exposure and open space requirements for historic buildings; remove references to deleted Sections of the Code; amend Sheet SU01 of the Zoning Map to consolidate the two Washington-Broadway SUDs and revise the boundaries; and making environmental findings, Section 302, findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

If the legislation passes, as an alternative to payment of any portion of the in-lieu fee, the Zoning Administrator may modify requirements to allow the installation of alternative landscaping, including: planter boxes, tubs or similar above-ground landscaping, street trees that do not meet all of the requirements of subsections (ii)(A) – (C), or street trees planted in a required front setback area on the subject property. The calculation for the in-lieu fee paid into the Affordable Housing Fund, which may be paid to fulfill the obligation to build housing within

the Van Ness Special Use District, shall be expanded since the definition of "nonresidential uses" will be modified to include all uses except Dwelling Units or Group Housing.

In accordance with San Francisco Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made a part of the official public record in this matter, and shall be brought to the attention of the members of the Committee.

Written comments should be addressed to Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton Goodlett Place, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on September 26, 2014.

A handwritten signature in black ink, appearing to read "Angela Calvillo", with a vertical line extending downwards from the end of the signature.

Angela Calvillo, Clerk of the Board

DATED: September 10, 2014

PUBLISHED/POSTED: September 15 & 21, 2014

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Andrea A
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1 DR CARLTON B GOODLETT PL #244
SAN FRANCISCO, CA 94102

COPY OF NOTICE

Notice Type: GPN GOVT PUBLIC NOTICE
Ad Description: LU Fee Ad 120881

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09/15/2014 , 09/21/2014

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CNS 2666537

NOTICE OF PUBLIC HEARING LAND USE AND ECONOMIC DEVELOPMENT COMMITTEE SAN FRANCISCO BOARD OF SUPERVISORS SEPTEMBER 29, 2014 - 1:30 PM COMMITTEE RM 263, CITY HALL 1 DR. CARLTON B. GOODLETT PLACE, SF, CA

NOTICE IS HEREBY GIVEN THAT the Land Use and Economic Development Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard. File No. 120881. Ordinance amending the Planning Code, by repealing Section 158 and amending various other Code Sections, to modify controls for uses and accessory uses in C and RC Districts; eliminate minimum parking requirements for the Chinatown Mixed Use Districts, RC Districts, the Broadway and North Beach NCDs, and the Washington-Broadway SUD; make maximum residential parking permitted in C-3 and RC Districts consistent with NCT Districts; make maximum non-residential parking in RC Districts, Chinatown Mixed Use Districts, and Broadway and North Beach NCDs consistent with NCT Districts; make surface parking lots a non-conforming use in C-3 Districts; modify conformity requirements in various use districts; modify streetscape requirements, public open space requirements, floor-area ratio calculations, and transportation management requirements for various uses in certain districts; permit certain exceptions from exposure and open space requirements for historic buildings; remove references to deleted Sections of the Code; amend Sheet SU01 of the Zoning Map to consolidate the two Washington-Broadway SUDs and revise the boundaries; and making environmental findings, Section 302, findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. If the legislation passes, as an alternative to payment of any portion of the in-lieu fee, the Zoning Administrator may modify requirements to allow the installation of alternative landscaping, including: planter boxes, tubs or similar above-ground landscaping, street trees that do not meet all of the requirements of subsections (ii)(A) - (C), or street trees planted in a required front setback area on the subject property. The calculation for the in-lieu fee paid into the Affordable Housing Fund, which may be paid to fulfill the obligation to build housing within the Van Ness Special Use District, shall be expanded since the definition of "nonresidential uses" will be modified to include all uses except Dwelling Units or Group Housing. In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made a part of the official public record and shall be brought to the attention of the Members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton Goodlett Place, San Francisco CA 94102. Information relating to the proposed fee is available in the Of-

fice of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, September 26, 2014.



* A 0 0 0 0 0 3 5 4 0 2 0 6 *

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- ☒ 1. For reference to Committee: Land Use
An ordinance, resolution, motion, or charter amendment.
- ☐ 2. Request for next printed agenda without reference to Committee.
- ☐ 3. Request for hearing on a subject matter at Committee:
- ☐ 4. Request for letter beginning "Supervisor inquires"
- ☐ 5. City Attorney request.
- ☐ 6. Call File No. from Committee.
- ☐ 7. Budget Analyst request (attach written motion).
- ☐ 8. Substitute Legislation File No.
- ☐ 9. Request for Closed Session (attach written motion).
- ☐ 10. Board to Sit as A Committee of the Whole.
- ☐ 11. Question(s) submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- ☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission
☐ Planning Commission ☐ Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a different form.

Sponsor(s):

Supervisor David Chiu

Subject:

Planning Code – Uses, Conformity of Uses, Parking Requirements for Uses, and Special Use Districts

The text is listed below or attached:

See attached.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only:

170881