



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Code Text Change

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PROPOSED RECOMMENDATION HEARING DATE: NOVEMBER 10, 2011

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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

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Recommendation: **Informational Only**

PLANNING CODE AMENDMENT

The proposed Ordinance would amend the San Francisco Planning Code (herein after "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 Code Section 101.1.

Summary of Proposed Changes:

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

Reduce off-street parking requirements in dense, mixed-use neighborhoods located near transit. San Francisco's 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,

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and public transit, and making efficient use of scarce land. 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 proposed ordinance removes the remaining parking requirements in Chinatown, North Beach, and lower Broadway areas, and reduces residential parking requirements in the Van Ness corridor, which Proposition K (2003) designated as a bus rapid transit corridor. The proposed ordinance would also permit administrative exceptions from minimum parking requirements in the Fisherman's Wharf area (Waterfront SUD #2), and facilitates conversion of automobile service stations located on transit and pedestrian streets to other compatible uses.

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 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 would permit 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 in width.

Encourage small, neighborhood-serving commercial uses in residential areas. For decades, the Code has recognized that 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". Older storefronts are common in residential districts, and can be difficult to convert to residential uses because of lack of privacy and open space. This proposed ordinance would permit storefronts that were in active commercial use before 1960 to be reactivated with conditional use authorization. It also increases the maximum size of new street-corner commercial uses permitted in RTO, RM-3, and RM-4 to 2500 square feet, the size of a typical residential lot, to extend further than 50' from a corner. These changes, if adopted, would make more existing corner retail uses conforming, and to discourage inactive street fronting uses like storage or garage doors on prominent corner lots. This proposed ordinance would also establish an appropriate set of signage standards that takes into account the essentially residential nature of the neighborhoods where these uses are found, with limitations on the size of signs and sign illumination outside of business hours.

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 proposed ordinance would create more flexibility in zoning around accessory uses, by increasing the maximum square footage for accessory uses in Commercial, Industrial, 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 a 'good neighbor' performance standard.

Reduce Variances from the Code and Conditional Use Authorizations and increase code compliance. The proposed ordinance seeks to decrease the number of Planning Code variances and conditional use authorizations, by providing administrative process for certain exceptions which are otherwise desirable

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(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 less than one space for every two units in C-3 and RC districts) principally permitted. The ordinance also provides more flexibility in converting non-conforming uses to residences where residences are principally permitted.

Allow TDRs to be swapped throughout the C-3. The TDR market is largely at a standstill, allowing transfer of TDRs across C-3 districts will provide further incentives to preserve existing buildings.

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

The “Big C-3 Compromise”. While this document summarizes themes of the proposed Ordinance by topic area, some of elements of the proposal work across topic areas to achieve goals of the General Plan (such as dense, transit-oriented development in the Downtown) within the framework of the history of approvals by the Department, the Commission and the Board of Supervisors. Recent approvals seem to indicate that the Commission is generally inclined to permit projects in the C-3 with higher levels of parking than the permitted as of right levels of 1 space/ 4 units. With this history in mind, the proposed Ordinance would raise the levels of permitted parking equivalent to the rate historic approval rate with the intent of increasing the rate of approvals for parking beyond the permitted levels. The main elements are:

- **Decontrol for density in the C-3 District.** The proposed Ordinance would amend Section 215 to eliminate the CU for dwelling unit density in excess of an RC-4 district. The proposed controls mimic the form-based control of density developed by the community planning efforts within the C-3 district.
- **Raise “as-of-right” residential parking levels while making higher levels more difficult to attain.** By raising the 'by right' ratio from one space for every four units to one space for every two units, the proposed Ordinance seeks to encourage more projects to be built by right. Several new projects, especially rentals, seem to state a desire for parking at 0.5 spaces per unit. If this is the final goal, this level should be allowed “by right” but higher levels of parking should be difficult to secure.
- **Create Disincentives for exceeding the “as-of-right” residential parking rates in the C-3 District.**
 - **Change the process for additional parking from a §309 Exception by the Zoning Administrator to a Conditional Use authorization before the Commission.** By restoring the CU process for excess residential parking, an incentive is created for project sponsors to stay within the by-right amounts. Some have complained that the existing process for the Zoning Administrator to grant exceptions by §309 is too easy.
 - **Count excess parking towards FAR.** By counting non-accessory parking, above-grade parking, and parking in excess of by-right maximums towards gross FAR, the Code would create an incentive for the project sponsor to evaluate how limited project space should be used. The developer can decide how much of their FAR limit should be consumed by parking verses higher uses.;

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- **Exempt certain uses such as affordable housing, inclusionary housing and bicycle parking from FAR.** By exempting affordable housing from Floor-Area Ratio limits in the Downtown Commercial (C-3) and Van Ness Special Use Districts, this Ordinance would provide a significant incentive for construction of affordable projects and the inclusion of affordable units in market rate residential projects rather than their location off-site. State law requires that municipalities provide significant incentives to developers for including affordable units in market rate projects, and this ordinance would further San Francisco's compliance with the California Density Bonus law. Current controls for open space and set backs would remain intact. In this way, the City can incentive uses that are prioritized by the General Plan.

Sections Proposed for Deletion

Sections 136.2, 136.3: These Sections regulate awnings, canopies and marquees in the Mixed Use Districts and the North of Market Residential Special Use District. They are proposed for deletion in order to consolidate these regulations into one section of the Code, 136.1. There is currently little variation between the different awnings, canopies and marquees regulations. Consolidating these Sections would create negligible change in how awnings, canopies and marquees are regulated in these areas.

Section 158: This Section covers the regulations for "major parking garages" in the C-3 Districts. A major parking garage is defined as "any garage for the parking of passenger automobiles, for short- or long-term periods and for any use, which is not classified as an accessory parking facility under Section 204.5 of the Code." This section is being deleted to consolidate the conditional use findings for non-accessory parking in C-3 Districts into a single section. Current findings for approval include 1) freeway access to the proposed site, 2) convenient service to areas of concentrated development, 3) minimization of pedestrian conflict, the breaking of continuity of shopping facilities and drawing of traffic through areas of heavy pedestrian conflict, 4) service patterns of other forms of transportation, 5) establishment of parking rate structure to discourage long-term parking 6) conflict with transit operations and loading zones, 7) objectives and policies of the Downtown Plan, and 8) other criteria deemed appropriate. Consolidating the findings into one Section would likely have minimal effect on regulating garages.

Section 187: This Section regulates Garment Shops and Factories as nonconforming uses. This section dates back to 1960 and is now obsolete and eliminating this Section would have no effect on the City's regulation of uses.

Section 249.15: This Section describes the Restricted Light Industrial Special Use District. This district is no longer in use and eliminating this Section would have no effect on the City's regulation of uses..

Sections 263.2 and 263.3: These Sections establish special height exceptions along the Embarcadero with the intent of encouraging greater flexibility in project design and a gradual stepping down of height of buildings from the Embarcadero toward the bay. Through the Conditional Use authorization process, the existing Code allows the Commission to increase the height of a building north of the Ferry building from 84' to 125' and south of the Ferry Building from 84' to 175'. According to the Height and Bulk Map (HT01) this would impact Piers 1, 3, 24, and property directly to the northwest of the Pier 24. Removing this would eliminate the ability to increase height on these properties with a CU.

Sections 602.25, 602.26: These Sections define Historic Movie Theater Signs and Marquees and refer to Section 188 for controls on their preservation, rehabilitation, or restoration. This section is being deleted

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in order to consolidate definitions and controls for historic signs into one location. No content is being lost in this consolidation.

Section 607.3: This Section establishes the Van Ness Special Sign District. This section is being removed in order to remove the special sign provisions allowed along Van Ness Avenue. The existing Van Ness Special Sign District generally allows signs that are larger than would be permitted if this proposed ordinance were to be adopted.

Section 607.4: This Section establishes special sign controls for the areas zoned RC-4 in the North of Market Special Use District. This is not a designated Special Sign District and is being deleted to bring greater consistency between RC-4 Zoning Districts. This section generally does not provide greater flexibility than would be permitted if this ordinance is adopted.

Specific Changes of Proposed Ordinance Organized by Topic

Current controls are indicated with regular font while *proposed changes and staff analysis are indicated in italic font.*

Use District Changes: Changes in this category would affect the categories for organizing zoning districts but would generally not create any change in the substance of the controls.

1. In Section 202, Residential Transit Oriented (RTO) Districts are currently under their own use district category.

The proposed legislation would put them under Residential Districts. The purpose of this change is to simplify the Code.

2. Section 102.5 lists the various districts in the Code. For instance it defines the different districts that make up R Districts, M Districts, PDR Districts, etc.

This portion of Section 102.5 will be moved to Section 202. The purpose of this is to simplify the Code. It does not appear that there are any substantial changes to these definitions. Two clerical corrections should be made: under the description of RH Districts there is an added parenthesis in front of RH-2, this should be deleted. Also, under the description of PDR Districts "PDR-1-" should be changed to "PDG-1-G."

Gross Floor Area Calculations: Amendments described under this category would alter the way the Department and Commission regulate Gross Floor Area. If a feature or use is counted towards the allowable maximum Gross Floor Area, it may create a disincentive for providing that feature. Similarly, excluding any feature or use from Gross Floor Area calculations may create an incentive for providing that feature.

1. Gross Floor Area in C-3 Districts does not include floor space used for accessory off-street parking and loading spaces.

Gross Floor Area would include floor space used for accessory off-street parking and loading spaces in C-3 Districts, creating an incentive to reduce accessory parking.

2. Affordable dwelling units and group housing is currently included in the Gross Floor Area calculation in C-3 Districts.

Affordable Dwelling units and Group Housing would not be included in Gross Floor Area calculations, creating an incentive to reduce accessory parking.

3. Bicycle parking is currently included in Gross Floor Area calculations.

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Bicycle parking would no longer be included in Gross Floor Area calculations, creating an incentive to dedicate more space to bike parking than required.

4. The definition of Gross Floor Area for all districts excludes accessory off-street parking or loading spaces.

Gross Floor Area in C-3 Districts would include accessory parking¹, but exclude parking permitted as of right, so long as it is located underground, creating an incentive to underground permitted parking.

Open Space: This amendment would likely have impact only on rare occasions.

1. Buildings in the C-3 Districts that are primarily retail (2/3 of the occupied floor area is dedicated to retail) are not required to provide open space.

Buildings in the C-3 Districts that are primarily retail would be required to provide open space at the ratios outlined in Section 138(b) of the Code. Of the 63 large projects in the C-3 reviewed since 2000, only 2 were completely retail. While this isn't a significant change, the Department finds that it doesn't make sense to require retail projects to provide open spaces like other use, such as commercial office space because the nature of the uses are so different.

Automotive Uses: These amendments would both achieve Code simplification by reducing use categories as well as have significant changes to controls by prohibiting or requiring CU for certain uses.

1. There are currently 5 different use categories for automotive sales, based on whether or not business is conducted in an open lot or within a building, and whether or not the business is selling cars, trucks, or trailers.

The proposed legislation would reduce the number of use categories to two, based on whether or not business conducted on an open lot or within a building. This does not significantly change the existing regulations.

2. The Code currently has Automotive Use definitions listed in both Articles 2 and 8.

The proposed legislation would remove the definitions for Automotive Uses in Article 2 that are duplicated in Article 8, and reference the Article 8 definitions in Article 2, creating no substantive changes to the existing controls.

3. Surface public parking lots are principally permitted in C-2 and C-M Districts and require Conditional Use authorization in C-3-S District.

The proposed legislation would prohibit public parking lots in C-2, C-M and C-3-S Districts. Temporary parking lots, like those permitted in the C-3 District, would not be permitted in C-2 and C-M Districts unless the Code was changed to include these districts in the temporary parking lot controls.

4. Parking garages are currently divided up into 5 different categories in Article 2. There are similar definitions in Article 8 of the Code.

The proposed legislation would remove most of the different parking garage categories and reference parking garages in Section 156 and in Article 8. Currently C-2, C-M, M-1 and M-2 Districts allow

¹ "Accessory Parking" is parking that exceeds the minimum parking requirement in the Planning Code, but which is also allowed as of right.

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parking garages as of right; the proposed legislation would now require Conditional Use authorization in all districts where parking garages are currently permitted.

5. Parcel delivery service where the operation is conducted entirely within a completely enclosed building including garage facilities for local delivery trucks, but excluding repair shop facilities are principally permitted in C-3-S and C-M Districts.

The proposed legislation would change the Code to require Conditional Use authorization in C-3-S and C-M Districts for this use. C-3-S District encompasses Yerba Buena Gardens and includes the Convention Center, hotels, museums and cultural facilities, housing, retail, and offices. C-M Districts provide a limited supply of land for certain heavy commercial uses not permitted in other commercial districts. Both Districts have very specific purposes; requiring this use as to receive Conditional Use authorization would still permit the use, but provide greater oversight to ensure that the district is still able to serve it's primary function.

6. Storage garage for commercial passenger vehicles and light delivery trucks requires Conditional Use Authorization in C-3-G Districts and are principally permitted in C-3-S and C-M Districts

This use would be prohibited in C-3-G Districts and require Conditional Use Authorization in C-3-S and C-M Districts. This change is consistent with the definitions and intent of these districts. C-3-S and C-3-G Districts are located within the downtown. C-M Districts tend to be located between C-3 Districts and South of Market Mixed Use Districts. There are very few still in existence.

7. 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 are currently permitted in C-M Districts and require Conditional Use Authorization in C-3-S Districts.

This type of use would not be permitted in either the C-M or C-3-S Districts. This change appears to be consistent with the intent of C-3-S Districts, which encompasses Yerba Buena Gardens and includes the Convention Center, hotels, museums and cultural facilities, housing, retail, and offices. C-M Districts tend to be located between C-3 Districts and South of Market Mixed Use Districts. There are very few still in existence. Prohibiting this use outright in C-M Districts does not appear to be consistent with the intent of this Zoning District, which is designated for heavy commercial uses with an emphasis upon wholesaling and business services. Requiring a CU for this use in C-M Districts would be more consistent with the intent of this district rather than prohibiting them outright.

8. Section 228 limits the ability of Automotive Service Station (gas stations) to convert to other uses. Currently to convert an Automotive Service Station the property owner either needs to obtain a Conditional Use Authorization from the Planning Commission or a conversion determination from the Zoning Administrator. There are no exceptions for Automotive Service Stations that are located on Primary Transit Streets or Citywide Pedestrian Network Streets.

The proposed legislation would exempt Automotive Service Stations that are located on Primary Transit Streets or Citywide Pedestrian Network Streets from the requirements outlined in Section 228. Further the proposed legislation adds two criteria that should be considered when the Commission considers the conversion of an Automotive Service Station.

The two additional criteria are:

- *The importance of the street on which the service station fronts to walking, cycling, and public transit, and the impact of automobile access and egress to the service station and of the proposed new uses and structures on the safety and comfort of pedestrians, cyclists, and transit riders.*

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- *The compatibility of the existing service station and of the proposed new use or structure with the General Plan and area plan urban design policies and the street frontage standards of this Code.*

The proposed changes are consistent with the City's s Transit First Policy and Better Streets Plan.

Floor Area Ratio Calculations (FAR): FAR is the ratio of the gross floor area of all the buildings on a lot to the area of the lot, and is used in conjunction with height and bulk limitations to regulate the size of a development. Like the proposed changes to Gross Floor Area, amendments in this category would provide either incentives for uses and features not counted towards FAR limits or disincentives for uses and features that are counted towards FAR limits.

1. Affordable Housing and Group Housing are included in FAR calculations

Affordable Housing and Group Housing would be excluded from Floor Area Ratio Calculations in C-3 Districts, creating an incentive to construct more affordable housing. While it would remove affordable housing from FAR limits, it would not impose a unit mix requirement that exists in other areas that provides this exemption. This is consistent with the City's policy on encouraging affordable housing. However, as drafted, this section would appear to exempt the entire building containing BMR units from FAR because Section 401 defines a "affordable housing project" as a building containing any BMR units, not just the square footage of the BMR units themselves. Therefore, the Department recommends clarifying this Section so that only affordable on-site units are exempt from FAR limits by changing the proposed Section 102.9(b)(13) as follows (proposed text underlined):

In C-3 Districts affordable on-site dwelling units or group housing in affordable housing projects, as defined by Section 401 of this Code.

2. Short term parking is excluded from FAR calculations in C-3 Districts.

Short Term parking would be included in FAR calculations in C-3 Districts, creating a disincentive for adding Short Term Parking to new developments in C-3 Districts. This change is consistent with the City's Transit First policy and the Downtown Plan.

3. Dwelling unit density in C-3 Districts is allowed to be exceeded with Conditional Use authorization.

Per the proposed legislation, dwelling unit density would no longer be determined by lot area or FAR calculations, but by other limitations in the Code such as height, bulk, setbacks, open space and exposure. This proposed change is consistent with the City's desire to increase its housing stock in order to meet current and future housing demand.

Parking: Changes in this section would be substantive in that the Ordinance would increase permitted levels of parking in certain instances and would decrease allowable parking in others.

1. Parking is permitted as of right in C-3 Districts at a ratio of 1 parking space to 4 dwelling units. Accessory parking at a ratio greater than 1 to 4 is granted through the Section 309 review.

As-of-right parking would be increased to 1 space per every 2 units. Accessory parking at a ratio greater than that would require Conditional Use authorization and would not be permitted above 3 cars for every 4 dwelling units. While this proposed change increases the amount of parking permitted as-of-right, it also creates a higher standard for parking in excess of what is permitted as of right. Conditional Use authorization is more expensive than Section 309 review and requires that accessory parking be "necessary or desirable"; Section 309 Review does not have such a threshold and is focused on design review. In

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addition, Conditional Use authorization focuses on city wide implications and policies, while Section 309 review focuses on making projects more consistent with the Downtown Plan.

The Department believes that this should include a grandfather clause for any project that has already been approved by the Planning Commission, but which has not yet received its entitlements. Without adding this clause, projects that are currently on-hold waiting for funding would have to come back to the Commission if they did not meet the current parking requirements in C-3 Districts. This would change the rules for some projects that appear to have approvals in place. Any grandfathering clause should also include a time limit for a period of three to five years from the date that this legislation takes place.

2. Required parking for dwelling units in RC-4 Districts is required at a ratio of 1 parking space to 4 dwelling units and parking for dwelling units in RC-3 Districts is currently 1 parking space to 1 dwelling unit.

The proposed legislation would institute a 1 space to 4 unit required parking ratio in all RC Districts. RC Districts are located in dense areas of the city, like the Van Ness Avenue corridor and the Tenderloin. The proposed change is consistent with other transit oriented districts in San Francisco and recognizes the dense, transit rich nature of these districts.

3. Parking requirements for non-residential uses in the Broadway and North Beach Neighborhood Commercial Districts and the Chinatown Mixed Use Districts are regulated by the standard parking requirements in table 151 that apply to much of the city.

The proposed legislation would remove minimum parking requirements for non-residential uses in these districts. Maximum parking requirements for non-residential uses in these districts would be added to Table 151.1. The proposed change is consistent with other transit oriented districts in San Francisco and recognizes the dense, transit rich nature of these districts; however it does not remove minimum parking requirements for residential uses, which has been done in other high density transit rich neighborhoods through a community planning process.

4. Code Section 158.1 regulates non-accessory parking garages in NCT, RTO and the Van Ness and Market Downtown Residential Special Use District. Code Section 158 regulates major parking garages in the C-3 Districts.

The proposed legislation would delete the Section for C-3 District garages contained in Section 158 and move these controls into the newer section developed as part of the Market and Octavia Plan, Section 158.1. New findings would be added to Section 158.1 to ensure that proposed public garages do not conflict with the General Plan or with other modes of traffic. Every use of public property needs to be found conforming with the General Plan so it is not necessary to add this finding to the Code.

5. Section 161 provides exemptions from the parking requirement in certain Zoning Districts and due to certain lot situations, such as topography.

The proposed legislation adds a subsection to Section 161 that allows the Zoning Administrator (hereinafter "ZA") 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 stop. The legislation also adds a provision that would allow the ZA to waive parking requirements to protect street trees with either the recommendation of the Department of Public Works Bureau of Urban Forestry or the recommendation of a certified arborist, consistent with other recently adopted ordinances, BF-101053, "Consistent Street Frontages 2."

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6. Section 161 includes a provision that allows the ZA to waive or reduce parking for principle uses and the Commission to waive or reduce parking for conditional uses in the Waterfront SUDs 1 and 3.

The proposed legislation would add the Waterfront SUD 2 to this provision, which is consistent with other dens, transit rich areas of the City. Waterfront SUDs 1 and 3 are already included in this section.

Transportation and Congestion Management: Changes to this category of uses would generally alter existing text about parking rate structures that are generally ill-enforced. These changes would affect parking facilities approved after the effective date of the Ordinance and would be consistent with the General Plan and efforts of SFMTA staff.

1. Code Section 155(g) restricts the rates parking operators can charge for long term parking in C-3 District in an effort to discourage long-term commuter parking. It currently applies to accessory or conditional use parking that is available for use for long-term parking by downtown workers. This Code section is often found to be confusing in that it currently states “the rate charged for four hours of parking duration is no more than four times the rate charge for the first hour, and the rate charge for eight or more hours of parking duration is no less than 10 times the rate charge for the first hour. Additionally, no discounted parking rate shall be permitted for weekly, monthly or similar time-specific periods.”

The proposed legislation would overhaul this section of the Code based on guidance from the MTA. It would also expand this provision to include parking garages located in C-M, DTR, SLR, SSO, SPD, MUG, MUR and MUO Districts, and include non-accessory or principle parking, temporary or permanent. Among other changes it allows for an “early bird” special, where cars enter or leave the garage during off-peak hours, and maintains incentives to discourage long-term commuter parking. It also authorizes the Director of Transportation to establish discount rate structures and time periods without further action by the Board of Supervisors. This proposed Ordinance would not dictate the parking rate to be charged at any location, rather it would establish a framework for rates that seeks to discourage commuter parking.

The Department supports the proposed changes; however, enforcing the current regulations is problematic; the Department agrees with SFMTA staff that these regulations could be implemented more effectively if they were included in the City’s Transportation Code, rather than the Planning Code. Therefore, the Department recommends that the Commission recommend to the Board of Supervisors that they consider putting this section in the Transportation Code. Having this section in the Transportation Code would make the new regulations effective retroactively to existing parking garages. If it stays in the Code, it would only apply to new parking garages approved after the effective date of the proposed ordinance; therefore it would have limited impact on long term rate structures.

As a way to transition this section to the Transportation Code, this Section should also be amended to allow the Director of the MTA to enforce this Section of the Code with the following language “The Planning Director may authorize the Director of Transportation to ensure compliance with this section.”

2. Section 163 requires property owners to provide an onsite transportation brokerage service and transportation management plan when they construct a new building or there is a conversion of an existing building in the C-3, Eastern Neighborhood and South of Market Mixed Use Districts.

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The proposed legislation would change this section to include C-2 Districts and all Mixed Use Districts; this change is consistent with City's transit first policy and recognizes the dense, transit rich nature of the districts that would be added to this section.

Limited Corner Commercial Uses² (LCCUs) and Limited Commercial Uses³ (LCUs): These changes would generally allow more flexibility with commercial uses in residential districts. While, the Department generally supports these efforts, LCC were developed as part of multiyear planning efforts and should not be amended without more thorough examination.

1. Section 231(b)(3) allows Limited Corner Commercial uses with a maximum of 1,200 sq. ft. in floor area in RTO, RTO-M, RM-3, or RM-4 Districts on or below the ground floor; and on a corner lot with no part of the use extending more than 50 feet in depth from said corner.

The proposed legislation would increase the 50' limit to 100' and the use size from 1,200 sq. ft. to 2,500 sq. ft. consistent with the typical lot size in an R District.

The existing controls were developed as part of 8 year long community planning processes that had particular ideas 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 Department feels that leaving the controls as currently drafted makes the most sense. Should the commission wish to recommend an increase in the floor area, the Department would ask that it be kept as close to the current controls as possible.

2. Code Section 317 requires mandatory DR to convert one dwelling unit to another use.

The proposed legislation would amend Section 231 to require Conditional Use Authorization in order to convert a dwelling unit into a Limited Corner Commercial Use. The Department doesn't see the benefit to this change. Converting a dwelling unit already requires either a mandatory DR or a Conditional Use hearing; the proposed change appears duplicative without any clear public benefit.

3. The Code does not currently allow lapsed LCUs to be reactivated once that use has been abandoned.

The proposed legislation would allow lapsed LCUs to be reinstated with Conditional Use Authorization so long as the space is located on or below the ground floor and was in commercial or industrial use prior to January 1, 1960; the subject space has not been converted to a dwelling unit; and the proposed commercial use meets all other requirements in the Code. This change will help provide greater convenience for residents by placing more goods and services closer to where they live, which is a hallmark and benefit of living in a dense urban environment. The Department recommends removing the prohibition on reinstating LCUs that have been converted to residential units. Often, these spaces are not very well suited for residential units since they were originally designed as commercial spaces. Allowing ones that

² "Limited Corner Commercial Uses" are defined in Code § 231 as small neighborhood-oriented establishments provide convenience goods and services on a retail basis to meet the frequent and recurring needs of neighborhood residents within a short walking distance of their homes. They are permitted as of right in RTO and RM Districts.

³ "Limited Commercial Uses" are defined in Code § 186 as nonconforming uses and can be beneficial to or accommodated in Residential Districts. They are not permitted uses, but typically existed prior to changes in the Code that made them noncomplying.

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have been converted to residential units would allow the Commission to determine whether or not the conversion is appropriate on a case by case basis, rather than making a blanket prohibition.

Transfer of Development Rights (TDRs): This proposed change would allow TDRs to be sold across C-3 Districts. The Department believes the market for TDRs is currently gridlocked. By allowing increased flexibility, more properties will be able to sell and use the TDR market.

1. Among other restrictions, TDRs are permitted when the Transfer lot and the Development lot are located in the same C-3 District.

The proposed legislation would allow TDRs to be transferred to and from any C-3 District. The original restriction, which only allowed TDRs within the same C-3 District, was done to ensure that development wasn't concentrated in any one C-3 District. Since the program was enacted, a large percentage of TDRs have been transferred within the same C-3 Districts. Now that the program has been in place for 25 years and many districts in downtown have been built out, it's necessary to liberalize the controls in order to equalize the supply and demand ratio and keep the program alive.

Bike Parking: These changes seek to increase compliance with existing bicycle land use regulations and expand the existing requirements. The Department supports these efforts.

1. Currently, the ZA enforces Bike Parking regulations. There is a \$50/day fine imposed on violations if they have not been abated within 30 days, and fines are deposited with the Department of Parking and Traffic for expenditure by and for the Department's Bicycle Program.

Under the proposed legislation, violations would be handled through the regular Planning Department enforcement procedures and fees for violating this section of the Code would be the same as any other Code violation and fees would still be collected for the MTA's Bicycle Program. The current provision separates out bicycle parking from the rest of the Code provisions without any clear reason. Bike parking violations should be treated like any other Code violation. To that end, the Department believes the money generated from enforcement should go to the Planning Department to cover costs associated with that enforcement, and not to the MTA's Bicycle Program.

2. Bicycle parking is required when you construct a new commercial building or when a commercial building is enlarged and has a construction cost of at least \$1,000,000.00.

The proposed legislation would require bicycle parking when a building undergoes a major change of use: any use involving half or more of the building's square footage, or 10,000 or more square feet or any increase in the amount of off-street automobile parking. This change helps to advance the City's goal of having 20% of trips by bike by 2012.

3. Bicycle Parking is required for new retail buildings, but not new hotels.

The proposed legislation would require bike parking for new hotels under the same rules that apply to Retail Buildings. This change helps to advance the City's goal of having 20% of trips by bike by 2012.

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Non Conforming Uses⁴: The proposed amendments would create a slight incentive in retaining most existing conforming uses while adding protections for group housing, however, the proposed amendments would create a strong disincentive for retaining nonconforming parking in the C-3 District. While these changes appear to be generally consistent with contemporary planning, the Port of San Francisco has expressed concerns about the multitude of demands on Port property.

1. Nonconforming uses in Neighborhood Commercial Districts can be changed to another use that is conditionally permitted in that district without Conditional Use authorization except where major work on the structure is involved.

The proposed legislation would require Conditional Use authorization if a nonconforming use sought to change to a use that would otherwise require a Conditional Use authorization in that zoning district. This change creates more consistency in how uses are permitted in Neighborhood Commercial Districts. This change can add more process when a property owner is attempting to eliminate a nonconforming use.

2. A nonconforming use in an R District may be converted to a dwelling unit without regard to the requirements of this Code with respect to dwelling unit density under Article 2, dimensions, areas and open space under Article 1.2, or off-street parking under Article 1.5.

The proposed legislation adds group housing to this section in addition to dwelling units, and allows the ZA greater flexibility on what provisions of the Code can be waived when replacing a nonconforming use with housing per Code Section 307(h). This provision helps meet the City's current and future demand for affordable housing, special population housing, and housing in general. It also encourages the reuse of existing building stock.

3. Per Section 184, permanent off-street parking lots in the C-3-O, C-3-R and C-3-G Districts are allowed to operate in perpetuity as non-conforming uses.

The proposed legislation would remove this provision, which would require off-street parking lots in the C-3-O, C-3-R and C-3-G Districts to cease operation within 5 years of the adoption of the proposed legislation. After the 5 year window, these parking lots could still apply for a 2-year temporary Conditional Use authorization and would have to come back to the commission every two years to have it renewed as a temporary use. This proposed change is consistent with the goals of the Downtown Plan but may ignore compromises that were embedded in the adoption process of the Downtown Plan. The Department believes two additional steps are needed: first, that more research into the history of the Downtown Plan should be done and second, additional outreach should be provided to the affected business owners prior to instituting this change. Please note, that while there was concern expressed by some members of the public that the proposed change would require surface parking to go out of business immediately after the adoption of this ordinance. From the Department's understanding, this is not the intention of the legislation; to clear up any ambiguity the Department proposes the following change:

(a) 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)~~ except for permanent off-street parking lots in the C-3-O, C-3-R, or C-3-G Districts, which

⁴ A "Nonconforming Use" is a use which was legally permitted at the time it was established, but which currently fails to conform to one or more of the use limitations in the Code.

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shall be eliminated no later than five years and 90 days from the effective date of Ordinance No. [INSERT];

Accessory Uses: The proposed amendments would regulate accessory uses by performance standards instead of numerical limits that may no longer be appropriate. Other changes would be nonsubstantive in nature.

1. Accessory Uses in RC Districts are governed under Section 204.2.

Under the proposed legislation, Accessory uses in RC District would be covered under Section 204.3, which currently govern accessory uses in C, M and PDR Districts. This change recognizes the mixed use nature of the R-C Districts.

2. Section 204.3, which currently covers accessory uses in C, M and PDR Districts sets specific limitations on accessory uses, such as engine horsepower. It also limits accessory uses to ¼ of the floor area in C-2 Districts and prohibits accessory uses that employ more than 10 people.

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). It would also increase to 1/3 of the total square footage that an accessory use could occupy in C-2 Districts and RC Districts (added to this section under this legislation) and remove any limit on the number of employees and accessory use could have. It also removes antennas as a permitted accessory use. This change makes more practical sense. The horsepower limits currently established in the Code can be violated by standard vacuums or coffee grinders. Tying accessory uses to performance based standards allows for greater flexibility.

Streetscape Improvements. These proposed amendments would increase the Code requirements consistent with this recently adopted plan. While the intent is laudable, some of the proposed amendments seem overly aggressive in removing existing encroachments.

1. Code Section 138 establishes requirements for improvements to the public right-of-way associated with development projects based on the City's Better Streets Plan. Typically, these requirements apply to new developments, or additions of a certain size. There are no explicit provisions that require existing encroachments into the public right-of-way to be removed or modified in order to meet the new Better Street Standards.

The proposed legislation would create a new subsection that would require projects that involve new construction, additions over 20% of the floor area, changes in use of more than ½ the building's floor area, the addition off-street loading, or the remove off street parking or loading, to remove or reduce the number of encroachments into the public right-of-way. This may include narrowing or reducing the number of driveways, removing encroachments that impede pedestrian travel or remove basements that extend under the public right-of-way. This proposed change would enhance the efforts to implement the City's Better Streets Plan.

The Department is concerned that this added provision is too broad. For instance, even if one parking space is added or removed a property owner could potentially be required to remedy their existing encroachments. Further tying this provision to a change of use could add a significant burden on property owners that are only seeking to rent out vacant space. The Department feels that the triggers should be narrowed and only include changes where a new building is being constructed, or where there is a

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significant addition; or by identifying a clearer nexus between the types of work being done on the building and the type of improvements that would be required.

The Department would also like to strike out a provision in Section 138(c)(i) that requires streetscape and pedestrian elements in conformance with the Better Streets Plan when there is a permit to alter greater than 50% of the existing square footage of a building. This provisions, like the one proposed in this legislation which ties the removal of encroachments to a change of use greater than 50%, is proving difficult to enforce because changes of use are often over the counter permits, and determining what use was there prior to the proposed change is problematic.

Signs, Awnings and Canopies: The existing sign, awning and canopy controls are unnecessarily complicated. Providing consistency in these regulations is a much needed change. While the Department generally supports these efforts, there are a couple of elements that the Department recommends moderating.

1. Section 136.1 regulates awnings, canopies and marquees for Limited Commercial Uses, ⁵ NC Districts, Eastern Neighborhood Mixed Use Districts and SOMA Mixed Use Districts. Awnings are currently permitted for Limited Conforming Uses, but may not project more than 4' from the face of the building.

Section 136 would regulate awnings, canopies and marquees in all zoning districts. Only Limited Commercial Uses would be permitted to have awnings in Residential and Residential Enclave Districts. Canopies and marquees would not be permitted in Residential or Residential Enclave Districts. This provision helps to simplify the Code by making awning controls consistent throughout the City.

2. Section 136.1 states that awnings can not be less than eight feet above the finished grade and no portion of any awning shall be higher than the windowsill level of the lowest story exclusive of the ground story and mezzanine, provided that no such awning shall in any case exceed a height of 16 feet or the roofline of the building to which it is attached, whichever is lower.

The existing regulations would still apply; in addition awnings would not be able to extend above the bottom of projecting upper-story window bays, or cover and belt cornice or horizontal molding. And where piers or columns define individual store front bays an awning may not cover such piers or columns. The goal here is to make awning controls more inline with the Kearny Mason Market Street awning controls. This provision helps to simplify the Code by making awning controls consistent throughout the City.

3. The Code currently allows nonconforming signs to exists until the end of the sign's normal life.

The proposed legislation adds language to this section of the Code that states: Signs would be brought into conformance when the operation ceases, moves to another location, when a new building is constructed or at the end of the signs natural life. In addition, signs would also be required to be removed within 90 days of the business going out of business. The addition of this provision would provide the Planning Department greater ability to remove signs that are nonconforming.

⁵ Limited Commercial Uses are defined in Code § 186 as nonconforming uses and can be beneficial to or accommodated in Residential Districts. They are not permitted uses, but typically existed prior to changes in the Code that made them noncomplying.

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4. 606(c) Signs for Limited Conforming Uses are currently regulated by the sign requirements in Residential Districts.

New regulations would be inserted into the Code that specifically cover signs for LCUs. These regulations are similar to controls for signs in NC-1 Zoning Districts with some slight variation.

5. Section 607(b) Roof signs are permitted in all C, M, and PDR Districts so long as they conform to a list of specific criteria.

Roof signs would be prohibited in all C Districts; this would include the C-3 Downtown Districts and the C-2 Districts, which are generally located along the northeast waterfront and Stonestown Mall.

6. Signs are currently allowed to be up to 100' in C-3 Districts, and 40' in all other C and M Districts.

Signs in all C and M Districts would be limited to 40' in height. This would include the C-3 Downtown Districts and the C-2 Districts, which are generally located along the Northeast Waterfront and Stonestown Mall. M Districts include the piers along the Northeast Waterfront and south of the Bay Bridge, as well as parcels located in Mission Bay, Eastern Neighborhoods and the Bayview/Hunters Point area. The Department doesn't find that the 100' height limit is problematic in the C-3 District given the scale of the District. It recommends either keeping the height at 100' or reducing it to no less than 60'.

7. Signs in RC Districts are regulated under Section 606, which also regulates all signs in Residential Districts.

Signs in RC Districts, which include some of San Francisco's densest neighborhoods such as the Tenderloin and areas along Van Ness Avenue, would now be regulated by the controls in Section 607.1, which currently regulates signs in NC Districts. This proposed change is intended to make controls in various mixed use districts consistent.

8. Signs for Gas Stations can project 10 above the roof line.

Gas stations signs could not project above the roof line.

9. The Embarcadero is not included in the list of Scenic Street Special Sign District. Scenic Street Special Sign District Controls, general advertising signs and signs exceeding 200 square feet in area are prohibited on any portion of a property that is within 200 feet of any street included on this list. New General Advertising signs are banned in the City, but existing general advertising signs can be moved to other areas of the City, including the Embarcadero, with approval from the Planning Commission and Board of Supervisors.

The Embarcadero would be included on this list. Signs would be restricted to 200 sq. ft. and general advertising signs would be prohibited. While the Department thinks it is appropriate to add the Embarcadero to the Scenic Street Special Sign District list, it is concerned about impacts this would have on the ability of large events along the Embarcadero, such as the America's Cup, to install temporary signs during the event that don't meet the requirements of the Scenic Street Special Sign District controls.

10. Section 602.25 and Section 602.26 contain provisions for Historic Movie Theater Signs and Marquees respectively. Section 188(e) contains provisions that allow Historic Movie Theater Signs and marquees to be preserved and enhanced. Section 602.9 contains provisions for Vintage Signs.

The proposed ordinance deletes sections 602.25 and 602.26 and consolidates those controls under Section 602.9, the recently revised Vintage Sign controls. While the Department supports the consolidation, the

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proposed legislation should be amended to reflect the recent change to Section 602.9, keeping a clear distinction between Vintage Signs and Historic Movie Theater Signs and Marquees. Also, the process for preserving and enhancing Historic Movie Theater Signs and Marquees is different than establishing a Vintage Sign and this distinction should be made clear in this section by adding a subsection titled "Application for Historic Movie Theater Signs and Marquees" that details the current process for designating Historic Movie Theater Signs and Marquees.

The Department would like the prohibition on logos stricken from the proposed text for Section 602.9(e)(5)(B)(ii). Often signs and marquees are restored with the help of businesses or corporations and in return a small logo of that business is placed on the marquee or sign. As written the controls require that new lettering be in character with the lettering on the movie theater signboard and staff has what is appropriate on these signs. The Department believes that these controls are sufficient enough to stop any egregious logos from appearing on historic movie theater sign boards.

Washington-Broadway and Waterfront Special Use Districts: Combining the districts to remove duplicative controls seems to be largely a good step towards simplifying the Code. However, there are substantive changes that may affect Port property and/or the America's Cup.

1. See map for new boundaries of Washington-Broadway SUD and Waterfront SUD.
2. There are two Washington-Broadway SUDs. The only difference is that Washington Broadway Special Use District 2 principally permits wholesale uses.

The two Washington-Broadway SUDs would be combined into one. This provision helps simplify the Code and provides greater consistency in the Washington-Broadway SUD. Combining the SUDs would make Wholesaling Establishments principally permitted in the entire district. However, the Washington Broadway SUD 1 contains residential and neighborhood commercial zoning districts that may not be compatible with Wholesaling Establishments; therefore the Department recommends removing the provision that allows Wholesale Establishments as of right in the proposed district. The C-2 Zoning District already principally permits Wholesale Establishments; therefore removing this provision will still allow Wholesale Establishments to operate in the area previously known as Washington-Broadway SUD 2.

A clerical error should be addressed in this section; the proposed legislation still reads "...there shall be two Washington-Broadway SUDs". It should read "...there shall be the Washington-Broadway SUD."

3. Parking is only required for residential uses in the Washington-Broadway SUDs, but other uses are exempt per section 161(d).

The proposed legislation would make parking not required for any use under the rules in Code Section 161(d). Parking maximums would be set by zoning district in Section 151.1. A clerical error should be addressed in this section; this legislation changes 161(d) to 161(e). The language in this section should refer to 161(e).

4. Parking lots open to the public are permitted with Conditional Use Authorization.

The proposed legislation would no longer permit permanent parking lots; however temporary parking lots would be permitted as a temporary use for up to two years. Port property is under multiple demands from the State Lands Trust, the General Plan and the Waterfront Land Use Plan. The Department recommends reviewing comments from the Port staff on the implications of this change with regard to the multiple demands as well as on the properties to be used as parking for the Americas Cup.

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5. Off-street parking requirements cannot be waived by Section 161 of this Code in the Waterfront Special Use District 2, but can be in the Waterfront Special Use Districts 1 and 3.

Parking for any principle or conditional use may be waived by the ZA per Code Section 161 in all three Waterfront Special Use Districts. A clerical error should be addressed in this section; this legislation changes 161(f) to 161(g). The language in this section should refer to 161(g).

6. In both the Waterfront Special Use Districts 2 and 3, any use, whether principal or accessory, not screened from view from adjacent streets and other public areas, with certain exceptions such as temporary uses, limited accessory off-street parking areas, or off-street parking areas under the jurisdiction of the Port of San Francisco, is permitted only upon approval by the Planning Commission as with Conditional Use authorization under Section 303 of this Code. The proposed legislation is not changing Waterfront SUD 1.

This provision would be deleted in both Waterfront SUDs 2 and 3. In Waterfront SUD 2, this section will be replaced with language that would require any new development under the Port's jurisdiction of at least one-half an acre be subject to the Waterfront Design Review Process, as outlined under Section 240(c). This same language is already included in the Waterfront SUD 3. The intent of striking out this provision is to subject Waterfront SUDs 2 and 3 to the City's street frontage requirements. The Waterfront Design Review Process is undertaken by the Waterfront Design Advisory Committee, which is staffed by a mayoral appointee and by staff from the Planning Department and the Port. Again, the Department seeks guidance from the Port of San Francisco on this matter.

Van Ness Special Use District: The proposed Ordinance would amend this district so that it was more in line with current planning practices. While it would remove affordable housing from FAR limits, it would not impose a unit mix requirement that exists in other areas that provides this exemption.

1. Floor Area Ratio limits apply to all housing in the Van Ness Special Use District.

The proposed legislation would exempt affordable housing projects, as defined by Section 401, from the FAR limits, which would encourage developers to build more affordable housing. In other areas of the City where affordable housing is exempt from FAR, there is a unit mix requirement. This legislation does not establish one in this district.

2. Van Ness Special Use District includes a Special Sign District that allows for directly illuminated signs that are larger and taller than what would be permitted in the RC-4 Zoning District.

The proposed legislation would remove the specific sign provisions for the Van Ness Special Use District. This area would now be controlled by the provisions in Section 606, which allow for smaller signs that are not directly illuminated. It would also reduce the permitted height of projecting signs from 24' to 14'. Businesses would also be required to turn off illumination when the business is closed. This area has had and will continue to have an increase in residential units. The purpose of the proposed change is to recognize that transition by making the sign controls along Van Ness more compatible with residential uses.

1. The Van Ness Special Use District requires residential parking at a ratio of 1 parking space to 1 dwelling unit; RC-4 Districts require residential parking at a ratio of 1 parking space to every 4 dwelling units.

This provision would be removed from the Van Ness Special Use District. The parking requirement would revert to the parking controls for the zoning district, which for this area of Van Ness is RC-4. RC-4

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parking requirements are currently required at a ratio of 1 parking space to every 4 dwelling units; this would not change under the proposed legislation.

Powers of the ZA: The proposed Ordinance would expand the powers of the ZA but only when specific parameters are met.

1. The Code currently allows the ZA to waive certain Code requirements under certain circumstances such as parking, exposure requirements and open space requirements.

The proposed legislation would expand 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. For Article 10 and 11 buildings it would also permit the ZA to allow off-site publicly accessible open space to be credited toward the residential open space requirements. The proposed legislation would also permit the ZA to waive or modify exposure requirements, rear yard requirements and open space requirements when converting a non-conforming use to a residential use, with certain restrictions and criteria.

REQUESTED COMMISSION ACTION

No action is required today. The proposed Ordinance is before the Commission for informational purposes only. The Department will prepare complete recommendations for the Commission's next hearing, tentatively scheduled for November, 10 2011.

While there is no action calendared for today, the Department seeks feedback on these specific questions in preparation for the upcoming November 10, 2011 hearing:

1. The proposed Ordinance would remove provisions that allow temporary parking and parking in the C-2 and C-3 districts. While these changes are generally in line with City policy, the Department requests your input on these changes as the changes may effect properties with various demands such as the Port property. (See page 6 "Automotive Uses" item #3 and page 13 "Nonconforming Uses" item #3 of this report for more detail.)
2. The proposed Ordinance would create a "C-3" compromise that would allow more off-street residential parking to be permitted "as-of-right" but would make additional changes to make it more difficult to exceed "as-of-right." Does the Commission support this approach? (See page 8 "Parking" item #1 of this report for more detail.)
3. The proposed Ordinance makes amendments that are often more in line with current planning practices. However, while the proposed Ordinance removes affordable housing from FAR limits in the Van Ness SUD, it would not impose a unit mix requirement that exists in other areas that provides this exemption.

ENVIRONMENTAL REVIEW

The proposal to amend the 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 would result in no physical impact on the environment. The proposed legislation was determined to be exempt from environmental review under the General Rule Exclusion (Section 15061(b)(3) of the CEQA Guidelines).

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PUBLIC COMMENT

As of the date of this report, the Planning Department has received comments and questions on the proposed legislation from various members of the public, including the Port of San Francisco, the law firm Ruben and Junius, and Steven L. Vettel.

Ruben and Junius is concerned about the legislation's changes to the parking requirements in the C-3 Zoning district, specifically the provision that would require CU for any parking beyond the 2 to 1 ratio. They felt that this added process without any clear benefit. They also expressed concern over the changes to Section 184 that would require surface parking lots to be removed after 5 years. Their concern is that it would make the operators cease operation immediately upon the adoption of the proposed ordinance. Staff's understanding is that they would have 5 years unit they ceased operation. Also, they expressed concern that several entitled projects that are currently on-hold would be required to go back through the entitlement process when they came to get their building permit if they did not meet the current Code requirements. As a remedy to this they wanted to see a grandfathering clause added to the legislation.

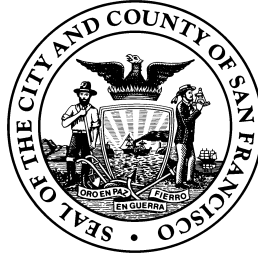
Steven L. Vettel, an Attorney with Farella Braun + Martel LLP expressed concern that the legislation would exempt any project with affordable housing units from the FAR calculations. In response Staff has clarified this section so that only units that are designated as Affordable are exempt from FAR calculations.

The Port of San Francisco contacted the Department about how the proposed project would affect their properties. The Port has concerns about how some of the proposed amendments would apply to land under the jurisdiction of the Port Commission, especially in the context of the Port Commission's duties and responsibilities under the San Francisco Charter and Burton Act. The Burton Act is the state legislation which promulgated the transfer of former State tidelands to the City and County of San Francisco. A more detailed response to the legislation will be coming from the Port in a separate letter.

Attachments:

Exhibit A: Board of Supervisors File No. 11-0548
Exhibit B: Letters

BOARD of SUPERVISORS



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May 12, 2011

Planning Commission
Attn: Linda Avery
1660 Mission Street, 5th Floor
San Francisco, CA 94103

Dear Commissioners:

On May 3, 2011, President Chiu introduced the following proposed legislation:

File No. 110548

Ordinance amending 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 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.

The proposed ordinance is being transmitted pursuant to Planning Code Section 302(b) for public hearing and recommendation. The ordinance is pending before the Land Use & Economic Development Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Somera".

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

Attachment

- c: John Rahaim, Director of Planning
- Scott Sanchez, Zoning Administrator
- Bill Wycko, Chief, Major Environmental Analysis
- AnMarie Rodgers, Legislative Affairs
- Nannie Turrell, Major Environmental Analysis
- Brett Bollinger, Major Environmental Analysis

1 [Planning Code - Zoning - Uses, Signs, Building Features, Floor Area Ratio, Parking, and
2 Compliance in Specified Use Districts]

3 **Ordinance amending the San Francisco Planning Code by repealing Sections 136.2,**
4 **136.3, 158, 187, 249.15, 263.2, 263.3, 602.25, 602.26, 607.3, and 607.4 and amending**
5 **various other Sections to: 1) increase the amount of principally permitted parking**
6 **spaces for dwellings in RC-4 and C-3 Districts; 2) make off-street parking requirements**
7 **in the Van Ness Special Use District and RC-3 Districts consistent with those of RC-4**
8 **Districts; 3) eliminate minimum parking requirements for the Chinatown Mixed Use**
9 **Districts and North Beach Neighborhood Commercial Districts; 4) allow exceptions**
10 **from required parking under specified circumstances; 5) amend the restrictions on off-**
11 **street parking rates and extend them to additional zoning districts; 6) revise sign,**
12 **awning, canopy and marquee controls in specified zoning districts; 7) increase the**
13 **permitted use size for limited corner commercial uses in RTO and RM districts, and**
14 **allow reactivation of lapsed limited commercial uses in R districts; 8) revise the**
15 **boundaries of and modify parking and screening requirements in the Washington-**
16 **Broadway and Waterfront Special Use Districts; 9) modify controls for uses and**
17 **accessory uses in Commercial and Residential-Commercial Districts; 10) permit certain**
18 **exceptions from exposure and open space requirements for historic buildings; and 11)**
19 **modify conformity requirements in various use districts; adopting findings, including**
20 **environmental findings, Section 302 findings, and findings of consistency with the**
21 **General Plan and the Priority Policies of Planning Code Section 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;
25 Board amendment deletions are ~~strikethrough normal~~.

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

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. _____ 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 No. _____ and the Board incorporates such
9 reasons herein by reference. A copy of Planning Commission Resolution No. _____ is on
10 file with the Clerk of the Board of Supervisors in File No. _____.

11 (c) This Board finds that these Planning Code amendments are consistent with the
12 General Plan and with the Priority Policies of Planning Code Section 101.1 for the reasons set
13 forth in Planning Commission Resolution No. _____, and the Board hereby
14 incorporates such reasons herein by reference.

15
16 Section 2. The San Francisco Planning Code is hereby amended by deleting Sections
17 136.2, 136.3, 158, 187, 249.15, 263.2, 263.3, 602.25, 602.26, 607.3, and 607.4, as follows:

18 ~~**SEC. 136.2. OBSTRUCTIONS OVER STREETS AND ALLEYS AND IN REQUIRED**~~
19 ~~**SETBACKS, YARDS, AND USABLE OPEN SPACE IN MIXED USE DISTRICTS.**~~

20 ~~*In addition to the limitations of Section 136, especially Paragraph 136(c)(12), the following*~~
21 ~~*provisions shall apply in Mixed Use Districts.*~~

22 ~~*(a) Awnings. All portions of any permitted awning shall be not less than eight feet above the*~~
23 ~~*finished grade, excluding any valance which shall not be less than seven feet above the finished grade.*~~
24 ~~*No portion of any awning shall be higher than the windowsill level of the lowest story (if any), exclusive*~~

1 of the ground story and mezzanine, provided that no such awning shall in any case exceed a height of
2 16 feet or the roofline of the building to which it is attached, whichever is lower.

3 ~~(1) Chinatown Residential Neighborhood Commercial District. The horizontal projection of~~
4 ~~any awning shall not exceed four feet from the face of a building. The vertical distance from the top to~~
5 ~~the bottom of any awning shall not exceed four feet, including any valance.~~

6 ~~(2) All Other Mixed Use Districts. When the width of all awnings is less than 10 feet along the~~
7 ~~direction of the street, the horizontal projection of such awnings shall not exceed six feet from the face~~
8 ~~of any supporting building and the vertical distance from the top to the bottom of such awnings shall~~
9 ~~not exceed six feet, including any valance. When the width of all awnings exceeds 10 feet measured~~
10 ~~along the direction of the street, the horizontal projection of such awnings shall not exceed four feet~~
11 ~~from the face of the supporting building and the vertical distance from the top to the bottom of such~~
12 ~~awnings shall not exceed four feet, including any valance.~~

13 ~~(b) Canopies.~~

14 ~~(1) Chinatown Residential Neighborhood Commercial District. No canopy shall be permitted~~
15 ~~in any Residential Neighborhood Commercial District.~~

16 ~~(2) All Other Mixed use Districts. The maximum width of any canopy shall be 10 feet. The~~
17 ~~horizontal projection of any canopy may extend to a point two feet from the curb. The outer column~~
18 ~~support shall be located in the outer 1/3 of the sidewalk and shall be no less than four feet from the~~
19 ~~building face to ensure adequate clear space along the sidewalk. The vertical distance from the top to~~
20 ~~the bottom of the canopy shall not exceed two feet, including any valance. All portions of any canopy,~~
21 ~~excluding the column supports and excluding any valance which may be not less than seven feet above~~
22 ~~the finished grade, shall be not less than eight feet above the finished grade. Canopies shall not be~~
23 ~~spaced closer than twenty feet from each other, measured from centerline to centerline.~~

24 ~~(c) Marquees.~~

1 ~~(1) Chinatown Residential Neighborhood Commercial District. No marquee shall be~~
2 ~~permitted in any Residential Neighborhood Commercial District.~~

3 ~~(2) All Other Mixed Use Districts. The vertical distance from the top to the bottom of any~~
4 ~~marquee shall not exceed three feet and the horizontal projection shall not extend beyond a point two~~
5 ~~feet from the curb.~~

6 ~~(A) A marquee projecting more than 2/3 of the distance from the property line to the curb line~~
7 ~~shall not exceed 10 feet or 50 percent of the length of the building, along the direction of the street,~~
8 ~~whichever is less. All portions of such marquee shall be not less than 12 feet nor more than 16 feet in~~
9 ~~height above the finished grade, nor higher than the windowsill level, exclusive of the ground story and~~
10 ~~mezzanine. Each building frontage shall be considered separately.~~

11 ~~(B) A marquee projecting less than 2/3 of the distance from the property line to the curb line~~
12 ~~shall not exceed 25 feet or 50 percent of the length of the building along the direction of the street,~~
13 ~~whichever is less. All portions of such marquee shall be not less than 10 feet nor more than 16 feet~~
14 ~~above the finished grade, nor higher than the windowsill level of windows on the building facade on~~
15 ~~which the marquee is placed, exclusive of the ground story and mezzanine. A separate building permit~~
16 ~~for a marquee shall be required for each building frontage.~~

17 **~~SEC. 136.3. AWNINGS, CANOPIES AND MARQUEES IN THE NORTH OF MARKET~~**
18 **~~RESIDENTIAL SPECIAL USE DISTRICT.~~**

19 ~~(a) Awnings. Awnings, as defined in Section 790.20 of this Code, shall be permitted on the~~
20 ~~ground story and second story, subject to the following regulations:~~

21 ~~(1) All portions of any permitted awning shall be not less than eight feet above the finished~~
22 ~~grade, excluding any valance which shall not be less than seven feet above the finished grade. No~~
23 ~~portion of any awning shall be higher than the windowsill level of the story immediately above.~~

24 ~~(2) When the width of all awnings on a single building is 10 feet or less along the direction of~~
25 ~~the street, the horizontal projection of such awnings shall not exceed six feet from the face of any~~

1 ~~supporting building and the vertical distance from the top to the bottom of such awnings shall not~~
2 ~~exceed six feet, including any valance. When the width of all awnings on a single building exceeds 10~~
3 ~~feet measured along the direction of the street, the horizontal projection of such awnings shall not~~
4 ~~exceed four feet from the face of the supporting building and the vertical distance from the top to the~~
5 ~~bottom of such awnings shall not exceed four feet, including any valance.~~

6 ~~(b) **Canopies.** Canopies, as defined in Section 790.26 of this Code, shall be permitted, subject~~
7 ~~to the following regulations:~~

8 ~~(1) The maximum width of any canopy shall be 10 feet. The horizontal projection of any canopy~~
9 ~~may extend to a line on the sidewalk not closer than two feet from the curb. The outer column support~~
10 ~~shall be located in the outer 1/3 of the sidewalk. The vertical distance from the top to the bottom of the~~
11 ~~canopy shall not exceed an average of two feet, including any valance. The highest point of the canopy~~
12 ~~shall not exceed a point four feet above the door opening or 16 feet, whichever is less. All portions of~~
13 ~~any canopy, excluding the column supports and excluding any valance which may be not less than~~
14 ~~seven feet above the finished grade, shall not be less than eight feet above the finished grade.~~

15 ~~(c) **Marquees.** Marquees, as defined in Section 790.58 of this Code, shall be permitted, subject~~
16 ~~to the following regulations:~~

17 ~~(1) The vertical distance from the top to the bottom of any marquee shall not exceed three feet~~
18 ~~and the horizontal projection shall not extend beyond a line on the sidewalk not closer than two feet~~
19 ~~from the curb.~~

20 ~~(2) A marquee projecting more than of the distance from the property line to the curb shall not~~
21 ~~exceed 10 feet or 50 percent of the width of the building, along the direction of the street, whichever is~~
22 ~~less. All portions of such marquee shall be not less than 12 feet nor more than 16 feet in height above~~
23 ~~the finished grade, nor higher than the window sill level of the floor immediately above. Each building~~
24 ~~frontage shall be considered separately.~~

1 ~~(3) A marquee projecting less than of the distance from the property line to the curb shall not~~
2 ~~exceed 25 feet or 50 percent of the width of the building, along the direction of the street, whichever is~~
3 ~~less. All portions of such marquee shall be not less than 10 feet nor more than 16 feet above the~~
4 ~~finished grade, nor higher than the windowsill level of the floor immediately above. Each building~~
5 ~~frontage shall be considered separately.~~

6 **~~SEC. 158. MAJOR PARKING GARAGES IN C-3 DISTRICTS.~~**

7 ~~(a) Statement of Purpose. It is the purpose of this Section to establish a procedure by which~~
8 ~~major parking garages proposed for downtown San Francisco may be reviewed as to the~~
9 ~~appropriateness of their location and arrangement, recognizing the need for continuing development of~~
10 ~~a unified transportation system conveniently serving the downtown area.~~

11 ~~(b) Definition of Major Parking Garage. A "major parking garage" shall be any garage for~~
12 ~~the parking of passenger automobiles, for short or long term periods and for any use, which is not~~
13 ~~classified as an accessory parking facility under Section 204.5 of this Code.~~

14 ~~(c) Review by City Planning Commission. Review of the location and design of any major~~
15 ~~parking garage in a C-3 District by the City Planning Commission, either as a conditional use under~~
16 ~~Section 303 of this Code or upon referral by the Board of Supervisors or any other agency, shall be in~~
17 ~~accordance with the criteria set forth below.~~

18 ~~(d) Criteria for Review. The following criteria shall be considered, in addition to those stated~~
19 ~~in Section 303 (c) of this Code, and those stated in Section 158 of this Code when applicable:~~

20 ~~(1) Accessibility to the area of the proposed site and to the proposed parking garage itself,~~
21 ~~from freeway ramps or from major thoroughfares;~~

22 ~~(2) Convenient service to areas of concentrated development, particularly those within the C-3-~~
23 ~~Ø and C-3-R Districts, by location of the proposed parking garage near or adjacent to but not inside~~
24 ~~such concentrated areas;~~

- 1 (3) ~~Minimization of conflict of the proposed parking garage with pedestrian movements and~~
2 ~~amenities, resulting from the placement of driveways and ramps, the breaking of continuity of shopping~~
3 ~~facilities along sidewalks, and the drawing of traffic through areas of heavy pedestrian concentration;~~
4 (4) ~~The service patterns of other forms of transportation;~~
5 (5) ~~Establishment of a parking rate structure or fee favorable to short-term parking (four hours~~
6 ~~or less) and designed to discourage long-term parking, as set forth in Section 155(g) of this Code;~~
7 (6) ~~Minimization of conflict of the proposed parking garage with transit operations and loading~~
8 ~~points, resulting from the location of driveways, ramps and vehicle queuing areas;~~
9 (7) ~~The objectives and policies of the Downtown Plan, a component of the Master Plan; and~~
10 (8) ~~Such other criteria as may be deemed appropriate in the circumstances of the particular~~
11 ~~ease.~~

12 **~~SEC. 187. GARMET SHOPS AND GARMET FACTORIES AS NONCONFORMING USES.~~**

13 (a) ~~A garment shop or a garment factory (as defined in the Building Code), existing on January~~
14 ~~1, 1960, and located either in a commercial district or in a building having legal nonconforming~~
15 ~~commercial status under provisions of the City Planning Code in force on that date, shall be regarded~~
16 ~~as a legal nonconforming use under provisions of the City Planning Code becoming effective on May 2,~~
17 ~~1960, if such shop or factory was brought into compliance with all applicable codes and ordinances~~
18 ~~prior to January 1, 1961. Permits of Occupancy must have been obtained prior to January 1961, by~~
19 ~~such shop or factory, and any shop or factory which failed to comply with all applicable codes and~~
20 ~~ordinances prior to that date shall have closed and discontinued all operations.~~

21 (b) ~~Garment shops and garment factories located in an R District, except those having legal~~
22 ~~nonconforming status, shall have closed and ceased all operations by January 1, 1961.~~

23 (c) ~~Garment shops and garment factories having legal nonconforming status in R, NC, and C~~
24 ~~Districts shall be subject to the provisions of Sections 180 through 185 of this Code as nonconforming~~
25 ~~uses. No such use shall be intensified by installation of additional machines.~~

1 **~~SEC. 249.15. RESTRICTED LIGHT INDUSTRIAL SPECIAL USE DISTRICT.~~**

2 ~~(a) Purpose. There shall be a special use district known as the Restricted Light Industrial~~
3 ~~Special Use District, consisting of certain portions of the City and County of San Francisco zoned M-1~~
4 ~~or P which border residential or recreational areas. The purpose of this district will be to restrict the~~
5 ~~more intensive light industrial activities in order to reduce conflict between uses adjacent or in close~~
6 ~~proximity to one another. These uses include: industrial areas, residential areas, recreation areas (both~~
7 ~~existing and proposed), large sports facilities or other large parking generators.~~

8 ~~(b) Controls.~~

9 ~~(1) In the Restricted Light Industrial Special Use District, the following uses (otherwise~~
10 ~~permitted or conditionally permitted in M-1 districts) shall not be permitted:~~

11 ~~–Yard for storage or sale of livestock feed or coal;~~

12 ~~–Stone or monument yard;~~

13 ~~–Storage or transfer of junk, waste, garbage, refuse, secondhand, discarded, or salvaged~~
14 ~~materials;~~

15 ~~–Automobile wrecking operation;~~

16 ~~–Rendering or reduction of animal materials;~~

17 ~~–Automobile assembling;~~

18 ~~–Bottling plant, brewery, dairy products, plant, malt manufacturing or processing;~~

19 ~~–Ice manufacturing;~~

20 ~~–Concrete products mixing or manufacturing;~~

21 ~~–Foundry;~~

22 ~~–Metalworking or blacksmith shop;~~

23 ~~–Enameling, lacquering, wholesale paint mixing;~~

24 ~~–Woodworking mill or manufacturing of wood fibre, sawdust, or excelsior products.~~

1 (2) ~~In the Restricted Light Industrial Special Use District, the following uses shall require~~
2 ~~conditional use approval pursuant to Section 303(c) and (d) of the Planning Code:~~

3 ~~–Parcel delivery services (as set forth in Planning Code Section 223(g) and (r));~~

4 ~~–Ambulance services (as set forth in Planning Code Section 223(s));~~

5 ~~–Storage for commercial vehicles (as set forth in Planning Code 223(t) and (u));~~

6 ~~–Cold storage plant (as set forth in Planning Code Section 225(g));~~

7 ~~In addition to the criteria for conditional use review already stated in Section 303, conditional~~
8 ~~use review for any new development in this special use district shall also consider the following issues:~~

9 ~~(A) The impact on human health imposed by soil toxicity;~~

10 ~~(B) Mitigation of adverse environmental impacts of industry on housing or open space~~
11 ~~(including but not limited to: noise, trash, dust);~~

12 ~~(C) Conflict between industrial vehicular traffic and residential uses;~~

13 ~~(D) Impacts of spillover parking from adjacent uses that generate high parking demands;~~

14 ~~(E) Compatibility of appearance and landscaping with residential or parks;~~

15 ~~(F) Any other related problems or issues resulting from the conflict of different land use~~
16 ~~activities in this area.~~

17 (3) **Enforcement.** ~~All requirements of Article 1.7 of the City Planning Code with regard to~~
18 ~~enforcement and compliance with these restrictions shall be monitored by the Zoning Administrator in~~
19 ~~cooperation with the Department of Building Inspection and the Department of Public Health.~~

20 ~~Specifically, termination of legal nonconforming uses and abatement of illegal uses will be pursued to~~
21 ~~the extent permitted by the Municipal Code.~~

22 **SEC. 263.2. Reserved. ~~SPECIAL EXCEPTIONS: NORTH OF FERRY BUILDING.~~**

23 ~~(a) In the 84-X-1 Height and Bulk District as designated on Sectional Map No. 1H of the~~
24 ~~Zoning Map, height exceptions may be approved by the Planning Commission in appropriate cases as~~
25 ~~provided herein. The purpose of providing for such exceptions is to encourage greater flexibility in~~

1 ~~project design and a gradual stepping down of the height of buildings from The Embarcadero toward~~
2 ~~the Bay. As used in this Section, a "project area" shall be defined as the area between the north or east~~
3 ~~curbline of The Embarcadero (generally 60 feet inland from the water front line) and the Pier Head~~
4 ~~Line, with boundaries as set by the Port Commission in any agreement entered into with a developer.~~

5 ~~(b) Such height exceptions may be permitted, provided that:~~

6 ~~(1) The height of the building or structure so approved by the Planning Commission shall not~~
7 ~~exceed 125 feet; and~~

8 ~~(2) Within this 125-foot maximum, there shall be a limitation on permitted building volume~~
9 ~~located above the basic height limit of 84 feet, calculated as the product of 41 feet (the difference~~
10 ~~between 125 feet and 84 feet) and 15 percent of the project area. For purposes of the foregoing~~
11 ~~calculation only, the project area may include part or all of the adjacent 65-D-1 Height and Bulk~~
12 ~~District as well as part or all of the 84-X-1 Height and Bulk District.~~

13 ~~(c) In acting upon any application under this Section, the Planning Commission shall consider~~
14 ~~the following criteria in addition to those stated in Section 303(e):~~

15 ~~(1) The development criteria for the Waterfront Special Use District No. 1, as set forth in~~
16 ~~Section 240.1; and~~

17 ~~(2) The siting of buildings or structures so that higher elements are located nearest The~~
18 ~~Embarcadero and lower elements outward from the Embarcadero toward the Bay, with a gradual~~
19 ~~stepping down in height.~~

20 ~~(d) No exception from the height limit shall be permitted in the 65-D-1 Height and Bulk District~~

21 **SEC. 263.3. Reserved. SPECIAL EXCEPTIONS: SOUTH OF FERRY BUILDING.**

22 ~~(a) In the 84-X-2 Height and Bulk District as designated on Sectional Map No. 1H of the~~
23 ~~Zoning Map, height exceptions may be approved by the Planning Commission in appropriate cases as~~
24 ~~provided herein. The purpose of providing for such exceptions is to encourage greater flexibility in~~
25 ~~project design. As used in this Section, a "project area" shall be defined as the area between the north~~

1 ~~or east curbline of The Embarcadero (generally 60 feet inland from the waterfront line) and the Pier~~
2 ~~Head Line with boundaries as set by the Port Commission in any agreement entered into with a~~
3 ~~developer.~~

4 ~~(b) Such height exceptions may be permitted, provided that:~~

5 ~~(1) The height of the building or structure so approved by the Planning Commission shall not~~
6 ~~exceed 175 feet; and~~

7 ~~(2) Within this 175-foot maximum, there shall be a limitation on permitted building volume~~
8 ~~located above the basic height limit of 84 feet, calculated as the product of 91 feet (the difference~~
9 ~~between 175 feet and 84 feet) and 10 percent of the project area.~~

10 ~~(c) In acting upon any application under this Section, the Planning Commission shall consider~~
11 ~~the following criteria in addition to those stated in Section 303(e):~~

12 ~~(1) The development criteria for the Waterfront Special Use District No. 1 as set forth in~~
13 ~~Section 240.1; and~~

14 ~~(2) The siting of buildings or structures so that higher elements are located nearest The~~
15 ~~Embarcadero and lower elements outward from The Embarcadero toward the Bay, with a gradual~~
16 ~~stepping down in height.~~

17 **~~SEC. 602.25. HISTORIC MOVIE THEATER PROJECTING SIGN.~~**

18 ~~may occur with a change of ownership, change of~~ A projecting business sign attached to a
19 ~~Qualified Movie Theater, as defined in Section 188(e)(1), when such sign was originally constructed in~~
20 ~~association with the Qualified Movie Theater or similar historic use. Such signs are typically~~
21 ~~characterized by (i) perpendicularity to the primary facade of the building, (ii) fixed display of the~~
22 ~~name of the establishment, often in large lettering descending vertically throughout the length of the~~
23 ~~sign; (iii) a narrow width that extends for a majority of the vertical distance of a building's facade,~~
24 ~~typically terminating at or slightly above the roofline, and (iv) an overall scale and nature such that the~~
25 ~~sign comprises a significant and character defining architectural feature of the building to which it is~~

1 ~~attached. Elimination or change of any lettering or other inscription from a movie theater projecting~~
2 ~~sign, such as that which use, or closure does not preclude classification of the sign under this Section.~~

3 **~~SEC. 602.26. HISTORIC MOVIE THEATER MARQUEE.~~**

4 ~~A marquee, as defined in Section 790.58, attached to a Qualified Movie Theater, as defined in~~
5 ~~Section 188(e)(1), when such marquee was originally constructed in association with a movie theater~~
6 ~~or similar historic use. Elimination or change of any lettering or other inscription from a movie~~
7 ~~theater marquee, such as that which may occur with a change of ownership, change of use or closure,~~
8 ~~does not preclude classification of the marquee under this Section.~~

9 **~~SEC. 607.3. VAN NESS SPECIAL SIGN DISTRICT.~~**

10 ~~(a) **General.** Signs located within the Van Ness Special Use District, with the exception of the~~
11 ~~Civic Center Special Sign District as shown in Sectional Map SSD, shall be regulated by the provisions~~
12 ~~of Article 6 and those set forth below, except for those signs which are exempt pursuant to Section 603.~~
13 ~~In the event of conflict between the provisions of this Section and those of Article 6, the provisions of~~
14 ~~this Section shall prevail in the Van Ness Special Use District.~~

15 ~~(b) **Purposes.** In addition to the purposes stated in Sections 101 and 601 of this Code, the~~
16 ~~following purposes apply to the Van Ness Special Use District. These purposes constitute findings that~~
17 ~~form a basis for regulations and provide guidance for their application.~~

18 ~~(1) As Van Ness Avenue changes from an automotive oriented area to a mixed use,~~
19 ~~predominantly residential district, it needs to maintain its attractiveness to business customers and~~
20 ~~residents alike. Physical amenities and a pleasant appearance will benefit both existing and new~~
21 ~~enterprises.~~

22 ~~(2) The character of signs and other features projecting from buildings is an important part of~~
23 ~~the visual appeal of a street and the general quality and economic stability of the area. Opportunities~~
24 ~~exist to relate these signs and projections more effectively to street design and building design. These~~

1 ~~regulations establish a framework that will contribute toward a coherent appearance of the Van Ness~~
2 ~~Special Use District.~~

3 ~~(3) The Van Ness Special Use District is intended to be a mixed-use area with commercial units~~
4 ~~on the ground or lower stories and residential uses on upper stories. Although signs and other~~
5 ~~advertising devices are essential to a vital commercial district, they should not be allowed to interfere~~
6 ~~with or diminish the livability of residential units within the Van Ness Special Use District or in~~
7 ~~adjacent residential districts.~~

8 ~~(4) The scale of the Van Ness Special Use District as characterized by building height, bulk,~~
9 ~~and appearance, and by the width of streets and sidewalks, differs from that of other commercial and~~
10 ~~industrial districts. Sign sizes should relate and be compatible with the surrounding district scale.~~

11 ~~(c) **Controls.**~~

12 ~~(1) **Signs or Sign Features Not Permitted in the Van Ness Special Use District.** Roof signs as~~
13 ~~defined in Section 602.16 are not permitted.~~

14 ~~(2) **Identifying Signs.** Identifying signs, as defined in Section 602.10, shall be permitted in the~~
15 ~~Van Ness Special Use District subject to the limits set forth below.~~

16 ~~(A) An identifying sign shall not exceed 20 square feet in area. The sign may be a wall sign or a~~
17 ~~projecting sign. A wall sign or projecting sign shall be mounted at or below the level of the lowest~~
18 ~~residential windowsill or 25 feet, whichever is lower. Such sign may be nonilluminated, indirectly~~
19 ~~illuminated, or directly illuminated. For the purposes of this Section, "wall signs" shall be defined as~~
20 ~~signs placed flat against a building wall with its copy parallel to the wall to which it is attached and not~~
21 ~~protruding more than the thickness of the sign cabinet.~~

22 ~~(B) One name plate, as defined in Section 602.12, not exceeding an area of six square feet,~~
23 ~~shall be permitted for each resident and occupant of the building.~~

24 ~~(3) **General Advertising Signs.** General advertising signs, as defined in Section 602.7, shall be~~
25 ~~permitted in the Van Ness Special Use Districts as provided below. General advertising signs may be~~

1 ~~either a wall sign or a freestanding sign, provided that the surface of any freestanding sign shall be~~
2 ~~parallel to and within three feet of an adjacent building wall. The building wall shall form a complete~~
3 ~~backdrop for the wall sign, as the sign is viewed from those points on a street or alley from which it is~~
4 ~~legible. Signs painted directly on a building wall shall be considered general advertising signs for the~~
5 ~~purposes of this Section. No general advertising sign shall be permitted to cover part or all of any~~
6 ~~window. No more than one general advertising sign of 300 square feet or two general advertising signs~~
7 ~~of 72 square feet each shall be permitted per lot. The height of any such sign shall not exceed 36 feet,~~
8 ~~or the height of the wall to which it is attached or before which it is placed, or the height of the lowest~~
9 ~~residential windowsill located on the wall to which the sign is attached or before which it is placed,~~
10 ~~whichever is lowest. Signs may be either non-illuminated, directly or indirectly illuminated. All general~~
11 ~~advertising signs shall conform to the provisions of Section 5408 of the California Business and~~
12 ~~Professions Code, including the requirement that no advertising display shall be placed within 100 feet~~
13 ~~from another advertising display on the same side of Van Ness Avenue.~~

14 ~~(4) **Business Signs.** Business signs, as defined in Section 602.3, shall be permitted subject to~~
15 ~~the following restrictions:~~

16 ~~(A) **Window Signs.** The total area of any window sign, as defined in Section 602.1(b), shall not~~
17 ~~exceed 1/3 the area of the window on or in which the sign is located. Such signs may be nonilluminated,~~
18 ~~indirectly illuminated, or directly illuminated. For purposes of this Section, "window signs" shall be~~
19 ~~defined as signs placed directly on the surface of the glass inside the building.~~

20 ~~(B) **Wall Signs.** The area of any wall sign shall not exceed three square feet per foot of street~~
21 ~~frontage occupied by the building on which the sign is located. The height of any wall sign shall not~~
22 ~~exceed 45 feet, or the height of the wall to which it is attached, or the height of the lowest of any~~
23 ~~residential windowsill on the wall to which the sign is attached, whichever is lower. Such signs may be~~
24 ~~nonilluminated, indirectly, or directly illuminated.~~

1 ~~(C) **Projecting Signs.** The area of any projecting sign shall not exceed 36 square feet. The~~
2 ~~height of the sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height~~
3 ~~of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is~~
4 ~~lowest. No part of the sign shall project more than six feet from the property line. Such signs may be~~
5 ~~nonilluminated, indirectly, or directly illuminated.~~

6 ~~(D) **Signs on Awnings and Marquees.** Sign copy may be located on permitted awnings and~~
7 ~~marquees in lieu of projecting signs. The area of such sign copy shall not exceed 60 square feet. Such~~
8 ~~sign copy may be nonilluminated, indirectly illuminated or directly illuminated.~~

9 ~~(E) **Freestanding Signs and Sign Towers.** Freestanding signs and sign towers shall not be~~
10 ~~permitted in the Van Ness Special Sign District except as provided in Section 606(e)(1).~~

11 ~~(F) signs are permitted:~~

12 ~~(i) A maximum of two oil company signs, which shall not extend more than 10 feet above the~~
13 ~~roof line if attached to a building, or exceed 24 feet in height if freestanding. The area of any such sign~~
14 ~~shall not exceed 180 square feet. Along each street frontage, all parts of such a sign or signs that are~~
15 ~~within 10 feet of the street property line shall not exceed 80 square feet in area. No such sign shall~~
16 ~~project more than five feet beyond any property line. The areas of other permanent and temporary~~
17 ~~signs as covered in Subparagraph (ii) below shall not be included in the calculation of the areas~~
18 ~~specified in this Subsection.~~

19 ~~(ii) Other permanent and temporary signs customarily incidental to the service station~~
20 ~~business, not to exceed 30 square feet in area for each such sign or a total of 180 square feet for all~~
21 ~~such signs on the premises. No such sign shall extend above the roof line if attached to a building, or in~~
22 ~~any case project beyond any street property line or building setback line.~~

23 ~~(5) **Temporary Signs.** Temporary signs permitted in the Van Ness Special Use District are sale~~
24 ~~or lease signs as defined in Section 602.17 and construction signs giving the names of persons and~~
25 ~~firms connected with work on buildings under actual construction or alteration and information~~

1 *pertinent to the project. One sign per lot not exceeding 50 square feet shall be permitted and conform*
2 *to all regulations as set forth in Section 607(f). All temporary signs shall be promptly removed upon*
3 *removal of the property from the market or completion of the construction activity.*

4 ~~(6) **Maintenance and Removal of Signs.** Every business and identifying sign shall be~~
5 ~~adequately maintained in its appearance, or else removed or obscured. When the business, service,~~
6 ~~industry, use or activity for which a business sign or identifying sign has been erected has ceased~~
7 ~~operation on the premises, all such signs pertaining to such establishment shall be removed or~~
8 ~~obscured within 180 days.~~

9 ~~(7) **Additional Controls.** Additional sign controls apply to certain areas of the Van Ness~~
10 ~~Special Use District designated as Special Sign Districts. Special Sign Districts are described within~~
11 ~~Sections 608.1 through 608.11 of this Code and, with the exception of Sections 608.1, 608.2 and~~
12 ~~608.11, their designations, locations and boundaries are provided on Sectional Map SSD of the Zoning~~
13 ~~Map of the City and County of San Francisco.~~

14 ~~(8) Automotive sales and service signs within the Automotive Special Use District which have~~
15 ~~all required permits but which do not comply with the controls for new signs established in Section~~
16 ~~607.3 of this Code shall be permitted to remain as nonconforming uses and shall be permitted to modify~~
17 ~~the signage text to describe new automobile ownerships and dealerships that may occur from time to~~
18 ~~time.~~

19 ~~(d) **Landmark Buildings.** Notwithstanding any other provision of this Code to the contrary,~~
20 ~~any sign which is presently located upon or was once located upon a structure within the Van Ness~~
21 ~~Special Use District which is designated a landmark under Section 1004 may be replaced and/or~~
22 ~~restored subject to the limits set forth below.~~

23 ~~(1) The sign may not exceed the size, shape and number of the sign(s) being replaced and/or~~
24 ~~restored.~~

25 ~~(2) The sign may be a wall, projecting, or freestanding sign.~~

1 ~~(3) The height of the sign may not exceed 80 feet from the sidewalk elevation.~~

2 ~~(4) The sign must be in the same location of the sign being replaced and/or restored.~~

3 ~~(5) The sign may not be located on the roof.~~

4 ~~(6) The sign may not cover or partially block any window.~~

5 ~~(7) The light of the sign may not be flashing, intermittent, or moving.~~

6 ~~(8) The features of the sign including size, shape and illumination must be reviewed and~~
7 ~~approved in accordance with the procedures for the application of a Certificate of Appropriateness~~
8 ~~under Section 1006 of this Code and subject to the discretion of the City Planning Commission. Both~~
9 ~~the Landmark Preservation Advisory Board and the City Planning Commission have the authority to~~
10 ~~modify any features of the sign in order to preserve the historical nature of the building.~~

11 **~~SEC. 607.4. NORTH OF MARKET RESIDENTIAL SPECIAL USE DISTRICT.~~**

12 ~~Signs located in the RC-4 portion of the North of Market Residential Special Use District shall~~
13 ~~be regulated as provided herein, except for those signs which are exempted by Section 603 of this Code.~~

14 ~~(a) **Business Signs.** Business signs, as defined in Section 602.3, shall be permitted subject to~~
15 ~~the regulations set forth below:~~

16 ~~(1) **Window Signs.** The total area of all window signs, as defined in Section 602.1(b), shall not~~
17 ~~exceed 1/3 of the area of the window on or in which the signs are located. Such signs may be~~
18 ~~nonilluminated, indirectly illuminated, or directly illuminated.~~

19 ~~(2) **Wall Signs.** The area of all wall signs shall not exceed three square feet per foot of street~~
20 ~~frontage occupied by the use measured along the wall to which the signs are attached, or 150 square~~
21 ~~feet for each street frontage, whichever is less. The height of any wall sign shall not exceed 24 feet, or~~
22 ~~the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on~~
23 ~~the wall to which the sign is attached, whichever is lower. Such signs may be nonilluminated,~~
24 ~~indirectly, or directly illuminated.~~

1 (3) **Projecting Signs.** ~~The number of projecting signs shall not exceed one per business. The~~
2 ~~area of such sign, as defined in Section 602.1(a), shall not exceed 32 square feet. The height of the sign~~
3 ~~shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of~~
4 ~~any residential windowsill on the wall to which the sign is attached, whichever is lower. No part of the~~
5 ~~sign shall project more than 75 percent of the horizontal distance from the street property line to the~~
6 ~~curbline, or six feet, six inches, whichever is less. Such signs may be nonilluminated, indirectly, or~~
7 ~~directly illuminated.~~

8 (4) **Sign Copy on Awnings and Marquees.** ~~Sign copy may be located on permitted awnings or~~
9 ~~marquees in lieu of projecting signs. The area of such sign copy, as defined in Section 602.1(c), shall~~
10 ~~not exceed 40 square feet. Such sign copy may be nonilluminated, or indirectly illuminated.~~

11 (5) **Freestanding Signs and Sign Towers.** ~~With the exception of automotive service station~~
12 ~~signs, which are permitted subject to the provisions of Section 606(e)(1) of this Code, one freestanding~~
13 ~~sign or sign tower per lot shall be permitted in lieu of a projecting sign if the building or buildings are~~
14 ~~recessed from the street property line. The existence of a freestanding business sign shall preclude the~~
15 ~~erection of a freestanding identifying sign on the same lot. The area of such freestanding sign or sign~~
16 ~~tower, as defined in Section 602.1(a), shall not exceed 30 square feet, nor shall the height of the sign~~
17 ~~exceed 24 feet. No part of the sign shall project more than 75 percent of the horizontal distance from~~
18 ~~the street property line to the curbline, or six feet, whichever is less. Such signs may be nonilluminated~~
19 ~~or indirectly illuminated, or during business hours, may be directly illuminated.~~

20 (b) **Nameplates.** ~~One nameplate, as defined in Section 602.12 of this Code, not exceeding an~~
21 ~~area of two square feet, shall be permitted for each non-commercial use.~~

22 (c) **Identifying Signs.** ~~Identifying signs, as defined in Section 602.10, shall be permitted subject~~
23 ~~to the following regulations:~~

24 (1) ~~One sign per lot shall be permitted and such sign shall not exceed 20 square feet in area.~~
25 ~~The sign may be a freestanding sign, if the building is recessed from the street property line, or may be~~

1 a wall sign or a projecting sign. The existence of a freestanding identifying sign shall preclude the
2 erection of a freestanding business sign on the same lot. A wall or projecting sign shall be mounted on
3 the first story level; a freestanding sign shall not exceed 15 feet in height. Such sign may be
4 nonilluminated, indirectly illuminated, or directly illuminated.

5 ~~(d) Signs or Sign Features Not Permitted in the North of Market Residential Special Use~~
6 ~~District. Roof signs as defined in Section 602.16 of this Code, wind signs as defined in Section 602.22~~
7 ~~of this Code and general advertising signs as defined in Section 602.7 are not permitted. In addition, no~~
8 ~~sign shall have or consist of any moving, rotating, or otherwise physically animated part or any lights~~
9 ~~that give the appearance of animation by flashing, blinking or fluctuating. All signs or sign features not~~
10 ~~otherwise specifically regulated in this Section shall be prohibited.~~

11
12 Section 3. The San Francisco Planning Code is hereby amended by amending
13 Sections 102.5, 102.9, 121.3, 128, 135, 136, 136.1, 138, 138.1, 140, 141, 151, 151.1, 155,
14 155.1, 155.4, 156, 157.1, 158.1, 161, 163, 182, 184, 186, 188, 201, 204.2, 204.3, 204.5,
15 206.3, 209.9, 215, 223, 228, 231, 239, 240, 240.1, 240.2, 240.3, 243, 249.5, 249.15, 249.25,
16 249.49, 262, 303, 309.1, 602.9, 602.24, 606, 607, 607.1, 607.2, 608.6, 608.10, 714.1, 722.1,
17 790.20, 790.26, 790.58, 799, 819, 890.21, 890.24, 890.58, and 899, to read as follows:

18 **SEC. 102.5. DISTRICT.**

19 A portion of the territory of the City, as shown on the Zoning Map, within which certain
20 regulations and requirements or various combinations thereof apply under the provisions of
21 this Code. The term "district" shall include any use, special use, height and bulk, or special
22 sign district. The classes of use districts are described in Section 201 of this Code. ~~term "R District"~~
23 ~~shall mean any RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-1, RM-2, RM-3, RM-4, RTO, RTO-M, RC-1,~~
24 ~~RC-2, RC-3, RC-4 or RED District. The term "C District" shall mean any C-1, C-2, C-3, or C-M~~
25 ~~District. The term "RTO District" shall be that subset of R Districts which are the RTO and RTO-M~~

1 ~~District. The term "M District" shall mean any M-1 or M-2 District. The term "PDR District" shall~~
2 ~~mean any PDR-1-B, PDR-1-D, PDR-1-G, or PDR-2 District. The term "RH District" shall mean any~~
3 ~~RH-1(D), RH-1, RH-1(S), RH-2, or RH-3 District. The term "RM District" shall mean any RM-1, RM-2,~~
4 ~~RM-3, or RM-4 District. The term "RC District" shall mean any RC-1, RC-2, RC-3, or RC-4 District.~~
5 ~~The term "C-3 District" shall mean any C-3-O, C-3-R, C-3-G, or C-3-S District. For the purposes of~~
6 ~~Section 128 and Article 11 of this Code, the term "C-3 District" shall also include the Extended~~
7 ~~Preservation District designated on Section Map 3SU of the Zoning Map. The term "NC District" shall~~
8 ~~mean any NC-1, NC-2, NC-3, NC-T, NC-S, and any Neighborhood Commercial District and~~
9 ~~Neighborhood Commercial Transit District identified by street or area name in Section 702.1. The term~~
10 ~~"NCT" shall mean any district listed in Section 702.1(b), including any NCT-1, NCT-2, NCT-3 and any~~
11 ~~Neighborhood Commercial Transit District identified by street or area name. The term "Mixed Use"~~
12 ~~District shall mean all Chinatown Mixed Use, South of Market Mixed Use, Eastern Neighborhoods~~
13 ~~Mixed Use, and Downtown Residential Districts. The term "Chinatown Mixed Use District" shall mean~~
14 ~~any Chinatown CB, Chinatown VR, or Chinatown R/NC District named in Section 802.1. The term~~
15 ~~"South of Market Mixed Use Districts" shall refer to all RED, RSD, SLR, SLI, or SSO Districts named~~
16 ~~in Section 802.1. The term "Eastern Neighborhoods Mixed Use Districts" shall refer to all SPD, MUG,~~
17 ~~MUO, MUR, and UMU named in Section 802.1. The term "DTR District" or "Downtown Residential~~
18 ~~District" shall refer to any Downtown Residential District identified by street or area name in Section~~
19 ~~825, 827, 828, and 829.~~

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

21 In districts other than C-3, the sum of the gross areas of the several floors of a building
22 or buildings, measured from the exterior faces of exterior walls or from the centerlines of walls
23 separating two buildings. Where columns are outside and separated from an exterior wall
24 (curtain wall) which encloses the building space or are otherwise so arranged that the curtain
25 wall is clearly separate from the structural members, the exterior face of the curtain wall shall

1 be the line of measurement, and the area of the columns themselves at each floor shall also
2 be counted.

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

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

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

13 (2) Elevator shafts, stairwells, exit enclosures and smokeproof enclosures, at each
14 floor.

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

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

18 (5) Floor space in balconies or mezzanines in the interior of the building;

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

22 (7) *In Districts other than C-3 Districts, ~~Floor~~ floor* space in accessory buildings, except
23 for floor spaces used for accessory off-street parking or loading spaces as described in
24 Section 204.5 of this Code, and driveways and maneuvering areas incidental thereto; and
25

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

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

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

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

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

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

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

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

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

1 (7) In C-3 districts, floor space dedicated to parking which does not exceed the amount
2 principally permitted as accessory, and is located underground.

3 (8) Bicycle parking which meets the standards of Sections 155.1 through 155.5 of this Code.

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

9 ~~(8)~~ (10) Balconies, porches, roof decks, terraces, courts and similar features, except
10 those used for primary access as described in Paragraph (a)(6) above, provided that:

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

17 (B) If more than 70 percent of the perimeter of such an area is enclosed, either by
18 building walls (exclusive of a railing or parapet not more than three feet eight inches high), or
19 by such walls and interior lot lines, and the clear space is 15 feet or more in both dimensions,
20 (1) the area shall be excluded from gross floor area if it is fully open to the sky (except for roof
21 eaves, cornices or belt courses which project no more than two feet from the face of the
22 building wall), and (2) the area may have roofed areas along its perimeter which are also
23 excluded from gross floor area if the minimum clear open space between any such roof and
24 the opposite wall or roof (whichever is closer) is maintained at 15 feet (with the above
25 exceptions) and the roofed area does not exceed 10 feet in depth; (3) in addition, when the

1 clear open area exceeds 625 square feet, a canopy, gazebo, or similar roofed structure
2 without walls may cover up to 10 percent of such open space without being counted as gross
3 floor area.

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

11 ~~(9)~~ (11) On lower, nonresidential floors, elevator shafts and other life-support systems
12 serving exclusively the residential uses on the upper floors of a building;

13 ~~(10)~~ (12) One-third of that portion of a window bay conforming to the requirements of
14 Section 136(d)(2) which extends beyond the plane formed by the face of the facade on either
15 side of the bay but not to exceed seven square feet per bay window as measured at each
16 floor;

17 (13) In C-3 Districts, dwelling units or group housing in an affordable housing project, as
18 defined in Section 401 of this Code.

19 ~~(11)~~ (14) Ground floor area in the C-3-0, C-3-O(SD), C-3-S, C-3-S(SU) and C-3-G
20 Districts devoted to building or pedestrian circulation and building service;

21 ~~(12)~~ (15) In the C-3-0, C-3-O(SD), C-3-S, C-3-S(SU) and C-3-G Districts, space
22 devoted to personal services, restaurants, and retail sales of goods intended to meet the
23 convenience shopping and service needs of downtown workers and residents, not to exceed
24 5,000 occupied square feet per use and, in total, not to exceed 75 percent of the area of the
25 ground floor of the building plus the ground level, on-site open space. Said uses shall be

1 located on the ground floor, except that, in order to facilitate the creation of more spacious
2 ground floor interior spaces, a portion of the said uses, in an amount to be determined
3 pursuant to the provisions of Section 309, may be located on a mezzanine level;

4 ~~(13)~~ (16) An interior space provided as an open space feature in accordance with the
5 requirements of Section 138

6 ~~(14)~~ (17) Floor area in C-3, South of Market Mixed Use Districts, and Eastern
7 Neighborhoods Mixed Use Districts devoted to child care facilities provided that:

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

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

11 (C) Adequate outdoor space is provided adjacent, or easily accessible, to the facility.

12 Spaces such as atriums, rooftops or public parks may be used if they meet licensing
13 requirements for child care facilities, and

14 (D) The space is used for child care for the life of the building as long as there is a
15 demonstrated need. No change in use shall occur without a finding by the City Planning
16 Commission that there is a lack of need for child care and that the space will be used for a
17 facility described in Subsection 15 below dealing with cultural, educational, recreational,
18 religious, or social service facilities;

19 ~~(15)~~ (18) Floor area in C-3, South of Market Mixed Use Districts, and Eastern
20 Neighborhoods Mixed Use Districts permanently devoted to cultural, educational, recreational,
21 religious or social service facilities available to the general public at no cost or at a fee
22 covering actual operating expenses, provided that such facilities are:

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

24 (B) Are made available rent free for occupancy only by nonprofit corporations or
25 institutions for such functions. Building area subject to this subsection shall be counted as

1 occupied floor area, except as provided in Subsections 102.10(a) through (f) of this Code, for
2 the purpose of calculating the off-street parking and freight loading requirements for the
3 project;

4 ~~(16) In C-3 Districts, floor space used for short-term parking and aisles incidental thereto
5 when required pursuant to Section 309 in order to replace short-term parking spaces displaced by the
6 building or buildings;~~

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

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

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

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

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

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

24 **SEC. 121.3. DEVELOPMENT OF ~~ON~~ LARGE LOTS, CHINATOWN MIXED USE**
25 **DISTRICTS.**

1 In order to promote, protect, and maintain a scale of development which is appropriate
 2 to each Mixed Use District and complementary to adjacent buildings, new construction or
 3 enlargement of existing buildings on lots larger than the square footage stated in the table
 4 below shall be permitted as conditional uses subject to the provisions set forth in Section 303.

District	Lot Size Limits
<i>Chinatown</i>	5,000 sq. ft.
<i>Chinatown</i> Community Business	
<i>Chinatown</i> Residential/Neighborhood Commercial	
<i>Chinatown</i> Visitor Retail	

11 In addition to the criteria of Section 303(c), the ~~City~~ Planning Commission shall
 12 consider the following criteria:

- 13 (1) The mass and facade of the proposed structure are compatible with the existing
 14 scale of the district.
- 15 (2) The facade of the proposed structure is consistent with design features of adjacent
 16 facades that contribute to the positive visual quality of the district.

17 **SEC. 128. TRANSFER OF DEVELOPMENT RIGHTS IN C-3 DISTRICTS.**

18 (a) **Definitions.**

- 19 (1) "Development Lot." A lot to which TDR may be transferred to increase the
 20 allowable gross floor area of development thereon beyond that otherwise permitted by Section
 21 124
- 22 (2) "Owner of Record." The owner or owners of record in fee.
- 23 (3) "Preservation Lot." A parcel of land on which is either (i) a Significant or
 24 Contributory building (as designated pursuant to Article 11); or (ii) a Category V Building that
 25 has complied with the eligibility requirement for transfer of TDR as set forth in Section

1 1109(c); or (iii) a structure designated an individual landmark pursuant to Article 10 of this
2 Code. The boundaries of the Preservation Lot shall be the boundaries of the Assessor's lot on
3 which the building is located at the time the ordinance or, as to Section 1109(c), resolution,
4 making the designation is adopted, unless boundaries are otherwise specified in the
5 ordinance.

6 (4) "Transfer Lot." A Preservation Lot located in a C-3 District from which TDR may be
7 transferred. A lot zoned P (public) may in no event be a Transfer Lot unless a building on that
8 lot is (i) owned by the City and County of San Francisco, and (ii) located in a P District
9 adjacent to a C-3 District, and (iii) designated as an individual landmark pursuant to Article 10
10 of this Code, designated as a Category I Significant Building pursuant to Article 11 of this
11 Code, or listed on the National Register of Historic Places, and (iv) the TDR proceeds are
12 used to finance, in whole or in part, a project to rehabilitate and restore the building in
13 accordance with the Secretary of Interior standards. For the purposes of Section 128(b), a lot
14 zoned P which satisfies the criteria of this subsection (4) to qualify as a "Transfer Lot" shall be
15 deemed to have an allowable gross floor area of 7.5:1 under Section 124

16 (5) "Transferable Development Rights (TDR)." § Units of gross floor area which may
17 be transferred, pursuant to the provisions of this Section and Article 11 of this Code, from a
18 Transfer Lot to increase the allowable gross floor area of a development on a Development
19 Lot.

20 (6) "Unit of TDR." One unit of TDR is one square foot of gross floor area.

21 (b) **Amount of TDR Available for Transfer.** The maximum TDR available for transfer
22 from a Transfer Lot consists of the difference between (i) the allowable gross floor area
23 permitted on the Transfer Lot by Section 124 and (ii) the gross floor area of the development
24 located on the Transfer Lot.

1 (c) **Eligibility of Development Lots and Limitation on Use of TDR on**

2 **Development Lots.** TDR may be used to increase the allowable gross floor area of a
3 development on a Development Lot if the following requirements and restrictions are satisfied:

4 (1) Transfer of Development Rights shall be limited to the following:

5 (i) The Transfer Lot and the Development Lot are located in ~~the same~~ a C-3 Zoning
6 District; or

7 ~~(ii) the Transfer Lot is located in a C-3-O, or C-3-R District and the Development Lot is~~
8 ~~located in the C-3-O(SD) Special Development District; or~~

9 ~~(iii) (ii)~~ the Transfer Lot contains a Significant building and is located in the South of
10 Market Extended Preservation District, as set forth in Section 819, ~~or a C-3-G or C-3-S District~~
11 and the Development Lot is located in a ~~the~~ C-3-O (SD) Special District; or

12 ~~(iv) the Transfer Lot is in a C-3-R District or a District designated C-3-O (SD) in the Yerba~~
13 ~~Buena Center Redevelopment Plan and is located in the Yerba Buena Center Redevelopment Project~~
14 ~~Area and the Development Lot is located in a C-3-O District; or~~

15 ~~(v) (iii)~~ the Transfer Lot is in a P District adjacent to a C-3 District and meets the
16 requirements established in subsection (a)(4) above and the Development Lot is located in a
17 C-3 District; or

18 ~~(vi) (iv)~~ the Transfer Lot is located in any C-3 District and contains an individual
19 landmark designated pursuant to Article 10 and the Development Lot is located in any C-3
20 District but not within a Redevelopment Agency Plan Area.

21 (2) TDR may not be transferred for use on any lot on which is or has been located a
22 Significant or Contributory building; provided that this restriction shall not apply if the
23 designation of a building is changed to Unrated; nor shall it apply if the ~~City~~ Planning
24 Commission finds that the additional space resulting from the transfer of TDR is essential to
25 make economically feasible the reinforcement of a Significant or Contributory building to meet

1 the standards for seismic loads and forces of the Building Code, in which case TDR may be
2 transferred for that purpose subject to the limitations of this Section and Article 11, including
3 Section 1111.6. Any alteration shall be governed by the requirements of Sections 1111 to
4 1111.6

5 (3) Notwithstanding any other provision of this Section, development on a
6 Development Lot is limited by the provisions of this Code, other than those on floor area ratio,
7 governing the approval of projects, including the requirements relating to height, bulk,
8 setback, sunlight access, and separation between towers, and any limitations imposed
9 pursuant to Section 309 review applicable to the Development Lot. The total allowable gross
10 floor area of a development on a Development Lot may not exceed the limitation imposed by
11 Section 123(c).

12 (d) **Effect of Transfer of TDR.**

13 (1) Transfer of TDR from a Transfer Lot permanently reduces the development
14 potential of the Transfer Lot by the amount of the TDR transferred, except as provided in
15 Section 124(f). In addition, transfer of TDR from a Preservation Lot containing a Contributory
16 building or an individual landmark designated pursuant to Article 10 causes such building to
17 become subject to the same restrictions on demolition and alteration, and the same penalties
18 and enforcement remedies, that are applicable to Significant Buildings Category I, as provided
19 in Article 11.

20 (e) **Procedure for Determining TDR Eligibility.**

21 (1) In order to obtain a determination of whether a lot is a Transfer Lot and, if it is, of
22 the amount of TDR available for transfer, the owner of record of the lot may file an application
23 with the Zoning Administrator for a Statement of Eligibility. The application for a Statement of
24 Eligibility shall contain or be accompanied by plans and drawings and other information which
25 the Zoning Administrator determines is necessary in order to determine whether a Statement

1 of Eligibility can be issued. Any person who applies for a Statement of Eligibility prior to
2 expiration of the time for request of reconsideration of designation authorized in Section 1105
3 shall submit in writing a waiver of the right to seek such reconsideration.

4 (2) The Zoning Administrator shall, upon the filing of an application for a Statement of
5 Eligibility and the submission of all required information, issue either a proposed Statement of
6 Eligibility or a written determination that no TDR are available for transfer and shall mail that
7 document to the applicant and to any other person who has filed with the Zoning Administrator
8 a written request for a copy, and shall post the proposed Statement of Eligibility or written
9 determination on the Planning Department website. Any appeal of the proposed Statement of
10 Eligibility or determination of noneligibility shall be filed with the Board of *Permit* Appeals within
11 20 days of the date of issuance of the document. If not appealed, the proposed Statement of
12 Eligibility or the determination of noneligibility shall become final on the 21st day after the date
13 of issuance. The Statement of Eligibility shall contain at least the following information: (i) the
14 name of the owner of record of the Transfer Lot; (ii) the address, legal description and
15 Assessor's Block and Lot of the Transfer Lot; (iii) the C-3 use district within which the Transfer
16 Lot is located; (iv) whether the Transfer Lot contains a Significant or Contributory building, a
17 Category V building, or an Article 10 individually designated landmark; (v) the amount of TDR
18 available for transfer; and (vi) the date of issuance.

19 (3) Once the proposed Statement of Eligibility becomes final, whether through lack of
20 appeal or after appeal, the Zoning Administrator shall record the Statement of Eligibility in the
21 Office of the County Recorder. The County Recorder shall be instructed to mail the original of
22 the recorded document to the owner of record of the Transfer Lot and a conformed copy to
23 the Zoning Administrator.

24 (f) **Cancellation of Eligibility.**
25

1 (1) If reasonable grounds should at any time exist for determining that a building on a
2 Preservation Lot may have been altered or demolished in violation of Articles 10 or 11,
3 including Sections 1110 and 1112 thereof, the Zoning Administrator may issue and record
4 with the County Recorder a Notice of Suspension of Eligibility for the affected lot and, in cases
5 of demolition of a Significant or Contributory building, a notice that the restriction on the floor
6 area ratio of a replacement building, pursuant to Section 1114, may be applicable and shall
7 mail a copy of such notice to the owner of record of the lot. The notice shall provide that the
8 property owner shall have 20 days from the date of the notice in which to request a hearing
9 before the Zoning Administrator in order to dispute this initial determination. If no hearing is
10 requested, the initial determination of the Zoning Administrator is deemed final on the twenty-
11 first day after the date of the notice, unless the Zoning Administrator has determined that the
12 initial determination was in error.

13 (2) If a hearing is requested, the Zoning Administrator shall notify the property owner
14 of the time and place of hearing, which shall be scheduled within 21 days of the request, shall
15 conduct the hearing, and shall render a written determination within 15 days after the close of
16 the hearing. If the Zoning Administrator shall determine that the initial determination was in
17 error, that officer shall issue and record a Notice of Revocation of Suspension of Eligibility.
18 Any appeal of the determination of the Zoning Administrator shall be filed with the Board of
19 *Permit* Appeals within 20 days of the date of the written determination following a hearing or, if
20 no hearing has been requested, within 20 days after the initial determination becomes final.

21 (3) If after an appeal to the Board of *Permit* Appeals it is determined that an unlawful
22 alteration or demolition has occurred, or if no appeal is taken of the determination by the
23 Zoning Administrator of such a violation, the Zoning Administrator shall record in the Office of
24 the County Recorder a Notice of Cancellation of Eligibility for the lot, and shall mail to the
25 property owner a conformed copy of the recorded Notice. In the case of demolition of a

1 Significant or Contributory Building, the Zoning Administrator shall record a Notice of Special
2 Restriction noting the restriction on the floor area ratio of the Preservation Lot pursuant to the
3 provisions of Section 1114, and shall mail to the owner of record a certified copy of the Notice.
4 If after an appeal to the Board of ~~Permit~~ Appeals it is determined that no unlawful alteration or
5 demolition has occurred, the Zoning Administrator shall issue and record a Notice of
6 Revocation of Suspension of Eligibility and, if applicable, a Notice of Revocation of the Notice
7 of Special Restriction pursuant to Section 1114, and shall mail conformed copies of the
8 recorded notices to the owner of record.

9 (4) No notice recorded under this Section 128(f) shall affect the validity of TDR that
10 have been transferred from the affected Transfer Lot in compliance with the provisions of this
11 Section prior to the date of recordation of such notice, whether or not such TDR have been
12 used.

13 (g) **Procedure for Transfer of TDR.**

14 (1) DR from a single Transfer Lot may be transferred as a group to a single transferee
15 or in separate increments to several transferees. TDR may be transferred either directly from
16 the original owner of the TDR to the owner of a Development Lot or to persons, firms or
17 entities who acquire the TDR from the original owner of the TDR and hold them for
18 subsequent transfer to other persons, firms, entities or to the owners of a Development Lot or
19 Lots.

20 (2) When TDR are transferred, they shall be identified in each Certificate of Transfer
21 by a number. A single unit of TDR transferred from a Transfer Lot shall be identified by the
22 number "1." Multiple units of TDR transferred as a group for the first time from a Transfer Lot
23 shall be numbered consecutively from "1" through the number of units transferred. If a fraction
24 of a unit of TDR is transferred, it shall retain its numerical identification. (For example, if 5,000-
25 1/2 TDR are transferred in the initial transfer from the Transfer Lot, they would be numbered

1 "1 through 5,000 and one-half of 5,001.") TDR subsequently transferred from the Transfer Lot
2 shall be identified by numbers taken in sequence following the last number previously
3 transferred. (For example if the first units of gross floor area transferred from a Transfer Lot
4 are numbered 1 through 10,000, the next unit transferred would be number 10,001.) If
5 multiple units transferred from a Transfer Lot are subsequently transferred separately in
6 portions, the seller shall identify the TDR sold by numbers which correspond to the numbers
7 by which they were identified at the time of their transfer from the Transfer Lot. (For example,
8 TDR numbered 1 through 10,000 when transferred separately from the Transfer Lot in two
9 equal portions would be identified in the two Certificates of Transfer as numbers 1 through
10 5,000 and 5,001 through 10,000.) Once assigned numbers, TDR retain such numbers for the
11 purpose of identification through the process of transferring and using TDR. The phrase
12 "numerical identification," as used in this section, shall mean the identification of TDR by
13 numbers as described in this Subsection.

14 (3) Transfer of TDR from the Transfer Lot shall not be valid unless (i) a Statement of
15 Eligibility has been recorded in the Office of the County Recorder prior to the date of
16 recordation of the Certificate of Transfer evidencing such transfer and (ii) a Notice of
17 Suspension of Eligibility or Notice of Cancellation of Eligibility has not been recorded prior to
18 such transfer or, if recorded, has thereafter been withdrawn by an appropriate recorded Notice
19 of Revocation or a new Statement of Eligibility has been thereafter recorded.

20 (4) Transfer of TDR, whether by initial transfer from a Transfer Lot or by a subsequent
21 transfer, shall not be valid unless a Certificate of Transfer evidencing such transfer has been
22 prepared and recorded. The Zoning Administrator shall prepare a form of Certificate of
23 Transfer and all transfers shall be evidenced by documents that are substantially the same as
24 the Certificate of Transfer form prepared by the Zoning Administrator, which form shall contain
25 at least the following:

1 (i) For transfers from the Transfer Lot only:
2 (aa) Execution and acknowledgement by the original owner of TDR as the
3 transferor(s) of the TDR; and
4 (bb) Execution and acknowledgment by the Zoning Administrator; and
5 (cc) A notice, prominently placed and in all capital letters, preceded by the underlined
6 heading "Notice of Restriction," stating that the transfer of TDR from the Transfer Lot
7 permanently reduces the development potential of the Transfer Lot by the amount of TDR
8 transferred, with reference to the provisions of this Section.

9 (ii) For all transfers:
10 (aa) The address, legal description, Assessor's Block and Lot, and C-3 use district of
11 the Transfer Lot from which the TDR originates; and
12 (bb) The amount and sale price of TDR transferred; and
13 (cc) Numerical identification of the TDR being transferred; and
14 (dd) The names and mailing addresses of the transferors and transferees of the TDR;
15 and
16 (ee) Execution and acknowledgment by the transferors and transferees of the TDR;
17 and
18 (ff) A reference to the Statement of Eligibility, including its recorded instrument number
19 and date of recordation, and a recital of all previous transfers of the TDR, including the names
20 of the transferors and transferees involved in each transfer and the recorded instrument
21 number and date of recordation of each Certificate of Transfer involving the TDR, including
22 the transfer from the Transfer Lot which generated the TDR.

23 (5) When a Certificate of Transfer for the transfer of TDR from a Transfer Lot is
24 presented to the Zoning Administrator for execution, that officer shall not execute the
25 document if a transfer of the TDR would be prohibited by any provision of this Section or any

1 other provision of this Code. The Zoning Administrator shall, within five business days from
2 the date that the Certificate of Transfer is submitted for execution, either execute the
3 Certificate of Transfer or issue a written determination of the grounds requiring a refusal to
4 execute the Certificate.

5 (6) Each duly executed and acknowledged Certificate of Transfer containing the
6 information required herein shall be presented for recordation in the Office of the County
7 Recorder and shall be recorded by the County Recorder. The County Recorder shall be
8 instructed to mail the original Certificate of Transfer to the person and address designated
9 thereon and shall be given a copy of the Certificate of Transfer and instructed to conform the
10 copy and mail it to the Zoning Administrator.

11 (h) **Certificate of Transfer of TDR for a Project on a Development Lot.**

12 (1) When the use of TDR is necessary for the approval of a building permit for a
13 project on a Development Lot, the ~~Superintendent~~ Director of the ~~Bureau~~ Department of Building
14 Inspection shall not approve issuance of the permit unless the Zoning Administrator has
15 issued a written certification that the owner of the Development Lot owns the required number
16 of TDR. When the transfer of TDR is necessary for the approval of a site permit for a project
17 on a Development Lot, the Zoning Administrator shall impose as a condition of approval of the
18 site permit the requirement that the ~~Superintendent~~ Director of the ~~Bureau~~ Department of Building
19 Inspection shall not issue the first addendum to the site permit unless the Zoning
20 Administrator has issued a written certification that the owner of the Development Lot owns
21 the required number of TDR.

22 (2) In order to obtain certification as required in Section 128(h)(1), the permit applicant
23 shall present to the Zoning Administrator:

24 (i) Information necessary to enable the Zoning Administrator to prepare the Notice of
25 Use of TDR, which information shall be at least the following:

1 (aa) The address, legal description, Assessor's Block and Lot, and zoning
2 classification of the Development Lot;

3 (bb) The name and address of the owner of record of the Development Lot;

4 (cc) Amount and numerical identification of the TDR being used;

5 (dd) A certified copy of each Certificate of Transfer evidencing transfer to the owner of
6 the Development Lot of the TDR being used; and

7 (ii) A report from a title insurance company showing the holder of record of the TDR to
8 be used, all Certificate of Transfer of the TDR, and all other matters of record affecting such
9 TDR. In addition to showing all such information, the report shall guarantee that the report is
10 accurate and complete and the report shall provide that in the event that its guarantee or any
11 information shown in the report is incorrect, the title company shall be liable to the City for the
12 fair market value of the TDR at the time of the report. The liability amount shall be not less
13 than \$10,000 and no more than \$1,000,000, the appropriate amount to be determined by the
14 Zoning Administrator based on the number of TDR being used.

15 (iii) An agreement whereby the owner of the Development Lot shall indemnify the City
16 against any and all loss, cost, harm or damage, including attorneys' fees, arising out of or
17 related in any way to the assertion of any adverse claim to the TDR, including any loss, cost,
18 harm or damage occasioned by the passive negligence of the City and excepting only that
19 caused by the City's sole and active negligence. The indemnity agreement shall be secured
20 by a financial balance sheet certified by an auditor or a corporate officer showing that the
21 owner has assets equal to or greater than the value of the TDR, or other security satisfactory
22 to Planning Department and the City Attorney.

23 (3) If the Zoning Administrator determines that the project applicant has complied with
24 the provisions of Subsection (h)(2) and all other applicable provisions of this Section, and that
25 the applicant is the owner of the TDR, that officer shall transmit to the *Superintendent Director*

1 of the ~~Bureau~~ Department of Building Inspection, with a copy to the project applicant, written
2 certification that the owner of the Development Lot owns the TDR. Prior to transmitting such
3 certification, the Zoning Administrator shall prepare a document entitled Notice of Use of TDR
4 stating that the TDR have been used and may not be further transferred, shall obtain the
5 execution and acknowledgment on the Notice of the owner of record of the Development Lot,
6 shall execute and acknowledge the Notice, shall record it in the Office of the County
7 Recorder, and shall mail to the owner of record of the Development Lot a conformed copy of
8 the recorded Notice. If the Zoning Administrator determines that the project applicant is not
9 the owner of the TDR, or has not complied with all applicable provisions of this Section, that
10 determination shall be set forth in writing along with the reasons therefore. The Zoning
11 Administrator shall either transmit certification or provide a written determination that
12 certification is inappropriate within 10 business days after the receipt of all information
13 required pursuant to Subsection (h)(2).

14 (i) **Cancellation of Notice of Use; Transfer from Development Lot.**

15 (1) The owner of a Development Lot for which a Notice of Use of TDR has been
16 recorded may apply for a Cancellation of Notice of Use if (i) the building permit or site permit
17 for which the Notice of Use was issued expires or was revoked or cancelled prior to
18 completion of the work for which such permit was issued and the work may not be carried out;
19 or (ii) any administrative or court decision is issued or any ordinance or initiative or law is
20 adopted which does not allow the applicant to make use of the permit; or (iii) a portion or all of
21 such TDR are not used.

22 (2) If the Zoning Administrator determines that the TDR have not been and will not be
23 used on the Development Lot based on the reasons set forth in subsection (i)(1), the Zoning
24 Administrator shall prepare the Cancellation of Notice of Use of TDR. If only a portion of the
25 TDR which had been acquired are not being used, the applicant may identify which TDR will

1 not be used and the Cancellation of Notice of Use of TDR shall apply only to those TDR. The
2 Zoning Administrator shall obtain on the Cancellation of Notice of Use of TDR the signature
3 and acknowledgment of the owner of record of the Development Lot as to which the Notice of
4 Use of TDR was recorded, shall execute and acknowledge the document, and shall record it
5 in the office of the County Recorder.

6 (3) Once a Cancellation of Notice of Use of TDR has been recorded, the owner of the
7 Development Lot may apply for a Statement of Eligibility in order to transfer the TDR identified
8 in that document. The procedures and requirements set forth in this Section governing the
9 transfer of TDR shall apply to the transfer of TDR from the owner of a Development Lot after a
10 Notice of Use has been filed, except for the provisions of this Section permanently restricting
11 the development potential of a Transfer Lot upon the transfer of TDR; provided, however, that
12 the district or districts to which the TDR may be transferred shall be the same district or
13 districts to which TDR could have been transferred from the Transfer Lot that generated the
14 TDR.

15 (j) **Erroneous Notice of Use; Revocation of Permit.** If the Zoning Administrator
16 determines that a Notice of Use of TDR was issued or recorded in error, that officer may direct
17 the ~~Superintendent~~ Director of the ~~Bureau~~ Department of Building Inspection to suspend any
18 permit issued for a project using such TDR, in which case the ~~Superintendent~~ Director of the
19 Department of Building Inspection shall comply with that directive. The Zoning Administrator
20 shall thereafter conduct a noticed hearing in order to determine whether the Notice of Use of
21 TDR was issued or recorded in error. If it is determined that the Notice of Use of TDR was
22 issued or recorded in error, the Superintendent of the ~~Bureau~~ Department of Building Inspection
23 shall revoke the permit; provided, however, that no permit authorizing such project shall be
24 revoked if the right to proceed thereunder has vested under California law. If it is determined
25

1 that the Notice of Use of TDR was not issued or recorded in error, the permit shall be
2 reinstated.

3 (k) **Effect of Repeal or Amendment.** TDR shall convey the rights granted herein only
4 so long and to the extent as authorized by the provisions of this Code. Upon repeal of such
5 legislative authorization, TDR shall there after convey no rights or privileges. Upon
6 amendment of such legislative authorization, TDR shall thereafter convey only such rights and
7 privileges as are permitted under the amendment. No Statement of Eligibility shall convey any
8 right to use, transfer or otherwise utilize TDR if the maximum floor area ratio for the Transfer
9 Lot is reduced after the Statement of Eligibility is issued.

10 (l) **Preservation Rehabilitation, and Maintenance Requirements for Preservation**
11 **Lots.**

12 (1) In addition to the material required to be submitted with an application for a
13 Statement of Eligibility set forth in subsection 128(e), the owner of the Preservation Lot shall:

14 (i) Demonstrate that any and all outstanding Notices of Violation have been abated;
15 and

16 (ii) Submit for approval by the Department a Preservation, Rehabilitation, and
17 Maintenance Plan that describes any proposed preservation and rehabilitation work and that
18 guarantees the maintenance and upkeep of the Preservation Lot. This Plan shall include:

19 (aa) a plan for the ongoing maintenance of the Preservation Lot;

20 (bb) information regarding the nature and cost of any rehabilitation, restoration or
21 preservation work to be conducted on the Preservation Lot, including information about any
22 required seismic, life safety, or disability access work;

23 (cc) a construction schedule; and

24 (dd) any other such information as the Department may require to determine
25 compliance of this subsection 128(l).

1 All such work, shall comply with the Secretary of the Interior's Standards for the
2 Treatment of Historic Properties. The requirements of the approved Plan shall be recorded
3 along with the final Statement of Eligibility in the Office of the County Recorder.

4 Notwithstanding the foregoing, the owner of the Preservation Lot may apply to the
5 Department for a hardship exemption from the requirements of subsection (i). Such hardship
6 exemption shall demonstrate to the satisfaction of the Department that sale of TDR is
7 necessary to fund the work required to cure the outstanding Notice(s) of Violation on the
8 Preservation Lot.

9 (2) Approval of the Statement of Eligibility shall be conditioned on execution of the
10 requirements described in subsection (I)(1). Once a Statement of Eligibility has been issued
11 and a Notice of Special Restrictions has been recorded on the property, the owner of the
12 Preservation Lot, at the owner's sole discretion, may withdraw from the TDR program prior to
13 the sale of any TDR. The Department shall rescind the Statement of Eligibility and request
14 removal of such condition(s) on the Preservation Lot. Once any TDR is transferred from the
15 Preservation Lot, the Statement of Eligibility and conditions may not be withdrawn.

16 (3) Within one year of the issuance of the Statement of Eligibility, the owner of the
17 Preservation Lot shall submit a status report to the Department detailing how the
18 requirements of subsection (I)(1) have been completed and describing ongoing maintenance
19 activities. Such report shall include: (i) information detailing the work completed; (ii) copies of
20 all permits obtained for the work, including any Certificates of Appropriateness or Permits to
21 Alter; (iii) any inspection reports or other documentation from the Department of Building
22 Inspection showing completion of the work; (iv) itemized receipts of payment for work
23 performed; and (v) any such other documentation as the Department may require to
24 determine compliance with the requirements of this subsection 128(I). The deadline for
25 completion of the work and submittal of this report may be extended at the discretion of the

1 Department upon application of the owner of the Preservation Lot and only upon a showing
2 that the owner has diligently pursued all required permits and completion of the work.

3 (4) Failure to comply with the requirements of this subsection (l), including all reporting
4 requirements, shall be grounds for enforcement under this Code, including but not limited to
5 under Sections 176 and 176.1. Penalties for failure to comply may include, but shall not be
6 limited to, a lien on the Preservation Lot equal to the sale price of the TDR sold.

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

9 Except as provided in Sections 134.1, 172 and 188 of this Code, usable open space
10 shall be provided for each dwelling and each group housing structure in R, NC, C, Mixed Use,
11 and M Districts according to the standards set forth in this Section unless otherwise specified
12 in specific district controls elsewhere in this Code.

13 (a) **Character of Space Provided.** Usable open space shall be composed of an
14 outdoor area or areas designed for outdoor living, recreation or landscaping, including such
15 areas on the ground and on decks, balconies, porches and roofs, which are safe and suitably
16 surfaced and screened, and which conform to the other requirements of this Section. Such
17 area or areas shall be on the same lot as the dwelling units (or bedrooms in group housing)
18 they serve, and shall be designed and oriented in a manner that will make the best practical
19 use of available sun and other climatic advantages. "Private usable open space" shall mean
20 an area or areas private to and designed for use by only one dwelling unit (or bedroom in
21 group housing). "Common usable open space" shall mean an area or areas designed for use
22 jointly by two or more dwelling units (or bedrooms in group housing).

23 (b) **Access.** Usable open space shall be as close as is practical to the dwelling unit
24 (or bedroom in group housing) for which it is required, and shall be accessible from such
25 dwelling unit or bedroom as follows:

1 (1) Private usable open space shall be directly and immediately accessible from such
2 dwelling unit or bedroom; and shall be either on the same floor level as such dwelling unit or
3 bedroom, with no more than one story above or below such floor level with convenient private
4 access.

5 (2) Common usable open space shall be easily and independently accessible from
6 such dwelling unit or bedroom, or from another common area of the building or lot.

7 (c) **Permitted Obstructions.** In the calculation of either private or common usable
8 open space, those obstructions listed in Sections 136 and 136.1 of this Code for usable open
9 space shall be permitted.

10 (d) **Amount Required.** Usable open space shall be provided for each building in the
11 amounts specified herein and in Table 135 for the district in which the building is located;
12 provided, however, that in the Downtown Residential (DTR) Districts, open space shall be
13 provided in the amounts specified in Section 825.

14 In Neighborhood Commercial Districts, the amount of usable open space to be
15 provided shall be the amount required in the nearest Residential District, but the minimum
16 amount of open space required shall be in no case greater than the amount set forth in Table
17 135A for the district in which the building is located. The distance to each Residential District
18 shall be measured from the midpoint of the front lot line or from a point directly across the
19 street there from, whichever requires less open space.

20 (1) For dwellings other than SRO dwellings, except as provided in Paragraph (d)(3)
21 below, the minimum amount of usable open space to be provided for use by each dwelling
22 unit shall be as specified in the second column of Table 135A if such usable open space is all
23 private. Where common usable open space is used to satisfy all or part of the requirement for
24 a dwelling unit, such common usable open space shall be provided in an amount equal to
25 1.33 square feet for each one square foot of private usable open space specified in the

1 second column of Table 135A. In such cases, the balance of the required usable open space
2 may be provided as private usable open space, with full credit for each square foot of private
3 usable open space so provided.

4 (2) For group housing structures and SRO units, the minimum amount of usable open
5 space provided for use by each bedroom shall be 1/3 the amount required for a dwelling unit
6 as specified in Paragraph (d)(1) above. For purposes of these calculations, the number of
7 bedrooms on a lot shall in no case be considered to be less than one bedroom for each two
8 beds. Where the actual number of beds exceeds an average of two beds for each bedroom,
9 each two beds shall be considered equivalent to one bedroom.

10 (3) For dwellings specifically designed for and occupied by senior citizens ~~or physically~~
11 ~~handicapped persons~~, as defined and regulated by Section 102.6.1 200.1(m) of this Code, the
12 minimum amount of usable open space to be provided for use by each dwelling unit shall be
13 ~~1/2~~ one-half the amount required for each dwelling unit as specified in Paragraph (d)(1) above.

14 (4) **DTR Districts.** For all residential uses, 75 square feet of open space is required
15 per dwelling unit. All residential open space must meet the provisions described in this
16 Section unless otherwise established in this subsection or in Section 825 or a Section
17 governing an individual DTR District. Open space requirements may be met with the following
18 types of open space: "private usable open space" as defined in Section 135(a) of this Code,
19 "common usable open space" as defined in Section 135(a) of this Code, and "publicly
20 accessible open space" as defined in subsection (h) below. At least 40 percent of the
21 residential open space is required to be common to all residential units. Common usable open
22 space is not required to be publicly-accessible. Publicly-accessible open space, including off-
23 site open space permitted by subsection (i) below and by Section 827(a)(9), meeting the
24 standards of subsection (h) may be considered as common usable open space. For
25 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.

**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
RH-3	100	1.33
RM-1, RC-1, RTO, RTO-M	100	1.33
RM-2, RC-2, SPD	80	1.33
RM-3, RC-3, RED	60	1.33
RM-4, RC-4, RSD	36	1.33
C-3, C-M, SLR, SLI, SSO, M-1, M-2	36	1.33
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	
NC-1, NC-2, NCT-1, NCT-2, NC-S, Inner Sunset, Sacramento Street, West Portal Avenue, Ocean Avenue	100	1.33
NC-3, Castro Street, Inner Clement Street, Outer Clement Street, Upper Fillmore Street, Haight Street, Union Street,	80	1.33

1	Valencia Street, 24th Street-Mission, 24th Street-Noe Valley, NCT-3, SoMa, Mission Street		
2			
3	Broadway, Hayes-Gough, Upper Market Street, North Beach, Polk Street	60	1.33
4	Chinatown Community Business, Chinatown Residential Neighborhood Commercial, Chinatown Visitor Retail	48	1.00
5			
6			
7	DTR	This table not applicable. 75 square feet per dwelling. See Sec. 135(d)(4).	
8			

10 TABLE 135B MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING IN THE EASTERN NEIGHBORHOODS MIXED USE DISTRICTS			
11	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
12			
13	80 square feet	54 square feet	50%
14			

15 (e) **Slope.** The slope of any area credited as either private or common usable open space shall not exceed five percent.

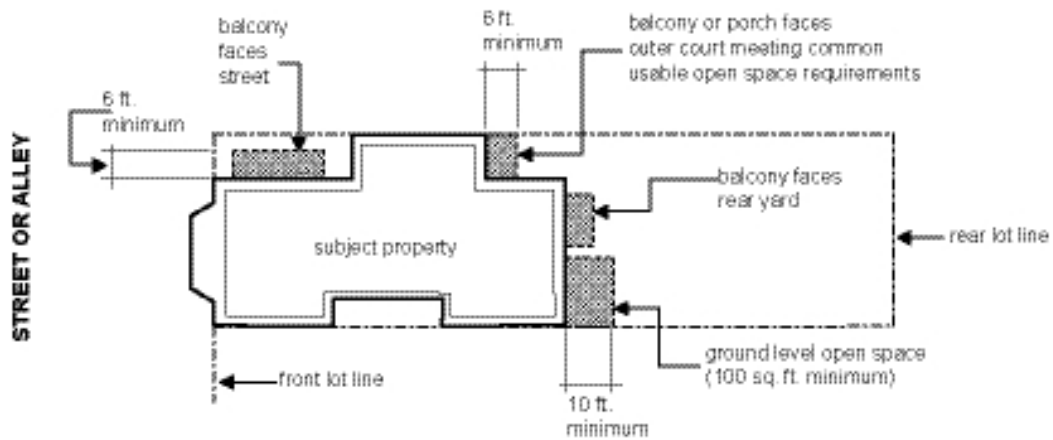
16 (f) **Private Usable Open Space: Additional Standards.**

17 (1) **Minimum Dimensions and Minimum Area.** Any space credited as private usable open space shall have a minimum horizontal dimension of six feet and a minimum area of 36 square feet if located on a deck, balcony, porch or roof, and shall have a minimum horizontal dimension of 10 feet and a minimum area of 100 square feet if located on open ground, a terrace or the surface of an inner or outer court.

22 (2) **Exposure.** In order to be credited as private usable open space, an area must be kept open in the following manner:

1 (A) For decks, balconies, porches and roofs, at least 30 percent of the perimeter must
2 be unobstructed except for necessary railings.

3 (B) In addition, the area credited on a deck, balcony, porch or roof must either face a
4 street, face or be within a rear yard, or face or be within some other space which at the level
5 of the private usable open space meets the minimum dimension and area requirements for
6 common usable open space as specified in Paragraph 135(g)(1) below.



16 (C) Areas within inner and outer courts, as defined by this Code, must either conform
17 to the standards of Subparagraph (f)(2)(B) above or be so arranged that the height of the
18 walls and projections above the court on at least three sides (or 75 percent of the perimeter,
19 whichever is greater) is such that no point on any such wall or projection is higher than one
20 foot for each foot that such point is horizontally distant from the opposite side of the clear
21 space in the court, regardless of the permitted obstruction referred to in Subsection 135(c)
22 above.

23 (3) **Fire Escapes as Usable Open Space.** Normal fire escape grating shall not be
24 considered suitable surfacing for usable open space. The steps of a fire escape stairway or
25 ladder, and any space less than six feet deep between such steps and a wall of the building,

1 shall not be credited as usable open space. But the mere potential use of a balcony area for
2 an emergency fire exit by occupants of other dwelling units (or bedrooms in group housing)
3 shall not prevent it from being credited as usable open space on grounds of lack of privacy or
4 usability.

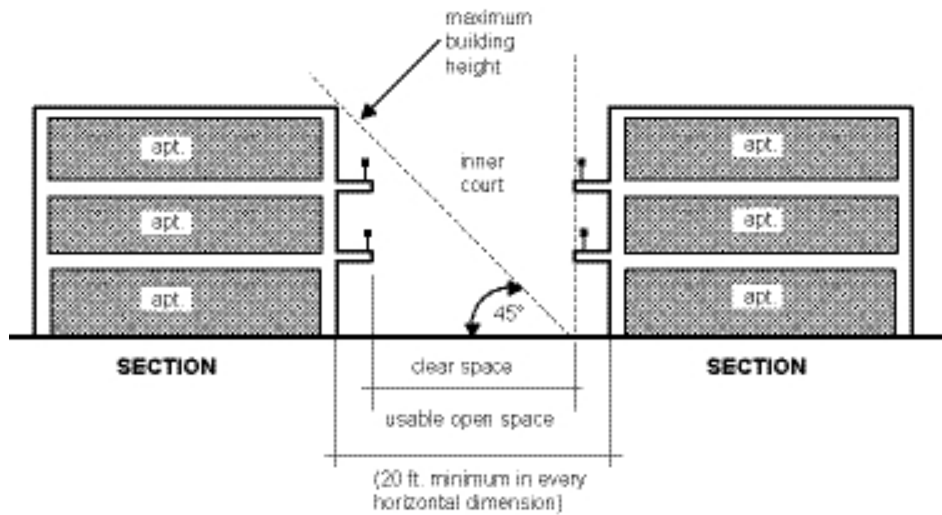
5 (4) **Use of Solariums.** In C-3 Districts, the area of a totally or partially enclosed
6 solarium shall be credited as private usable open space if (i) such area is open to the
7 outdoors through openings or clear glazing on not less than 50 percent of its perimeter and (ii)
8 not less than 30 percent of its overhead area and 25 percent of its perimeter are open or can
9 be opened to the air.

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

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

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

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



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

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

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

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

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

21 (C) An unenclosed pedestrian pathway which complies with the standards of Section
22 270.2 and which is consistent with applicable design guidelines.

23 (D) Streetscape improvements with landscaping and pedestrian amenities that result
24 in additional pedestrian space beyond the pre-existing sidewalk width and conform to the
25 Better Streets Plan and any other applicable neighborhood streetscape plans per Section

1 138.1 or other related policies such as those associated with sidewalk widenings or building
2 setbacks, other than those intended by design for the use of individual ground floor residential
3 units; and

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

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

7 (B) Be appropriately landscaped;

8 (C) Be protected from uncomfortable winds;

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

12 (E) Be well signed and accessible to the public during daylight hours;

13 (F) Be well lit if the area is of the type requiring artificial illumination;

14 (G) Be designed to enhance user safety and security;

15 (H) Be of sufficient size to be attractive and practical for its intended use; and

16 (I) Have access to drinking water and toilets if feasible and appropriate.

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

23 (4) **Informational Plaque:** Prior to issuance of a permit of occupancy, a plaque shall
24 be placed in a publicly conspicuous location outside the building at street level, or at the site
25 of any publicly-accessible open space. The plaque shall identify said open space feature and

1 its location, stating the right of the public to use the space and the hours of use, describing its
2 principal required features (e.g., number of seats or other defining features) and stating the
3 name, telephone number, and address of the owner or owner's agent responsible for
4 maintenance. The plaque shall be of no less than 24 inches by 36 inches in size unless
5 specifically reduced by the Zoning Administrator in cases where the nature, size, or other
6 constraints of the open space would make the proscribed dimensions inappropriate.

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

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

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

24 (2) **DTR Districts.** In DTR Districts the provision of off-site publicly accessible open
25 space may be counted toward the requirements of residential open space per the procedures

1 of Section 309.1 provided it is within the individual DTR district of the project or within 500 feet
2 of any boundary of the individual DTR district of the project, and meets the standards of
3 subsection (h).

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

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

21 (3) **Ocean Avenue NCT.** In the Ocean Avenue NCT District, the provision of off-site
22 publicly accessible open space may be credited toward the residential usable open space
23 requirement subject to the procedures of Section 303. Any such open space shall meet the
24 publicly accessible open space standards set forth in Section 135(h) and be provided within
25 800 feet of the project. No more than 50 percent of a project's usable open space requirement

1 may be satisfied off-site. The publicly accessible off-site usable open space shall be
2 constructed, completed, and ready for use no later than the project itself, and shall receive its
3 certificate of final completion from the Department of Building Inspection prior to the issuance
4 of any certificate of final completion or temporary certificate of occupancy for the project itself.

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

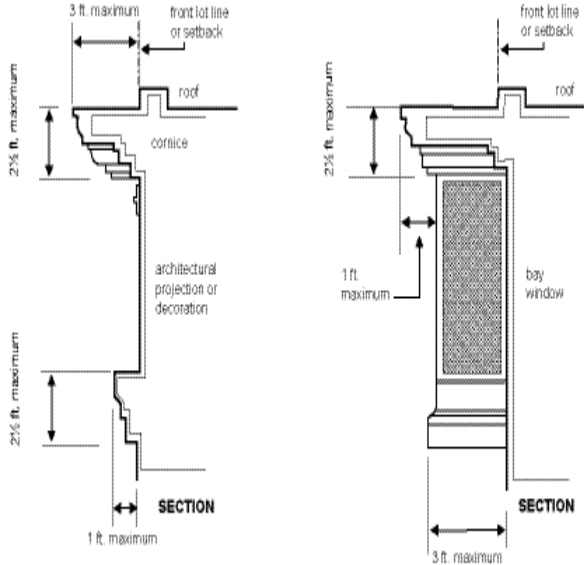
SEC. 136. OBSTRUCTIONS OVER STREETS AND ALLEYS AND IN REQUIRED SETBACKS, YARDS AND USABLE OPEN SPACE.

Streets and Alleys	Setbacks	Yards	Usable Open Space	
				<p>(a) The following obstructions shall be permitted, in the manner specified, as indicated by the symbol "X" in the columns at the left, within the required open areas listed herein:</p>
				<p>(1) Projections from a building or structure extending over a street or alley as defined by this Code. Every portion of such projections over a street or alley shall provide a minimum of 7" feet of vertical clearance from the sidewalk or other surface above which it is situated, or such greater vertical clearance as may be required by the San Francisco Building Code, unless the contrary is stated below. The permit under which any such projection over a street or alley is erected over public property shall not be construed to create any perpetual right but is a revocable license;</p>
				<p>(2) Obstructions within legislated setback lines and front setback areas, as required by Sections 131 and 132 of this Code;</p>

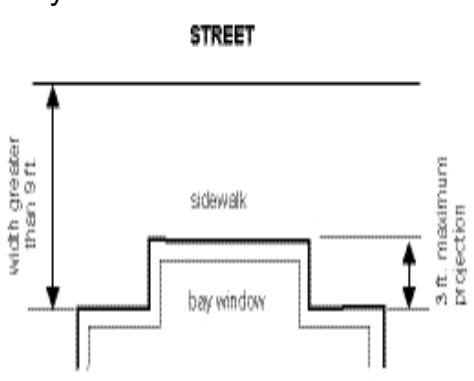
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				(3) Obstructions within side yards and rear yards, as required by Sections 133 and 134 of this Code;
				(4) Obstructions within usable open space, as required by Section 135 of this Code.
				(b) No obstruction shall be constructed, placed or maintained in any such required open area except as specified in this Section.
				(c) The permitted obstructions shall be as follows:
x	x	x	x	(1) Overhead horizontal projections (leaving at least 7" feet of headroom) of a purely architectural or decorative character such as cornices, eaves, sills and belt courses, with a vertical dimension of no more than two feet six inches, not increasing the floor area or the volume of space enclosed by the building, and not projecting more than:
				(A) At roof level, three feet over streets and alleys and into setbacks, or to a perimeter in such required open areas parallel to and one foot outside the surfaces of bay windows immediately below such features, whichever is the greater projection,

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				<p>(B) At every other level, one foot over streets and alleys and into setbacks, and</p> 
				<p>(C) Three feet into yards and usable open space, or 1/6 of the required minimum dimensions (when specified) of such open areas, whichever is less;</p>
<p>x</p>	<p>x</p>	<p>x</p>	<p>x</p>	<p>(2) Bay (projecting) windows, balconies (other than balconies used for primary access to two or more dwelling units or two or more bedrooms in group housing), and similar features that increase either the floor area of the building or the volume of space enclosed by the building above grade, when limited as specified herein. With respect to obstructions within yards and usable open space, the bay windows and balconies specified in Paragraph (c)(3) below shall be permitted as an alternative to those specified in this Paragraph (c)(2).</p>

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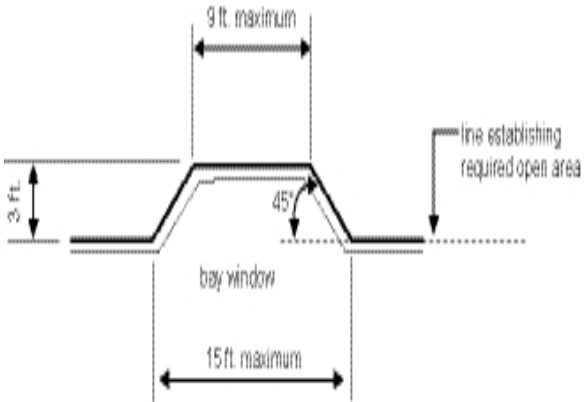
				<p>(A) The minimum headroom shall be 7" feet.</p>
				<p>(B) Projection into the required open area shall be limited to three feet, provided that projection over streets and alleys shall be further limited to two feet where the sidewalk width is nine feet or less, and the projection shall in no case be closer than eight feet to the centerline of any alley.</p> 

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				<p>(C) The glass areas of each bay window, and the open portions of each balcony, shall be not less than 50 percent of the sum of the areas of the vertical surfaces of such bay window or balcony above the required open area. At least 1/3 of such required glass area of such bay window, and open portions of such balcony, shall be on one or more vertical surfaces situated at an angle of not less than 30 degrees to the line establishing the required open area. In addition, at least 1/3 of such required glass area or open portions shall be on the vertical surface parallel to, or most nearly parallel to, the line establishing each open area over which the bay window or balcony projects.</p>
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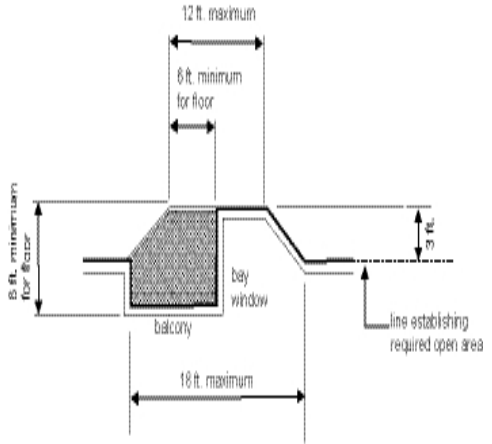
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(D) The maximum length of each bay window or balcony shall be 15 feet at the line establishing the required open area, and shall be reduced in proportion to the distance from such line by means of 45 degree angles drawn inward from the ends of such 15-foot dimension, reaching a maximum of nine feet along a line parallel to and at a distance of three feet from the line establishing the required open area.



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(E) Where a bay window and a balcony are located immediately adjacent to one another, and the floor of such balcony in its entirety has a minimum horizontal dimension of six feet, the limitations of Subparagraph (c)(2)(D) above shall be increased to a maximum length of 18 feet at the line establishing the required open area, and a maximum of 12 feet along a line parallel to and at a distance of three feet from the line establishing the required open area.

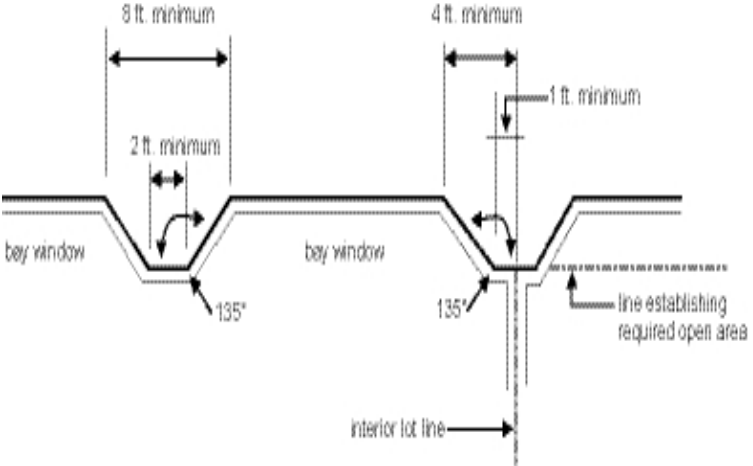


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				<p>(F) The minimum horizontal separation between bay windows, between balconies, and between bay windows and balconies (except where a bay window and a balcony are located immediately adjacent to one another, as provided for in Subparagraph (c)(2)(E) above), shall be two feet at the line establishing the required open area, and shall be increased in proportion to the distance from such line by means of 135-degree angles drawn outward from the ends of such two-foot dimension, reaching a minimum of eight feet along a line parallel to and at a distance of three feet from the line establishing the required open area.</p>
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(G) Each bay window or balcony over a street or alley, setback or rear yard shall also be horizontally separated from interior lot lines (except where the wall of a building on the adjoining lot is flush to the interior lot line immediately adjacent to the projecting portions of such bay window or balcony) by not less than one foot at the line establishing the required open area, with such separation increased in proportion to the distance from such line by means of a 135-degree angle drawn outward from such one-foot dimension, reaching a minimum of four feet along a line parallel to and at a distance of three feet from the line establishing the required open area;

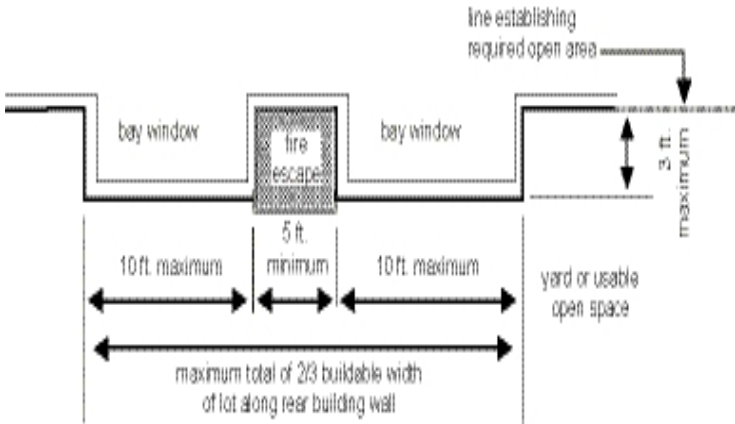


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		x	x	<p>(3) Bay (projecting) windows, balconies (other than balconies used for primary access to two or more dwelling units or two or more bedrooms in group housing), and similar features that increase either the floor area of the building or the volume of space enclosed by the building above grade, when limited as specified herein. With respect to obstructions within yards and usable open space, the bay windows and balconies specified in Paragraph (c)(2) above shall be permitted as an alternative to those specified in this Paragraph (c)(3).</p>
				<p>(A) The minimum headroom shall be 7" feet.</p>
				<p>(B) Projection into the required open area shall be limited to three feet, or 1/6 of the required minimum dimension (when specified) of the open area, whichever is less.</p>
				<p>(C) In the case of bay windows, the maximum length of each bay window shall be 10 feet, and the minimum horizontal separation between bay windows shall be five feet, above all parts of the required open area.</p>

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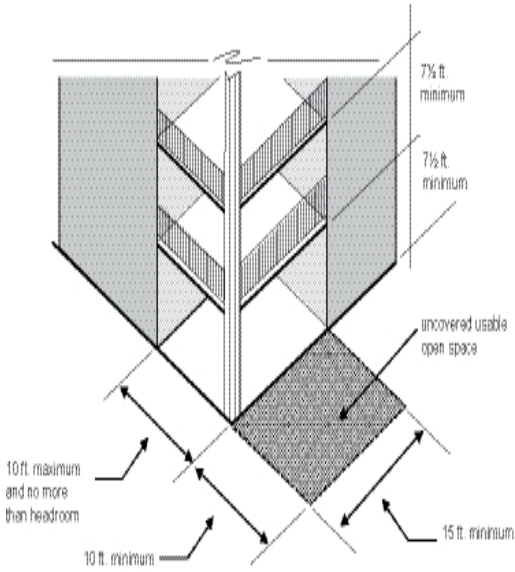
(D) The aggregate length of all bay windows and balconies projecting into the required open area shall be no more than 2/3 the buildable width of the lot along a rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the length of all open areas along the buildable length of an interior side lot line; in the case of yards, these limits on aggregate length shall apply to the aggregate of all bay windows, balconies, fire escapes and chimneys.



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				<p>(4) Fire escapes, leaving at least 7" feet of headroom exclusive of drop ladders to grade, and not projecting more than necessary for safety or in any case more than four feet six inches into the required open area. In the case of yards, the aggregate length of all bay windows, balconies, fire escapes and chimneys that extend into the required open area shall be no more than 2/3 the buildable width of the lot along a rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the buildable length of an interior side lot line;</p>
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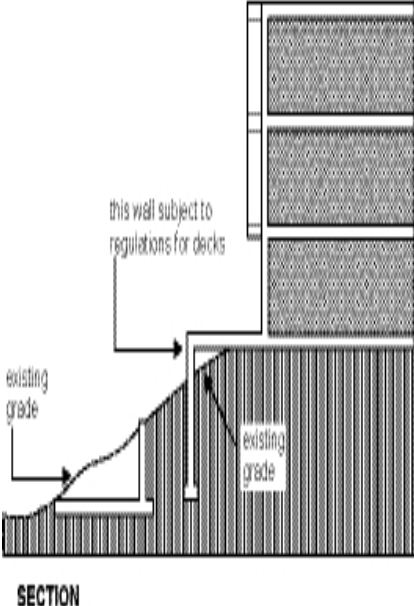
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			X	<p>(5) Overhead horizontal projections other than those listed in Paragraphs (c)(1), (2), (3) and (4) above, leaving at least 7" feet of headroom, where the depth of any such projection is no greater than the headroom it leaves, and in no case is greater than 10 feet; and provided that, in the case of common usable open space at ground level, the open space under the projection directly adjoins uncovered usable open space that is at least 10 feet in depth and 15 feet in width;</p> 
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		x		(6) Chimneys not extending more than three feet into the required open area or 1/6 of the required minimum dimension (when specified) of the open area, whichever is less; provided, that the aggregate length of all bay windows, balconies, fire escapes and chimneys that extend into the required open area is no more than 2/3 the buildable width of the lot along a rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the buildable length of an interior side lot line;
x				(7) Temporary occupancy of street and alley areas during construction and alteration of buildings and structures, as regulated by the Building Code and other portions of the Municipal Code;
≠				(8) Space below grade, as regulated by the Building Code and other portions of the Municipal Code;
x	x			(9) Building curbs and buffer blocks at ground level, not exceeding a height of nine inches above grade or extending more than nine inches into the required open area;
x	x			(10) Signs as regulated by Article 6 of this Code, at locations and to the extent permitted therein;
x	x			(11) Flagpoles for projecting flags permitted by Article 6 of this Code;

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x	x			<p>(12) Awnings, canopies, and Marquees, awnings and canopies in P, NC, C, M, MUG, MUO, MUR, UMU, RSD, SPD, SLR, SLI, DTR and SSO districts, as regulated by the Building Code, and as further limited in Section 136.1 and other provisions of this Code;</p>
	x	x	x	<p>(13) Retaining walls that are necessary to maintain approximately the grade existing at the time of construction of a building. Other retaining walls and the grade maintained by them shall be subject to the same regulations as decks (see Paragraphs (c)(24) and (c)(25) below);</p> 

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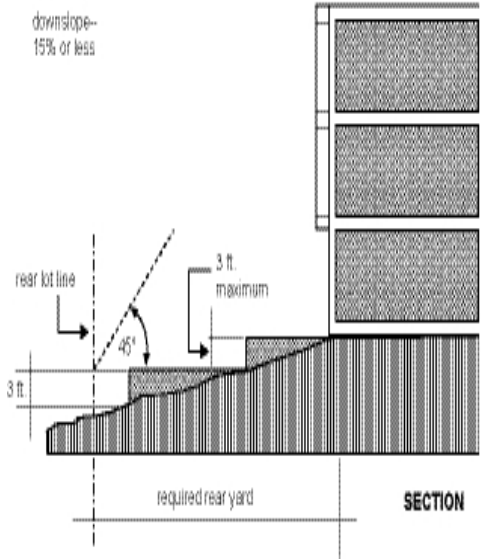
	x	x	x	(14) Steps of any type not more than three feet above grade, and uncovered stairways and landings not extending higher than the floor level of the adjacent first floor of occupancy above the ground story, and, in the case of yards and usable open space, extending no more than six feet into the required open area for any portion that is more than three feet above grade, provided that all such stairways and landings shall occupy no more than 2/3 the buildable width of the lot along a front or rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the length of all open areas along the buildable length of an interior side lot line;
x	x	x	x	(15) Railings no more than three feet six inches in height above any permitted step, stairway, landing, fire escape, deck, porch or balcony, or above the surface of any other structure permitted in the required open area.
	x	x	x	(16) Decorative railings and decorative grille work, other than wire mesh, at least 75 percent open to perpendicular view and no more than six feet in height above grade;
	x	x	x	(17) Fences no more than three feet in height above grade;
		x	x	(18) Fences and wind screens no more than six feet in height above grade;

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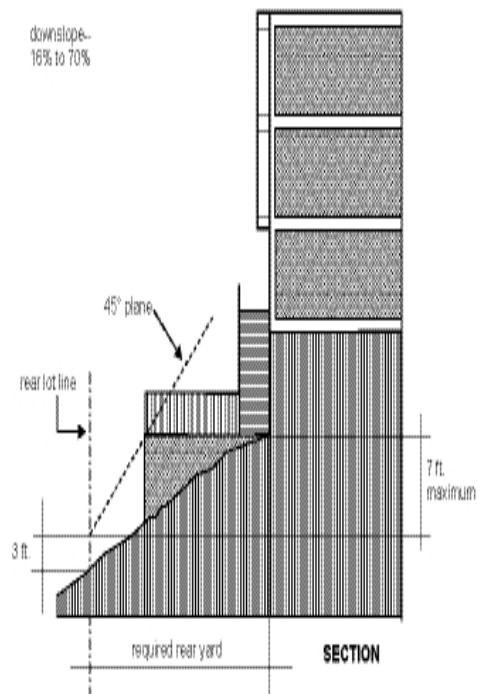
		x		(19) Fences and wind screens no more than 10 feet in height above grade;
		x	x	(20) Normal outdoor recreational and household features such as play equipment and drying lines;
	x	x	x	(21) Landscaping and garden furniture;
		x	x	(22) Garden structures enclosed by walls on no more than 50 percent of their perimeter, such as gazebos and sunshades, if no more than eight feet in height above grade and covering no more than 60 square feet of land;
		x		(23) Other structures commonly used in gardening activities, such as greenhouses and sheds for storage of garden tools, if no more than eight feet in height above grade and covering no more than 100 square feet of land;
		x		(24) Decks, whether attached to a building or not, at or below the adjacent first floor of occupancy, if developed as usable open space and meeting the following requirements:

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(A) Slope of 15 percent or less. The floor of the deck shall not exceed a height of three feet above grade at any point in the required open area, nor shall such floor penetrate a plane made by a vertical angle 45 degrees above horizontal with its vertex three feet above grade at any lot line bordering the required open area,



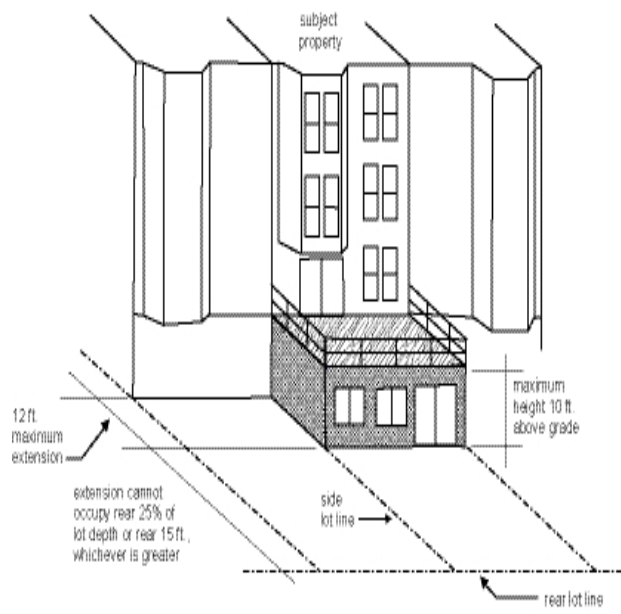
(B) Slope of more than 15 percent and no more than 70 percent. The floor of the deck shall not exceed a height of three feet above grade at any point along any lot line bordering the required open area, nor shall such floor penetrate a plane made by a vertical angle 45 degrees above horizontal with its vertex three feet above grade at any lot line bordering the required open area, except that when two or more lots are developed with adjacent decks whose floor levels differ by not more than three feet, whether or not the lots will remain in the same ownership, each deck may come all the way to the lot line adjacent to the other deck. In addition, the vertical distance measured up from grade to the floor of the deck shall not exceed seven feet at any point in the required open area,



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				<p>(C) Slope of more than 70 percent. Because in these cases the normal usability of the required open area is seriously impaired by the slope, a deck covering not more than 1/3 the area of the required open area may be built exceeding the heights specified above, provided that the light, air, view, and privacy of adjacent lots are not seriously affected. Each such case shall be considered on its individual merits. However, the following points shall be considered guidelines in these cases:</p>
				<p>(i) The deck shall be designed to provide the minimum obstruction to light, air, view and privacy.</p>
				<p>(ii) The deck shall be at least two feet inside all side lot lines.</p>
				<p>(iii) On downhill slopes, a horizontal angle of 30 degrees drawn inward from each side lot line at each corner of the rear building line shall be maintained clear, and the deck shall be kept at least 10 feet inside the rear lot line;</p>
		x		<p>(25) Except in required side yards, decks, and enclosed and unenclosed extensions of buildings, when limited as specified herein:</p>

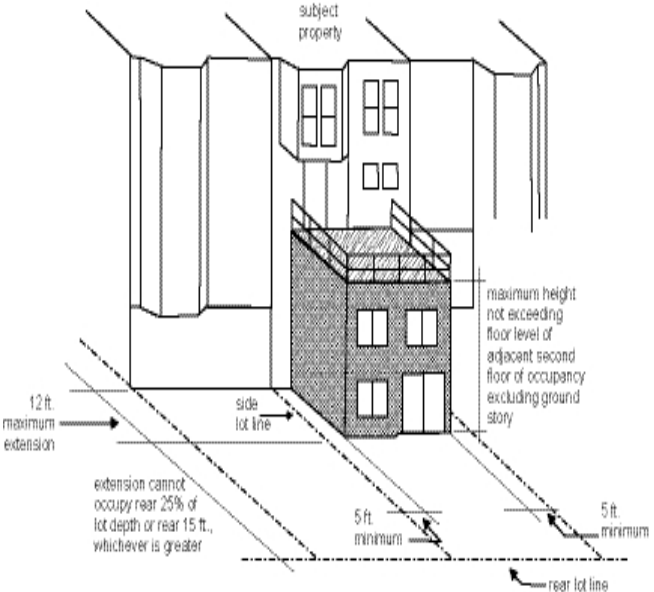
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				<p>(A) The structure shall extend no more than 12 feet into the required open area; and shall not occupy any space within the rear 25 percent of the total depth of the lot, or within the rear 15 feet of the depth of the lot, whichever is greater,</p>
				<p>(B) Within all parts of the required open area, the structure shall be limited in height to either:</p>
				<p>(i) 10 feet above grade, or</p> 

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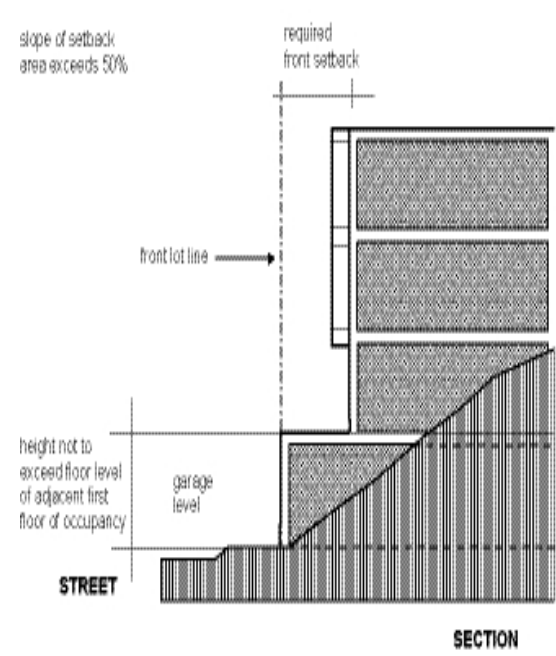
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(ii) A height not exceeding the floor level of the second floor of occupancy, excluding the ground story, at the rear of the building on the subject property, in which case the structure shall be no closer than five feet to any interior side lot line,



(C) Any fence or wind screen extending above the height specified in Subparagraph (c)(25)(B) shall be limited to six feet above such height; shall be no closer to any interior side lot line than one foot for each foot above such height; and shall have not less than 80 percent of its surfaces above such height composed of transparent or translucent materials;

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		x	<p>(26) Garages which are underground, or under decks conforming to the requirements of Paragraph (c)(24) or (c)(25) above, if their top surfaces are developed as usable open space, provided that no such garage shall occupy any area within the rear 15 feet of the depth of the lot;</p>
	x		<p>(27) Garages, where the average slope of the required open area ascends from the street lot line to the line at the setback and exceeds 50 percent, provided the height of the garage is limited to 10 feet above grade, or the floor level of the adjacent first floor of occupancy on the subject property, whichever height is less;</p>  <p>The diagram illustrates a cross-section of a lot with a steep slope. A dashed vertical line indicates the 'required front setback'. A solid vertical line indicates the 'front lot line'. A horizontal line indicates the 'garage level'. A horizontal line indicates the 'height not to exceed floor level of adjacent first floor of occupancy'. The area between the front lot line and the required front setback is shaded with diagonal lines, indicating the slope. The area between the garage level and the height not to exceed floor level of adjacent first floor of occupancy is shaded with vertical lines. The word 'STREET' is written at the bottom left, and 'SECTION' is written at the bottom right.</p>

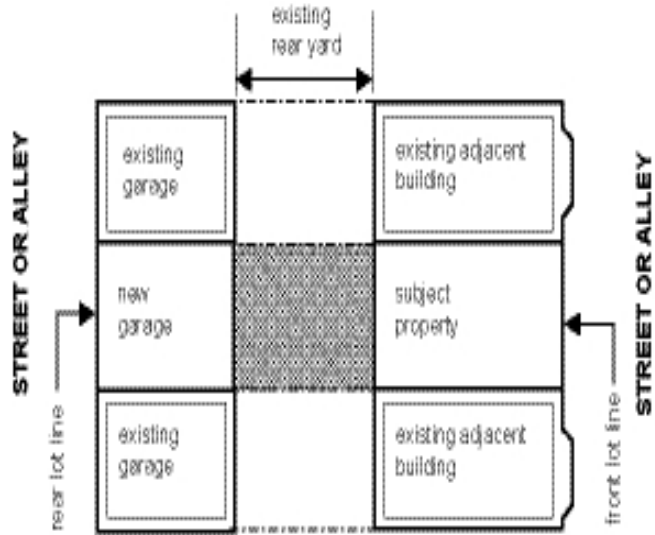
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	*			<p>(28) Garages, where both adjoining lots (or the one adjoining lot where the subject property is a corner lot) contain a garage structure within the required setback line or front setback area on the same street or alley frontage, provided the garage on the subject property does not exceed the average of the two adjacent garage structures (or the one adjacent garage structure where the subject property is a corner lot) in either height above grade or extension into the required setback;</p>
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(28) (29)—Garages, where the subject property is a through lot having both its front and its rear lot line along streets, alleys, or a street and an alley, and both adjoining lots (or the one adjoining lot where the subject property is also a corner lot) contain a garage structure adjacent to the required rear yard on the subject property, provided the garage on the subject property does not exceed the average of the two adjacent garage structures (or the one adjacent garage structure where the subject property is a corner lot) in either height above grade or encroachment upon the required rear yard;



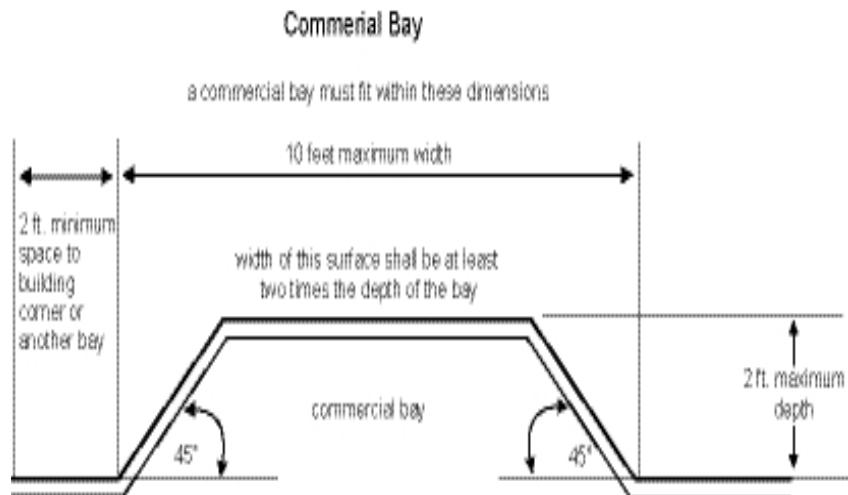
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x	x	x		<p>(29) (30) Driveways, for use only to provide necessary access to required or permitted parking that is located in the buildable area of the subject property other than in a required open area, and where such driveway has only the minimum width needed for such access, and in no case shall parking be allowed in the setback;</p>
		x	x	<p>(30) (31) In the Outer Clement Street Neighborhood Commercial District, outdoor activity area if used in connection with a commercial use on a contiguous lot and which existed in 1978 and has remained in said use since 1978.</p>
				<p>(d) Notwithstanding the limitations of Subsection (c) of this Section, the following provisions shall apply in C-3 districts:</p>
				<p>(1) Decorative Architectural Features. Decorative architectural features not increasing the interior floor area or volume of the space enclosed by the building are permitted over streets and alleys and into setbacks within the maximum vertical and horizontal dimensions described as follows:</p>
				<p>(A) At roof level, decorative features such as cornices, eaves, and brackets may project four feet with a maximum vertical dimension no greater than six feet.</p>

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				(B) At all levels above the area of minimum vertical clearance required in Subsection (a)(1) above, decorative features, such as belt courses, entablatures, and bosses, may project two feet, with a maximum vertical dimension of four feet.
				(C) At all levels above the area of minimum vertical clearance required by Subsection (a)(1) above, vertical decorative features, such as pilasters, columns, and window frames (including pediment and sills), with a cross-sectional area of not more than three square feet at midpoint, may project one foot horizontally.

(2) **Bay Windows.** Notwithstanding the provisions of Subsections (c)(2)(D) and (F) of this Section, bay windows on nonresidential floors of a structure are permitted only if the width of the bay is at least two times its depth, the total width of all bays on a facade plane does not exceed 75% of the width of the facade plane, and the maximum horizontal (plan) dimensions of the bay fit within the dimensions set forth in the diagram below.



SEC. 136.1. AWNINGS, CANOPIES AND MARQUEES ~~IN NC, EASTERN NEIGHBORHOODS MIXED USE AND SOUTH OF MARKET MIXED USE DISTRICTS.~~

In addition to the limitations of Section 136, especially Paragraph 136(c)(12), the following provisions shall apply all NC, Eastern Neighborhoods Mixed Use and South of Market Mixed Use Districts.

In Residential and Residential Enclave Districts, awnings are permitted only for Limited Commercial Uses, as defined in Section 186 of this Code, for limited commercial uses permitted in

1 landmark buildings by Section 209.9(e), and for Limited Corner Commercial Uses as defined in Section
2 231 of this Code. Canopies and marquees are not permitted.

3 The addition or alteration of awnings, canopies, or marquees on a landmark site or in a historic
4 district shall require a certificate of appropriateness, in accordance with Section 1006 et seq. of this
5 Code. Signage on awnings, canopies, and marquees may be further regulated by Article 6 of this Code.

6 (a) **Awnings.** Awnings, as defined in Section 790.20 of this Code, shall be regulated in
7 NC, Eastern Neighborhoods Mixed Use and South of Market Mixed Use Districts as set forth below.

8 An awning is a light roof-like structure supported entirely by the exterior wall of a building;
9 consisting of a fixed or movable frame covered with cloth, plastic or metal; extending over doors,
10 windows, and/or show windows; with the purpose of providing protection from sun and rain and/or
11 embellishment of the facade. Awnings may not be directly illuminated, but may be indirectly
12 illuminated or nonilluminated.

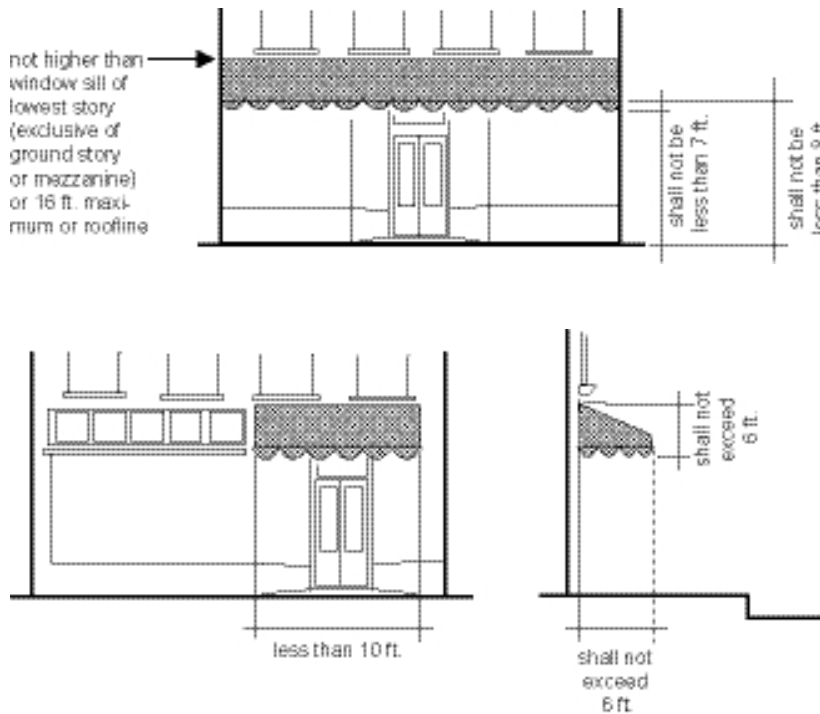
13 All portions of any permitted awning shall be not less than eight feet above the finished
14 grade, excluding any valance which shall not be less than seven feet above the finished
15 grade. No portion of any awning shall be higher than the windowsill level of the lowest story (if
16 any) exclusive of the ground story and mezzanine, or extend above the bottom of a projecting
17 upper-story window bay, or cover any belt cornice or horizontal molding, provided that no such
18 awning shall in any case exceed a height of 16 feet or the roofline of the building to which it is
19 attached, whichever is lower. Where external piers or columns define individual storefront bays, an
20 awning may not cover such piers or columns.

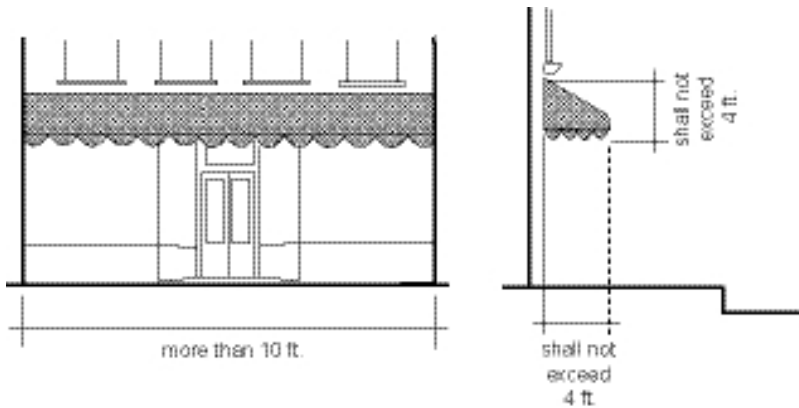
21 (1) **Residential, Residential Enclave, NC-1, NCT-1, and CRNC Districts.** The horizontal
22 projection of any awning shall not exceed four feet from the face of a building. The vertical
23 distance from the top to the bottom of any awning shall not exceed four feet, including any
24 valance. Awnings for Limited Commercial Uses in Residential and Residential Enclave Districts may
25

1 be located only along the building frontage dedicated to commercial use, and may not extend above the
2 ground floor. Only awnings covered with cloth are permitted in the Residential Districts.

3 (2) **All Other NC, Eastern Neighborhoods Mixed Use and South of Market Mixed Use**
4 **Districts.** When the width of all awnings is 10 feet or less along the direction of the street, the
5 horizontal projection of such awnings shall not exceed six feet from the face of any supporting
6 building and the vertical distance from the top to the bottom of such awnings shall not exceed
7 six feet, including any valance. When the width of all awnings exceeds 10 feet measured
8 along the direction of the street, the horizontal projection of such awnings shall not exceed
9 four feet from the face of the supporting building and the vertical distance from the top to the
10 bottom of such awnings shall not exceed four feet, including any valance.

11 **NOTE:** These illustrations are diagrams showing maximum dimensions and are not
12 design examples.





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8 (b) **Canopies.** Canopies, ~~as defined in Section 790.26 of this Code,~~ shall be regulated in
9 ~~NC, Eastern Neighborhoods Mixed Use and South of Market Mixed Use Districts~~ as set forth below.

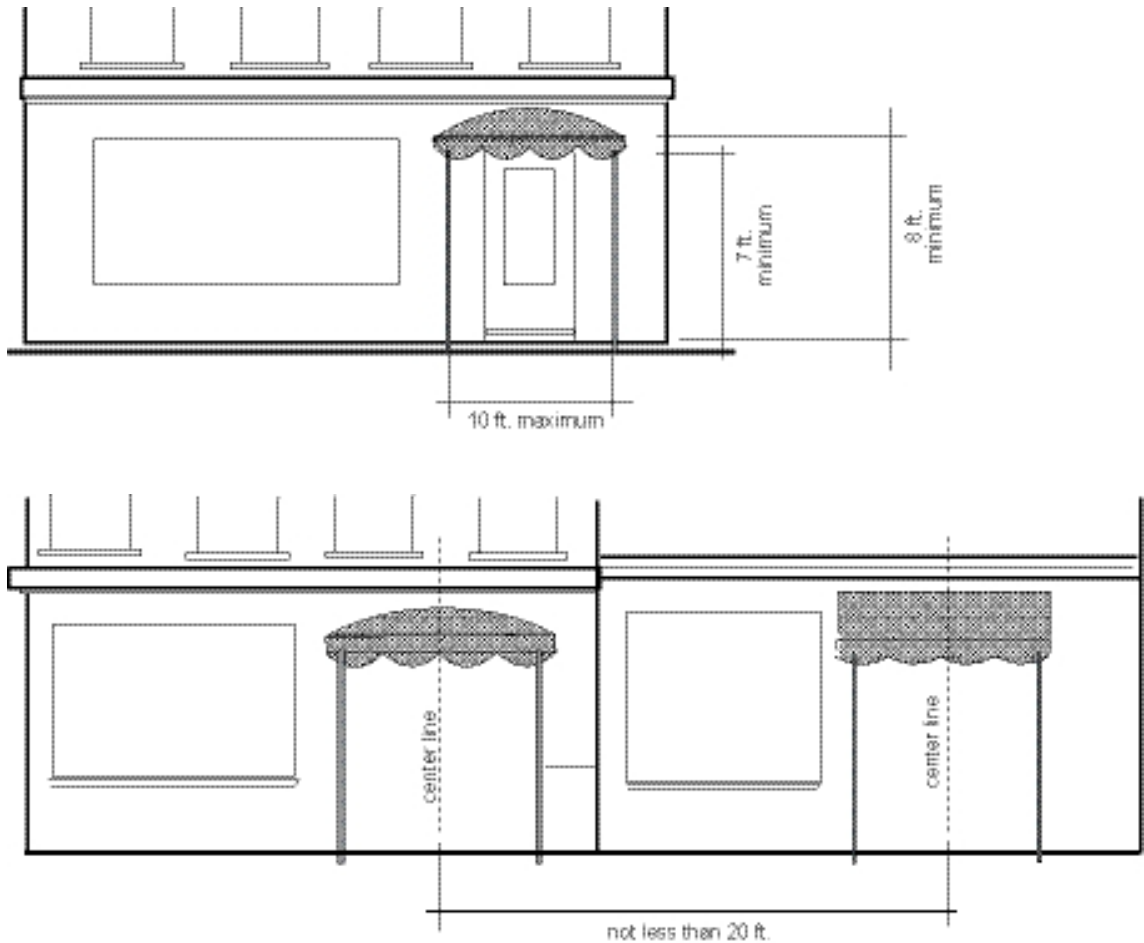
10 A canopy is a light roof-like structure supported by the exterior wall of a building and on
11 columns or wholly on columns; consisting of a fixed or movable frame covered with approved cloth,
12 plastic or metal; extending over entrance doorways only; with the purpose of providing protection from
13 sun and rain and/or embellishment of the facade. Canopies may not be directly illuminated, but may be
14 indirectly illuminated or nonilluminated.

15 (1) **Residential, Residential Enclave, NC-1, NCT-1, and CRNC Districts.** No canopy shall
16 be permitted in any Residential, Residential Enclave, NC-1, NCT-1, or CRNC District.

17 (2) **All Other NC, Eastern Neighborhoods Mixed Use and South of Market Mixed Use**
18 **Districts.** The maximum width of any canopy shall be 10 feet. The horizontal projection of
19 any canopy may extend to a point not closer than two feet from the curb. The outer column
20 support shall be located in the outer 1/3 of the sidewalk and shall be no less than four feet
21 from the building face to ensure adequate clear space along the sidewalk. The vertical
22 distance from the top to the bottom of the canopy shall not exceed an average of two feet,
23 including any valance. The highest point of the canopy shall not exceed a point four feet
24 above the door opening or 16 feet, whichever is less. All portions of any canopy, excluding
25 the column supports and excluding any valance which may be not less than seven feet above

1 the finished grade, shall be not less than eight feet above the finished grade. Canopies shall
2 not be spaced closer than 20 feet from each other, measured from centerline to centerline.

3 **NOTE:** These illustrations are diagrams showing maximum dimensions and are not
4 design examples.



22 (c) **Marquees.** *Marquees, as defined in Section 790.58 of this Code, shall be regulated in*
23 *NC, Eastern Neighborhoods Mixed Use and South of Market Mixed Use Districts as set forth below.*

24 *A marquee is a permanent roofed structure attached to and supported entirely by a building,*
25 *including any object or decoration attached to or part of said marquee; no part of which shall be used*

1 for occupancy or storage; with the purpose of providing protection from sun and rain or embellishment
2 of the facade.

3 Exceptions to these requirements may be permitted for Historic Movie Theater Marquees,
4 subject to the standards and procedures of Section 602.9.3.

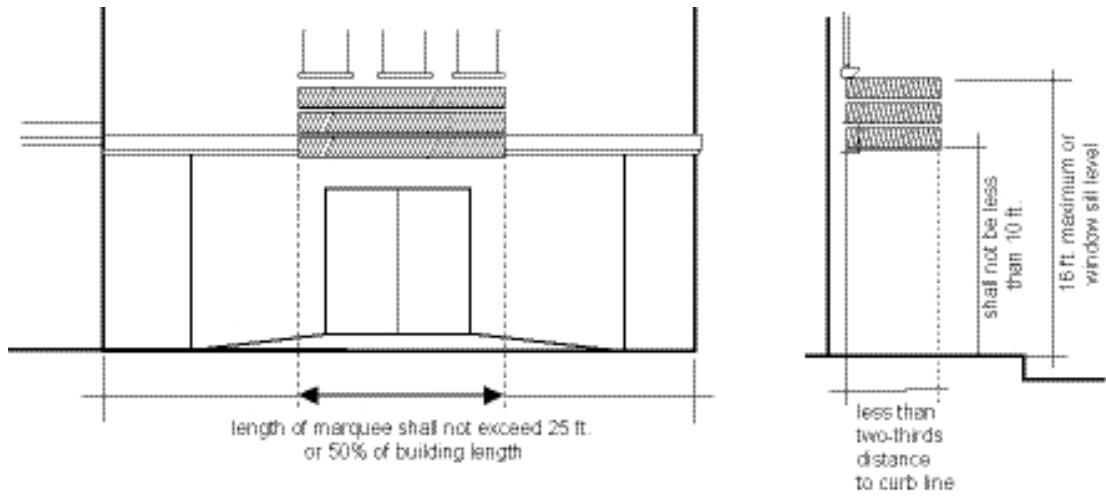
5 (1) **Residential, Residential Enclave, NC-1 NCT-1, and CRNC Districts.** No marquee
6 shall be permitted in any Residential, Residential Enclave, NC-1, NCT-1, or CRNC District.

7 (2) **All Other ~~NC, Eastern Neighborhoods Mixed Use and South of Market Mixed Use~~**
8 **Districts.** The vertical distance from the top to the bottom of any marquee shall not exceed
9 three feet and the horizontal projection shall not extend beyond a point not closer than two
10 feet from the curb.

11 (A) A marquee projecting more than 2/3 of the distance from the property line to the
12 curb line shall not exceed 10 feet or 50 percent of the length of the building along the direction
13 of the street, whichever is less. All portions of such marquee shall be not less than 12 feet nor
14 more than 16 feet in height above the finished grade, nor higher than the windowsill level
15 exclusive of the ground story and mezzanine. Each building frontage shall be considered
16 separately.

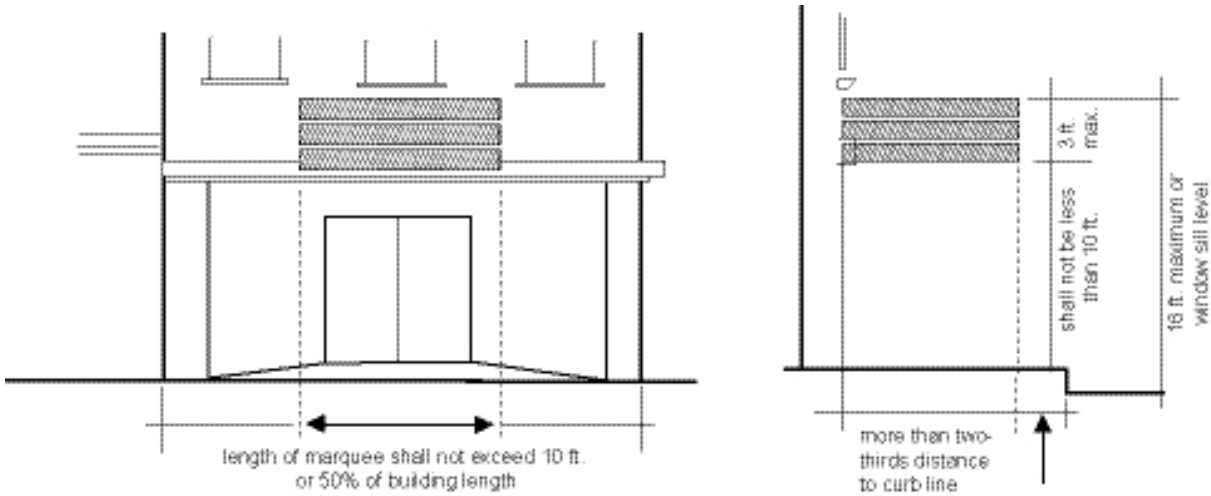
17 **NOTE:** These illustrations are diagrams showing maximum dimensions and are not
18 design examples.

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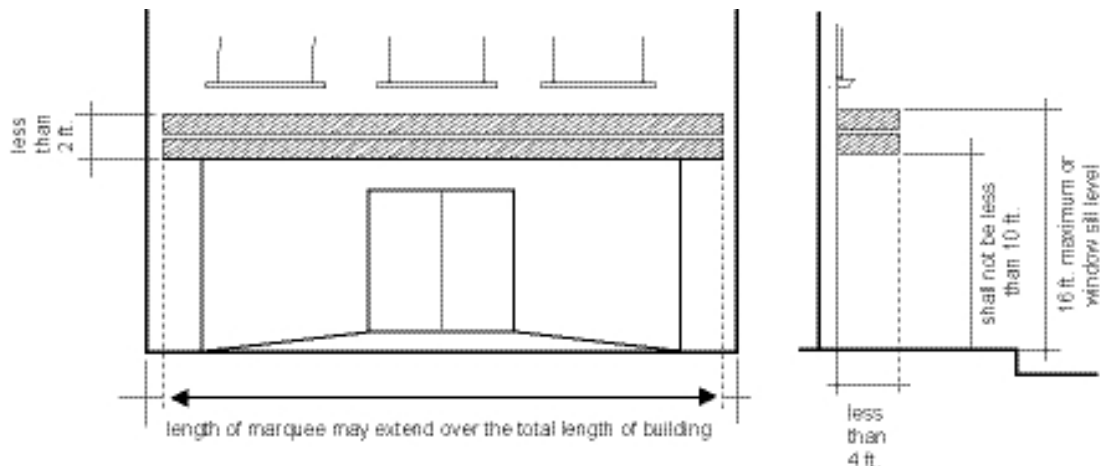
(B) A marquee projecting less than 2/3 of the distance from the property line to the curb line shall not exceed 25 feet or 50 percent of the length of the building along the direction of the street, whichever is less. All portions of such marquee shall be not less than 10 feet nor more than 16 feet above the finished grade, nor higher than the windowsill level or windows on the building facade on which the marquee is placed, exclusive of the ground story and mezzanine. Each building frontage shall be considered separately.

NOTE: These illustrations are diagrams showing maximum dimensions and are not design examples.



1 (C) A marquee projecting less than four feet from the property line and not exceeding
2 two feet in thickness may extend over the total length of the building along the direction of the
3 street. All portions of such marquee shall not be less than 10 feet nor more than 16 feet above
4 the finished grade, nor higher than the windowsill level or windows on the building facade on
5 which the marquee is placed, exclusive of ground story and mezzanine. Each building
6 frontage shall be considered separately.

7 **NOTE:** These illustrations are diagrams showing maximum dimensions and are not
8 design examples.



17
18 **SEC. 138. OPEN SPACE REQUIREMENTS IN C-3 DISTRICTS.**

19 (a) **Requirement.** An applicant for a permit to construct a new building or an addition
20 of gross floor area equal to 20 percent or more of an existing building (hereinafter "building")
21 in C-3 Districts shall provide open space in the amount and in accordance with the standards
22 set forth in this Section. All determinations concerning the adequacy of the amount of open
23 space to be provided and its compliance with the requirements of this Section shall be made
24 in accordance with the provisions of Section 309

1 (b) **Amount Required.** Open space shall be provided in the amounts specified below
 2 for all uses except (i) residential uses, which shall be governed by Section 135 of this Code;
 3 *and* (ii) institutional uses; *and (iii) uses in a predominantly retail building. For the purposes of this*
 4 *section, a "predominantly retail building" is one in which 2/3 or more of the occupied floor area is in*
 5 *retail use.*

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

16 (c) **Location.** The open space required by this Section may be on the same site as
 17 the building for which the permit is sought, or within 900 feet of it on either private property or,
 18 with the approval of all relevant public agencies, public property, provided that all open space
 19 must be located entirely within the C-3 District. Open space is within 900 feet of the building
 20 within the meaning of this Section if any portion of the building is located within 900 feet of any
 21 portion of the open space. Off-site open space shall be developed and open for use prior to
 22 issuance of a temporary permit of occupancy of the building whose open space requirement is
 23 being met off-site. The procedures of Section 149(d) governing issuance of a temporary
 24 permit of occupancy shall apply to this subsection.

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

9 (1) Be of adequate size;

10 (2) Be situated in such locations and provide such ingress and egress as will make the
11 area easily accessible to the general public;

12 (3) Be well-designed, and where appropriate, be landscaped;

13 (4) Be protected from uncomfortable wind;

14 (5) Incorporate various features, including ample seating and, if appropriate, access to
15 food service, which will enhance public use of the area;

16 (6) Have adequate access to sunlight if sunlight access is appropriate to the type of
17 area;

18 (7) Be well-lighted if the area is of the type requiring artificial illumination;

19 (8) Be open to the public at times when it is reasonable to expect substantial public
20 use;

21 (9) Be designed to enhance user safety and security;

22 (10) If the open space is on private property, provide toilet facilities open to the public;

23 (11) Have at least 75 percent of the total open space approved be open to the public
24 during all daylight hours.

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

6 The Commission may, by resolution, declare certain types of open space ineligible
7 throughout C-3 Districts, or in certain defined areas, if it determines that a disproportionate
8 number of certain types of open space, or that an insufficient number of parks and plazas, is
9 being provided in order to meet the public need for open space and recreational uses. Such
10 resolution may exempt from its application projects whose permit applications are on file with
11 the ~~Department of City~~ Planning Department. Over time, no more than 20 percent of the space
12 provided under this Section shall be indoor space and at least 80 percent shall be outdoor
13 space. Once an indoor space has been approved, another such feature may not be approved
14 until the total square footage of outdoor open space features approved under this Section
15 exceeds 80 percent of the total square footage of all open spaces approved under this
16 Section.

17 (f) **Open Space Provider.** The open space required by this Section may be provided:
18 (i) individually by the project sponsor; (ii) jointly by the project sponsor and other project
19 sponsors; provided, that each square foot of jointly developed open space may count toward
20 only one sponsor's requirement; or (iii) with the approval of the ~~City~~ Planning Commission, by
21 a public or private agency which will develop and maintain the open space and to which a
22 payment is made by the sponsor for the cost of development of the number of square feet the
23 project sponsor is required to provide, and with which provision is made, satisfactory to the
24 Commission, for the continued maintenance of the open space for the actual lifetime of the
25 building giving rise to the open space requirement, provided that the Commission finds that

1 there is reasonable assurance that the open space to be developed by such agency will be
2 developed and open for use by the time the building, the open space requirement of which is
3 being met by the payment, is ready for occupancy.

4 (g) **Nonresidential/Residential Open Space.** In mixed nonresidential/residential
5 projects, open space which meets the requirements of Section 135 regarding common usable
6 open space for residential uses, and the requirements of Section 138 regarding open space
7 for nonresidential uses, may be counted against the open space requirements of both
8 Sections 135 and 138.

9 (h) **Maintenance.** Open spaces shall be maintained at no public expense. Conditions
10 intended to assure continued maintenance of the open space for the actual lifetime of the
11 building giving rise to the open space requirement may be imposed in accordance with the
12 provisions of Section 309

13 (i) **Informational Plaque.** Prior to issuance of a permit of occupancy, a plaque shall
14 be placed in a publicly conspicuous location outside the building at street level, or at the site
15 of an outdoor open space, identifying the open space feature and its location, stating the right
16 of the public to use the space and the hours of use, describing its principal required features
17 (e.g., number of seats, availability of food service) and stating the name and address of the
18 owner or owner's agent responsible for maintenance.

19 **SEC. 138.1. STREETScape AND PEDESTRIAN IMPROVEMENTS.**

20 (a) **Purpose.** The purpose of this section is to establish requirements for the
21 improvement of the public right-of-way associated with development projects, such that the
22 public right-of-way may be safe, accessible, convenient and attractive to pedestrian use and
23 travel by all modes of transportation consistent with the San Francisco General Plan, achieve
24 best practices in ecological stormwater management, and provide space for public life and
25

1 social interaction, in accordance with the City's "Better Streets Policy" (Administrative Code
2 Section 98.1).

3 (b) **Better Streets Plan.**

4 (1) The Better Streets Plan, as defined in Administrative Code Section 98.1(e), shall
5 govern the design, location, and dimensions of all pedestrian and streetscape items in the
6 public right-of-way, including but not limited to those items shown in Table 1. Development
7 projects that propose or are required through this section to make pedestrian and streetscape
8 improvements to the public right-of-way shall conform with the principles and guidelines for
9 those elements as set forth in the Better Streets Plan to the maximum extent feasible.

10 (2) Proposed improvements also shall be subject to approval by other city bodies with
11 permitting jurisdiction over such streetscape improvements.

12 **Table 1: Pedestrian and Streetscape Elements per the Better Streets Plan**

13

#	PHYSICAL ELEMENT	BETTER STREETS PLAN SECTION
1	Curb ramps*	5.1
2	Marked crosswalks*	5.1
3	Pedestrian-priority signal devices and timings	5.1
4	High-visibility crosswalks	5.1
5	Special crosswalk treatments	5.1
6	Restrictions on vehicle turning movements at crosswalks	5.1
7	Removal or reduction of permanent crosswalk closures	5.1
8	Mid-block crosswalks	5.1

1	9	Raised crosswalks	5.1
2	10	Curb radius guidelines	5.2
3	11	Corner curb extensions or bulb-outs*	5.3
4	12	Extended bulb-outs	5.3
5	13	Mid-block bulb-outs	5.3
6	14	Center or side medians	5.4
7	15	Pedestrian refuge islands	5.4
8	16	Transit bulb-outs	5.5
9	17	Transit boarding islands	5.5
10	18	Flexible use of the parking lane	5.6
11	19	Parking lane planters	5.6
12	20	Chicanes	5.7
13	21	Traffic calming circles	5.7
14	22	Modern roundabouts	5.7
15	23	Sidewalk or median pocket parks	5.8
16	24	Reuse of 'pork chops' and excess right-of-way	5.8
17	25	Multi-way boulevard treatments	5.8
18	26	Shared public ways	5.8
19	27	Pedestrian-only streets	5.8
20	28	Public stairs	5.8
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1	29	Street trees*	6.1
2	30	Tree basin furnishings*	6.1
3	31	Sidewalk planters*	6.1
4	32	Above-ground landscaping	6.1
5	33	Stormwater management tools*	6.2
6	34	Street and pedestrian lighting*	6.3
7	35	Special paving*	6.4
8	36	Site furnishings*	6.5
9	Standard streetscape elements marked with a *. (Requirement varies by street type: see the		
10	Better Streets Plan)		

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

16 (1) **Street trees.**

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

22 (ii) **Standards.**

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

24 (aa) Comply with Public Works Code Article 16 and any other applicable ordinances;
25

1 (bb) Be suitable for the site;

2 (cc) Be a minimum of one tree of 24-inch box size for each 20 feet of frontage of the
3 property along each street or alley, with any remaining fraction of 10 feet or more of frontage
4 requiring an additional tree. Such trees shall be located either within a setback area on the lot
5 or within the public right-of-way along such lot.

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

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

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

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

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

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

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

21 (C) Street trees shall be planted in a continuous soil-filled trench parallel to the curb,
22 such that the basin for each tree is connected, if all the following conditions are present: (1)
23 the subject lot is in one of the Districts specified in Subsection 138.1(c)(1)(ii)(B); (2) the project
24 is on a lot that (a) is greater than 1/2-acre in total area, (b) contains 250 feet of total lot
25 frontage on one or more publicly-accessible rights-of-way, or (c) the frontage encompasses

1 the entire block face between the nearest two intersections with any other publicly-accessible
2 rights-of-way, and (3) the project includes (a) new construction; (b) addition of 20% or more of
3 gross floor area to an exiting building; or (c) alteration to greater than 50% of the existing
4 square footage of a building.

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

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

10 (iii) **Approvals and waivers.**

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

15 (B) In any case in which the Department of Public Works cannot grant approval for
16 installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width,
17 interference with utilities or other reasons regarding the public welfare, and where installation
18 of such tree on the lot itself is impractical, the tree planting requirements of this Section
19 138.1(c)(1) may be modified or waived by the Zoning Administrator as described herein:

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

22 (bb) When a pre-existing site constraint prevents the installation of a street tree, as an
23 alternative to payment of any portion of the in-lieu fee, the Zoning Administrator may allow the
24 installation of sidewalk landscaping that is compliant with applicable water use requirements
25 of Chapter 63 of the Administrative Code, to satisfy the requirements of Section 138.1(c)(1),

1 subject to permit approval from the Department of Public Works in accordance with Public
2 Works Code Section 810B.

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

12 **(i) Application.**

13 (A) In any district, streetscape and pedestrian elements in conformance with the Better
14 Streets Plan shall be required, if all the following conditions are present: (1) the project is on a
15 lot that (a) is greater than ½-acre in total area, (b) contains 250 feet of total lot frontage on one
16 or more publicly-accessible rights-of-way, or (c) the frontage encompasses the entire block
17 face between the nearest two intersections with any other publicly-accessible rights-of-way,
18 and (2) the project includes (a) new construction; (b) addition of 20% or more of gross floor
19 area to an exiting building; or (c) alteration to greater than 50% of the existing square footage
20 of a building.

21 (B) Project sponsors that meet the thresholds of this Subsection shall submit a
22 streetscape plan to the Planning Department showing the location, design, and dimensions of
23 all existing and proposed streetscape elements in the public right-of-way directly adjacent to
24 the fronting property, including street trees, sidewalk landscaping, street lighting, site
25

1 furnishings, utilities, driveways, and curb lines, and the relation of such elements to proposed
2 new construction and site work on the subject property.

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

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

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

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

17 (B) **Sidewalk widening.** The Planning Department in consultation with other agencies
18 shall evaluate whether sufficient roadway space is available for sidewalk widening for the
19 entirety or a portion of the fronting public right-of-way in order to meet or exceed the
20 recommended sidewalk widths for the appropriate street type per Table 2 and the Better
21 Streets Plan and/or to provide additional space for pedestrian and streetscape amenities. If it
22 is found that sidewalk widening is feasible and desirable, the Planning Department shall
23 require the owner or developer to install such sidewalk widening as a condition of approval,
24 including all associated utility re-location, drainage, and street and sidewalk paving.

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

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'

1	-	Shared public way	n/a
2	-	Paseo	varies

3
4 (iii) **Review and approvals.**

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

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

23 (C) **Waiver.** Any City agency tasked with the design, permitting, use, and
24 maintenance of the public right-of-way, may waive any or all Department required
25 improvements of the streetscape plan as described in this Subsection under that agency's

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

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

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

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

23 (A) Any new construction;

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

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

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

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

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

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

17 (i) In the Rincon Hill Downtown Residential Mixed Use (RH-DTR) and Folsom and
18 Main Residential/Commercial Special Use Districts, the boundaries of which are shown in
19 Section Map No. 1 of the Zoning Map, for all frontages abutting a public sidewalk, the project
20 sponsor is required to install sidewalk widening, street trees, lighting, decorative paving,
21 seating and landscaping in accordance with the Streetscape Plan of the Rincon Hill Area
22 Plan, developed by the Planning Department and approved by the Board of Supervisors for:
23 (A) any new construction; (B) the addition of floor area equal to 20 percent or more of an
24 existing building; or (C) alteration to greater than 50% of the existing square footage of a
25 building.

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

6 (e) **Additional provisions.**

7 (1) **Maintenance.** Unless otherwise determined, fronting property owners shall
8 maintain all streetscape improvements required by this section, including street trees,
9 landscaping, bicycle racks, benches, special paving, and other site furnishings at no public
10 expense per the requirements of Public Works Code Section 706 (sidewalks and site
11 furnishings) and 805 (street trees), except for standard street lighting from a City-approved
12 palette of street lights and any improvements within the roadway. Conditions intended to
13 assure continued maintenance of the improvements for the actual lifetime of the building
14 giving rise to the streetscape improvement requirement may be imposed as a condition of
15 approval by the Planning Department.

16 (2) For any streetscape and/or pedestrian improvements installed pursuant to this
17 section, the abutting property owner or owners shall hold harmless the City and County of San
18 Francisco, its officers, agents, and employees, from any damage or injury caused by reason
19 of the design, construction or maintenance of the improvements, and shall require the owner
20 or owners or subsequent owner or owners of the respective property to be solely liable for any
21 damage or loss occasioned by any act. This requirement shall be deemed satisfied if City
22 permits for the improvements include indemnification and hold harmless provisions.

23 (3) Notwithstanding the provisions of this Section, an applicant shall apply for and
24 obtain all required permits and approvals for changes to the legislated sidewalk widths and
25 street improvements.

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

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

3 (A) construct new buildings;

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

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

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

9 (E) remove off-street parking or loading.

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

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

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

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

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

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

23 (a) Requirements. With the exception of dwelling units in single room occupancy
24 buildings in the South of Market Mixed Use Districts, in each dwelling unit in any use district,
25 the required windows (as defined by Section 504 of the San Francisco Housing Code) of at

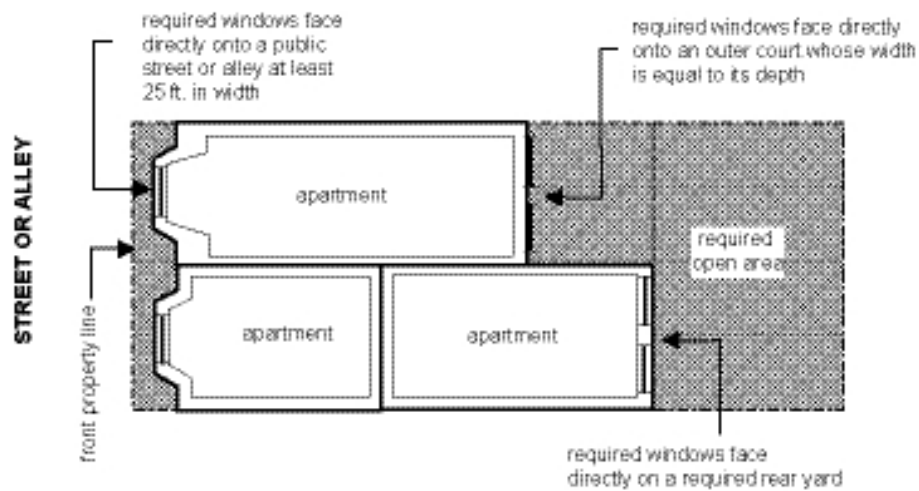
1 least one room that meets the 120-square-foot minimum superficial floor area requirement of
2 Section 503 of the Housing Code shall face directly on an open area of one of the following
3 types:

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

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

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

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

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

(b) In C-3 Districts, whenever the enclosure or screening of the features listed in Section 260(b)(1)(A) and (B), will be visually prominent, modifications may, in accordance with provisions of Section 309, be required in order to insure that: (1) the enclosure or screening is designed as a logical extension of the building form and an integral part of the overall building design; (2) its cladding and detailing is comparable in quality to that of the rest of the building;

1 (3) if enclosed or screened by additional volume, as authorized by Section 260(b), the rooftop
2 form is appropriate to the nature and proportions of the building, and is designed to obscure
3 the rooftop equipment and appurtenances and to provide a more balanced and graceful
4 silhouette for the top of the building or structure; and (4) the additional building volume is not
5 distributed in a manner which simply extends vertically the walls of the building.

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

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

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

21 (a) Applicability. Off-street parking spaces shall be provided in the minimum quantities
22 specified in ~~the following~~ Table 151, except as otherwise provided in Section 151.1 and Section
23 161 of this Code. Where the building or lot contains uses in more than one of the categories
24 listed, parking requirements shall be calculated in the manner provided in Section 153 of this
25 Code. Where off-street parking is provided which exceeds certain amounts in relation to the

1 quantities specified in ~~this~~ Table 151, as set forth in subsection (c) Section 204.5 of this Code,
2 such parking shall be classified not as accessory parking but as either a principal or a
3 conditional use, depending upon the use provisions applicable to the district in which the
4 parking is located. In considering an application for a conditional use for any such parking,
5 due to the amount being provided, the City Planning Commission shall consider the criteria
6 set forth in Section 157 of this Code.

7 (b) Minimum parking required.

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**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 Neighborhood Commercial Districts and the Chinatown Mixed Use Districts	P up to one car for each two dwelling units; C up to Beach .75 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); NP above 0.75 cars for each dwelling unit.
Dwelling, in the Telegraph Hill – North Beach Residential Special Use District	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(f); NP above one car for each dwelling unit.
Dwelling, RC-4, RSD except in the Van Ness Special Use Districts	One for each four dwelling units.
Dwelling, specifically designed for and occupied by senior citizens <u>or persons with physical disabilities as defined and regulated by Section 209.1(m) of this Code</u>	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 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.
Dwelling, in an affordable housing project as defined by Section `	None in districts other than RH-1 and RH-2, except, for purposes of determining spaces

1	401 313.1 or 315.1 of this Code.	required by this Code in Section 204.5, the
2		number otherwise required in this Table 151
3		for a dwelling unit for the district in which the
4		dwelling is located.
5	Group housing of any kind	None in districts other than RH-2, except for
6		purposes of determining spaces required by
7		this Code in Section 204.5 one for each three
8		bedrooms or for each six beds, whichever
9		results in the greater requirements, plus one
10		for the manager's dwelling unit if any, with a
11		minimum of two spaces required. In RH-2
12		Districts, for each three bedrooms or for each
13		six beds, whichever results in the greater
14		requirement, plus one for the manager's
15		dwelling unit if any, with a minimum of two
16		spaces required.
17	SRO units	None, except for purposes of determining spaces,
18		required by this Code in Section 204.5 in the
19		South of Market base area, one for each 20 units,
20		plus one for the manager's dwelling unit, if any,
21		with a minimum of two spaces
22	Hotel, inn or hostel in NC Districts	0.8 for each guest bedroom.
23	Hotel, inn or hostel in districts other	One for each 16 guest bedrooms where the
24	than NC	number of guest bedrooms exceeds 23, plus
25		one for the manager's dwelling unit, if any.

1	Motel	One for each guest unit, plus one for the
2		manager's dwelling unit, if any.
3	Mobile home park	One for each vehicle or structure in such park,
4		plus one for the manager's dwelling unit if any.
5	Hospital or other inpatient medical	One for each 8 beds excluding bassinets or
6	institution	for each 2,400 square feet of gross floor area
7		devoted to sleeping rooms, whichever results
8		in the greater requirement, provided that these
9		requirements shall not apply if the calculated
10		number of spaces is no more than two.
11	Residential care facility	None in districts other than RH-1 and RH-2,
12		except for purposes of determining spaces
13		required by this Code in Section 204.5. In RH-
14		1 and RH-2 Districts, one for each 10
15		residents, where the number of residents
16		exceeds nine
17	Child care facility	One for each 25 children to be accommodated
18		at any one time, where the number of such
19		children exceeds 24.
20	Elementary school	One for each six classrooms.
21	Secondary school	One for each two classrooms.
22	Post-secondary educational institution	One for each two classrooms.
23	Church or other religious institutions	One for each 20 seats by which the number of seats
24		in the main auditorium exceeds 200.
25		

1	Theater or auditorium	One for each eight seats up to 1,000 seats where the
2		number of seats exceeds 50 seats, plus one for each
3		10 seats in excess of 1,000.
4	Stadium or sports arena	One for each 15 seats.
5	Medical or dental office or outpatient	One for each 300 square feet of occupied floor area,
6	clinic	where the occupied floor area exceeds 5,000 square
7		feet.
8	Offices or studios of architects,	One for each 1,000 square feet of occupied floor
9	engineers, interior designers and other	area, where the occupied floor area exceeds 5,000
10	design professionals and studios of	square feet.
11	graphic artists	
12	Other business office	One for each 500 square feet of occupied floor area,
13		where the occupied floor area exceeds 5,000 square
14		feet, except one for each 750 square feet within the
15		SSO District, where the occupied floor area exceeds
16		5,000 square feet
17	Restaurant, bar, nightclub, pool hall,	One for each 200 square feet of occupied floor area,
18	dancehall, bowling alley or other	where the occupied floor area exceeds 5,000
19	similar enterprise	square feet.
20	Retail space devoted to the handling	One for each 1,000 square feet of occupied floor
21	of bulky merchandise such as motor	area, where the occupied floor area exceeds
22	vehicles, machinery or furniture	5,000 square feet.
23	Greenhouse or plant nursery	One for each 4,000 square feet of occupied floor
24		area, where the occupied floor area exceeds 5,000
25		square feet.

1	Other retail space	One for each 500 square feet of occupied floor area
2		up to 20,000 where the occupied floor area exceeds
3		5,000 square feet, plus one for each 250 square feet
4		of occupied floor area in excess of 20,000.
5	Service, repair or wholesale sales	One for each 1,000 square feet of occupied floor
6	space, including personal, home or	area, where the occupied floor area exceeds
7	business service space in South of	5,000 square feet.
8	Market Districts-	
9	Mortuary	Five
10	Storage or warehouse space, and	One for each 2,000 square feet of occupied
11	space devoted to any use first	floor area, where the occupied floor area
12	permitted in an M-2 District	exceeds 10,000 square feet.
13	Arts activities and spaces except	One for each 2,000 square feet of occupied
14	theater or auditorium spaces	floor area, where the occupied floor area exceeds
15		7,500 square feet.
16	Other manufacturing and industrial	One for each 1,500 square feet of occupied floor
17	uses	area, where the occupied floor area exceeds 7,500
18		square feet.
19	Live/work units	One for each 2,000 square feet of occupied floor
20		area, where the occupied floor area exceeds 7,500
21		square feet, except in RH or RM Districts, within
22		which the requirement shall be one space for each
23		live/work unit.
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1 (c) **Maximum parking permitted as accessory.** Accessory parking principally permitted under
2 this Section shall include only those facilities which do not exceed the following amounts for a
3 structure, lot, or development:

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

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

6 (3) 150 percent of the required number of spaces where three or more spaces are required by
7 this Section.

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

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

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

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

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

19 (b) **Controls.** Off-street accessory parking shall not be required for any use, and the
20 quantities of off-street parking specified in Table 151.1 shall serve as the maximum amount of
21 off-street parking that may be provided as accessory to the uses specified. For non-residential
22 and non-office uses in the UMU, PDR-1-D, and PDR-1-G Districts, the maximum amount of
23 off-street parking that may be provided as accessory shall be no more than 50% greater than
24 that indicated in Table 151.1. Variances from accessory off-street parking limits, as described
25 in this Section, may not be granted. Where off-street parking is provided that exceeds the

1 quantities specified in Table 151.1 or as explicitly permitted by this Section, such parking shall
2 be classified not as accessory parking but as either a principally permitted or conditional use,
3 depending upon the use provisions applicable to the district in which the parking is located. In
4 considering an application for a conditional use for any such parking due to the amount being
5 provided, the Planning Commission shall consider the criteria set forth in Section 157 and
6 157.1 of this Code.

7 (c) **Definition.** Where a number or ratio of spaces are described in Table 151.1, such
8 number or ratio shall refer to the total number of parked cars accommodated in the project
9 proposal, regardless of the arrangement of parking, and shall include all spaces accessed by
10 mechanical means, valet, or non-independently accessible means. For the purposes of
11 determining the total number of cars parked, the area of an individual parking space, except
12 for those spaces specifically designated for persons with physical disabilities, may not exceed
13 185 square feet, including spaces in tandem, or in parking lifts, elevators or other means of
14 vertical stacking. Any off-street surface area accessible to motor vehicles with a width of 7.5
15 feet and a length of 17 feet (127.5 square feet) not otherwise designated on plans as a
16 parking space may be considered and counted as an off-street parking space at the discretion
17 of the Zoning Administrator if the Zoning Administrator, in considering the possibility for
18 tandem and valet arrangements, determines that such area is likely to be used for parking a
19 vehicle on a regular basis and that such area is not necessary for the exclusive purpose of
20 vehicular circulation to the parking or loading facilities otherwise permitted.

21 (d) **Car-share parking.** Any off-street parking space dedicated for use as a car-share
22 parking space, as defined in Section 166, shall not be credited toward the total parking
23 permitted as accessory in this Section.
24
25

**Table 151.1
OFF-STREET PARKING PERMITTED AS ACCESSORY**

Use or Activity	Number of Off-Street Car Parking Spaces or Space Devoted to Off-Street Car Parking Permitted
Dwelling units in RH-DTR Districts	P up to one car for each two dwelling units; up to one car for each dwelling unit, subject to the criteria and procedures of Section 151.1(e); NP above one space per unit.
Dwelling units in C-3 and SB-DTR, Districts except as specified below	P up to one car for each four dwelling units; up to 0.75 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); NP above 0.75 cars for each dwelling unit.
Dwelling units in C-3 and SB-DTR, Districts with at least 2 bedrooms and at least 1,000 square feet of occupied floor area	P up to one car for each four dwelling units; up to one car for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); NP above one car for each dwelling unit.
<u>Dwelling Units in C-3 Districts</u>	<u>P up to one car for each two dwelling units; C up to three cars for each four dwelling units, subject to the criteria and procedures of Section 151.1(f). NP above three cars for each four dwelling units.</u>
Dwelling units in C-3 Districts and in the Van Ness and Market Downtown Residential Special Use District	P up to one car for each four dwelling units; C up to .5 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); NP above two cars for each four dwelling units.

<p>1 Dwelling units and SRO units in <u>SLI</u>, 2 <u>SSO</u>, MUG, MUR, MUO, SPD Districts, 3 except as specified below 4 5 6 Dwelling units in <u>SLI</u>, <u>SSO</u>, MUG, 7 MUR, MUO, SPD Districts with at 8 least 2 bedrooms and at least 1,000 9 square feet of occupied floor area 10 11 Dwelling units <i>and SRO units</i> in NCT, 12 <u>C-M, RSD, and SLR, Chinatown Mixed Use,</u> 13 <u>Broadway NCD, North Beach NCD, and</u> 14 <u>Upper Market NCD</u> Districts, except 15 as specified below 16 Dwelling units in the 17 Ocean Avenue NCT Districts 18 Dwelling units and SRO units in RTO 19 <u>and RED</u> Districts, except as specified 20 below 21 22 23 Dwelling units and SRO units in UMU 24 Districts, except as specified below 25</p>	<p>P up to one car for each four dwelling units; up to 0.75 cars for each dwelling unit, subject to the criteria and conditions and procedures of Section 151.1(g); NP above 0.75 cars for each dwelling unit.</p> <p>P up to one car for each four dwelling units; up to one car for each dwelling unit, subject to the criteria and conditions and procedures of Section 151.1(g); NP above one car for each dwelling unit.</p> <p>P up to one car for each two dwelling units; C up to 0.75 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.</p> <p>P up to one car for each unit; NP above.</p> <p>P up to three cars for each four dwelling units; C up to one car for each dwelling unit unit, subject to the criteria and procedures of Section 151.1(g); NP above one car for each dwelling unit.</p> <p>P up to 0.75 cars for each dwelling unit and subject to the conditions of 151.1(g); NP above.</p>
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1	Dwelling units in UMU District with at	P up to 1 car for each dwelling unit and
2	least 2 bedrooms and at least 1,000	subject to the conditions of 151.1(g); NP
3	square feet of occupied floor area	above.
4	Group housing of any kind	P up to one car for each three bedrooms or for
5		each six beds, whichever results in the greater
6		requirement, plus one for the manager's
7		dwelling unit if any. NP above.
8	All non-residential uses in C-3 <i>and</i>	Not to exceed 7% of gross floor area of such uses.
9	<i>C-M</i> Districts	See requirements in Section 204.5.
10	Hotel, inn, or hostel	P up to one for each 16 guest bedrooms, plus one for
11		the manager's dwelling unit, if any.
12	Motel	P up to one for each guest unit, plus one for the
13		manager's dwelling unit, if any.
14	Hospital or other inpatient medical	P up to one for each 8 guest beds excluding
15	institution	bassinets or for each 2,400 square feet of gross floor
16		area devoted to sleeping rooms, whichever results
17		in the lesser requirement
18	Residential care facility	P up to one for each 10 residents.
19	Child care facility	P up to one for each 25 children to be
20		accommodated at any one time.
21	Elementary school	P up to one for each six classrooms.
22	Secondary school	P up to one for each two classrooms.
23	Post-secondary educational institution	P up to one for each two classrooms.
24	Church or other religious institutions	P up to one for each 20 seats.
25		

1	Theater or auditorium	P up to one for each eight seats up to 1,000 seats,
2		plus one for each 10 seats in excess of 1,000.
3	Stadium or sports arena	P up to one for each 15 seats.
4	Medical or dental office or outpatient	P up to one for each 300 square feet of
5	clinic	occupied floor area.
6	All office uses in C-3, DTR, <u>C-M, SLR</u>	P up to seven percent of the gross floor area of
7	<u>SSO, SPD,</u> MUG, MUR,	such uses and subject to the pricing conditions of
8	and MUO Districts	Section 155 (g); NP above.
9	<u>All office uses in Chinatown Mixed Use</u>	<u>P up to seven percent of the gross floor area of such uses;</u>
10	<u>Districts</u>	<u>NP above.</u>
11	Office uses in <u>M-1,</u> UMU, PDR-1-D,	P up to one car per 1,000 square feet of gross floor
12	and PDR-1-G Districts, except as	area and subject to the pricing conditions of Section
13	below specified below	155 (g); NP above.
14	Office uses in <u>M-1,</u> UMU, PDR-1-D,	P up to one car per 500 square feet of
15	and PDR-1-G Districts where the	gross floor area; NP above.
16	entire parcel is greater than ¼-mile from	
17	Market, Mission, 3rd and 4th Streets	
18	Non-residential uses in RTO and RM	None permitted.
19	districts permitted under Sections	
20	209.8(c) and 231. None permitted.	
21	All non-residential uses in NCT,	For uses in Table 151 that are described as a ratio of
22	<u>RSD, and SLR</u> districts <u>and the</u>	occupied floor area, P up to 1 space per 1,500
23	<u>Broadway, North Beach, and</u> Upper	square feet of occupied floor area or the quantity
24	Market NCD _s , except for	specified in Table 151, whichever is less, and subject
25	retail grocery stores with over 20,000	to the conditions and criteria of Section 151.1(g).

<p>1 gross square feet as specified below</p> <p>2 Retail grocery store uses in NCT₁</p> <p>3 <u>RSD, and SLR</u> districts and the</p> <p>4 <u>Broadway, North Beach, and</u> Upper</p> <p>5 Market NCD₂ with over 20,000 square</p> <p>6 feet of occupied floor area</p> <p>7</p> <p>8 All retail in the Eastern Neighborhoods</p> <p>9 Mixed Use Districts where any portion</p> <p>10 of the parcel is less than ¼ mile from</p> <p>11 Market, Mission, 3rd and 4th Streets,</p> <p>12 except grocery stores of over 20,000</p> <p>13 gross square feet.</p> <p>14 With the exception of Eastern</p> <p>15 Neighborhoods Mixed Use Districts as</p> <p>16 set forth above, all other restaurant,</p> <p>17 bar, nightclub, pool hall, dance hall,</p> <p>18 bowling alley or other similar enterprise</p> <p>19 With the exception of Eastern</p> <p>20 Neighborhoods Mixed Use Districts</p> <p>21 as set forth above, all other retail space</p> <p>22 devoted to the handling of bulky</p> <p>23 merchandise such as motor vehicles,</p> <p>24 machinery or furniture</p> <p>25 With the exception of Eastern</p>	<p>NP above.</p> <p>P up 1 space per 500 square feet of occupied floor area, and subject to the conditions and criteria of Section 151.1(g). C up to 1 space per 250 square feet of occupied floor area for that area in excess of 20,000 square feet, subject to the conditions and criteria of Section 151.1(g). NP above.</p> <p>P up to one for each 1,500 square feet of gross floor area .</p> <p>P up to one for each 200 square feet of occupied floor area. <u>In South of Market Mixed Use Districts, participation in transportation programs may be required per Section 151.1(i).</u></p> <p>P up to one for each 1,000 square feet of occupied floor area.</p> <p>P up to one for each 4,000 square feet</p>
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1	Neighborhoods Mixed Use Districts	of occupied floor area.
2	as set forth above, all other	
3	greenhouse or plant nursery	
4	With the exception of Eastern	P up to one for each 500 square feet of gross
5	Neighborhoods Mixed Use Districts	floor area up to 20,000 square feet, plus one for each
6	as set forth above, all other retail	250 square feet of gross floor area in excess of
7	space	20,000.
8	Service, repair or wholesale sales	P up to one for each 1,000 square feet of
9	space, including personal, home or	occupied floor area.
10	business service space in	
11	South of Market Districts	
12	Mortuary	P up to five.
13	Storage or warehouse space, and	P up to one for each 2,000 square feet of
14	space devoted to any use first	occupied floor area.
15	permitted in an M-2 District	
16	Arts activities and spaces except	P up to one for each 2,000 square feet of
17	theater or auditorium spaces	occupied floor area. <i><u>In South of Market Mixed</u></i>
18		<i><u>Use Districts, participation in transportation programs</u></i>
19		<i><u>may be required per Section 151.1(i).</u></i>
20	Laboratory	P up to one for each 1,500 square feet of occupied
21		floor area.
22	Small Enterprise Workspace Building	P up to one for each 1,500 square feet of occupied
23		floor area.
24	Integrated PDR	P up to one for each 1,500 square feet of occupied
25		floor area.

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

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

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

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

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

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

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

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

21 (2) Additionally, in granting approval for such accessory parking above that permitted
22 by right, the Commission may require the property owner to pay the annual membership fee
23 to a certified car-share organization, as defined in Section 166(b)(2), for any resident of the
24 project who so requests and who otherwise qualifies for such membership, provided that such
25

1 requirement shall be limited to one membership per dwelling unit, when the following findings
2 are made by the Commission:

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

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

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

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

12 (A) For projects with 50 units or more, all residential accessory parking in excess of
13 0.5 parking spaces for each dwelling unit shall be stored and accessed by mechanical
14 stackers or lifts, valet, or other space-efficient means that allows more space above-ground
15 for housing, maximizes space efficiency and discourages use of vehicles for commuting or
16 daily errands. The Planning Commission may authorize the request for additional parking
17 notwithstanding that the project sponsor cannot fully satisfy this requirement provided that the
18 project sponsor demonstrates hardship or practical infeasibility (such as for retrofit of existing
19 buildings) in the use of space-efficient parking given the configuration of the parking floors
20 within the building and the number of independently accessible spaces above 0.5 spaces per
21 unit is de minimus and subsequent valet operation or other form of parking space
22 management could not significantly increase the capacity of the parking space above the
23 maximums in Table 151.1;

24 (B) For any project with residential accessory parking in excess of 0.375 parking
25 spaces for each dwelling unit, the project complies with the housing requirements of Sections

1 ~~315~~ 415 through ~~315.9~~ 415.9 of this Code except as follows: the inclusionary housing
2 requirements that apply to projects seeking conditional use authorization as designated in
3 Section ~~315.3~~ 415.3(a)(2) shall apply to the project.

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

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

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

14 (g) **RTO, NCT, C-M, and Mixed Use Districts, and the Broadway, North Beach, and Upper**
15 **Market Neighborhood Commercial Districts.** In RTO, ~~and~~ NCT, C-M and Mixed Use Districts, and
16 the Broadway, North Beach, and Upper Market NCDs, any request for accessory parking in
17 excess of what is principally permitted in Table 151.1, but which does not exceed the
18 maximum amount stated in Table 151.1, shall be reviewed by the Planning Commission as a
19 Conditional Use. In MUG, MUR, MUO, and SPD Districts, any project subject to Section 329
20 and that requests residential accessory parking in excess of that which is principally permitted
21 in Table 151.1, but which does not exceed the maximum amount stated in Table 151.1, shall
22 be reviewed by the Planning Commission according to the procedures of Section 329.
23 Projects that are not subject to Section 329 shall be reviewed under the procedures detailed
24 in subsection (h), below.

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

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

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

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

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

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

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

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

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

21 (i) Projects that provide more than 10 spaces for non-residential uses must dedicate
22 5% of these spaces, rounded down to the nearest whole number, to short-term, transient use
23 by vehicles from certified car sharing organizations per Section 166, vanpool, rideshare, taxis,
24 or other co-operative auto programs. These spaces shall not be used for long-term storage
25 nor satisfy the requirement of Section 166, but rather to park them during trips to commercial

1 uses. These spaces may be used by shuttle or delivery vehicles used to satisfy subsection
2 (B).

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

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

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

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

17 (h) **Small residential projects in MUG, MUR, MUO, and SPD Districts.** Any project
18 that is not subject to the requirements of Section 329 and that requests residential accessory
19 parking in excess of what is principally permitted in Table 151.1 shall be reviewed by the
20 Zoning Administrator subject to Section 307(h). The Zoning Administrator may grant parking
21 in excess of what is principally permitted in Table 151.1, not to exceed the maximum amount
22 stated in Table 151.1, only if the Zoning Administrator determines that all of the following
23 conditions are met:

24 (A) all the conditions of subsection (g)(1)(A) above have been met.
25

1 (B) parking is not accessed from any protected Transit or Pedestrian Street described
2 in Section 155(r), and

3 (C) where more than ten spaces are proposed at least half of them, rounded down to
4 the nearest whole number, are stored and accessed by mechanical stackers or lifts, valet, or
5 other space-efficient means that reduces space used for parking and maneuvering, and
6 maximizes other uses.

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

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

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

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

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

5 (c) Every off-street parking or loading space shall have adequate means of ingress
6 from and egress to a street or alley. Access to off-street loading spaces shall be from alleys in
7 preference to streets, except where otherwise specified in this Code.

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

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

15 (d) All off-street freight loading and service vehicle spaces in the C-3, C-M, DTR,
16 MUO, MUG, MUR, and South of Market Mixed Use Districts shall be completely enclosed and
17 access from a public street or alley shall be provided by means of a private service driveway,
18 which is totally contained within the structure. Such a private service driveway shall include
19 adequate space to maneuver trucks and service vehicles into and out of all provided spaces,
20 and shall be designed so as to facilitate access to the subject property while minimizing
21 interference with street and sidewalk circulation. Any such private service driveway shall be of
22 adequate width to accommodate drive-in movement from the adjacent curb or inside traffic
23 lane but shall in no case exceed 30 feet. Notwithstanding the foregoing, if an adjacent street
24 or alley is determined by the Zoning Administrator to be primarily used for building service, up
25 to four off-street freight or loading spaces may be allowed to be individually accessible directly

1 from such a street or alley, pursuant to the provisions of Section 309 in a C-3 District, the
2 provisions of Section 307(g) in a South of Market Mixed Use District, the provisions of Section
3 309.1 in a DTR District, the provisions of Section 329 for projects subject to Section 329 in a
4 MUO, MUG, or MUR District, or by administrative decision of the Zoning Administrator for
5 projects that do are not subject to Section 329 in a MUO, MUG, or MUR District.

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

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

21 (g) **Restrictions on Off-Street Parking Rates.**

22 (1) In order to discourage long-term commuter parking, any off-street parking spaces
23 provided for a structure or use other than residential or hotel in a C-3, C-M, DTR, SLR, SSO,
24 SPD, MUG, MUR, or MUO District, whether classified as ~~an~~ accessory or non-accessory, a
25 principal or conditional use, and whether temporary or permanent, shall maintain and impose a

1 charge or fee structure for all users of the spaces that shall be assessed on an hourly basis. In addition,
2 a parking operator may not offer or sell parking for daily, nightly, weekly, monthly or similar time-
3 specific periods. All parking charges imposed by a parking operator shall be imposed not less
4 frequently than on a daily basis and shall be determined by multiplying the hourly rate times the
5 number of hours that the vehicle actually occupies space in the parking facility on that day.

6 (2) Where a parking facility imposes a variable hourly rate based upon demand or occupancy,
7 the parking charge for a stay in excess of one hour shall be determined by adding together the products
8 of each of the rates applicable during the stay times the number of hours during the stay that each rate
9 was in effect.

10 (3) Notwithstanding subsection (1), and if authorized by the Director of Transportation, a
11 parking operator may provide a discount of up to \$2.50 for a vehicle that enters and/or exits the
12 parking facility during off-peak time periods and stays for a minimum of three hours, up to a combined
13 maximum discount of \$5.00 off the otherwise applicable rate. The Director of Transportation is
14 authorized to establish such time periods and set the maximum amount of the discount on an annual
15 basis, and may set discounts and/or off-peak time periods for different geographic areas of the City
16 based upon congestion management targets for those areas. At the start of each fiscal year beginning
17 with fiscal year 2012-2013, the Director of Transportation shall adjust the amount of any discount
18 established under this paragraph to reflect changes in the relevant Consumer Price Index. Such
19 adjustment shall not require further action by the Board of Supervisors or the MTA Board of Directors.

20 (4) A parking operator may not advertise or maintain a parking rate or fee structure that does
21 not conform to subsection (1).

22 (5) A parking operator may not impose or collect from a patron a parking rate or fee that does
23 not conform to subsection (1) ~~which are otherwise available for use for long-term parking by~~
24 ~~downtown workers shall maintain a rate or fee structure for their use such that the rate charge for four~~
25 ~~hours of parking duration is no more than four times the rate charge for the first hour, and the rate~~

1 ~~charge for eight or more hours of parking duration is no less than 10 times the rate charge for the first~~
2 ~~hour. Additionally, no discounted parking rate shall be permitted for weekly, monthly or similar time-~~
3 ~~specific periods.~~

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

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

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

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

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

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

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

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

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

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

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

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

18 (2) Not permitted:

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

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

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

23 (D) Mission Street from 10th Street to Division Street,

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

25 (F) Embarcadero in the DTR Districts,

- 1 (G) 22nd Street between 3rd Street and Minnesota Streets within the NCT-2 District,
2 (H) Valencia Street between 15th and 23rd Streets in the Valencia Street NCT District,
3 (I) Mission Street for the entirety of the Mission Street NCT District,
4 (J) 24th Street for the entirety of the 24th Street-Mission NCT,
5 (K) 16th Street between Guerrero and Capp Streets within the Valencia Street NCT
6 and Mission Street NCT Districts,
7 (L) 16th Street between Kansas and Mississippi Streets in the UMU and PDR-1-D
8 Districts,
9 (M) 6th Street for its entirety within the SoMa NCT District,
10 (N) 3rd Street, in the UMU districts for 100 feet north and south of Mariposa and 100
11 feet north and south of 20th Streets, and 4th Street between Bryant and Townsend in the SLI
12 and MUO District,
13 (O) Ocean Avenue within the Ocean Avenue NCT District,
14 (P) Geneva Avenue from I-280 to San Jose Avenue within the NCT-2 District,
15
16 (Q) Columbus Avenue between Washington and North Point Streets.,
17 (R) Broadway from the Embarcadero on the east to Mason Street on the west, and
18 (S) All alleyways in the Chinatown Mixed Use Districts.
19 (T) Destination Alleyways, as designated in the Downtown Streetscape Plan.
20 (U) The western (inland) side of the Embarcadero between Townsend and Jefferson Streets.
21 (3) Not permitted except with a Conditional Use authorization:
22 (A) The entire portion of California Street,
23 (B) ~~The Embarcadero~~, Folsom Street, Geary Street, Mission Street, Powell Street and
24 Stockton Street in the C-3 Districts,
25 (C) Grant Avenue from Market Street to Bush Street,

- 1 (D) Montgomery Street from Market Street to Columbus Avenue,
- 2 (E) Haight Street from Market Street to Webster Street,
- 3 (F) Church Street and 16th Street in the RTO District,
- 4 (G) Duboce Street from Noe Street to Market Street, *and*
- 5 (H) Octavia Street from Fell Street to Market Street, and
- 6 (I) The eastern (water) side of the Embarcadero between Townsend and Taylor Streets.

7 (4) In C-3, NCT and RTO Districts, no curb cuts accessing off-street parking or loading
8 shall be created or utilized on street frontages identified along any Transit Preferential,
9 Citywide Pedestrian Network or Neighborhood Commercial Streets as designated in the
10 Transportation Element of the General Plan or official City bicycle routes or bicycle lanes,
11 where an alternative frontage is available. For bicycle lanes, the prohibition on curb cuts
12 applies to the side or sides of the street where bicycle lanes are located; for one-way bicycle
13 routes or lanes, the prohibition on curb cuts shall apply to the right side of the street only,
14 unless the officially adopted alignment is along the left side of the street. Where an alternative
15 frontage is not available, parking or loading access along any Transit Preferential, Citywide
16 Pedestrian Network or Neighborhood Commercial Streets as designated in the Transportation
17 Element of the General Plan or official City bicycle lane or bicycle route, may be allowed on
18 streets not listed in subsection (2) above as an exception in the manner provided in Section
19 309 for C-3 Districts and in Section 303 for NCT and RTO Districts in cases where it can be
20 clearly demonstrated that the final design of the parking access minimizes negative impacts to
21 transit movement and to the safety of pedestrians and bicyclists to the fullest extent feasible.

22 (5) A "development lot" shall mean any lot containing a proposal for new construction,
23 building alterations which would increase the gross square footage of a structure by 20
24 percent or more, or change of use of more than 50 percent of the gross floor area of a
25

1 structure containing parking. Pre-existing access to off-street parking and loading on
2 development lots that violates the restrictions of this Section 155(r) may not be maintained.

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

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

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

13 (B) Parking located at or above ground-level shall conform to the street frontage
14 requirements of Section 145.1(c), and shall be lined with active uses, as defined by Section
15 145.4(e), to a depth of at least 25 feet along all ground-level street frontages, except for space
16 allowed for parking and loading access, building egress, and access to mechanical systems.

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

23 (C) Parking allowed above the ground-level in accordance with an exception under
24 Section 309 or a conditional use in accordance with Section 303 as authorized by subsections
25 155(s)(2) or 155(s)(3) shall be entirely screened from public rights-of-way in a manner that

1 accentuates ground floor retail and other uses, minimizes louvers and other mechanical
2 features and is in keeping with the overall massing and architectural vocabulary of the
3 building's lower floors. So as not to preclude conversion of parking space to other uses in the
4 future, parking allowed above the ground-level shall not be sloped and shall have a minimum
5 clear ceiling height of nine feet.

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

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

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

21 (3) **Non-accessory off-street parking garages.** For non-accessory off-street parking
22 ~~garages~~ in C-3 Districts permitted under Section 223(m) ~~—(p)~~, two additional floors of above-
23 grade parking beyond the at-grade parking allowed by Section 155(s)(1), to a maximum
24 ceiling height of 35 feet from grade, may be permitted as subject to the provisions of subsections
25 ~~155(s)(3)(A) or 155(s)(3)(B) below:~~

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

8 (B) As a conditional use in accordance with the criteria set forth in Section 303,
9 provided the site contains an existing non-accessory off-street surface parking lot with valid
10 permits for such parking as of the effective date of the ordinance enacting this subsection and
11 the site is located in the following Mid-Market area: Assessor's Block 0341, Lots 4 through 9
12 and 13; Block 0342, Lots 1, 2, 4, 7, 11, 12 and 13; Block 0350, Lots 1 through 4; Block 0355,
13 Lots 3 through 12 and 15; Block 3507, Lot 39; Block 3508, Lots 1, 13, 18, 19, 22, 24 through
14 27, 39 and 40; Block 3509, Lots 18, 19, 36, 37 and 40 through 43; Block 3510, Lot 1; Block
15 3701, Lots 5, 8, 10, 11, 12, 20 through 24, 53, 59, 60, 63 and 64; Block 3702, Lots 1, 2, 37,
16 38, 39, 44, 44A, 45, 46, 47, 48, 48A, 51, 52, 53, 54, 56; Block 3703, Lots 1, 2, 3, 7, 10, 11, 12,
17 25, 26, 33, 40, 41, 50, 53, 56 through 68, 70, 74, 75, 76, 78 through 81, 84, 85 and 86; Block
18 3704, Lots 1, 3, 6, 9 through 13, 15, 17 through 22, 24, 35, 38, 39, 42, 43, 45, 62 and 67
19 through 79, Block 3725, Lot 78, 82, 86 through 91 and 93; Block 3727, Lot 1, 91, 94, 96, 97,
20 109, 117, 118, 120, 134, 168 and 173; Block 3728, Lot 1, 72, 75, 76, 81, 82, 83, 89, 103 and
21 105; and Block 0351, Lots 1, 22, 32, 33, 37, 39, 41, 43, 46, 47, 49, 50 and 51 This subsection
22 155(s)(3)(B) shall sunset on July 22, 2014.

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

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

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

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

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

18 **In approving installation of the garage, the Commission shall find that: (1) the proposed garage**
19 **opening/addition of off-street parking will not cause the "removal" or "conversion of residential unit,"**
20 **as those terms are defined in Section 317 of this Code, (2) the proposed garage opening/addition of off-**
21 **street parking will not substantially decrease the livability of a dwelling unit without increasing the**
22 **floor area in a commensurate amount, (3) the building has not had two or more evictions with each**
23 **eviction associated with a separate unit(s) within the past ten years, and (4) the proposed garage**
24 **/addition of off-street parking is consistent with the Priority Policies of Section 101.1 of this Code.**
25 **Prior to the Commission hearing, or prior to the issuance of notification under Section 311(c)(2) of this**

1 Code, the Planning Department shall require a signed affidavit by the project sponsor attesting to (1),
2 (2), and (3) above, which the Department shall independently verify. The Department shall also have
3 made a determination that the project complies with (4) above.

4 **SEC. 155.1. BICYCLE PARKING REQUIREMENTS FOR CITY-OWNED AND LEASED**
5 **BUILDINGS.**

6 In all City-owned and leased buildings, regardless of whether off-street parking is
7 available, the responsible City official, as defined in Section 155.1(a)(11) below, shall provide
8 bicycle parking according to the schedule in Section 155.1(c) below, except as otherwise
9 provided in Section 155.2. The provisions of this Section shall not apply in any case where the
10 City occupies property as a tenant under a lease the term of which does not exceed six
11 months. In the event that a privately owned garage, as defined in Section 155.2, is in a
12 building in which the City leases space, Section 155.2 and not this Section shall apply. All
13 required bicycle parking shall conform to the requirements of Sections 155.1(b) (Location of
14 Facilities) and 155.1(c) (Number of Spaces) set forth below:

15 (a) **Locker.** A fully enclosed, secure and burglar-proof bicycle parking space
16 accessible only to the owner or operator of the bicycle.

17 (2) **Check-in Facility.** A location in which the bicycle is delivered to and left with an
18 attendant with provisions for identifying the bicycle's owner. The stored bicycle is accessible
19 only to the attendant.

20 (3) **Monitored Parking.** A location where Class 2 parking spaces are provided within
21 an area under constant surveillance by an attendant or security guard or by a monitored
22 camera.

23 (4) **Restricted Access Parking.** A location that provides Class 2 parking spaces
24 within a locked room or locked enclosure accessible only to the owners of bicycles parked
25 within.

1 (5) **Personal Storage.** Storage within the view of the bicycle owner in either the
2 operator's office or a location within the building.

3 (6) **Class 1 Bicycle Parking Space(s).** Facilities which protect the entire bicycle, its
4 components and accessories against theft and against inclement weather, including wind-
5 driven rain. Examples of this type of facility include (1) lockers, (2) check-in facilities, (3)
6 monitored parking, (4) restricted access parking, and (5) personal storage.

7 (7) **Class 2 Bicycle Parking Space(s).** Bicycle racks which permit the locking of the
8 bicycle frame and one wheel to the rack and, which support the bicycle in a stable position
9 without damage to wheels, frame or components.

10 (8) **Director.** Director of ~~the Department of City~~ Planning.

11 (9) **Landlord.** Any person who leases space in a building to the City. The term
12 "landlord" does not include the City.

13 (10) **Employees.** Individuals employed by the City and County of San Francisco.

14 (11) **Responsible City Official.** The highest ranking City official of an agency or
15 department which has authority over a City-owned building or parking facility or of an agency
16 or department for which the City is leasing space.

17 (12) **Person.** Any individual, proprietorship, partnership, joint venture, corporation,
18 limited liability company, trust, association, or other entity that may enter into leases.

19 (b) **Location of Facilities.**

20 (1) **Majority of Spaces Are Long-Term.** At locations where the majority of parking
21 spaces will be long-term (e.g., occupied by building employees for eight hours or more), at
22 least ½ of the required bicycle parking spaces shall be Class 1 spaces. The remaining spaces
23 may be Class 2 spaces. The Director may approve alternative types of parking spaces that
24 provide an equivalent measure of security.
25

1 (2) **Alternative Locations.** In the event that compliance with Section 155.1(b)91) may
2 not be feasible because of demonstrable hardship, the responsible city official may apply to
3 the Director for approval of an alternative storage location. In acting upon such applications,
4 the Director shall be guided by the following criteria: Such alternative facilities shall be well-
5 lighted and secure. The entrance shall be no more than 50 feet from the entrance of the
6 building, unless there are no feasible locations within a 50 foot zone that can be provided
7 without impeding sidewalk or pedestrian traffic. However, in no event shall an alternative
8 location be approved that is farther from the entrance of the building than the closest
9 automobile parking space.

10 (3) **Exemptions.** If no feasible alternative parking facility exists nearby which can be
11 approved pursuant to Section 155.1(b)(1) or (2), no Class 1 bicycle parking is provided in the
12 building, or, securing an alternative location would be unduly costly and pose a demonstrable
13 hardship on the landlord, or on the City, where the City owns the building, the Director may
14 issue an exemption. In order to obtain an exemption, the responsible City official shall certify
15 to the Director in writing that the landlord, or the City, where the City owns the building, will not
16 prohibit bicycle operators from storing bicycles within their office space, provided that they are
17 stored in such a way that the Fire Code is not violated and that the normal business of the
18 building is not disrupted.

19 (c) **Required Number of Bicycle Parking Spaces.**

20 (1) **Class 1 Bicycle Parking Spaces.** The following standards shall govern the
21 number of Class 1, long-term, bicycle parking spaces a responsible City official must provide:

22 (A) In buildings with one to 20 employees, at least two bicycle parking spaces shall be
23 provided.

24 (B) In buildings with 21 to 50 employees, at least four bicycle parking spaces shall be
25 provided.

1 (C) In buildings with 51 to 300 employees, the number of bicycle parking spaces
2 provided shall be equal to at least five percent of the number of employees at that building,
3 but in no event shall fewer than five bicycle spaces be provided.

4 (D) In buildings with more than 300 employees, the number of bicycle parking spaces
5 provided shall be equal to at least three percent of the number of employees at that building
6 but in no event shall fewer than 16 bicycle parking spaces be provided.

7 (2) **Class 2 Bicycle Parking Spaces.** In addition to the Class 1 bicycle parking spaces
8 required above, a responsible City official shall also provide Class 2 bicycle parking spaces
9 according to the below enumerated schedule:

10 (A) In buildings with one to 40 employees, at least two bicycle parking spaces shall be
11 provided.

12 (B) In buildings with 41 to 50 employees, at least four bicycle parking spaces shall be
13 provided.

14 (C) In buildings with 51 to 100 employees, at least six bicycle parking spaces shall be
15 provided.

16 (D) In buildings with more than 100 employees, at least eight bicycle parking spaces
17 shall be provided. Wherever a responsible City official is required to provide eight or more
18 Class 2 bicycle parking spaces, at least 50 percent of those parking spaces shall be covered.

19 (3) **Public buildings.** In public buildings where the City provides a public service to
20 members of the public who are patrons or users of the buildings, such as libraries, museums,
21 and sports facilities, the responsible City official shall provide the number of bicycle parking
22 spaces as set out in Section 155.1(c)(1) and (2), except that the average patron load in a
23 building during peak use hours as determined by the Director, rather than the number of
24 employees, shall determine the number of spaces required. This Section shall not apply
25

1 where a public building has a "garage" (as such term is defined in Section 155.2(a)) that is
2 open to the general public, in which case Section 155.2 shall apply.

3 (4) Annual Survey. The Director shall annually survey the amount, location, and usage
4 of provided bicycle parking spaces in all buildings subject to the requirements of this Section
5 in order to ascertain whether current requirements are adequate to meet demand for such
6 parking spaces. If current requirements are inadequate, the Director shall draft and submit to
7 the Board of Supervisors proposed legislation that would remedy the deficiency.

8 (5) **Reductions.** The Director may grant a reduction from the number of bicycle
9 parking spaces required by this Section where the applicant shows based upon the type of
10 patronage, clientele, or employees using the building that there is no reason to expect a
11 sufficient number of bicycle-riding patrons, clientele or employees to justify the number of
12 spaces otherwise required by the Section.

13 (d) **Layout of Spaces.** Class 1 and Class 2 bicycle parking spaces or alternative
14 spaces approved by the Director shall be laid out according to the following:

15 (1) An aisle or other space to enter and leave the facility shall be provided. The aisle
16 shall provide a width of five feet to the front or rear of a standard six-foot bicycle parked in the
17 facility.

18 (2) Each bicycle parking space shall provide an area at least two feet wide by six feet
19 deep. Vertical clearance shall be at least 78 inches.

20 (3) Bicycle parking shall be at least as conveniently located as the most convenient
21 nondisabled car parking. Safe and convenient means of ingress and egress to bicycle parking
22 facilities shall be provided. Safe and convenient means include, but are not limited to
23 stairways, elevators and escalators.

24 (4) Bicycle parking and automobile parking shall be separated by a physical barrier or
25 sufficient distance to protect parking bicycles from damage. The number of required

1 automobile parking spaces may be lowered in buildings where Class 1 bicycle parking is
2 provided. The number of otherwise required automobile parking spaces may be reduced,
3 commensurate with the space necessary to provide Class 1 or Class 2 bicycle parking
4 spaces, in an amount that meets or exceeds the requirements of this section. This provision
5 only applies to the explicit area used for Class 1 or Class 2 bicycle parking.

6 (5) Class 2 bicycle racks shall be located in highly visible areas to minimize theft and
7 vandalism.

8 (6) Where Class 2 bicycle parking areas are not clearly visible to approaching
9 bicyclists, signs shall indicate the locations of the facilities.

10 (7) The surface of bicycle parking spaces need not be paved, but shall be finished to
11 avoid mud and dust.

12 (8) All bicycle racks and lockers shall be securely anchored to the ground or building
13 structure.

14 (9) Bicycle parking spaces may not interfere with pedestrian circulation.

15 (e) **Lease Provisions.**

16 (1) All City leases of buildings that are subject to the requirements of this Section and
17 under which the City is a tenant shall specifically provide that the landlord agrees to make
18 space available in the building for the term of the lease within which the responsible City
19 official may install, at no cost to the landlord, bicycle parking facilities that are in compliance
20 with this Section.

21 (2) This Subsection (e) does not in any way limit the ability of the Director to approve
22 alternative storage locations under Subsection (b)(2) or exemptions under Subsection (b)(3).
23 In the event that an exemption is granted or an alternative location is approved allowing the
24 installation of bicycle parking facilities on property that is not included (i) in a building leased
25 by the responsible city official or (ii) on property that belongs to the landlord, Subsection (e)(1)

1 does not apply. If the alternative location is on property that is owned by the landlord, but is
2 not inside the building to be leased by the responsible city official, the lease provision of
3 Subsection (e)(1) is required and shall identify that property as the location of the bicycle
4 parking spaces.

5 (f) **Enforcement.** ~~Article 1.5, Section 151.1 shall be enforced by the Zoning Administrator.
6 Upon complaint, the Zoning Administrator shall investigate. If the Zoning Administrator concludes that
7 a violation exists, he or she shall provide written notice to the responsible City official offering thirty
8 days to cure the violation. The written notice shall inform the responsible City official of the grounds
9 for the Zoning Administrator's conclusion that this Section has been violated. The notice shall afford
10 the responsible City official an opportunity to meet with the Zoning Administrator to explain why
11 penalties should not be assessed. The Zoning Administrator shall assess penalties upon the responsible
12 City official's agency or department according to the following provisions:~~

13 ~~(1) If the responsible City official's violation has not been cured within the 30 days, a penalty of
14 \$50/day shall be assessed by the Zoning Administrator, commencing with the first date of the violation.~~

15 ~~(2) All fines collected for violations of this Section shall be deposited with the Municipal
16 Transportation Agency Department of Parking and Traffic for expenditure by and for the Agency's
17 Department's Bicycle Program.~~

18 (g) **Miscellaneous Requirements.**

19 (1) The responsible City official shall not, and shall encourage landlords not to,
20 establish or enforce any building policy that restricts or discourages building tenants,
21 employees, or visitors from utilizing their bicycle storage spaces.

22 (2) In any building that contains more than the required number of bicycle parking
23 spaces as set forth in Article 1.5, Section 155.1, the responsible City official shall not remove
24 such additional bicycle parking spaces without petitioning the Director. Such a petition may
25 not be filed until at least one year has elapsed following the effective date of this Section. That

1 petition shall demonstrate that the spaces the responsible City official seeks authority to
2 remove have not been necessary to meet the demand of employees and other building users.

3 (3) The responsible City official shall be responsible for full compliance with this
4 Section. The Board of Supervisors does not intend to impose requirements of this Section on
5 any responsible City official where such application would impair obligations of contract.

6 (4) Buildings with existing traditional-type racks which support only one wheel shall
7 have two years from the effective date of this Section to replace them with conforming racks.

8 (5) In addition to imposing requirements pursuant to this Section, the Board of
9 Supervisors declares it the official policy of the City and County of San Francisco that all
10 property owners and responsible City officials in control of buildings housing employees or
11 members of the public who use bicycles shall provide bicycle parking spaces and shall
12 encourage and facilitate bicycle usage.

13 ~~(h) In adopting this Section, the Board of Supervisors intends that General Fund Revenues not~~
14 ~~be used to pay for the purchase of bicycle storage facilities or for installation of bicycle storage~~
15 ~~facilities, that private building owners not be required to use their own funds to implement the~~
16 ~~requirements of this Section, and that the implementation of this Section be funded primarily through~~
17 ~~the use of public and private donations, grants and other available programmatic funding.~~

18 **SEC. 155.4. BICYCLE PARKING REQUIRED IN NEW AND RENOVATED COMMERCIAL**
19 **BUILDINGS.**

20 (a) **Definitions.**

21 ~~(h)~~ All definitions set forth in Section 155.1(a) and Section 155.3(a) are incorporated
22 into this Section. For the purposes of this Section, commercial shall mean commercial, industrial, and
23 institutional uses.

24 (b) Applicability.

1 ~~(1)~~ ~~(2)~~ **New Commercial Buildings.** A commercial or industrial building for which a
2 building permit is issued on or ~~at least six months~~ after the effective date of this Section.

3 ~~(2)~~ ~~(3)~~ **Major Renovation.** Any construction or renovation project (i) for which a building
4 permit is issued commencing on or at least six months after the effective date of this Section
5 (ii) which involves an enlargement of an existing commercial building and (iii) which has an
6 estimated construction cost of at least \$1,000,000.00.

7 ~~(3)~~ **Major Change of Use.** Any change of use involving half or more of the building's square
8 footage, or 10,000 or more square feet.

9 ~~(4)~~ **Addition of Parking.** Any increase in the amount of off-street automobile parking.

10 ~~(b)~~ ~~(c)~~ **Requirements for New Commercial Buildings and Commercial Buildings with**
11 **Major Renovations.** New eCommercial buildings making any of the changes specified in subsection
12 (b) and commercial buildings with major renovations, as a condition of approval, shall provide
13 bicycle parking in that building in accordance with this Section. Where a building undergoes
14 major renovations, its total square footage after the renovation shall be used in calculating
15 how many, if any, bicycle parking spaces are required.

16 ~~(e)~~ ~~(d)~~ **Types of Bicycle Parking.** New commercial buildings and commercial
17 buildings with major renovations shall offer either Class 1 bicycle parking, as defined in
18 Section 155.1(a)(6), or Class 2 bicycle parking, as defined in Section 155.1(a)(7), or a
19 combination of Class 1 and Class 2 bicycle parking.

20 ~~(d)~~ ~~(e)~~ **Bicycle Parking Spaces—Professional Services.** For new commercial
21 buildings and commercial buildings with major renovations, including individual buildings of
22 large, multiple-building developments, whose primary use consists of medical or other
23 professional services, general business offices, financial services, general business services,
24 business and trade schools, colleges and universities, research and development or
25 manufacturing, the following schedule of required bicycle parking applies:

1 (1) Where the gross square footage of the floor area exceeds 10,000 square feet but is
2 no greater than 20,000 feet, 3 bicycle spaces are required.

3 (2) Where the gross square footage of the floor area exceeds 20,000 square feet but is
4 no greater than 50,000 feet, 6 bicycle spaces are required.

5 (3) Where the gross square footage of the floor area exceeds 50,000 square feet, 12
6 bicycle spaces are required.

7 ~~(e)~~ (f) **Bicycle Parking Spaces—Retail and Hotel.** For new commercial buildings and
8 commercial buildings with major renovations whose primary use consists of retail, eating and
9 drinking or personal service, the following schedule of required bicycle parking applies:

10 (1) Where the gross square footage of the floor area exceeds 25,000 square feet but is
11 no greater than 50,000 feet, 3 bicycle spaces are required.

12 (2) Where the gross square footage of the floor area exceeds 50,000 square feet but is
13 no greater than 100,000 feet, 6 bicycle spaces are required.

14 (3) Where the gross square footage of the floor area exceeds 100,000 square feet, 12
15 bicycle spaces are required.

16 ~~(f)~~ (g) **Notice of Bicycle Parking.** New commercial buildings and commercial
17 buildings with major renovations subject to this Section must provide adequate signs or
18 notices to advertise the availability of bicycle parking.

19 ~~(g)~~ (h) **Layout of Spaces.** Owners of new commercial buildings and commercial
20 buildings with major renovations subject to this Section are encouraged to follow the
21 requirements set forth in Section 155.1(d) (Layout of Spaces) in installing Class 1 and Class 2
22 bicycle parking. The number of required automobile parking spaces may be lowered in
23 buildings where Class 1 bicycle parking is provided. The number of otherwise required
24 automobile parking spaces may be reduced, commensurate with the space necessary to
25 provide Class 1 or Class 2 bicycle parking spaces, in an amount that meets or exceeds the

1 requirements of this section. This provision only applies to the explicit area used for Class 1 or
2 Class 2 bicycle parking.

3 ~~(h)~~ (i) **Owners of Existing Buildings Encouraged to Provide Bicycle Parking**
4 **Spaces.** The City encourages building owners whose buildings are not subject to this Section
5 to provide bicycle parking spaces in such buildings.

6 ~~(i)~~ (j) **Exemption.** Where a new commercial building or building with major renovations
7 includes residential uses, the building's total non-residential square footage shall be used in
8 calculating how many, if any, bicycle parking spaces are required. Building owners shall be
9 required to allow tenants to bring their bicycles into buildings unless Class 1 bicycle parking is
10 provided.

11 ~~(j)~~ (k) This Section shall not be interpreted to interfere with the *Planning* Department's
12 ~~of Planning's~~ authority to require more than the minimum bicycle parking spaces required by
13 this Section as a condition of approval of a project, where appropriate.

14 ~~(k) For the purposes of this Section, commercial shall mean commercial and industrial.~~

15 **SEC. 156. PARKING LOTS.**

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

21 (b) Conditional Use.

22 (1) Where parking lots are specified in Articles 2 or 7 of this Code as a use for which
23 conditional use approval is required in a certain district, such conditional use approval shall be
24 required only for such parking lots in such district as are not qualified as accessory uses
25

1 under Section 204.5 of this Code. The provisions of this Section 156 shall, however, apply to
2 all parking lots whether classified as accessory, principal or conditional uses.

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

7 (c) (d) **Screening.**

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

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

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

20 (e) (g) No parking lot for any number of automobiles shall have conducted upon it any
21 dead storage or dismantling of vehicles, or any repair or servicing of vehicles other than of an
22 emergency nature.

23 (f) (h) No permanent parking lot shall be permitted in C-3-O, ~~C-3-R~~, ~~C-3-G~~ and NCT
24 Districts; temporary parking lots may be approved as conditional uses pursuant to the
25

1 provisions of Section 303 for a period not to exceed two years from the date of approval;
2 ~~permanent parking lots in C-3-S Districts shall be permitted only as a conditional use.~~

3 (g) (i) Any parking lot approved pursuant to zoning categories .25, .27 and .29 of
4 Sections 813 through 818 of this Code shall be screened in accordance with the standards
5 described in Section 142, Screening and Greening of Parking and Vehicle Use Areas except
6 where this requirement would prevent otherwise feasible use of the subject lot as an open
7 space or play area for nearby residents.

8 (h) (j) **Interior Landscaping and Street Trees.**

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

16 (2) (k) All parking lots shall meet the street tree requirements specified in Section 143.

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

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

23 (b) A non-accessory garage permitted with Conditional Use may not be permitted
24 under any condition to provide additional accessory parking for specific residential or non-
25 residential uses if the number of spaces in the garage, in addition to the accessory parking

1 permitted in the subject project or building, would exceed those amounts Not Permitted by
2 Section 151.1

3 (c) **Criteria.**

4 (1) Such facility shall meet all the design requirements for setbacks from facades and
5 wrapping with active uses at all levels per the requirements of Section 145.1; and

6 (2) Such parking shall not be accessed from any protected Transit or Pedestrian Street
7 described in Section 155(r); and

8 (3) Such parking garage shall be located in a building where the ratio of gross square
9 footage of parking uses to other uses that are permitted or Conditionally permitted in that
10 district is not more than 1 to 1; and

11 (4) Such parking shall be available for use by the general public on equal terms and
12 shall not be deeded or made available exclusively to tenants, residents, owners or users of
13 any particular use or building except in cases that such parking meets the criteria of
14 subsection (d) or (e) below; and

15 (5) Such facility shall provide spaces for car sharing vehicles per the requirements of
16 Section 166 and bicycle parking per the requirements of Section 155.2; and

17 (6) Such facility, to the extent open to the public per subsection (4) above, shall meet
18 the pricing requirements of Section 155(g) and shall generally limit the proposed parking to
19 short-term occupancy rather than long-term occupancy; and

20 (7) Vehicle movement on or around the facility does not unduly impact pedestrian
21 spaces or movement, transit service, bicycle movement, or the overall traffic movement in the
22 district; and

23 (8) Such facility and its access does not diminish the quality and viability of existing or
24 planned streetscape enhancements.

1 (d) **Parking of Fleet Vehicles.** Parking of fleet of commercial or governmental
2 vehicles intended for work-related use by employees and not used for parking of employees'
3 personal vehicles may be permitted with Conditional Use provided that the Commission
4 affirmatively finds all of the above criteria except criteria (4) and (6).

5 (e) **Pooled Residential Parking.** Non-accessory parking facilities limited to use by
6 residents, tenants or visitors of specific off-site development(s) may be permitted with
7 Conditional Use provided that the Commission affirmatively finds all of the above criteria
8 under (c) except criteria (4) and (6), and provided that the proposed parking on the subject lot
9 would not exceed the maximum amounts permitted by Section 151.1 with Conditional Use or
10 309 exception as accessory for the uses in the off-site residential development. For the
11 purpose of this subsection, an "off-site development" is a development which is existing or
12 has been approved by the Planning Commission or Planning Department in the previous 12
13 months, is located on a lot other than the subject lot, and does not include any off-street
14 parking.

15 **SEC. 158.1. ~~NON-ACCESSORY PARKING GARAGES IN C-3, RC, NCT, AND RTO~~**
16 **~~DISTRICTS AND THE VAN NESS AND MARKET DOWNTOWN RESIDENTIAL SPECIAL USE~~**
17 **~~DISTRICT.~~**

18 (a) **Purpose.** It is the purpose of this Section to establish criteria, considerations, and
19 procedures by which non-accessory parking facilities in transit-oriented neighborhoods may
20 be reviewed, including the appropriateness of such facilities in the context of existing and
21 planned transit service, the location, size, utilization and efficiency of existing parking facilities
22 in the vicinity, and the effectiveness of Transportation Demand Management of institutions
23 and major destinations in the area.

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

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

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

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

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

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

19 (6) The proposed facility shall dedicate no less than 5% of its spaces for short-term,
20 transient use by car share vehicles as defined in Section 166, vanpool, rideshare, or other co-
21 operative auto programs, and shall locate these vehicles in a convenient and priority location.
22 These spaces shall not be used for long-term storage nor satisfy the requirement of Section
23 166, but rather are intended for use by short-term visitors and customers.

24 (c) Review of any new publicly-owned non-accessory parking facilities or expansion of
25 existing publicly-owned parking facilities in C-3, RC, NCT and RTO Districts ~~and in the Van Ness~~

1 ~~and Market Downtown Residential Special Use District~~ shall meet all of the following criteria, in
2 addition to those of subsection (b):

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

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

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

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

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

21 **SEC. 161. EXEMPTIONS FROM OFF-STREET PARKING, FREIGHT LOADING AND**
22 **SERVICE VEHICLE REQUIREMENTS.**

23 The following exemptions shall apply to the requirements for off-street parking and
24 loading spaces set forth in Sections 151 through 155 of this Code. These provisions, as
25 exemptions, shall be narrowly construed.

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

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

8 (c) **Protected street frontages and transit stops.** The Zoning Administrator may reduce or
9 waive required parking or loading for a project, subject to the procedures and conditions in Section
10 307(i) of this Code, when:

11 (1) the only feasible street frontage for a driveway or entrance to off-street parking or loading
12 is located on a protected pedestrian-, cycling-, or transit-oriented street frontage, as defined in Section
13 155(r) of this Code, or

14 (2) the only feasible street frontage for a driveway or entrance to off-street parking or loading
15 is located at a transit stop.

16 ~~In recognition of the compact and congested nature of the downtown area and portions of~~
17 ~~Chinatown, the accessibility of this area by public transit, and programs for provision of public parking~~
18 ~~facilities on an organized basis at specific locations, no off-street parking shall be required for any use,~~
19 ~~in any C-3 Districts, or for any use other than dwellings units where a requirement is specified, in~~
20 ~~Chinatown Visitor Retail, or Chinatown Residential Neighborhood Commercial Districts.~~

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

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

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

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

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

24 ~~(h)~~ **Public parking in lieu of required parking in NC districts.** In instances in
25 which all public agencies involved have certified by resolution that the requirements of this

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

9 (i) ~~(h)~~ **North of Market Special Use District SUD.** There shall be no minimum off-street
10 parking requirements in the North of Market Residential SUD ~~Special Use District~~ described in
11 Section 249.5 of this Code.

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

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

21 (2) Provision of the required number of freight loading and service vehicle spaces on-
22 site would result in the use of an unreasonable percentage of ground-floor area, and thereby
23 preclude more desirable use of the ground floor for retail, pedestrian circulation or open space
24 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 adverse
5 effect on pedestrian circulation, transit operations or general traffic circulation, and off-street
6 space permanently reserved for service vehicles is provided either on-site or in the immediate
7 vicinity of the building.

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

11 ~~(l)~~ **(k) Protected Trees: Street Trees, Significant Trees, and Landmark Trees.** *The required*
12 *off-street parking and loading may be reduced or waived by the Zoning Administrator pursuant to*
13 *Section 307(i) of this Code upon either (i) the recommendation of the Department of Public Works*
14 *Bureau of Urban Forestry, or its successor agency, or (ii) the recommendation of a certified arborist as*
15 *documented in the subject tree's required tree protection plan.*

16 ~~**Arts Activities in South of Market Mixed-Use Districts.**~~ *For arts activities in the RED, RSD,*
17 *SLR, SLI or SSO Districts which will operate primarily during evenings and weekends, the Zoning*
18 *Administrator may reduce or waive the off-street parking requirement when he or she determines*
19 *pursuant to Section 307(g) that within an 800-foot walking distance from the site the anticipated*
20 *demand from the proposed project, in combination with the existing nighttime and/or weekend demand*
21 *for parking within the same geographic area at the time of the permit application, would not exceed 90*
22 *percent of the on-street or off-street parking spaces available to the public within the subject area. The*
23 *applicant shall provide to the Zoning Administrator an acceptable parking survey and study which*
24 *shows evidence of existing parking resources and demand and anticipated demand generated by the*
25 *proposed project and nearby land uses. The Zoning Administrator may impose conditions on reduction*

1 ~~or waiver of the requirement, including, but not limited to, advertising of nearby transit and parking~~
2 ~~facilities, requiring valet parking services and/or leasing parking spaces on nearby lots during~~
3 ~~performance or exhibition activities.~~

4 (m) (4) **Geologic hazards.** Off-street parking requirements may be modified or waived by the
5 Zoning Administrator, subject to the requirements and procedures of Section 307(i) of this Code, when
6 the required parking cannot practically be provided without compromising the earthquake safety or
7 geologic stability of a building and/or neighboring structures and properties.

8 ~~**Non-residential uses in South of Market Mixed Use Districts.** Beginning on the effective date~~
9 ~~of Ordinance No. 412-88 (effective October 10, 1988), within any South of Market Mixed Use District,~~
10 ~~the Zoning Administrator, upon application pursuant to Section 307(g), may waive or reduce the~~
11 ~~required off-street parking for any nonresidential use where he or she determines that: (1) sufficient~~
12 ~~spaces to replace the waived or modified requirement will be provided within a parking facility open to~~
13 ~~the public sponsored by the San Francisco Parking Authority or the City and County of San Francisco;~~
14 ~~(2) it is anticipated that the replacement spaces will be available not more than 10 years after the~~
15 ~~parking would otherwise first be required to be available; (3) the facility in question is within a walking~~
16 ~~distance, as defined in Section 159(d), of one-half mile; and (4) the applicant agrees to pay a one-time~~
17 ~~fee of \$15,000.00 (this amount shall be adjusted annually effective April 1st of each calendar year by~~
18 ~~the percentage of change in the Building Cost Index used by the San Francisco Department of Building~~
19 ~~Inspection) for each space as to which the requirement is waived or modified, which fee shall be~~
20 ~~deposited to the Off-Street Parking Fund for the purpose of acquiring property or rights to property,~~
21 ~~through lease, purchase, or other means, and design, improvement and maintenance of property, for~~
22 ~~the general purpose of providing publicly accessible parking within the South of Market Mixed Use~~
23 ~~District, as defined in Planning Code Section 820 and identified on Sectional Map 3SU of the Zoning~~
24 ~~Map of the City and County of San Francisco, which parking is reasonably expected to be used by~~
25 ~~persons who live, work, shop, do business or visit in the South of Market Mixed Use District. Said fee,~~

1 *and any interest accrued by such fee, shall be used for the purposes stated herein unless it is*
2 *demonstrated that it is no longer needed. This payment shall be paid in full to the City prior to the*
3 *issuance of any temporary or other certificate of occupancy for the subject property.*

4 ~~(n) (m)~~ **Historic buildings.** There shall be no minimum off-street parking or loading
5 requirements for any principal or conditional use located in (A) a landmark building designated
6 per Article 10 of this Code, (B) a contributing building located within a designated historic
7 district per Article 10, (C) any building designated Category I-IV per Article 11 of this Code, or
8 (D) buildings listed on the National Register and/or California Register.

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

14 ~~(o) Parking Management Programs in South of Market Mixed Use Districts.~~ *Within the South*
15 *of Market Mixed Use District, upon approval by the Zoning Administrator pursuant to Section 307(g),*
16 *the required off-street parking for bars, restaurants, arts, nighttime entertainment, pool halls, and*
17 *neighborhood-serving retail or personal service activities may be modified, reduced or waived through*
18 *participation in a Parking Management Program approved by the Zoning Administrator which may*
19 *include, but need not be limited to, participation in a coordinated off-site satellite parking facilities*
20 *program, shuttle service, specified signage and designated advertising procedures.*

21 ~~(p) Garage additions in the North Beach NCD, North Beach Telegraph Hill Special Use~~
22 ~~District, and Chinatown Mixed Use Districts.~~ *Notwithstanding any other provision of this Code to the*
23 *contrary, a mandatory discretionary hearing by the Planning Commission is required in order to install*
24 *a garage in an existing residential structure of four units or more in the North Beach NCD, the North*
25

1 ~~Beach-Telegraph Hill Special Use District, and the Chinatown Mixed Use Districts; Section 311 notice~~
2 ~~is required for a building of less than four units.~~

3 ~~In approving installation of the garage, the Commission shall find that: (1) the proposed garage~~
4 ~~opening/addition of off-street parking will not cause the "removal" or "conversion of residential unit,"~~
5 ~~as those terms are defined in Section 317 of this Code; (2) the proposed garage opening/addition of off-~~
6 ~~street parking will not substantially decrease the livability of a dwelling unit without increasing the~~
7 ~~floor area in a commensurate amount; (3) the building has not had two or more evictions with each~~
8 ~~eviction associated with a separate unit(s) within the past ten years, and (4) the proposed~~
9 ~~garage/addition of off-street parking installation is consistent with the Priority Policies of Section~~
10 ~~101.1 of this Code. Prior to the Planning Commission hearing, or prior to issuance of notification~~
11 ~~under Section 311(c)(2) of this Code, the Planning Department shall require a signed affidavit by the~~
12 ~~project sponsor attesting to (1), (2), and (3) above, which the Department shall independently verify.~~
13 ~~The Department shall also have made a determination that the project complies with (4) above, Section~~
14 ~~9. The San Francisco Public Works Code is hereby amended by amending Section 723.2, to read as~~
15 ~~follows:~~

16 ~~(g) **Protected Trees: Street Trees, Significant Trees and Landmark Trees.** The required off-~~
17 ~~street parking and loading may be reduced or waived by the Zoning Administrator pursuant to Section~~
18 ~~307(i) of this Code upon either (i) the recommendation of the Department of Public Works Bureau of~~
19 ~~Urban Forestry, or its successor agency, or (ii) the recommendation of a certified arborist as~~
20 ~~documented in the subject tree's required tree protection plan.~~

21 **SEC. 163. TRANSPORTATION MANAGEMENT PROGRAMS AND TRANSPORTATION**
22 **BROKERAGE SERVICES IN C-2, C-3, ~~EASTERN NEIGHBORHOODS MIXED USE, AND~~**
23 **~~SOUTH OF MARKET MIXED USE DISTRICTS.~~**

24 (a) **Purpose.** This Section is intended to assure that adequate measures are
25 undertaken and maintained to minimize the transportation impacts of added office

1 employment in the downtown and South of Market area, in a manner consistent with the
2 objectives and policies of the General Plan, by facilitating the effective use of transit,
3 encouraging ridesharing, and employing other practical means to reduce commute travel by
4 single-occupant vehicles.

5 (b) **Requirement.** For any new building or additions to or conversion of an existing
6 building in ~~C-3, Eastern Neighborhoods Mixed Use, and South of Market~~ Commercial and Mixed Use
7 Districts where the gross square feet of new, converted or added floor area for ~~office~~ non-
8 residential use equals at least 100,000 square feet, or, in the case of the SSO or MUO District,
9 25,000 square feet, the project sponsor shall be required to provide on-site transportation
10 brokerage services for the actual lifetime of the project, as provided in this Subsection. Prior to
11 the issuance of a temporary permit of occupancy (for this purpose Section 149(d) shall apply),
12 the project sponsor shall execute an agreement with the Planning Department for the
13 provision of on-site transportation brokerage services and preparation of a transportation
14 management program to be approved by the Director of Planning and implemented by the
15 provider of transportation brokerage services. The transportation management program and
16 transportation brokerage services shall be designed:

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

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

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

24 (4) To promote and encourage the provision and proliferation of car-sharing services
25 convenient to tenants and employees of the subject buildings in addition to those required by

1 Section 166, and to promote and encourage those tenants and their employees to prioritize
2 the use of car-share services for activities that necessitate automobile travel, including the
3 promotion and sale of individual and business memberships in certified car-sharing
4 organizations, as defined by Section 166(b)(2).

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

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

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

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

14 The following provisions shall apply to nonconforming uses with respect to changes of
15 use:

16 (a) A nonconforming use shall not be changed or modified so as to increase the
17 degree of nonconformity under the use limitations of this Code, with respect to the type of use
18 or its intensity except as provided in Section 181 for nighttime entertainment activities within
19 the RSD, MUG, MUR, or SLR Districts and in Subsection (f) below. The degree of
20 nonconformity shall be deemed to be increased if the new or modified use is less widely
21 permitted by the use districts of the City than the nonconforming use existing immediately
22 prior thereto.

23 (b) Except as limited in this Subsection, a nonconforming use may be reduced in size,
24 extent or intensity, or changed to a use that is more widely permitted by the use districts of the
25

1 City than the existing use, subject to the other applicable provisions of this Code. Except as
2 otherwise provided herein, the new use shall still be classified as a nonconforming use.

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

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

1 ~~limitations of NC I Districts and any Individual Area NC District or Districts located within ¼ mile of~~
2 ~~the use, as set forth in Article 7 of this Code.~~

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

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

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

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

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

23 (d) A nonconforming use may be changed to a use listed ~~in Articles 2, 7 or 8 of this Code~~
24 ~~as a principal use for the district in which the property is located, subject to the other~~
25

1 applicable provisions of this Code, and the new use may thereafter be continued as a
2 permitted principal use.

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

13 (f) Any nonconforming use in an RED District may change to any use falling within
14 zoning categories 816.36, 816.42 through 816.47, 816.55, or 816.64 through 816.67, subject
15 to the applicable provisions of this Code other than those controlling uses, and the new use
16 may thereafter continue as a nonconforming use.

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

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

23 ~~(2) Within any South of Market Mixed Use District, any area occupied by a~~
24 ~~nonconforming office use which is changed to an arts, home and/or business service use~~
25 ~~falling within zoning categories 102.2 or 816.42 through 816.47 or a wholesale, storage or~~

1 light manufacturing use falling within zoning categories 816.64 through 816.67 shall be
2 allowed to return to its former nonconforming office use.

3 ~~(3)~~ Upon restoration of a previous nonconforming use as permitted ~~by Subsection (1) or~~
4 ~~(2)~~ above, any modification, enlargement, extension, or change of use, from circumstances
5 which last lawfully existed prior to the ~~ereation of the live/work unit, or prior to the~~ change from
6 office use, shall be subject to the provisions of this Article, and the restored nonconforming
7 use shall be considered to have existed continuously since its original establishment, prior to
8 the live/work unit or change to office use, for purposes of this Article.

9 (h) If a nonconforming use has been wrongfully changed to another use in violation of
10 any of the foregoing provisions, and the violation is not immediately corrected when required
11 by the Zoning Administrator, the wrongful change shall be deemed to be a discontinuance or
12 abandonment of the nonconforming use under Section 183 of this Code.

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

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

19 (a) Any nonconforming commercial or industrial use of land where no enclosed
20 building is involved in such use, ~~except for permanent off-street parking lots in the C-3-O, C-3-R~~
21 ~~and C-3-G Districts existing on the effective date of Ordinance No. 414-85, provided that such lots are~~
22 ~~screened in the manner required by Section 156(e);~~

23 (b) Any use of a type first permitted as a principal or conditional use in an NC, C or M
24 District or in a Residential-Commercial ~~Combined~~ District, when occupying a building in an R
25 District other than a Residential-Commercial ~~Combined~~ District that has an assessed valuation

1 not in excess of \$500 on the effective date of this Code or such later date as the use becomes
2 nonconforming, with the following exceptions:

3 (1) Any lawful use in this category in a building having an assessed valuation of \$250
4 or more on the effective date of this Code, or such later date as the use becomes
5 nonconforming, shall have a period of permitted continuance of 10 years from the date at
6 which the property was placed in a residential zoning classification, if such a period of
7 continuance produces an expiration date which is later than the expiration date stated above;
8 or

9 (2) Any lawful use in this category which is of a type first permitted in an NC-1 District;
10 or of a type first permitted in any other district and supplying commodities at retail, or offering
11 personal services, primarily to residents of the immediate vicinity; shall have a period of
12 permitted continuance of 10 years from the effective date of this Code, or of the amendment
13 thereto which caused the use to be nonconforming. After five years of such period have
14 elapsed, any use as described in this Paragraph (b)(2) shall, upon application, be qualified for
15 consideration by the City Planning Commission as a conditional use as regulated in Section
16 303 of this Code.

17 **SEC. 186. EXEMPTION OF LIMITED COMMERCIAL AND INDUSTRIAL**
18 **NONCONFORMING USES IN RH, RM, RTO, AND RED DISTRICTS.**

19 The purpose of this Section is to provide for the further continuance in RH, RM, RTO,
20 and RED Districts of nonconforming uses of a limited commercial and industrial character, as
21 herein described, which are beneficial to, or can be accommodated within, the residential
22 areas in which they are located. It is hereby found and declared that, despite the general
23 incompatibility of nonconforming uses with the purposes of this Code, and with other nearby
24 uses, these limited commercial uses may be tolerated in residential areas, and tend to provide
25 convenience goods and services on a retail basis to meet the frequent and recurring needs of

1 neighborhood residents within a short distance of their homes or, within the South of Market
2 RED Districts, tend to provide jobs and continuation of small scale service and light industrial
3 activities. These uses tend to be small in scale, to serve primarily a walk-in trade, and cause a
4 minimum of interference with nearby streets and properties. Accordingly, this Section
5 recognizes the public advantages of these uses and establishes conditions for their continued
6 operation.

7 (a) Exemption from Termination Provisions. The following nonconforming uses in R
8 Districts shall be exempt from the termination provisions of Section 185, provided such uses
9 comply with all the conditions specified in Subsection (b) below:

10 (1) Any nonconforming use at any story in an RH or RM District which is located more
11 than ¼ mile from the nearest Individual Area Neighborhood Commercial District or Restricted
12 Use Subdistrict described in Article 7 of this Code, and which complies with the use limitations
13 specified for the first story and below of an NC-1 District, as set forth in Sections 710.10
14 through 710.95 of this Code.

15 (2) Any nonconforming use in an RH or RM District which is located within ¼ mile from
16 any Individual Area Neighborhood Commercial District or restricted use subdistrict and which
17 complies with the most restrictive use limitations specified for the first story and below of:

18 (A) NC-1 District, as set forth in Sections 710.10 through 710.95 of this Code; and

19 (B) Any Individual Area Neighborhood Commercial District within ¼ mile of the use, as
20 set forth in Sections 714.10 through 729.95 of this Code;

21 (C) Any Restricted Use Subdistrict within ¼ mile of the use, as set forth in Sections
22 781 through 781.7 of this Code.

23 (3) In the RED Districts, any nonconforming use which is a personal service use falling
24 within zoning category 816.31; home and business service use falling within zoning categories
25

1 816.42 through 816.47; live/work unit falling within zoning category 816.55; wholesale sales,
2 storage or light manufacturing uses falling within zoning categories 816.64 through 816.67.

3 (b) Conditions on Limited Nonconforming Uses. The limited nonconforming uses
4 described above shall meet the following conditions:

5 (1) The building shall be maintained in a sound and attractive condition, consistent
6 with the general appearance of the neighborhood;

7 (2) Any signs on the property shall be made to comply with the requirements of Article
8 6 of this Code applying to nonconforming uses;

9 (3) The hours during which the use is open to the public shall be limited to the period
10 between 6:00 a.m. and 10:00 p.m.;

11 (4) Public sidewalk space may be occupied in connection with the use provided that it
12 is only occupied with tables and chairs as permitted by this Municipal Code;

13 (5) Truck loading shall be limited in such a way as to avoid undue interference with
14 sidewalks, or with crosswalks, bus stops, hydrants and other public features;

15 (6) Noise, odors and other nuisance factors shall be adequately controlled; and

16 (7) All other applicable provisions of this Code shall be complied with.

17 (c) **Formula Retail Uses.** All uses meeting the definition of "formula retail" use per
18 Section 703.3(b) shall not be permitted except by Conditional Use authorization under ~~through~~
19 the procedures of Section 303 of this Code.

20 (d) **Street Frontage.** In addition to the requirements of Section 144 of this Code, the
21 requirements of Section 145.1(c)(6) and (7) shall apply.

22 (e) **Awnings.** Awnings are permitted, subject to the standards for an NC-1 District in
23 Section 136.1(a) of this Code. Canopies and marquees are not permitted.

24 (f) Compliance. Any use affected by this Section which does not comply with all of the
25 conditions herein specified shall be subject to termination in accordance with Section 185 at

1 the expiration of the period specified in that Section, but shall be qualified for consideration as
2 a conditional use under Section 185(e). Any such use which is in compliance with such
3 conditions at the expiration of such period but fails to comply therewith at any later date shall
4 be subject to termination when it ceases to comply with any of such conditions.

5 (g) **Reactivation.** Limited Commercial uses in RH, RM, RTO, and RED Districts that have
6 been discontinued or abandoned, as defined in Section 183, may be reactivated with Conditional Use
7 authorization. In addition to the findings of Section 303, the Planning Commission must find that:

8 (1) the subject space is located on or below the ground floor, and was in commercial or
9 industrial use prior to January 1, 1960;

10 (2) the subject space has not been converted to a dwelling unit; and

11 (3) the proposed commercial use meets all the requirements of this section, and other
12 applicable sections of this Code.

13 (h) ~~(f)~~ **Termination.** Any use affected by this Section which does not comply with all of
14 the conditions herein specified shall be subject to termination in accordance with Section 185
15 at the expiration of the period specified in that Section, but shall be qualified for consideration
16 as a conditional use under Section 185(e). Any such use which is in compliance with such
17 conditions at the expiration of such period but fails to comply therewith at any later date shall
18 be subject to termination when it ceases to comply with any of such conditions.

19 ~~(d)~~ (i) **Other Applicable Provisions.** The provisions for nonconforming uses contained in
20 Sections 180 through 183 shall continue to apply to all uses affected by this Section 186,
21 except that the cost limit for structural alterations contained in Section 181(b)(4) shall not be
22 applicable thereto.

23 **SEC. 188. NONCOMPLYING STRUCTURES; ENLARGEMENTS, ALTERATIONS AND**
24 **RECONSTRUCTION.**

1 (a) **No Increase in Noncompliance.** Within the limitations of this Article 1.7, and
2 especially Sections 172 and 180 hereof, a noncomplying structure as defined in Section 180
3 may be enlarged, altered or relocated, or undergo a change or intensification of use in
4 conformity with the use limitations of this Code, provided that with respect to such structure
5 there is no increase in any discrepancy, or any new discrepancy, at any level of the structure,
6 between existing conditions on the lot and the required standards for new construction set
7 forth in this Code, and provided the remaining requirements of this Code are met.

8 (b) **Structures Damaged or Destroyed by a Disaster.** A noncomplying structure that is
9 damaged or destroyed by fire, or other calamity, or by Act of God, or by the public enemy,
10 may be restored to its former condition; provided that such restoration is permitted by the
11 Building Code, and is started within one year and diligently prosecuted to completion. Except
12 as provided in Subsection (c) below, no noncomplying structure that is voluntarily razed or
13 required by law to be razed by the owner thereof may thereafter be restored except in full
14 conformity with the requirements of this Code.

15 (c) **Unreinforced Masonry Buildings.** In order that major life safety hazards in
16 noncomplying structures may be eliminated as expeditiously as possible, a noncomplying
17 structure constructed of unreinforced masonry that is inconsistent with the requirements of the
18 UMB Seismic Retrofit Ordinance, Ordinance No. 227-92, may be demolished and
19 reconstructed to the same level of noncompliance; provided that:

20 (1) The current requirements of the Building, Housing and Fire Codes and, as
21 applicable, Planning Code are met, provided that the Zoning Administrator may, and is hereby
22 empowered to, permit minor modifications to Planning Code requirements (which may include
23 permitting an increase in the building envelope or a reduction in the number of parking
24 spaces) to the extent necessary and required to bring the replacement building up to such
25 applicable Code requirements and to allow replacement of the demolished building with a

1 building which contains a comparable amount of square footage or the same number of
2 residential units as that of the demolished building. The Zoning Administrator shall provide a
3 written determination regarding such permitted Planning Code modifications; and

4 (2) Such restoration or reconstruction is started within one year after razing or other
5 demolition work on the structure and diligently prosecuted to completion.

6 (d) *Addition of Nonusable Space to Historic Buildings.* Notwithstanding Subsection (a) of
7 this Section, a noncomplying structure as defined in Section 180, may add nonusable space.
8 "Nonusable space" is space not used for living, sleeping, eating, cooking or working. Public
9 corridors, mechanical space, fire stairs and similar areas, are nonusable space. The
10 enlargement must:

11 (1) Facilitate the adaptive reuse or the rehabilitation of a landmark site or contributory
12 structure within a Historic District designated under Article 10 of this Code or a significant
13 structure or contributory structure within a Conservation District designated under Article 11 of
14 this Code; and

15 (A) Be necessary to comply with Building Code, Fire Code or Planning Code
16 requirements; or

17 (B) Enhance the life safety aspects of the building and/or mechanical, environmental
18 control systems; or

19 (2) Be located within a C-3 District, and:

20 (A) Be necessary to comply with Building Code, Fire Code or Planning Code
21 requirements; or

22 (B) Enhance aesthetic qualities and/or character; or

23 (C) Enhance the life safety aspects of the building and/or mechanical, environmental
24 control systems; or

1 (D) Accommodate rooftop features exempted from height limits under Section 260(b)
2 or as provided for under Sections 270, 271 or 272 of this Code.

3 (3) Application for enlargement of a non-complying structure under Subsection (d)(1)
4 shall be considered as part of an application for a Certificate of Appropriateness under Article
5 10 or a Permit to Alter under Article 11 of this Code. Any application to enlarge a
6 noncomplying structure under Article 11 shall be considered as a major alteration under
7 Section 1111 of the Planning Code. Application to alter a noncomplying structure not
8 designated an Article 11 significant or contributory building under Subsection (d)(2) shall be
9 considered under the provisions of Section 309(b) of this Code. These applications shall be
10 subject to the following additional criteria:

11 (A) That the enlargement promote the health, safety and welfare of the public; and

12 (B) That the enlargement not cause significant shadows or wind impacts on public
13 sidewalks and parks; and

14 (C) That the structure provides an appropriate transition to adjacent properties, as
15 necessary; and

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

18 (E) That the access of light and air to abutting properties will not be significantly
19 affected; and

20 (F) That public view corridors not be significantly affected; and

21 (4) The ~~City~~ Planning Commission, subject to the same application procedures of
22 Section 188(d)3 above, may grant an exception to the Planning Code requirements rather
23 than expansion of the structure to accommodate the Planning Code requirements. The
24 exception of the Planning Code requirement shall be subject to the criteria below:

25 (A) That the exception promote the health, safety and welfare of the public; and

1 (B) That the exception result in an increased benefit to the public and the adjacent
2 properties over the increase in nonconformance; and

3 (C) That the exception not be detrimental to either the occupants of the proposed
4 project or to the neighborhood.

5 (e) Historic Signs. Notwithstanding Subsection (a) of this Section, and in order that
6 certain character-defining signs and architectural elements of Qualified Movie Theaters be
7 preserved and enhanced, ~~historic signs a noncomplying Historic Movie Theater Projecting Sign, as~~
8 ~~defined in Section 602.25, and/or a noncomplying Historic Movie Theater Marquee, as defined in~~
9 ~~Section 602.26,~~ may be preserved, rehabilitated, or restored in accordance with the standards and
10 procedures of Section 602.9. ~~A noncomplying Historic Movie Theater Projecting Sign or a~~
11 ~~noncomplying Historic Movie Theater Marquee removed from a Qualified Movie Theater prior to or in~~
12 ~~absence of an application for replacement may be reconstructed.~~

13 ~~(1) For the purposes of this Section, "Qualified Movie Theater" shall mean a building that: (A)~~
14 ~~is currently or has been used as a movie theater; and (B) is listed on or eligible for listing on the~~
15 ~~National Register of Historic Places or the California Register of Historical Resources, designated a~~
16 ~~City Landmark or a contributor to a City Landmark District under Article 10, or designated as a~~
17 ~~Significant or Contributory Building under Article 11.~~

18 ~~(2) Any preservation, rehabilitation, restoration, or reconstruction permitted under this Section~~
19 ~~shall be in strict conformity with the overall design, scale, and character of the existing or previously~~
20 ~~existing Historic Movie Theater Sign or Historic Movie Theater Marquee and:~~

21 ~~(A) For a Qualified Movie Theater that retains its Historic Movie Theater Projecting Sign~~
22 ~~and/or Historic Movie Theater Marquee, the signage features shall be limited to the following:~~

23 ~~(i) On a Historic Movie Theater Projecting Sign, the historic name associated with a previous~~
24 ~~theater occupant;~~

1 ~~(ii) On a Historic Movie Theater Marquee, the historic name associated with a previous theater~~
2 ~~occupant and, where applicable, on the signboard, other information that is an Identifying Sign, as~~
3 ~~defined in Section 602.10, provided such information shall be contained within the signboard, shall not~~
4 ~~consist of any logos, and shall be in the character of lettering historically found on movie theater~~
5 ~~signboards in terms of size, font, and detail.~~

6 ~~(B) For a Qualified Movie Theater where the Historic Movie Theater Projecting Sign and/or~~
7 ~~Historic Movie Theater Marquee has been removed and is proposed to be reconstructed, the overall~~
8 ~~design and signage features shall be limited to the following:~~

9 ~~(i) On a Historic Movie Theater Projecting Sign, the historic name associated with a previous~~
10 ~~theater occupant;~~

11 ~~(ii) On a Historic Movie Theater Marquee, the historic name associated with a previous theater~~
12 ~~occupant and, where applicable, on the signboard, other information that is an Identifying Sign, as~~
13 ~~defined in Section 602.10, provided such information shall be contained within the signboard, shall not~~
14 ~~consist of any logos, and shall be in the character of lettering historically found on movie theater~~
15 ~~signboards in terms of size, font, and detail.~~

16 ~~(C) Any application to reconstruct shall include evidence of the dimensions, scale, materials,~~
17 ~~placement, and features of the previously existing Historic Movie Theater Projecting Sign and/or~~
18 ~~Historic Movie Theater Marquee, as well as any other information required by the Zoning~~
19 ~~Administrator.~~

20 ~~(D) General advertising signs shall not be permitted on either a Historic Movie Theater~~
21 ~~Projecting Sign or a Historic Movie Theater Marquee.~~

22 **SEC. 201. CLASSES OF USE DISTRICTS.**

23 In order to carry out the purposes and provisions of this Code, the City is hereby
24 divided into the following classes of use districts:

1	Public Use Districts (P)	
2	Residential Districts	
3	RH-1(D)	Residential, House Districts, One-Family (Detached Dwellings)
4	RH-1	Residential, House Districts, One-Family
5	RH-1(S)	Residential, House Districts, One-Family with Minor Second Unit
6	RH-2	Residential, House Districts, Two-Family
7	RH-3	Residential, House Districts, Three-Family
8	RM-1	Residential, Mixed Districts, Low Density
9	RM-2	Residential, Mixed Districts, Moderate Density
10	RM-3	Residential, Mixed Districts, Medium Density
11	RM-4	Residential, Mixed Districts, High Density
12	<i>RTO</i>	<i>Residential, Transit-Oriented Neighborhood Districts</i>
13	<i>RTO-M</i>	<i>Residential, Transit-Oriented – Mission Neighborhood Districts</i>
14	Residential-Commercial Districts (RC)	
15	<i>RC-1</i>	<i>Residential-Commercial Combined Districts, Low Density</i>
16	<i>RC-2</i>	<i>Residential-Commercial Combined Districts, Moderate Density</i>
17	RC-3	Residential-Commercial <i>Combined</i> Districts, Medium Density
18	RC-4	Residential-Commercial <i>Combined</i> Districts, High Density
19	<i>Residential Transit-Oriented Neighborhood Districts</i>	
20	<i>RTO</i>	<i>Residential, Transit Oriented Neighborhood Districts</i>
21	<i>RTO-M</i>	<i>Residential Transit Oriented – Mission Neighborhood Districts</i>
22	Neighborhood Commercial Districts (NC)	
23	(Also see Article 7)	
24	General Area Districts	
25	NC-1	Neighborhood Commercial Cluster District
26	NC-2	Small-Scale Neighborhood Commercial District
27	NC-3	Moderate-Scale Neighborhood Commercial District
28	NC-S	Neighborhood Commercial Shopping Center District
29	Individual Area Districts	
30	Broadway Neighborhood Commercial District	
31	Castro Street Neighborhood Commercial District	
32	Inner Clement Street Neighborhood Commercial District	
33	Outer Clement Street Neighborhood Commercial District	
34	Upper Fillmore Street Neighborhood Commercial District	
35	Haight Street Neighborhood Commercial District	

1	Inner Sunset Neighborhood Commercial District	
	Upper Market Street Neighborhood Commercial District	
2	North Beach Neighborhood Commercial District	
3	<i>Pacific Avenue Neighborhood Commercial District</i>	
4	Polk Street Neighborhood Commercial District	
	Sacramento Street Neighborhood Commercial District	
5	Union Street Neighborhood Commercial District	
6	24th Street-Noe Valley Neighborhood Commercial District	
7	West Portal Avenue Neighborhood Commercial District	
	Neighborhood Commercial Transit Districts (NCT)	
8	NCT-1	Neighborhood Commercial Transit Cluster District
9	NCT-2	Small-Scale Neighborhood Commercial Transit District
	NCT-3	Moderate Scale Neighborhood Commercial Transit District
10	Individual Area Neighborhood Commercial Transit (NCT) Districts	
11	Hayes-Gough NCT	
12	Upper Market Street NCT	
	Valencia Street NCT	
13	24th Street — Mission NCT	
14	Mission Street NCT	
	SoMa NCT	
15	Ocean Avenue NCT	
16	Commercial Districts (C)	
17	C-1	Neighborhood Shopping Districts
	C-2	Community Business Districts
18	C-M	Heavy Commercial Districts
19	C-3-O	Downtown Office District
20	C-3-R	Downtown Retail District
	C-3-G	Downtown General Commercial District
21	C-3-S	Downtown Support District
22	Industrial Districts	
	M-1	Light Industrial Districts
23	M-2	Heavy Industrial Districts
24	PDR-1-B	Production Distribution and Repair — Light Industrial Buffer
	PDR-1-D	Production Distribution and Repair — Design
25	PDR-1-G	Production Distribution and Repair - General

1	PDR-2	Core Production Distribution and Repair — Bayview
2	Chinatown Mixed Use Districts (Also see Article 8)	
3	CCB	Chinatown Community Business District
4	CR/NC	Chinatown Residential/Neighborhood Commercial District
5	CVR	Chinatown Visitor Retail District

6	South of Market Use Mixed Use Districts (Also see Article 8)	
7		
8		
9	RED	Residential Enclave Districts
10	RSD	Residential Service District
11	SLR	Service/Light Industrial/Residential District
12	SLI	Service/Light Industrial District
13	SSO	Service/Secondary Office District

14	Eastern Neighborhoods Mixed Use Districts (Also see Article 8)	
15	SPD	South Park District
16	MUG	Mixed Use — General
17	MUO	Mixed Use — Office
18	MUR	Mixed Use — Residential
19	UMU	Urban Mixed Use

20	Downtown Residential Districts (<u>DTR</u>) (Also see Article 8)	
21	RH-DTR	Rincon Hill Downtown Residential
22	SB-DTR	South Beach Downtown Residential
23	<u>TB-DTR</u>	<i>Transbay Downtown Residential</i>

24	Mission Bay Districts (<u>MB</u>) (Also see Article 9)	
25	MB-R-1	Mission Bay Lower Density Residential District
26	MB-R-2	Mission Bay Moderate Density Residential District
27	MB-R-3	Mission Bay High Density Residential District
28	MB-NC-2	Mission Bay Small Scale Neighborhood Commercial District
29	MB-NC-3	Mission Bay Moderate Scale Neighborhood Commercial District

1	MB-NC-S	Mission Bay Neighborhood Commercial Shopping Center District
	MB-O	Mission Bay Office District
2	MB-CI	Mission Bay Commercial-Industrial District
3	MB-H	Mission Bay Hotel District
4	MB-CF	Mission Bay Community Facilities District
	MB-OS	Mission Bay Open Space District

5 *In addition to the classes of use districts in the above table, the following terms shall apply:*

6 *"R District" shall mean any RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-1, RM-1, RM-3, RM-4,*
7 *RTO, RTO-M, RC-1, RC-2, RC-3, RC-4, or RED District;*

8 *"M District" shall mean any M-1 or M-2 District;*

9 *"PDR District" shall mean any PDR-1-B, PDR-1-D, PDR-1-or PDR-2 District;*

10 *"RH District" shall mean any RH-1(D), RH-1, RH-1(S), (RH-2, or RH-3 District;*

11 *"RM District" shall mean any RM-1, RM-2, RM-3, or RM-4 District;*

12 *"RTO District" shall mean any RTO or RTO-M District;*

13 *"C-3 District" shall mean any C-3-O, C-3-R, C-3-G, or C-3-S District. For the purposes of*
14 *Section 128 and Article 11 of this Code, the term "C-3- District" shall also include the South of Market*
15 *Extended Preservation District designated on Section Map SU03 of the Zoning Map;*

16 *"NCT District" shall mean any district listed in Section 702.1(b), including any NCT-1, NCT-2,*
17 *NCT-3, and any Neighborhood Commercial Transit District identified by street or area name; and*

18 *"Mixed Use District" shall mean all Chinatown Mixed use, South of Market Mixed Use, Eastern*
19 *Neighborhood Mixed use, and Downtown Residential Districts.*

20 **SEC 204.2. ACCESSORY USES FOR USES OTHER THAN DWELLINGS IN**
21 **RESIDENTIAL DISTRICTS.**

22 No use shall be permitted as an accessory use to a use other than a dwelling in any
23 Residential District which involves or requires any of the following:

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

4 (b) The use of show windows or window displays or advertising to attract customers or
5 clients, except for an identifying sign and regulated in Article 6 of this Code; or

6 (c) The conduct of any activity of a profit-making or commercial nature, except as an
7 integral part of the permitted principal or conditional use where such activity is expressly
8 permitted by Sections 209.1 through 209.9 of this Code.

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

10 (a) No use shall be permitted as an accessory use to a lawful principal or conditional
11 use in any Commercial or Residential-Commercial ~~C-1 or C-2~~ District which involves or requires
12 any of the following:

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

15 ~~(2) The use of any single machine of more than one horsepower in a C-1 District, or more than~~
16 ~~2½ horsepower in a C-2 District;~~

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

19 (4) (1) The use of more than $\frac{1}{4}$ one-third of the total floor area occupied by such use
20 and the principal or conditional use to which it is accessory, except in the case of accessory
21 off-street parking or loading; or

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

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

24 ~~(b) No use shall be permitted as an accessory use to a lawful principal or conditional use in~~
25 ~~any C-3 District which involves or requires the use of any single machine of more than five~~

1 ~~horsepower; or the use of more than 1/4 one-third of the total floor area occupied by such use and the~~
2 ~~principal or conditional use to which it is accessory, except in the case of accessory off-street parking~~
3 ~~and loading. These limitations shall not apply to equipment or machines pertaining integrally to the~~
4 ~~lawful principal use itself.~~

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

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

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

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

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

21 (b) Unless rented on a monthly basis to serve a dwelling unit within 1,250-feet
22 pursuant to Section 204.5(b)(1), below, accessory parking facilities for any dwelling in any R
23 District shall be limited, further, to storage of private passenger automobiles, private
24 automobile trailers and boats, and trucks of a rated capacity not exceeding $\frac{3}{4}$ three-quarters of

1 a ton. Notwithstanding any provision of this Code to the contrary, the following shall be
2 permitted as an accessory use:

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

6 (c) Accessory parking facilities shall include only those facilities which do not exceed
7 the ~~following amounts permitted by Section 151(c) for a structure, lot or development: three spaces~~
8 ~~where one space is required by this Code; four spaces where two spaces are required by this Code; 150~~
9 ~~percent of the required number of spaces where three or more spaces are required by this Code; and,~~
10 ~~in all districts other than NC, 15 spaces or seven percent of the total gross floor area of the structure or~~
11 ~~development, whichever is greater, or in NC Districts, three spaces, where no off-street parking spaces~~
12 ~~are required by this Code. For purposes of calculation under the last provision just stated, gross floor~~
13 ~~area shall be as defined by this Code, and the area considered to be devoted to parking shall be only~~
14 ~~the parking spaces and aisles, excluding entrance and exit driveways and ramps.~~ Off-street parking
15 facilities which exceed the amounts stated in ~~this Subsection~~ Section 151(c) shall be classified as
16 either a principal or a conditional use, depending upon the use provisions applicable to the
17 district in which such facilities are located. This subsection (c) does not apply to districts
18 subject to Section 151.1, which establishes maximum amounts of accessory parking for all
19 uses in those districts.

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

21 These districts are intended to recognize, protect, conserve and enhance areas
22 characterized by structures combining residential uses with neighborhood-serving commercial
23 uses. The predominant residential uses are preserved, while provision is made for supporting
24 uses, usually in or below the ground story, which meet the frequent needs of nearby residents
25 without generating excessive vehicular traffic. The compact, walkable, transit-oriented, and mixed-

use nature of these districts is recognized by 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. 209.9. OTHER USES.

RH-1	RH-1	RH-1	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	RTO	RTO-M	RC-1	RC-2	RC-3	RC-4	
(D)		(S)													
															SEC. 209.9. OTHER USES.
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(a) Sale or lease sign, as defined and regulated by

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															Article 6 of this Code.
C	C	C	C	C	C	C	C	C	C	C	€	€	C	C	(b) Planned Unit Development, as defined and regulated by Section 304 and other applicable provisions of this Code.
SEE SECTIONS 205 THROUGH 205.2															(c) Temporary uses, as specified in and regulated by Sections 205 through 205.2 of this Code.
											P	P	P	P	(d) Any use as specified in, and regulated by, Sections 209.3(d), (f), (g), (h), (j); 209.4(a),

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																					(b); or 209.5(c) of this Code, when located in or below the ground story of a building and not above the ground story.
C	C	C	C	C	C	C	C	C	C	C											(e) Any use listed as a principal or conditional use permitted <i>on the ground floor</i> in an RC-1 <i>NC-1</i> District, when located in a structure on a landmark site designated pursuant to Article 10 of this Code, provided that: <i>no Conditional Use</i>

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													<u>shall be authorized</u> <u>under this</u> <u>provision unless (1)</u> <u>such authorization</u> <u>conforms to the</u> <u>applicable</u> <u>provisions of</u> <u>Section 303 of this</u> <u>Code and (2 the</u> <u>specific use so</u> <u>authorized is</u> <u>essential to the</u> <u>feasibility of</u> <u>retaining and</u> <u>preserving the</u> <u>landmark.</u>
													(1) <u>No</u> <u>application for a</u> <u>conditional use</u> <u>under this</u> <u>provision shall be</u> <u>accepted for filing</u> <u>until a period of</u>

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															<i>180 days shall have elapsed after the date of designation of the landmark; and</i>
															<i>(2) No conditional use shall be authorized under this provision unless such authorization conforms to the applicable provisions of Section 303 of this Code and, in addition, unless the specific use so authorized is essential to the feasibility of retaining and preserving the landmark.</i>

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€	€	€	€	€	€	€	€	€	€	€							<p>—(f)— Subject to Section 233(a), live/work units in existing structures, including additions and expansions thereof, provided that one or more arts activities as defined in Section 102.2 of this Code are the primary nonresidential use within the live/work unit, that other nonresidential activities are limited to those otherwise permitted in the district or otherwise conditional in the district and specifically</p>
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														<i>approved as a conditional use, and further subject to Section 303(c)(6)(B) where that Section applies.</i>
										<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>(g) Subject to Section 233(a), live/work units, provided that one or more arts activities as defined in Section 102.2 of this Code are the primary non-residential use within the live/work unit, and that other nonresidential activities are limited to activities otherwise permitted in the</i>

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															<i>district or otherwise conditional in the district and specifically approved as a conditional use.</i>
€	€	€	€	€	€	€	€	€	€	€	P	P	P	P	(h) Subject to Section 233(a), live/work units, whether or not included above, which satisfy the conditions of Section 233(b) of this Code.
											P	P	P	P	(i) (g) Arts activities except those uses subject to Sections 209.3(d) or (h).
C	C	C	C	C	C	C	C	C	C	C	€	€	C	C	(j) Mortuary and columbarium

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C-1	C-2	C-3-ORG	C-3-ORG	C-3-ORG	C-3-ORG	C-M	M-1	M-2	PDR-1-G	PDR-1-D	PDR-1	PDR-2	
													SEC. 215. DWELLINGS.
P	P	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	C	C	€					(a) Dwelling at a density ratio not exceeding the number of dwelling units permitted in the nearest R District, with the distance to such R District measured from the midpoint of the front lot line or from a point directly across the street therefrom, whichever permits the greater density; provided, that the maximum density ratio in a C-1, C-2, M-1 or M-2 District shall in no case be less than for an RM-1 District, the maximum density ratio in a C-3 or C-M District shall in no case be less than for an RM-4 District, and the maximum density ratio in a C-3 District shall in no case be less than one dwelling unit for each 125 square feet of lot area. The

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												rules for calculation of dwelling unit densities set forth in Section 207.1 of this Code shall apply in C and M Districts, except that any remaining fraction of ½ or more of the minimum amount of lot area per dwelling unit shall be adjusted upward to the next higher whole number of dwelling units.
		€	€	€	€							(b) Dwelling at a density <i>not limited by lot area but by the applicable requirements and limitations elsewhere in this Code, including but not limited to height, bulk, setbacks, open space, and exposure as well as by applicable elements and area plans of the General Plan and design review by the Planning Department ratio greater than that set forth in Subsection (a), to be determined by the City Planning Commission pursuant to Section 303(c) of this Code.</i>
		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>							

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						€	€	€						—(c) Mobile home park for house trailers, motor homes, campers and similar vehicles or structures used for dwelling purposes. Each vehicle or structure in any such park shall be regulated by this Code in the same manner as a dwelling unit.
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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-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	PDR-1-G	PDR-1-D	PDR-1-B	PDR-2			
														SEC. 223. AUTOMOTIVE.
<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>			(a) <u>Automobile Sale or Rental, as defined in Section 890.13 of new or used automobiles</u> , when conducted entirely within an enclosed building.
<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>			—(b) Sale or rental of new or used

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												<i>trucks, when conducted entirely within an enclosed building.</i>
<i>€*</i>			<i>€</i>	<i>€</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>		<i>P</i>	<i>P</i>	<i>(e) (b) Automobile Lot for Sale or Rental, as defined in Section 890.13, when conducted on an open lot of new or used automobiles.</i>
<i>€*</i>			<i>€</i>	<i>€</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>		<i>P</i>	<i>P</i>	<i>(d) Lot for sale or rental of new or used trucks.</i>
<i>€*</i>			<i>€</i>	<i>€</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>		<i>P</i>	<i>P</i>	<i>(e) Sale or rental of new or used automobile trailers.</i>
<i>NA</i>			<i>NA</i>	<i>NA</i>	<i>NA</i>	<i>NA</i>	<i>NA</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>(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:</i>
												<i>(1) The sale and dispensing of</i>

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												<i>greases and brake fluids, including motor vehicle lubrication; and the sale or installation of tires, batteries and other accessories;</i>
												<i>(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;</i>
												<i>(3) Installation of lamp globes, sparkplugs, oil filter or filtering element, windshield wiper blades and motors, radiator hose (without removal of radiator or water pump), battery cables and fan belt;</i>
												<i>(4) The servicing and repairing of tires and batteries;</i>
												<i>(5) The installation and servicing of smog control devices; and</i>
												<i>(6) Automobile washing and</i>

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													<i>polishing of an incidental nature, when performed primarily by hand and not including the use of any mechanical conveyor blower or steam-cleaning device.</i>
P*			P	P	P	P	P	P	P	P	P	P	<i>(g) (c) Automobile Automotive Service Station, as described in Section 890.18 above, with the following minor automobile repairs permitted therewith if conducted entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet on any R District:</i>
													<i>— (1) Tuneup, including the repair or replacement of distributors, sparkplugs and carburetors;</i>
													<i>— (2) Brake repair;</i>
													<i>— (3) Shock absorber replacement;</i>
													<i>— (4) Muffler exchange, with no open flame or torch;</i>

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												— (5) — Wheel balancing and alignment;
												— (6) — Wheel bearing and seals replacement;
												— (7) — Replacement of universal joints;
												— (8) — Radiator mounting and dismantling, with repairs done elsewhere;
												— (9) — Clutch adjustments;
												— (10) — Repair or replacement of water pumps;
												— (11) — Repair or replacement of generators, alternators and voltage regulators;
												— (12) — Repair or replacement of starters;
												— (13) — Repair or replacement of fuel

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												<i>pumps;</i>
												—(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)(o) of Part II, Chapter IV (Fire Code) of the San Francisco Municipal Code.
<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>	—(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

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												<p>—(2) Removal and replacement of engines, transmissions and differentials, with repairs to these components done elsewhere.</p>
				P		P	P	P	P	P	P	<p>(i) <u>(d) Automotive Repair, as defined in Section 890.15.</u> garage for the following major automobile 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:</p>
												<p>—(1) Internal engine repair or rebuilding;</p>
												<p>—(2) Repair or rebuilding of transmissions, differentials or radiators;</p>
												<p>—(3) Reconditioning of badly worn or damaged motor vehicles or trailers;</p>
												<p>—(4) Collision service, including body, frame or fender straightening or</p>

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												<i>repair; and</i>
												— (5) Full body paint spraying.
C*		€	€	€	P	P	P	P	P	P		<i>(j) (e) Automobile WWash, as defined in Section 890.20. when providing on the premises a reservoir of vehicle storage and standing area, outside the washing facilities, equal to at least ¼ the hourly capacity in vehicles of such facilities; provided,</i>
												— (1) that incidental noise is reasonably confined to the premises by adequate soundproofing or other device, and
												— (2) that complete enclosure within a building may be required as a condition of approval, notwithstanding any other provision of this Code; but the foregoing provisions shall not preclude the imposition of any additional conditions pursuant to Section 303 of this Code.

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				P	P	P	P	P			P	(k) <u>(f)</u> Tire recapping, if conducted on premises not less than 200 feet from any R District.
P*				€	P	P	P	<u>P</u> €	<u>P</u>	<u>P</u> €	<u>P</u> €	(h) <u>(g)</u> Parking Lot , as <u>defined in Section 156, for accessory parking regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code.</u>
P	€	€	€	€	P	P	P	€	€	€	€	— (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.
€*	€	€	€	€	P	P	P	€	€	€	€	— (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

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													<i>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 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.</i>
<i>P</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>€</i>	<i>(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.</i>
						<u><i>C</i></u>	<u><i>C</i></u>	<u><i>C</i></u>	<u><i>C</i></u>	<u><i>C</i></u>	<u><i>C</i></u>	<u><i>C</i></u>	<u><i>(h) Public Parking Lot, as defined in Section 890.11.</i></u>
<u><i>C</i></u>	<u><i>C</i></u>	<u><i>C</i></u>	<u><i>C</i></u>	<u><i>C</i></u>	<u><i>C</i></u>	<u><i>C</i></u>	<u><i>C</i></u>	<u><i>C</i></u>	<u><i>C</i></u>	<u><i>C</i></u>	<u><i>C</i></u>	<u><i>C</i></u>	<u><i>(i) Public Parking Garage, as defined in Section 890.12.</i></u>

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C	C	C	C	C NA	C NA	NA	NA	P	NA	P	NA	P	NA	(q) (<u>i</u>) Parcel delivery service, limited to facilities for the unloading, sorting and reloading of local retail merchandise for home deliveries, where the 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		(r) (<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, <u>as defined in Section 890.2.</u>
						P	P	P	P	P	P	P	P	(<u>m</u>) Motor Vehicle Tow Service, <u>as defined in Section 890.19.</u>
			€	C P	C P	P	P	P		P		P		(t) (<u>n</u>) Storage garage for commercial passenger vehicles and light delivery trucks.
				€	P	P	P	P		P		P		(tt) (<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.
						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.

SEC. 228. CONVERSION OF AUTOMOTIVE SERVICE STATIONS FINDINGS.

(a) Findings.

(1) The recent trend toward conversion of service stations to non-service station use has resulted in the curtailment of essential services, including automobile refueling and emergency services, and is contrary to the public health, safety, peace and general welfare.

~~(b)~~ (2) To address this problem, the Board of Supervisors adopted Resolution No. 759-89 to impose interim controls on the conversion of service stations and to create a task force to study this problem and make recommendations to this Board regarding how to address this problem.

~~(c)~~ (3) In the 17 months since Resolution 759-89, 11 more service stations have been converted to other uses. The Service Station Conversion Task Force has recommended that the Board of Supervisors adopt permanent legislation to address this problem.

~~(d)~~ (4) The Board of Supervisors recognizes that service station operators and those who own property on which such stations are located are entitled to earn a fair rate of return on their investment. Where a fair rate of return is being earned, the Board finds that service stations should be allowed to convert to other uses only where it is determined that the conversion would benefit the public.

SEC. 228.1. DEFINITIONS.

1 **(b) Definitions.** Whenever used in this Sections ~~228.2 through 228.5~~, unless a different
2 meaning clearly appears from the context:

3 ~~(a) (1)~~ **(1)** "Gasoline Automotive sService sStation" or "service station" shall mean a retail
4 automotive service use which provides an establishment that sells and dispenses gasoline and other
5 motor fuels and lubricating fluids directly into motor vehicles and performs minor auto repairs
6 and services which remain incidental to the principal sale of motor fuel, as defined in ~~may, in addition,~~
7 ~~provide the types of services specified in~~ Sections ~~223(f) or 223(g)~~ 790.17 and 890.18 of this Code.

8 ~~(b) (2)~~ **(2)** "Conversion" shall mean to change the use of a property from a service station
9 use to a different type of use.

10 ~~(c) (3)~~ **(3)** "Return on investment" shall mean:

11 ~~(A)~~ **(A)** ~~Where~~ the property owner does not own the Automotive sService sStation business,
12 "return on investment" shall mean the before income tax total annual rent and other
13 compensation received from the service station business for the lease of the land and
14 buildings, less the expenses of the lessor, on a cash basis.

15 ~~(d) (B)~~ **(B)** ~~Where~~ the property owner also owns the Automotive sService sStation business,
16 "return on investment" shall mean the before income tax profit on the sale of all goods and
17 services at the service station, including the sale of gasoline, less the cost of goods sold and
18 operating costs, on a cash basis.

19 ~~(e) (4)~~ **(4)** "Total investment in the property" shall mean the fair market value of the
20 property at the time the application is filed with the Zoning Administrator.

21 ~~(f) (5)~~ **(5)** "Demolition" shall mean the physical removal of underground, and/or surface
22 tanks used in storage and dispensing of gasoline and/or any building or canopy without the
23 replacement of such equipment or structures to allow continued operation of the gasoline
24 service station.

25 **SEC. 228.2. LIMITATION ON CONVERSIONS.**

1 (c) Limitation on Conversions.

2 ~~(a)~~ No owner of a property used as ~~a~~ an Automotive Service Station shall change the
3 use of the property to a different type of use without first applying for and receiving either a
4 conditional use authorization from the City Planning Commission, or a conversion
5 determination from the Zoning Administrator. Such authorizations shall be in addition to any
6 other permit or authorization required for a proposed service station conversion under any
7 applicable City, State or federal law or regulation. Automotive Service Stations which front on
8 Primary Transit Streets or Citywide Pedestrian Network Streets, as designated in the General Plan,
9 shall be exempt from the conversion limitations of this Section. The procedures for service station
10 conversion applications shall be as described in Sections 306 and 306.1 of this Code for
11 conditional use and variance actions.

12 ~~(b)~~ (1) Either the ~~City~~ Planning Commission or the Zoning Administrator shall
13 determine at a public hearing whether an applicant is entitled to convert the ~~gasoline~~-service
14 station, depending on the grounds on which the permit is sought. The ~~City~~ Planning
15 Commission shall make conditional use authorization determinations based on the criteria set
16 forth in ~~Section 228.3. Subsection (d)~~. The Zoning Administrator shall make service station
17 conversion determinations under the grounds set forth in ~~Subsection 228.4(a) (e)~~. An applicant
18 may, but need not, apply to the ~~City~~ Planning Commission for a conditional use authorization
19 pursuant to ~~Section 228.3 Subsection (d)~~ and apply to the Zoning Administrator for a conversion
20 authorization pursuant to ~~Section 228.4(a) Subsection (e)~~, provided that if either one approves
21 the application at the first hearing held on it, no hearing shall be necessary before the other.
22 The procedures for service station conversion hearings shall be as described in Sections 306
23 through 306.5 and 306.8 of this Code for conditional use action (~~City~~ Planning Commission
24 hearings) and variance action.

1 ~~SEC. 228.3. CRITERIA FOR PLANNING COMMISSION CONDITIONAL USE~~

2 ~~AUTHORIZATION.~~

3 (d) Criteria for Planning Commission Conditional Use Authorization. In acting on any
4 application for conditional use authorization for conversion, the Commission shall consider the
5 following criteria in lieu of the criteria set forth in Section 303(c) of this Code.

6 (1) The ~~City~~ Planning Commission shall approve the application and authorize the
7 service station conversion if it determines from the facts presented that the reduction in
8 availability of automotive goods and services resulting from the service station conversion
9 would not be unduly detrimental to the public because either:

10 (a) (A) Comparable automotive goods and services are available at other reasonably
11 accessible locations; or

12 (b) (B) The benefits to the public of the service station conversion would outweigh any
13 reduction in automotive goods and services availability because the proposed new use is
14 more necessary or desirable for the neighborhood or community than continued service
15 station use.

16 (e) (2) In making determinations under Subsection (a) (1)(A), the ~~City~~ Planning
17 Commission shall consider the following factors:

18 (1) (A) The types of services offered by the ~~gasoline~~ service station sought to be
19 converted and the hours and days during which such goods and services are available;

20 (2) (B) The volume of gasoline and other motor fuel sold and the number of vehicles
21 serviced at such ~~gasoline~~ service station during each of the 24 months preceding the filing of
22 the conditional use authorization application;

23 (3) (C) Whether the volume of gasoline and other motor fuel sold and the number of
24 vehicles serviced each month has increased or decreased during the 24-month period
25 immediately preceding the conditional use authorization;

1 ~~(4)~~ (D) The accessibility of comparable automotive goods and services offered by
2 other ~~gasoline~~ service stations and repair garages which serve the same geographic area and
3 population segments (e.g., neighborhood residents, in-town or out-of-town commuters,
4 tourists) as the service station sought to be converted.

5 ~~(4)~~ (3) In making determinations under Subsection ~~(b)~~ (1)(B), the Planning Commission
6 shall consider the following factors:

7 ~~(1)~~ (A) If the proposed use is a residential use, the total number of units to be provided
8 and the number of those units that are affordable units;

9 ~~(2)~~ (B) If the proposed new use is a commercial use, the types of goods and services
10 to be offered and the availability of comparable products and services in the vicinity;

11 ~~(3)~~ (C) The importance of the street on which the service station fronts to walking, cycling, and
12 public transit, and the impact of automobile access and egress to the service station and of the
13 proposed new uses and structures on the safety and comfort of pedestrians, cyclists, and transit riders.

14 (D) The relative environmental dangers posed by the current and proposed uses,
15 including but not limited to the quality and character of waste generated, noxious or offensive
16 emissions, fire and explosion hazards and noise, and whether the service station conversion
17 would facilitate the cleanup of existing contamination at the property;

18 ~~(4)~~ (E) The relative employment opportunities offered by the ~~gasoline~~ service station
19 and the proposed new use;

20 ~~(5)~~ (F) The relative amount of taxes or other revenues to be received by the City or
21 other governmental bodies from service station use and the proposed new use;

22 (G) The compatibility of the existing service station and of the proposed new use or structure
23 with the General Plan and area plan urban design policies and the street frontage standards of this
24 Code;

1 ~~(6)~~ (H) Whether the service station use and the proposed use are permitted principal
2 uses, conditional use~~s~~ or nonconforming use~~s~~.

3 ~~SEC. 228.4. CRITERIA FOR ZONING ADMINISTRATOR CONVERSION DETERMINATION.~~

4 ~~(a)~~ (e) *Criteria for Zoning Administrator Conversion Determination.* The Zoning
5 Administrator shall approve the application and authorize the service station conversion if the
6 Zoning Administrator determines from the facts presented that the owner of the subject
7 property is not earning a fair return on investment. The owner shall bear the burden of proving
8 that the owner is not earning a fair return on investment.

9 (1) *Application.* A property owner's application under this Section shall be signed by the
10 owner or an authorized representative of the owner and, under penalty of perjury, declared to
11 contain true and correct information. The application shall be accompanied by:

12 ~~(1)~~ (A) An independent appraisal of the property stating its value;

13 ~~(2)~~ (B) A written statement from an independent Certified Public Accountant
14 summarizing the applicant's financial records, including the property appraisal and stating the
15 return on investment calculated pursuant to this ~~Section~~ *ordinance*;

16 ~~(3)~~ (C) A certified statement from the Certified Public Accountant identifying the owner
17 of the property and the owner of the service station business;

18 ~~(4)~~ (D) Such other financial information as the Zoning Administrator may reasonably
19 determine is necessary to make the determination provided for in this Section.

20 ~~(b)~~ (2) *Rebuttable Presumption.* There shall be a rebuttable presumption that the
21 property owner is earning a fair return on investment if the property owner has earned at least
22 a nine percent return on the property owner's total investment in the property for the 24-month
23 period immediately preceding the filing of the application, or in the case of a service station
24 business that ceased operations after October 12, 1989, for the 24-month period immediately
25 preceding the date the service station ceased operations. The property owner may rebut this

1 presumption by offering evidence demonstrating that because of special facts regarding his or
2 her property the property owner is not earning a fair return on investment or that because of
3 special demonstrated circumstances the applicant would not earn a fair return on investment
4 from service station use during that 12-month period after the filing of the service station
5 conversion application.

6 ~~(e)~~ **(3) Notice of Hearing.** Prior to conducting ~~such the~~ hearing required by Subsection
7 (c)(1), the Zoning Administrator shall provide ~~public written~~ notice of the hearing ~~prior to the~~
8 ~~date of the hearing. Such notice shall include written notice~~ to each property owner within 300 feet
9 in every direction from the ~~gasoline~~-service station, as shown in the last equalized assessment
10 roll, such notice to be mailed at least 10 days before the hearing. The applicant also shall
11 provide posted notice in a visible location on the ~~gasoline~~ service station site at least 20 days
12 before the hearing.

13 ~~(d)~~ **(4) Determination.** The Zoning Administrator shall render written determination
14 within 60 days of the hearing.

15 ~~(e)~~ **(5) Consultation With Other City Departments.** If necessary, the Zoning Administrator
16 shall have the authority to consult with or retain the assistance of the staffs of the Department
17 of Public Works, Real Estate Department, and Mayor's Office of ~~Business Workforce and~~
18 ~~Economic Development, and Office of Community Development~~ in the review of applications for
19 service station conversion.

20 ~~**SEC. 228.5. DEMOLITION AND TANK REMOVAL.**~~

21 ~~(a)~~ **(f) Demolition and Tank Removal.**

22 (1) No service station shall be demolished except to enable a new service station to be
23 constructed on the property, unless:

1 ~~(1)~~ (A) The property owner has first obtained a conditional use authorization from the
2 Planning Commission pursuant to Section 228.3 or a conversion determination from the
3 Zoning Administrator pursuant to Section 228.4; or

4 ~~(2)~~ (B) The ~~Bureau~~ Department of Building Inspection and the Bureau of Fire Prevention
5 and Public Safety determines that the building is unsafe or dangerous and that demolition is
6 the only feasible means to secure the public safety.

7 ~~(b)~~ (2) Notwithstanding Subsections ~~(a)(1)~~ (f)(1)(A) and ~~(a)(2)~~ (f)(1)(B) above, if a
8 service station is owned by a lessee of the property and the property lease was signed prior to
9 the effective date of ~~this~~ Ordinance 288-91, which lease permits or requires the lessee to
10 remove the service station from the property before or after the expiration or termination of the
11 lease, and the lease has expired or terminated or will do so within 60 days, the lessee may
12 cease operation of the service station as permitted or required in the lease. Nothing in this
13 provision, however, shall relieve the property owner from continued use of property as ~~a~~
14 ~~gasoline~~ an Automotive sService sStation as defined by Section ~~228.1(f)~~ 890.18 or the
15 requirements of Subsection ~~(a)(1)~~ (f)(1)(A) above.

16 ~~(e)~~ (3) This ~~ordinance~~ Section shall not limit the removal of any underground storage
17 tank at a service station where removal of the tank is required to comply with any other local,
18 State or federal law or regulation or where the Director of Public Health or a State or federal
19 regulatory agency with jurisdiction over underground storage tanks determines that the tank
20 poses, or removal of the tank is necessary to mitigate, a threat to public health or safety,
21 including but not limited to waters of the State. All appropriate permits (other than the
22 authorizations required by this ~~ordinance~~ Section for conversions) shall be obtained prior to
23 such authorized tank removals. The removal of an underground tank pursuant to this Section
24 does not otherwise exempt a property owner from the requirement of obtaining conditional
25 use authorization to convert ~~a gasoline~~ an Automotive sService sStation.

1 **SEC. 231. LIMITED CORNER COMMERCIAL USES IN RTO AND RM DISTRICTS.**

2 (a) **Purpose.** Corner stores enhance and support the character and traditional pattern
3 of RTO and RM Districts. These small neighborhood-oriented establishments provide
4 convenience goods and services on a retail basis to meet the frequent and recurring needs of
5 neighborhood residents within a short walking distance of their homes. These uses tend to be
6 small in scale, to serve primarily walk-in trade, and cause minimum interference with nearby
7 streets and properties. These uses are permitted only on the ground floor of corner buildings,
8 and their intensity and operating hours are limited to ensure compatibility with the
9 predominantly residential character of the district. Accessory off-street parking is prohibited for
10 these uses to maintain the local neighborhood walk-in character of the uses.

11 (b) **Location.** Uses permitted under this section must be located:

12 (1) completely within an RTO, RTO-M, RM-3, or RM-4 District;

13 (2) on or below the ground floor; and

14 (3) on a corner lot as defined by Section 102.15, with no part of the use extending
15 more than ~~50~~ 100 feet in depth from said corner, ~~as illustrated in Figure 231.~~

16 (c) **Permitted Uses.** Any use is permitted which complies with the most restrictive use
17 limitations for the first story and below of an NC-1 District, as set forth in Sections 710.10
18 through 710.95 of this Code.

19 (d) **Use Size.** No more than ~~1,200~~ 2,500 occupied square feet of commercial area shall
20 be allowed per corner lot, except those lots which occupy more than one corner on a given
21 block and which may provide an additional 1,200 occupied square feet of commercial area per
22 additional corner, so long as the commercial space is distributed equitably throughout
23 appropriate parts of the parcel or project.

1 (e) **Formula Retail Uses.** All uses meeting the definition of "formula retail" use per
2 Section 703.3(b) shall not be permitted except by Conditional Use through the procedures of
3 Section 303

4 **[Figure 231 to be deleted]**

5 (f) **Parking.** No accessory parking shall be permitted for uses permitted under this
6 Section.

7 (g) **Operating Hours.** The hours during which the use is open to the public shall be
8 limited to the period between 6:00 a.m. and 10:00 p.m.

9 (h) **Conditions.** Any uses described above shall meet all of the following conditions:

10 (1) The building shall be maintained in a sound and attractive condition, consistent
11 with the general appearance of the neighborhood.

12 (2) Any signs on the property shall comply with the requirements of Article 6 of this
13 Code pertaining to NC-1 Districts.

14 (3) Truck loading shall be limited in such a way as to avoid undue interference with
15 sidewalks, or with crosswalks, bus stops, hydrants and other public features

16 (4) Noise, odors and other nuisance factors shall be adequately controlled; and

17 (5) The use shall comply with all other applicable provisions of this Code.

18 (i) **Street Frontage.** In addition to the street frontage requirements of Section 144, the
19 following provisions of Section 145.1 shall apply to the street frontage dedicated to limited
20 commercial uses permitted by this Section: active uses per Section 145.1(c)(3); transparency
21 and fenestration per Section 145.1(c)(6); and grates, railings, and grillework per Section
22 145.1(c)(7).

23 (j) **Awnings.** Awnings are permitted, subject to the standards for an NC-1 District in
24 Section 136.1(a) of this Code. Canopies and marquees are not permitted.

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1 (k) Dwelling Unit Conversion. Converting all or part of a dwelling unit to a limited
2 commercial use as permitted by this Section shall require a Conditional Use authorization, subject to
3 the conditions of Section 207.7 in RTO Districts and those of Section 317 in RM Districts.

4 **SEC. 239. WASHINGTON-BROADWAY SPECIAL USE DISTRICTS.**

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

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

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

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

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

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

1 **SEC. 240. WATERFRONT SPECIAL USE DISTRICTS.**

2 (a) **Purpose.** In order to provide for certain areas with unique natural and man-made
3 physical characteristics, distinct maritime character, special traffic, parking and use
4 considerations, recognized development potential, and proximity to residential, public and
5 commercial areas of regional, national and international significance which should be
6 protected from adverse adjacent development, there shall be three Waterfront Special Use
7 Districts, Numbers 1, 2 and 3, as designated on Sectional Map No. 1 SU* of the Zoning Map.
8 The original copy of said Sectional Map with these Special Use Districts indicated thereon is
9 on file with the Clerk of the Board of Supervisors *under File No. 171-70-4 and subsequent*
10 *amendments under File No. _____*. The provisions set forth in Sections 240.1 through
11 240.3 shall apply, respectively, within these Special Use Districts, and shall be applicable to
12 all property, whether public or private, including property under the jurisdiction of the San
13 Francisco Port Commission.

14 (b) **State and Regional Land Use Controls.** Much of the property within Waterfront
15 Special Use Districts ~~Numbers 1 and 3~~ is subject to land use controls in addition to those set
16 forth in this Code. Most of the land under the jurisdiction of the Port Commission is public trust
17 land and is subject to use limitations as provided in California Statutes of 1968, Chapter 1333,
18 as amended (the "Burton Act") and the San Francisco Charter. In the event of a conflict
19 between the provisions of the Burton Act and this Code, the State legislation prevails. A
20 portion of the property under the Port Commission's jurisdiction is further subject to use
21 limitations as provided ion the California Government Code, Sections 66600 et seq. (the
22 "McAteer-Petris Act"). The San Francisco Bay Conservation and Development Commission is
23 responsible for implementing the provisions of the McAteer-Petris Act. Other property within
24 this Waterfront Special Use District is subject to redevelopment plans adopted by the Board of
25 Supervisors.

1 (c) **Waterfront Design Review Process.**

2 (1) In order to best achieve the public objectives that have been established in law and
3 policy for the property under the jurisdiction of the Port Commission, a waterfront design
4 review process is hereby established to review the urban design of new development on
5 certain land under the Port Commission's jurisdiction within the Waterfront Special Use
6 District, consistent with applicable provisions of the Port's Waterfront Land Use Plan and its
7 Waterfront Design and Access goals, objectives and criteria, as provided below. The purpose
8 of the waterfront design review process is to identify and integrate the State, regional and
9 local objectives pertaining to the urban design of proposed uses in order to optimize the public
10 enjoyment and beneficial use of this public trust resource.

11 (2) The waterfront design review process shall be conducted by a Design Advisory
12 Committee. The Mayor shall appoint a qualified professional urban planner or architect
13 (general, historic or landscape) who resides or works in San Francisco as one member. The
14 Director of Planning and the Director of the Port of San Francisco shall each appoint two
15 members, consisting of (1) a senior member from their respective staffs and (2) a qualified
16 professional urban planner or architect (general, historic or landscape) who resides or works
17 in San Francisco, not employed within their agency. Of the original appointments, the Mayor's
18 appointment shall serve for a four-year term and the Planning Director and Port Director shall
19 each appoint one member for a two-year term and one member for a four-year term. After
20 expiration of the original terms, all appointments shall be for four-year terms. The Port
21 Commission is granted the authority to increase the number of Committee members by
22 adding representatives appointed by the Director of the Bay Conservation and Development
23 Commission. The Design Advisory Committee shall select a chairperson from among its
24 voting members, and shall establish rules and regulations for its own organization and
25 procedure. The Committee may establish subcommittees to which it may assign Committee

1 design review responsibilities. The Committee shall act by vote of a majority of those present
2 at a meeting with a quorum of Committee members.

3 (3) The Design Advisory Committee shall review proposed projects to be developed on
4 property of the Port of San Francisco, as set forth in Sections 240.1, 240.2, and 240.3 of this
5 Code.

6 (4) The Design Advisory Committee shall be advisory to the Planning Department and
7 Port of San Francisco, and shall provide its design recommendations to the Bay Conservation
8 and Development Commission for proposed projects within its jurisdiction. The Port shall
9 convene and provide staff assistance to the Committee and consult with the Committee on
10 non-maritime development projects as set forth in this Code and at such other times as the
11 Port deems appropriate.

12 (5) The Planning Commission and the Port Commission shall hold a joint hearing
13 within two years from the date of adoption of this ordinance to evaluate the design review
14 process and make recommendations to the Board of Supervisors for its improvement.

15 (6) The Committee shall hold a public hearing on a proposed project and make design
16 recommendations to ensure that the urban design of the proposed project is consistent with
17 applicable provisions of the Waterfront Land Use Plan's Waterfront Design and Access goals,
18 objectives and criteria. The Committee shall provide public notice for this hearing by mail to
19 the applicant or other person or agency initiating the action and other parties who have
20 requested mailed notice of such hearing on the project in writing.

21 (7) The Committee, as an advisory board, must review and consider any final
22 environmental documents, or draft documents if final documents are not yet available,
23 prepared pursuant to the California Environmental Quality Act before it makes its final
24 recommendations.

1 (8) The determination of the Committee on urban design issues related to the
2 proposed project shall be final as to those design issues, except as provided below. The
3 Committee shall transmit the design recommendations to the Planning Department and Port,
4 and to the Bay Conservation and Development Commission for proposed projects within its
5 jurisdiction, within five days following the Committee action for consideration by those
6 agencies prior to any action on the project.

7 (A) For a project that is permitted as a principal use, the Planning Commission can, by
8 majority vote within 14 days of receipt of the design recommendations of the Committee,
9 make a determination to review the design recommendations. If the item cannot be
10 calendared for Commission consideration within that period due to a canceled meeting, the
11 Commission may consider whether to review the design recommendations at its next
12 available meeting. If the Commission requests review, it shall conduct a public hearing on the
13 matter within 14 days following its determination to review the design recommendations, if
14 legally adequate environmental documents have been completed, or at its first public meeting
15 after such documents have been completed, unless the Port Director agrees to a different
16 date. At the request of the Port Director, the meeting shall be conducted as a joint public
17 hearing of the Planning Commission and the Port Commission. The Planning Commission, by
18 majority vote, may adopt, amend or reject the design recommendations of the Committee,
19 subject to the same standards and criteria that govern Committee decisions as provided in
20 Subsection (c)(6) above.

21 If the Port Commission accepts the design recommendations of the Committee or of
22 the Planning Commission, the Port Commission shall incorporate the design
23 recommendations into the Port action on the project.

24 If the Port Commission objects to or seeks to modify the design recommendations of
25 the Committee, the Port Commission may request Planning Commission review of the design

1 recommendations of the Committee. The Planning Commission shall schedule a public
2 hearing and review the design recommendations of the Committee within 20 days following
3 receipt of the request, if legally adequate environmental documents have been completed, or
4 at its first public meeting after such documents have been completed, unless the Port Director
5 agrees to a different date. At the request of the Port Director, the meeting shall be conducted
6 as a joint public hearing of the Planning Commission and the Port Commission.

7 If the Port Commission objects to or seeks to substantially modify design
8 recommendations that have been approved by the Planning Commission as set forth above,
9 the Port Commission may appeal the design recommendations to the Board of Supervisors
10 pursuant to the procedures set forth in Section 308.1 of this Code and in Charter Section
11 4.105 for appeals of conditional uses. The Board of Supervisors may disapprove the decision
12 of the Commission by a vote of not less than of the members of the Board.

13 (B) For a project that requires a conditional use authorization, the Director of Planning
14 shall incorporate the design recommendations of the Committee on urban design issues
15 related to the proposed project into the recommendation to the Planning Commission. The
16 Director of Planning may recommend specific modifications to the Committee's design
17 recommendations, in which case the Director's recommendation shall specify why the
18 Committee's design recommendations should not be considered final. The Director of
19 Planning shall schedule a public hearing before the Planning Commission within 30 days
20 following receipt of the Committee's design recommendations, if legally adequate
21 environmental documents have been completed, or at its first public meeting after such
22 documents have been completed, unless the Port Director agrees to a different date.

23 (C) ~~(A)~~ A project within a Waterfront Special Use District shall be reviewed under the
24 provisions set forth in the Waterfront Special Use District within which boundaries it is located,
25 and shall not be considered, for review purposes under this Code, as including or being part

1 of a project within an adjoining Waterfront Special Use District, notwithstanding the timing of
2 development, the physical proximity or type of uses associated with any other such projects,
3 or the applicant or other person or agency initiating the action.

4 **SEC. 240.2. WATERFRONT SPECIAL USE DISTRICT NO. 2.**

5 The following provisions shall apply within Waterfront Special Use District No. 2:

6 (a) Industrial, commercial and other operations directly related to the conduct of
7 waterborne commerce or navigation shall be permitted as principal uses, except in residential
8 zoning districts.

9 (b) A hotel or motel, if otherwise listed in this Code as a permitted use, shall be
10 permitted only upon approval by the Planning Commission as a conditional use under Section
11 303 of this Code.

12 (c) An automobile service station, if otherwise listed in this Code as a permitted use,
13 shall be permitted only upon approval by the Planning Commission as a conditional use under
14 Section 303 of this Code.

15 (d) Any building or use which provides a greater number of off-street parking spaces
16 than required under Section 151 of this Code shall be permitted only upon approval by the
17 Planning Commission as a conditional use under Section 303 of this Code; provided,
18 however, that this subsection shall not apply in any case where fewer than 10 such spaces
19 are provided. Off-street parking requirements may be reduced or waived by the Planning Department
20 or Planning Commission, as provided in Section 161(f) of this Code.

21 (e) Any new development on property under the jurisdiction of the Port Commission (excluding
22 alterations to existing development) which includes an area (excluding the area of public streets and
23 alleys) of at least one-half acre shall be subject to review of the urban design of the proposed use by the
24 waterfront design review process, as provided under Section 240(c) of this Code. Any use, whether
25 principal or accessory, not screened from view from adjacent streets and other public areas, with the

1 ~~exception of accessory off-street parking areas for nine or fewer automobiles, shall be permitted only~~
2 ~~upon approval by the Planning Commission as a conditional use under Section 303 of this Code.~~

3 (f) The basic floor area ratio limit shall be 5.0 to 1 to the extent provided in Section
4 124(e) of this Code.

5 **SEC. 240.3. WATERFRONT SPECIAL USE DISTRICT NO. 3.**

6 The following provisions shall apply within Waterfront Special Use District No. 3:

7 (a) Industrial, commercial and other operations directly related to the conduct of
8 waterborne commerce or navigation shall be permitted as principal uses.

9 (b) A wholesale establishment conducted entirely within an enclosed building shall be
10 permitted as a principal use.

11 (c) Any development on property not under the jurisdiction of the Port Commission
12 which includes an area (excluding the area of public streets and alleys) of at least three acres
13 shall be permitted only upon approval by the Planning Commission according to the
14 procedures for conditional use approval in Section 303 of this Code. In considering any
15 application for such a development under Section 303, the Planning Commission shall
16 consider the following criteria in addition to those stated in Section 303(c):

17 (1) Conformance to the Northeastern Waterfront Plan, a part of the General Plan,
18 including streets and roadways as indicated therein;

19 (2) Assurance of a general profile for development having higher portions near
20 Telegraph Hill or other inland areas and lower portions near The Embarcadero;

21 (3) Assurance of view corridors along public streets between Telegraph Hill or other
22 inland areas and the waterfront and Bay;

23 (4) Provision of open spaces available to the public; and

24 (5) Adherence to the character of surrounding areas of the City.

1 (d) Any new development on property under the jurisdiction of the Port Commission,
2 (excluding alterations to existing development) which includes an area (excluding the area of
3 public streets and alleys) of at least $\frac{1}{2}$ *one-half* acre shall be subject to review of the urban
4 design of the proposed use by the waterfront design review process, as provided under
5 Section 240(c) of this Code.

6 (e) In considering any application for development on property under the jurisdiction of
7 the Port Commission on which a specific use or uses require a conditional use, the specific
8 use or uses requiring a conditional use within a project, and not the project in its entirety, shall
9 be subject to the provisions set forth in Section 303 and Article 3.5 of this Code. The Planning
10 Commission shall consider the following criteria in lieu of those stated in Section 303(c):

11 (1) That such use or feature as proposed is consistent with the Waterfront Land Use
12 Plan (WLUP) and its WLUP Waterfront Design and Access goals, policies and criteria,
13 adopted by the Port Commission, including any amendments thereto which the Planning
14 Commission has found to be consistent with the General Plan;

15 (2) Assurance of a general profile for development having higher portions near
16 Telegraph Hill or other inland areas and lower portions near The Embarcadero;

17 (3) [Reserved.]

18 (4) Assurance of view corridors along public streets between Telegraph Hill or other
19 inland areas and the waterfront and Bay, in accordance with the view policies of the
20 Northeastern Waterfront Plan, a part of the General Plan;

21 (5) Provision of open spaces available to the public consistent with the Waterfront
22 Design and Access goals, policies and criteria; and

23 (6) Adherence to the character of surrounding areas of the City.

1 (f) A hotel or motel, if otherwise listed in this Code as a permitted use, shall be
2 permitted only upon approval by the Planning Commission as a conditional use under Section
3 303 of this Code.

4 (g) An automobile service station, if otherwise listed in this Code as a permitted use,
5 shall be permitted only upon approval by the Planning Commission as a conditional use under
6 Section 303 of this Code.

7 (h) Parking. Any building or use which provides a greater number of off-street parking
8 spaces than required under Section 151 of this Code shall be permitted only upon approval by
9 the Planning Commission as a conditional use under Section 303 of this Code; provided,
10 however, that this subsection shall not apply (1) in any case where fewer than 10 such spaces
11 are provided, ~~or (2) for property under the jurisdiction of the Port of San Francisco, to the extent such~~
12 ~~off-street parking spaces existed as of the effective date of this Subsection. Off-street parking~~
13 ~~requirements may be reduced or waived by the Planning Department or Planning Commission, as~~
14 ~~provided in Section 161(f) of this Code.~~

15 ~~(i) Any use, whether principal or accessory, not screened from view from adjacent streets and~~
16 ~~other public areas, with the exception of temporary uses pursuant to Section 205.1, accessory off-street~~
17 ~~parking areas for nine or fewer automobiles, or off-street parking areas on property under the~~
18 ~~jurisdiction of the Port of San Francisco in existence as of the effective date of this subsection, shall be~~
19 ~~permitted only upon approval by the Planning Commission as a conditional use under Section 303 of~~
20 ~~this Code.~~

21 ~~(j) (i) Floor area ratio.~~ The basic floor area ratio limit shall be 5.0 to 1 to the extent
22 provided in Section 124(e) of this Code.

23 ~~(k) Off-street parking requirements may be modified by the Planning Department or Planning~~
24 ~~Commission, as provided in Section 161(f) of this Code.~~

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

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

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

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

13 (1) **Basic Floor Area Ratio.** The basic floor area ratio limit shall be 7.0 to 1 in the 130-
14 foot height district and 4.8:1 in the 80-foot height district. These limits shall apply to dwellings
15 notwithstanding Section 124(b) of this Code, including floor space used for nonaccessory off-
16 street parking, driveways, and maneuvering areas, *except for dwellings in an affordable housing*
17 *project as defined in Section 401.* For definitions of floor area ratio and gross floor area, see
18 Sections 102.11 and 102.9, respectively. The provisions allowing a floor area premium set
19 forth in Section 125(a) shall not apply in the Van Ness Special Use District.

20 (2) **Housing Density.** The restrictions on density set forth in Sections 207, 207.1, 208,
21 209.1 and 209.2 of this Code shall not apply.

22 (3) **Height and Bulk Restrictions.** See Height and Bulk Map No. HT-02 ~~2H~~. See
23 Section 270 of this Code for bulk limits.

1 (4) **Awnings, canopies and marquees.** Awnings, canopies and marquees, as *defined*
2 *in Sections 790.20, 790.26 and 790.58 of this Code, and further* regulated by the Building Code and
3 Sections 243(c)(5), 136.12 and 607.13 of this Code, are permitted.

4 ~~(5) **Signs.**~~

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

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

11 ~~(6)~~ (5) **Rear Yards.** The requirements of this Code applicable to rear yards may be
12 modified or waived by the Zoning Administrator pursuant to Section 307(g) if all of the
13 following conditions are met:

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

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

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

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

21 ~~(7)~~ (6) **Required Setbacks.** Setbacks for buildings exceeding a height of 50 feet shall
22 be regulated as provided in Section 253.2 of this Code.

23 ~~(8)~~ (7) **Limitation of Nonresidential Uses.**

24 (A) **Residential Uses; Ratio Established.** In newly constructed structures,
25 nonresidential uses shall only be permitted if the ratio between the amount of net additional

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

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

22 (i) **In-Lieu Fee.** By conditional use, the developer may elect to fulfill the obligation to
23 build housing by paying an in-lieu fee to the Affordable Housing Fund as provided in Section
24 413 of this Code. No more than a 50 percent reduction of the required housing for a specific
25 project can be fulfilled by paying an in-lieu fee. Use of these funds shall provide affordable

1 housing within 2,000 feet of the Van Ness Special Use District. The in-lieu fee shall be
2 determined by the following formula:

3 (1)
4 $(\text{Lot Area} \times \text{FAR}) / 4 \times 3 = \text{Residential SQ. FT. Requirement}$
5
6
7

8 (2)
9 $\text{Residential SQ. FT. Requirement} - \text{Residential SQ. FT. Developed} = \text{LOSS}$
10
11

12 (3)
13 $\text{LOSS} \times \$15 = \text{In-Lieu Fee}$

14 (ii) **Providing Affordable Housing.** By conditional use, the developer may reduce up
15 to 50 percent of the required amount of on-site housing by maintaining a portion of that
16 housing as permanently affordable for the life of the project. Affordable units shall be
17 managed by a nonprofit housing agency through a duly executed agreement between the
18 project sponsor, the nonprofit agency and the Planning Department. The mix of affordable
19 units retained in the project shall conform to the overall dwelling unit size mix of the project.
20 The portion of retained residential which shall be affordable will be determined by calculating
21 the number of market rate units which could be subsidized by the amount of "in-lieu fee"
22 calculated in Paragraph (i) above. The number of square feet of affordable housing shall be
23 calculated in the following manner:

24 (1)
25

1In-Lieu Fee

2 \$30/square foot subsidy = Square Feet of
3 Affordable Housing
4 Retained in the Project

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

9 The dollar amounts used in the calculation for Paragraphs (i) and (ii) of this Subsection
10 shall be subject to annual adjustments in accord with Section 413.6(1) of this Code.

11 Affordability shall be defined by rents or sale prices affordable by households with no more
12 than 80 percent of median income standards developed by HUD.

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

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

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

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

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

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

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

16 (ii) When the Planning Department approves an application for a project containing
17 only nonresidential use and the project is linked to one or more other projects pursuant to the
18 statement of intent filed with the Department, it shall include as a condition of approval a
19 requirement prohibiting the project sponsor from commencing any work on the site until the
20 Zoning Administrator issues a written determination that such work may proceed. The Zoning
21 Administrator shall not issue such a determination until those permits authorizing the projects
22 containing residential use have been issued and foundations have been completed at each
23 such site;

24 (iii) If a permit for a project containing nonresidential use expires because of delays in
25 the completion of foundations for linked projects containing residential uses, new permits may

1 be approved for the nonresidential project within three years of such expiration without regard
2 to the 3 to 1 residential ratio requirement if a Temporary Certificate of Occupancy or a Permit
3 of Occupancy has been issued for each project containing residential use;

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

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

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

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

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

24 (E) **Demolitions.** All demolitions of buildings containing residential use and all
25 conversions from residential uses to nonresidential uses above the ground floor shall be

1 permitted only if authorized as a conditional use under Section 303 of this Code, unless the
2 Director of the Department of Building Inspection or the Chief of the Bureau of Fire Prevention
3 and Public Safety determines that the building is unsafe or dangerous and that demolition is
4 the only feasible means to secure the public safety. When considering whether to grant a
5 conditional use permit for the demolition or conversion, in lieu of the criteria set forth in
6 Planning Code Section 303, consideration shall be given to the adverse impact on the public
7 health, safety and general welfare of the loss of housing stock in the district and to any
8 unreasonable hardship to the applicant if the permit is denied. The definition of residential use
9 shall be as set forth in Section 243(c)(8)(A), but shall not include any guest room in a building
10 classified as a residential hotel subject to the Residential Hotel Unit Conversion and
11 Demolition Ordinance.

12 A conditional use permit shall not be required if the demolition permit is sought in order
13 to comply with a court order directing or permitting the owner to demolish a building because it
14 is unsafe. No person shall be permitted to construct anything on the site of a demolished
15 building subject to such an order for a period of two years unless (a) the proposal is for at
16 least the same number and size of dwelling units and guest rooms and the same amount of
17 nonresidential floor area as that which was demolished or (b) the applicant requests and is
18 granted an exemption from this requirement on the ground that the applicant has
19 demonstrated that (1) the need for demolition did not arise because of the deliberate or
20 unreasonable neglect of the maintenance of the building, or that (2) the restrictions would
21 cause undue hardship to the property owner or that (3) the restrictions would leave the
22 property without any substantial remaining market value or reasonable use.

23 ~~*(F) **Parking.** Pursuant to Table 151 in Article 1.5 of this Code, the residential parking*~~
24 ~~*requirement shall be one space for each dwelling unit; provided, however, that the Zoning*~~

25

1 *Administrator may reduce the parking requirement to not less than one space for each four dwelling*
2 *units pursuant to the procedures and criteria of Sections 307(g) and (i) of this Code.*

3 ~~(F)~~ **(G) Adult Entertainment Enterprises.** The uses described in Section 790.36 ~~221(k)~~
4 of this Code are not permitted.

5 ~~(G)~~ **(H) Other Entertainment Uses.** Other Entertainment Uses as defined in Section
6 790.38 of this Code shall require notification as set forth in Section 312 of this Code.

7 **(9) Reduction of Ground Level Wind Currents.**

8 (A) New buildings and additions to existing buildings shall be shaped, or other wind
9 baffling measures shall be adopted, so that the development will not cause year-round ground
10 level wind currents to exceed, more than 10 percent of the time, between 7:00 a.m. and 6:00
11 p.m., the comfort level of 11 m.p.h. equivalent wind speed in areas of pedestrian use and
12 seven m.p.h. equivalent wind speed in public seating areas. When pre-existing ambient wind
13 speeds exceed the comfort levels specified above, the building shall be designed to reduce
14 the ambient wind speeds in efforts to meet the goals of this requirement.

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

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

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

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

4 **SEC. 249.5. NORTH OF MARKET RESIDENTIAL SPECIAL USE DISTRICT.**

5 (a) **General.** A special use district entitled the "North of Market Residential Special
6 Use District," which includes RC-4 and P Use Districts, the boundaries of which are shown on
7 Sectional Map No. ~~ISUB~~ SU01 of the Zoning Map, is hereby established for the purposes set
8 forth below.

9 (b) **Purposes.** In order to protect and enhance important housing resources in an area
10 near downtown, conserve and upgrade existing low and moderate income housing stock,
11 preserve buildings of architectural and historic importance and preserve the existing scale of
12 development, maintain sunlight in public spaces, encourage new infill housing at a compatible
13 density, limit the development of tourist hotels and other commercial uses that could
14 adversely impact the residential nature of the area, and limit the number of commercial
15 establishments which are not intended primarily for customers who are residents of the area,
16 the following controls are imposed in the North of Market Residential Special Use District.

17 (c) **Controls.** The following zoning controls are applicable in the North of Market
18 Residential Special Use District. Certain controls are set forth in other Sections of this Code
19 and are referenced herein.

20 (1) **Conditional Use Criteria.** In making determinations on applications for conditional
21 use authorizations required for uses located within the North of Market Residential Special
22 Use District, the City Planning Commission shall consider the purposes as set forth in
23 Subsection (b) above, in addition to the criteria of Section 303(c) of this Code.

24 (2) Notwithstanding other the provisions ~~of Section 209.8~~ of this Code, commercial
25 establishments shall be limited to the ground floor and the first basement floor, except that

1 such establishments may be permitted on the second story as a conditional use if authorized
2 pursuant to Section 303 and Section 249.5(c)(1) of this Code.

3 (3) ~~Garment shops that meet the qualifications set forth in Section 236(a) may be permitted on~~
4 ~~the ground floor and first basement floor as a conditional use if authorized pursuant to Section 303 and~~
5 ~~Section 249.5(c)(1) of this Code.~~

6 (4) The following uses are not permitted: (A) A ~~Tourist h~~Hotel, inn, hostel or motel; and
7 (B) massage establishments which are not incidental to ~~a Hospital or Other Institution the~~
8 ~~institutional uses permitted in Sections 217(a) through (d) of the Planning Code~~ or are not incidental
9 to a health club, gymnasium or other facility with a regular membership or other facility which
10 is used primarily for instruction and training in body building, exercising, reducing, sports,
11 dancing or other similar physical activities.

12 (4) (5) In the portion of the area designated as Subarea No. 1 of the North of Market
13 Residential Special Use District, as shown on Section Map ~~ISUB~~ SU01 of the Zoning Map, the
14 density ratio shall be one dwelling unit for each 125 square feet of lot area; in Subarea No. 2,
15 as shown on Section Map ~~ISUB~~ SU01 of the Zoning Map, the density ratio shall be one
16 dwelling unit for each 200 feet of lot area. The double density provisions of Section 209.1(m)
17 shall not result in greater density than that permitted in an RC-4 District.

18 (6) (5) ~~No~~ Off-street parking requirements shall be required for any use ~~may be modified~~
19 ~~by the City Planning Commission, as provided in Section 161(h) of this Code.~~

20 (6) (7) A bulk district "T" shall apply pursuant to the provisions of Section 270, Table
21 270 of this Code.

22 (7) (8) Special exceptions to the 80-foot base height limit in height and bulk districts 80-
23 120-T and 80-130-T may be granted pursuant to the provisions of Section 263.7 of this Code.

24 (8) (9) Building setbacks are required in this district pursuant to Section 132.2;
25 provisions for exceptions are also set forth in Section 132.2 of this Code.

1 (9) ~~(10)~~ Exceptions to the rear yard requirements for an RC-4 District may be granted
2 pursuant to Section 134(f) of this Code.

3 ~~(11) Awnings, canopies and marquees, as defined in Sections 790.20, 790.26 and 790.58 of this~~
4 ~~Code, and further regulated by the Building Code and Sections 249.5(c)(12), 136.2 and 607.4 of this~~
5 ~~Code are permitted.~~

6 ~~(12) Signs located in the RC-4 portion of this district shall be regulated as provided in Section~~
7 ~~607.4 of this Code.~~

8 (10) ~~(13)~~ All provisions of the ~~City~~ Planning Code applicable in an RC-4 Use District
9 shall apply within that portion of the district zoned RC-4, except as specifically provided
10 above. All provisions of the ~~City~~ Planning Code applicable in a P Use District shall apply within
11 that portion of the district zoned P, except as specifically provided above.

12 (11) ~~(14)~~ All demolitions of buildings containing residential units shall be permitted only
13 if authorized as a conditional use under Section 303 of this Code, unless the Director of the
14 Department of Building Inspection or the Chief of the Bureau of Fire Prevention and Public
15 Safety determines that the building is unsafe or dangerous and that demolition is the only
16 feasible means to secure the public safety. When considering whether to grant a conditional
17 use permit for the demolition, in lieu of the criteria set forth in City Planning Code Section
18 303(c), consideration shall be given to the purposes of the North of Market Residential Special
19 Use District set forth in Section 249.5(b), above, to the adverse impact on the public health,
20 safety and general welfare due to the loss of existing housing stock in the district and to any
21 unreasonable hardship to the applicant if the permit is denied. Demolition of residential hotel
22 units shall also comply with the provisions of the Residential Hotel Ordinance.

23 (d) **Liquor Establishments.** In addition to all other applicable controls set forth in this
24 Code, Liquor Establishments in the North of Market Residential Special Use District shall be
25 subject to the controls set forth in this Section.

1 (1) No Off-Sale Liquor Establishments shall be permitted in the North of Market
2 Residential Special Use District.

3 (2) An Off-Sale Liquor Establishment lawfully existing in the North of Market
4 Residential Special Use District and selling alcoholic beverages as licensed by the State of
5 California prior to the effective date of this legislation may continue operation only under the
6 following conditions, as provided by California Business and Professions Code Section 23790:

7 (A) The premises shall retain the same type of retail liquor license within a license
8 classification; and

9 (B) The licensed premises shall be operated continuously without substantial change
10 in mode or character of operation.

11 (3) The prohibition on Off-Sale Liquor Establishments shall not be interpreted to
12 prohibit the following, provided that the type of California liquor license does not change, the
13 location of the establishment does not change, and the square footage used for the display
14 and sale of alcoholic beverages does not increase:

15 (A) A change in ownership of an Off-Sale Liquor Establishment or an owner-to-owner
16 transfer of a California liquor license; or

17 (B) Re-establishment, restoration or repair of an existing Off-Sale Liquor
18 Establishment on the same lot after total or partial destruction or damage due to fire, riot,
19 insurrection, toxic accident or act of God; or

20 (C) Temporary closure of an existing Off-Sale Liquor Establishment for not more than
21 ninety (90) days for repair, renovation or remodeling.

22 (4) The prohibition on Off-Sale Liquor Establishments shall not be interpreted to
23 prohibit the following:

24 (A) Temporary uses, as described in Planning Code Section 205.1; or
25

1 (B) Establishment of an Off-Sale Liquor Establishment if application for such Off-Sale
2 Liquor Establishment is on file with the California Department of Alcoholic Beverage Control
3 prior to the effective date of this legislation; or

4 (C) Re-location of an existing Off-Sale Liquor Establishment in the North of Market
5 Residential Special Use District to another location within the North of Market Residential
6 Special Use District with conditional use authorization from the ~~City~~ Planning Commission,
7 provided that (i) the type of California liquor license does not, change, (ii) the square footage
8 used for the display and sale of alcoholic beverages does not increase, and (iii) the original
9 premises shall not be occupied by an Off-Sale Liquor Establishment unless by another Off-
10 Sale Liquor Establishment that is also relocating from within the North of Market Residential
11 Special Use District. Any such conditional use authorization shall include a requirement that
12 the establishment comes with the "Good Neighbor Policies" set forth in Subsection (d)(6)
13 below; or

14 (D) A change in liquor license from a Type 21 (Off-Sale General) to a Type 20 (Off-
15 Sale Beer and Wine), provided that the square footage used for the display and sale of
16 alcoholic beverages does not increase.

17 (5) The prohibition on Off-Sale Liquor Establishments shall be interpreted to prohibit
18 the transfer of any California Alcoholic Beverage Control Board off-sale liquor license from a
19 location outside of the North of Market Residential Special Use District to a location within the
20 North of Market Residential Special Use District or the issuance of any original California
21 Alcoholic Beverage Control Board off-sale liquor license for a location within the North of
22 Market Residential Special Use District.

23 (6) The following "Good Neighbor Policies" shall apply to all Liquor Establishments in
24 the North of Market Residential Special Use District in order to maintain the safety and
25 cleanliness of the premises and vicinity:

1 (A) Employees of the establishment shall walk a 100-foot radius from the premises
2 some time between 30 minutes after closing time and 8:00 a.m. the following morning, and
3 shall pick up and dispose of any discarded beverage containers and other trash left by
4 patrons;

5 (B) The establishment shall provide outside lighting in a manner sufficient to illuminate
6 street and sidewalk areas and adjacent parking, as appropriate to maintain security, without
7 disturbing area residences;

8 (C) No alcoholic beverages shall be consumed on any outdoor property adjacent to
9 the establishment and which is under the control of the establishment, excepting those areas
10 of the property that are enclosed and not visible from the sidewalk. are intended for patron
11 services, are supervised by the establishment, and are not located adjacent to any sidewalk
12 areas;

13 (D) No more than 33 percent of the square footage of the windows and clear doors of
14 the establishment shall bear advertising or signage of any sort, and all advertising and
15 signage shall be placed and maintained in a manner that ensures that law enforcement
16 personnel have a clear and unobstructed view of the interior of the premises, including the
17 area in which the cash registers are maintained, from the exterior public sidewalk or entrance
18 to the premises. This requirement shall not apply to premises where there are no windows, or
19 where existing windows are located at a height that precludes a view of the interior of the
20 premises to a person standing outside the premises;

21 (E) No person under the age of 21 shall sell or package alcoholic beverages;

22 (F) Employees of the establishment shall regularly police the area under the control of
23 the establishment in an effort to prevent the loitering of persons about the premises; and

24 (G) The establishment shall promptly remove any graffiti from the exterior of the
25 premises.

1 (7) For purposes of this Section, the following definitions shall apply:

2 (A) "Liquor Establishment" shall mean any enterprise selling alcoholic beverages
3 pursuant to a California Alcoholic Beverage Control Board license.

4 (B) "Off-Sale Liquor Establishment" shall mean any establishment that is defined in
5 Section 790.55 of this Code.

6 (C) "Alcoholic Beverages" shall mean "alcoholic beverages," as defined by California
7 Business and Professions Code Sections 23004 and 23025;

8 (D) "Sell" or "Sale" shall mean and include any retail transaction whereby, for any
9 consideration, an alcoholic beverage is transferred from one person to another.

10 (e) **Fringe Financial Services.** In addition to all other applicable controls set forth in
11 this Code, properties in the North of Market Residential Special Use District are within the
12 Fringe Financial Service Restricted Use District established by Section 249.35 and are subject
13 to the controls and exemptions set forth in Section 249.35.

14 **SEC. 249.15. RESTRICTED LIGHT INDUSTRIAL SPECIAL USE DISTRICT.**

15 (a) **Purpose.** There shall be a special use district known as the Restricted Light
16 Industrial Special Use District, consisting of certain portions of the City and County of San
17 Francisco zoned M-1 or P which border residential or recreational areas. The purpose of this
18 district will be to restrict the more intensive light industrial activities in order to reduce conflict
19 between uses adjacent or in close proximity to one another. These uses include: industrial
20 areas, residential areas, recreation areas (both existing and proposed), large sports facilities
21 or other large parking generators.

22 (b) **Controls.**

23 (1) In the Restricted Light Industrial Special Use District, the following uses (otherwise
24 permitted or conditionally permitted in M-1 districts) shall not be permitted:

- 25 - Yard for storage or sale of livestock feed or coal;

- 1 - Stone or monument yard;
- 2 - Storage or transfer of junk, waste, garbage, refuse, secondhand, discarded, or
- 3 salvaged materials;
- 4 - Automobile wrecking operation;
- 5 - Rendering or reduction of animal materials;
- 6 - Automobile assembling;
- 7 - Bottling plant, brewery, dairy products, plant, malt manufacturing or processing;
- 8 - Ice manufacturing;
- 9 - Concrete products mixing or manufacturing;
- 10 - Foundry;
- 11 - Metalworking or blacksmith shop;
- 12 - Enameling, lacquering, wholesale paint mixing;
- 13 - Woodworking mill or manufacturing of wood-fibre, sawdust, or excelsior products.

14 (2) In the Restricted Light Industrial Special Use District, the following uses shall
 15 require conditional use approval pursuant to Section 303(c) and (d) of the Planning Code:

- 16 - Parcel delivery services (as set forth in Planning Code Section 223(j) ~~(g)~~ and (k) ~~(r)~~);
- 17 - Ambulance services (as set forth in Planning Code Section 890.2 223(s));
- 18 - Storage for commercial vehicles (as set forth in Planning Code Sections 890.131 and
- 19 890.132 223(t) and (u));
- 20 - Cold storage plant (as set forth in Planning Code Section 225(g));

21 In addition to the criteria for conditional use review already stated in Section 303, conditional
 22 use review for any new development in this special use district shall also consider the
 23 following issues:

- 24 (A) The impact on human health imposed by soil toxicity;

- 1 (B) Mitigation of adverse environmental impacts of industry on housing or open space
2 (including but not limited to: noise, trash, dust);
3 (C) Conflict between industrial vehicular traffic and residential uses;
4 (D) Impacts of spillover parking from adjacent uses that generate high parking
5 demands;
6 (E) Compatibility of appearance and landscaping with residential or parks;
7 (F) Any other related problems or issues resulting from the conflict of different land use
8 activities in this area.

9 (3) **Enforcement.** All requirements of Article 1.7 of the ~~City~~ Planning Code with regard
10 to enforcement and compliance with these restrictions shall be monitored by the Zoning
11 Administrator in cooperation with the Department of Building Inspection and the Department
12 of Public Health. Specifically, termination of legal nonconforming uses and abatement of
13 illegal uses will be pursued to the extent permitted by the Municipal Code.

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

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

22 (a) **Purposes.** These controls are intended to protect and enhance the unique retail
23 character of the special use district. All decisions of the Planning Commission and
24 Department for the establishment of ground floor use shall be guided by the following factors:
25

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

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

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

9 (b) **Controls.**

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

14 (2) **Conditional Uses.**

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

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

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

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

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

6 **SEC. 249.49. TELEGRAPH HILL – NORTH BEACH RESIDENTIAL SPECIAL USE**
7 **DISTRICT.**

8 (a) **Purposes.**

9 ~~(1)~~ To regulate off-street parking and the installation of garages in existing residential
10 structures in order to ensure that they do not significantly increase the level of automobile
11 traffic, increase pollution, or impair pedestrian use on narrow public rights-of-way in the
12 District; and to prevent the ability to add parking from providing an incentive to convert
13 existing residential buildings from rental buildings to tenancies-in-common.

14 (b) **Applicability.** The provisions of this Special Use District shall apply to the RH and RM
15 zoned parcels within the area bounded by Bay Street on the north, The Embarcadero and Sansome
16 Street on the east, Broadway on the South, and Columbus Avenue on the west, as shown on Sectional
17 Map SU01 of the Zoning Map.

18 (b) **Controls.**

19 (1) **Number of Off-Street Residential Parking Spaces.** Up to three cars for each
20 four dwelling units is a Permitted use; up to one car for each dwelling unit requires a
21 Conditional use, subject to the criteria and procedures of Section 151.1(f); above one car for
22 each dwelling unit is Not Permitted.

23 (2) **Installation of a Parking Garage.** Installation of a garage in an existing residential
24 building of four or more units requires a mandatory discretionary review hearing by the
25 Planning Commission; Section 311 notice is required for a building of less than four units. In

1 approving installation of the garage, the Commission shall find that: (1) the proposed garage
2 opening/addition of off-street parking will not cause the "removal" or "conversion of residential
3 unit," as those terms are defined in Section 317 of this Code; (2) the proposed garage
4 opening/addition of off-street parking will not substantially decrease the livability of a dwelling
5 unit without increasing the floor area in a commensurate amount; (3) the building has not had
6 two or more "no-fault" evictions, as defined in 37.9(a)(7)—(13) of the San Francisco
7 Administrative Code, with each eviction associated with a separate unit(s) within the past ten
8 years, (4) the garage would not front on a public right-of-way narrower than 41 feet, and (5)
9 the proposed garage/addition of off-street parking installation is consistent with the Priority
10 Policies of Section 101.1 of this Code.

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

16 **SEC. 262. ADDITIONAL HEIGHT LIMITS APPLICABLE TO SIGNS.**

17 (a) The height limits established by this Article 2.5 shall apply to all signs regulated by
18 this Code, except those identified as an hHistoric sSigns within an Historic Sign District pursuant
19 to Sections ~~302, 303 and 608.14~~ 602.9 of this Code. No sign shall be erected, placed, replaced,
20 reconstructed or relocated except in conformity with the provisions of this Article, whether
21 such sign is freestanding or attached to a building or structure.

22 (b) The height of signs is also regulated by Article 6 of this Code, and in each case the
23 most restrictive of the applicable height limitations shall prevail, except for historic signs ~~within~~
24 ~~Historic Sign Districts~~ which are exempt from height limits pursuant to Section 260 of this Code

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

1 In addition to those specified in Sections 302 through 306, and Sections 316 through
2 316.8 of this Code, the Zoning Administrator shall have the following powers and duties in
3 administration and enforcement of this Code. The duties described in this Section shall be
4 performed under the general supervision of the Director of Planning, who shall be kept
5 informed of the actions of the Zoning Administrator.

6 **(a) Rules, Regulations and Interpretations.** The Zoning Administrator shall,
7 consistent with the expressed standards, purposes and intent of this Code and pursuant to its
8 objectives, issue and adopt such rules, regulations and interpretations as are in the Zoning
9 Administrator's opinion necessary to administer and enforce the provisions of this Code.
10 Such rules and regulations, and any such interpretations that will be of general application in
11 future cases, shall be made a part of the permanent public records of the Planning
12 Department. The Zoning Administrator shall respond to all written requests for determinations
13 regarding the classification of uses and the interpretation and applicability of the provisions of
14 this Code.

15 **(b) Compliance with This Code.** The Zoning Administrator shall have authority to
16 take appropriate actions to secure compliance with this Code, through review of permit
17 applications, surveys and record-keeping, enforcement against violations as described in
18 Section 176, and other means.

19 **(c) Inspection of Premises.** In the performance of any prescribed duties, the Zoning
20 Administrator and employees of the Planning Department authorized to represent the Zoning
21 Administrator shall have the right to enter any building or premises for the purposes of
22 investigation and inspection; provided, that such right of entry shall be exercised only at
23 reasonable hours, and that in no case shall entry be made to any building in the absence of
24 the owner or tenant thereof without the written order of a court of competent jurisdiction.
25

1 (d) **Code Maintenance.** The Zoning Administrator shall periodically review and study
2 the effectiveness and appropriateness of the provisions of this Code, for the purpose of
3 recommending necessary changes to the Director of Planning and the Planning Commission.

4 (e) **Exercise of Powers and Duties by Others.** In cases where absence, incapacity,
5 vacancy of the office, conflict of interest or other sufficient reasons prevent action by the
6 Zoning Administrator, the Director of Planning may designate any officer or employee of the
7 Department to carry out any function of the Zoning Administrator so affected.

8 (f) **Cooperation With Other Departments.** The Zoning Administrator shall furnish to
9 the various departments, officers and employees of the City vested with the duty or authority
10 to issue permits or licenses (including but not limited to the Department of Public Works,
11 Department of Public Health, Police Department and Fire Department) such information as
12 will insure the proper administration of this Code and of all the rules, regulations,
13 interpretations and other determinations of the Planning Department relative thereto. It shall
14 be the duty of said departments, officers and employees to cooperate with the Zoning
15 Administrator in the performance of the Zoning Administrator's duties, and to assist in the
16 enforcement of the provisions of this Code.

17 (g) **Exceptions from Certain Specific Code Standards through Administrative**
18 **Review in the Chinatown Mixed Use Districts and the South of Market Mixed Use**
19 **Districts.** The Zoning Administrator may allow complete or partial relief from parking, rear
20 yard, open space and wind and shadow standards as authorized in the applicable sections of
21 this Code, when modification of the standard would result in a project better fulfilling the
22 criteria set forth in the applicable section. The procedures and fee for such review shall be
23 the same as those which are applicable to variances, as set forth in Sections 306.1 through
24 306.5 and 308.2

1 (h) **Exceptions from Certain Specific Code Standards through Administrative**
2 **Review** ~~*in the Eastern Neighborhoods Mixed Use Districts. In the Eastern Neighborhoods Mixed*~~
3 ~~*Use Districts, the*~~ *The* Zoning Administrator may allow complete or partial relief from certain
4 standards specifically identified below and elsewhere in this Code when modification of the
5 standard would result in a project fulfilling the criteria set forth below and in the applicable
6 section.

7 (1) **Applicability.**

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

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

22 (C) Residential Open Space for Historic Buildings. For a landmark building designated per
23 Article 10 of this Code, a contributing building located within a designated historic district per Article
24 10, or any building designated Category I-IV per Article 11 of this Code, the provision of off-site
25

1 publicly accessible open space, meeting the requirements of Section 135(h), may be credited toward the
2 residential usable open space requirement.

3 (D) Conversion of Non-conforming Uses to Residential Uses. The Zoning Administrator may
4 modify or waive dwelling unit exposure requirements, rear yard requirements, open space
5 requirements for inner courts, and the substitution of off-site publicly accessible open space for
6 required residential open space, provided:

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

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

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

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

20 (i) **Criteria for the Reduction or Modification of Off-Street Parking Requirements.**

21 In approving a reduction or modification of off-street requirements authorized by this Code,
22 the Zoning Administrator or the Planning Commission shall consider and apply the following
23 criteria:

24 (1) the reduction in the parking requirement is justified by the reasonably anticipated
25 automobile usage by residents of and visitors to the project; and

- 1 (2) the reduction in the parking requirement will not be detrimental to the health,
- 2 safety, convenience, or general welfare of persons residing in or working in the vicinity; and
- 3 (3) the minimization of conflict of vehicular and pedestrian movements; and
- 4 (4) the availability of transportation modes other than the automobile; and
- 5 (5) the pattern of land use and character of development in the vicinity; and
- 6 (6) such other criteria as the Zoning Administrator deems appropriate in the
- 7 circumstances of the particular case.

8 **SEC. 309.1 PERMIT REVIEW IN DOWNTOWN RESIDENTIAL DISTRICTS.**

9 The provisions and procedures set forth in this Section shall govern the review of
10 project authorization and building and site permit applications for the construction or
11 substantial alteration of structures in Downtown Residential districts, the granting of
12 exceptions to requirements of this Code, and the imposition of modifications necessary to
13 achieve the objectives and policies of the General Plan and the purposes of this Code as
14 provided for in Section ~~827~~ 825 and elsewhere. When any action authorized by this Section is
15 taken, any determination with respect to the proposed project required or authorized pursuant
16 to CEQA may also be considered.

17 (a) **Design Review.**

18 (1) In addition to the standard permit review process, the design of projects greater
19 than 50,000 gross square feet or 85 feet in height shall be subject to design review and
20 approval by Department staff. A detailed design review will be initiated by Department staff
21 working with the project sponsor, at the time an application for 309.1 review or building permit
22 is filed, and may take place in advance of filing a building permit application. This
23 comprehensive review shall resolve issues related to the project's design, including the
24 following:

- 25 (A) Overall building massing and scale;

1 (B) Architectural treatments, facade design and building materials;

2 (C) The design of lower floors, including building setback areas, townhouses, entries
3 and parking and loading access;

4 (D) On sloping sites, parking provided above ground pursuant to Section ~~827(7)(A)~~
5 825(b)(7)(A);

6 (E) The provision of required open space, both on- and off-site;

7 (F) Streetscape and other public improvements, including tree planting, street
8 furniture, and lighting;

9 (G) Circulation, including streets, alleys and mid-block pedestrian pathways

10 (H) Other changes necessary to bring a project into conformance with the *Rincon Hill*
11 *Plan and other applicable* elements and area plans of the General Plan.

12 (2) If the project sponsor opposes project modifications and conditions recommended
13 by the Director of Planning pursuant to the design review, the Director shall prepare a report
14 of recommended modifications which shall be presented to the Planning Commission for a
15 hearing pursuant to Subsection (e) and which shall be available to the public upon mail
16 notification of said hearing.

17 (b) **Exceptions.**

18 (1) Exceptions to the following provisions of this Code may be granted as provided for
19 below:

20 (A) Exceptions to the tower separation requirements of Section 270(e), pursuant to the
21 criteria described in Section 270(e)(3) and 270(e)(4).

22 (B) Provision for exceeding an accessory residential parking ratio *principally permitted*
23 *and up to the maximum permitted by Table 151.1 of 0.5 off-street car parking spaces per dwelling unit,*
24 *up to a maximum of one car parking space per dwelling unit, pursuant to the criteria described in*
25 *Section 151.1.*

1 (C) Exceptions to the lot coverage requirements of Section ~~827(d)(2)~~ 825(b)(2) for
2 conversions of existing non-residential structures to residential use.

3 (D) Reductions in the dwelling unit exposure requirements of Section 140

4 (E) Allowing parking access from Folsom Street, pursuant to ~~827(d)(7)~~ 827(a)(8)(A0(ii))
5 and 155(r).

6 (F) Reduction of required on-site residential open space of 36 square feet per unit
7 described in Section ~~827(e)(2)(A)~~ 827(a)(9) to create additional off-site publicly-accessible open
8 space and superior building design.

9 (G) Design, location, and size of publicly-accessible open space as allowed by ~~Section~~
10 ~~827(e)~~ 827(a)(9) and equivalence of proposed publicly-accessible open space in size and
11 quality with required on-site open space.

12 (H) Modifications to the required upper story setback above a height of 45 feet on the
13 north side of mid-block pedestrian pathways as allowed in Section ~~827(d)(4)(C)(i)~~
14 827(a)(5)(C)(i).

15 (I) On development lots larger than ½-acre, minor deviations from the provisions for
16 measurement of height in Sections 260 of the Code as otherwise provided in Section
17 304(d)(6), in cases where the Planning Commission finds that such minor measurement
18 modification is necessary for a project of outstanding overall design, complementary to the
19 design of the surrounding area, and necessary to meet the intent and policies of the relevant
20 area plan of the General Plan.

21 (c) **Hearing and Determination on Design Modifications and Applications for**
22 **Exceptions.**

23 (1) **Hearing.** The Planning Commission shall hold a public hearing for all projects
24 greater than 50,000 gross square feet, for all projects 85 feet in height or greater, and for
25 applications that require exceptions as provided in Subsection (b).

1 (2) **Notice of Hearing.** Notice of such hearing shall be mailed not less than 10 days
2 prior to the date of the hearing to the project applicant, to property owners within 300 feet of
3 the project that is the subject of the application, using for this purpose the names and
4 addresses as shown on the citywide Assessment Roll in the Assessor's Office, and to any
5 person who has requested such notice. Such notice shall also be published at least once in
6 an official newspaper of general circulation at least 10 days prior to the date of the hearing.
7 The notice shall state that the written recommendation of the Director of Planning regarding
8 design modifications to the project and regarding any requests for exceptions is available for
9 public review at the office of the Planning Department.

10 (3) **Director's Recommendations on Modifications and Exceptions.** At the
11 hearing, the Director of Planning shall review for the Commission key urban design issues
12 related to the project based on the design review pursuant to Subsection (a) and recommend
13 to the Commission modifications to the project and conditions for approval as necessary. The
14 Director shall also make recommendations to the Commission on any proposed exceptions
15 pursuant to Subsection (b).

16 (4) **Decision and Imposition of Conditions.** The Commission may, after public
17 hearing and, after making appropriate findings, approve, disapprove or approve subject to
18 conditions, the project and any applications for exception. In addition to the requirements set
19 forth in this Code, additional requirements, modifications, and limitations may be imposed on
20 a proposed project, through the imposition of conditions, in order to achieve the objectives
21 and policies of the General Plan or the purposes of this Code, including any modifications
22 recommended by the Planning Director arising from design review. If pursuant to the
23 provisions of this Section, the Planning Commission determines that conditions should be
24 imposed on the approval of a building or site permit application or an application for
25 exceptions to conform the building to the standards and intent of the Rincon Hill Plan and

1 other elements of the General Plan and the applicant agrees to comply, the Commission may
2 approve the application subject to those conditions.

3 (5) **Appeal.** The decision of the Planning Commission on the granting of any
4 exceptions pursuant to Subsection (b) may be appealed to the Board of Appeals by any
5 person aggrieved within 15 days after the date of the decision by filing a written notice of
6 appeal with that body, setting forth wherein it is alleged that there was an error in the
7 interpretation of the provisions of this Code or abuse of discretion on the part of the Planning
8 Commission.

9 (6) **Decision on Appeal.** Upon the hearing of an appeal, the Board of Appeals may,
10 subject to the same limitations as are placed on the Planning Commission by Charter or by
11 this Code, approve, disapprove or modify the decision appealed from the Planning
12 Commission. If the determination of the Board differs from that of the Commission it shall, in a
13 written decision, specify the error in interpretation or abuse of discretion on the part of the
14 Commission and shall specify in the findings, as part of the written decision, the facts relied
15 upon in arriving at its determination.

16 (7) **Discretionary Review.** No requests for discretionary review, other than through
17 the procedures set forth in this Subsection, shall be accepted by the Planning Department or
18 heard by the Planning Commission for permits in a DTR district.

19 (d) **Change of Conditions.** Authorization of a change in any condition previously
20 imposed pursuant to this Section shall require an application for a change in conditions, which
21 application shall be subject to the procedures set forth in this Section.

22 (e) **Unbuilt Tower Projects; Progress Requirement and Approval Revocation.**

23 (1) Construction of any development in an "R" bulk district containing a building taller
24 than 110 feet (herein referred to as a "tower project") shall commence within 24 months of the
25 date the tower project is first approved by the Planning Commission or Board of Appeals

1 pursuant to the provisions of this Section. For tower projects that contain more than one tower
2 structure, each tower structure shall be considered as a separate phase of development, with
3 a requirement for commencement of construction for each subsequent tower phase of 18
4 months beginning after the Certificate of Final Completion and Occupancy is issued on the
5 previous tower phase. Failure to begin construction work within that period, or thereafter to
6 carry the development diligently to completion, shall be grounds for the Planning Commission
7 to revoke approval of the tower project or phase. Neither the Department of Public Works nor
8 the Board of *Permit* Appeals shall grant any extension of time inconsistent with the
9 requirements of this Subsection (e)(1). For the purposes of this Subsection, "carry the
10 development diligently to completion" shall mean continuous construction work without
11 significant stoppage toward the completion of a tower structure beyond any site clearance,
12 grading, excavation, or demolition of existing buildings on the project site.

13 (2) The Department of Building Inspection shall notify the Planning Department in
14 writing of its approval for issuance and issuance of a site or building permit for any tower
15 project and of the revocation, cancellation, or expiration of any such permit.

16 (3) At the first regularly scheduled Planning Commission meeting after the time period
17 described in Subsection (e)(1) or this Subsection (e)(3) has elapsed for any tower project or
18 tower phase, the Planning Commission shall hold a hearing requiring the tower project
19 sponsor to report on the construction progress of the subject tower project or phase. If the
20 Commission finds that the tower project or phase does not meet the progress requirement of
21 Subsection (e)(1), the Commission may revoke or extend, up to a maximum of 12 months for
22 each extension, the approvals for the tower project or phase.

23 (4) Appeals of Planning Commission decisions pursuant to this Subsection (e) shall be
24 conducted pursuant to the procedures of Subsections (c)(5) and (c)(6).

25 **SEC. 602.3. BUSINESS SIGN.**

1 A sign which directs attention to a business, commodity, service, industry or other
2 activity which is sold, offered, or conducted, other than incidentally, on the premises upon
3 which such sign is located, or to which it is affixed. Where a number of commodities, services,
4 or other activities with different brand names or symbols are sold, offered or conducted, other than
5 incidentally, on the premises, up to 1/3 of the area of a business sign, or 25 square feet of sign
6 area, whichever is the lesser, may be devoted to the advertising of one or more of those
7 commodities by brand name or symbol as an accessory function of the business sign,
8 provided that such advertising is integrated with the remainder of the business sign, and
9 provided also that any limits which may be imposed by this Code on the area of individual
10 signs and the area of all signs on the property are not exceeded.

11 **SEC. 602.9. HISTORIC SIGNS ~~AND HISTORIC SIGN DISTRICTS.~~**

12 (a) Purpose. The purpose of this section is to designate and to preserve, maintain, and restore
13 a sign which depicts in text or graphic form a particular residential, business, cultural, economic,
14 recreational, or other valued resource which is deemed by the Planning Commission to be of historic
15 value and contributes to the visual identity and historic character of a City neighborhood or the City as
16 a whole. Historic signs can contribute to the character of historic buildings and districts. Historic
17 signs can also be valued in themselves, apart from the buildings to which they may be attached.
18 Exceptions from the requirements of this Article 6 may be granted via Conditional Use Authorization,
19 subject to the procedures and standards of Section 303 and of this section.

20 (b) Definitions.

21 (1) Historic Sign. An Historic Sign is a sign that depicts a land use, a business activity,
22 a public activity, a social activity or historical figure or an activity or use that recalls the City's
23 historic past, as further defined in Section 608.14 of this Code, and as permitted by Sections
24 303 and 608.14 of this Code.

1 ~~An historic sign district is a specific geographic area depicted on the Zoning Map of the City~~
2 ~~and County of San Francisco, pursuant to Section 302 of this Code, within which historic signs may be~~
3 ~~permitted by conditional use authorization by the Planning Commission pursuant to Sections 303 and~~
4 ~~608.14 of this Code.~~

5 (A) **Historic Movie Theater Marquee.** A marquee, as defined in Section 136.1(c), attached to a
6 Qualified Movie Theater, when such marquee was originally constructed in association with a movie
7 theater or similar historic use. Elimination or change of any lettering or other inscription from a movie
8 theater marquee, such as that which may occur with a change of ownership, change of use or closure,
9 does not preclude classification of the marquee under this Section.

10 (B) **Historic Movie Theater Projecting Sign.** A projecting business sign attached to a
11 Qualified Movie Theater when such sign was originally constructed in association with the Qualified
12 Movie Theater or similar historic use. Such signs are typically characterized by (A) perpendicularity to
13 the primary facade of the building, (B) fixed display of the name of the establishment, often in large
14 lettering descending vertically throughout the length of the sign; (C) a narrow width that extends for a
15 majority of the vertical distance of a building's facade, typically terminating at or slightly above the
16 roofline, and (D) an overall scale and nature such that the sign comprises a significant and character
17 defining architectural feature of the building to which it is attached. Elimination or change of any
18 lettering or other inscription from a movie theater projecting sign, such as that which may occur with a
19 change of ownership, change of use, or closure does not preclude classification of the sign under this
20 Section.

21 (2) **Qualified Movie Theater.** A building that: (A) is currently or has been used as a movie
22 theater; and (B) is listed on or eligible for listing on the National Register of Historic Places or the
23 California Register of Historical Resources, designated a City Landmark or a contributor to a City
24 Landmark District under Article 10, or designated as a Significant or Contributory Building under
25 Article 11.

1 (c) **Application for Historic Sign Authorization.** Prior to the scheduling of the Conditional
2 Use hearing before the Planning Commission required by subsection (a), the applicant for a historic
3 sign authorization shall provide to the Department evidence in the form of photographs and/or
4 documents demonstrating that:

5 (1) the sign proposed for historic authorization is at least 40 years old; and

6 (2) the sign depicts a particular residential, business, cultural, economic, recreational, or other
7 valued resource of historic value and contributes to the visual identity and historic character of a City
8 neighborhood or the City as a whole.

9 (d) **Referral to Historic Preservation Commission.** If the application for a historic sign
10 authorization under this Section 608.14 is not otherwise required to be referred to the Historic
11 Preservation Commission under the San Francisco Charter or this Code, it is not required to be
12 referred. However, the Department may refer the application to that Commission for an advisory
13 opinion as to the eligibility of the sign for historic sign status, and/or of any proposed alteration,
14 restoration, or reconstruction to an eligible sign.

15 (e) **Criteria and Requirements for Preservation, maintenance, restoration, and**
16 **reconstruction.** In addition to the requirements of Section 303, the Planning Commission shall
17 consider the following criteria in granting Conditional Use Authorization for exceptions from the
18 requirements of Article 6 for signs, and the requirements of Section 136.1 for Historic Movie Theater
19 Marquees.

20 (1) **Minimizing alterations.** Historic signs shall be maintained unaltered and in their historic
21 location to the extent possible, even when the new business is of a different nature from the old. Signs
22 painted directly on walls, doors, windows, or other building surfaces may not be changed, but may be
23 repaired or restored.

24 (2) **Relocation.** A Historic Sign may be relocated elsewhere on the building to accommodate a
25 new sign. A Historic Sign may also be relocated to a public space inside the building, such as in the

1 lobby or above the bar in a restaurant. This option is less preferable than keeping the sign outside the
2 building, but preserves the sign on site, and leaves open the possibility of putting it back in its historic
3 location.

4 (3) **Modification.** Signs other than those painted directly onto building surfaces may be
5 modified for use with a new business. Modifications to signs should be minimized, and should take
6 care not to destroy essential features. New text and images shall maintain continuity with the character
7 of the sign, building, and district. General Advertising Signs shall not be permitted on historic
8 Projecting Signs or Roof Signs.

9 (4) **General Advertising Signs.** General Advertising Signs shall not be permitted on historic
10 signs.

11 (5) **Historic Movie Theater Projecting Signs and Historic Movie Theater Marquees.** In order
12 that certain character-defining architectural elements of Qualified Movie Theaters be preserved and
13 enhanced, a noncomplying Historic Movie Theater Projecting Sign and/or a noncomplying Historic
14 Movie Theater Marquee, as defined in this Section, may be preserved, rehabilitated, or restored. A
15 noncomplying Historic Movie Theater Projecting Sign or a noncomplying Historic Movie Theater
16 Marquee removed from a Qualified Movie Theater prior to or in absence of an application for
17 replacement may be reconstructed.

18 (A) Any preservation, rehabilitation, restoration, or reconstruction permitted under this Section
19 shall be in strict conformity with the overall design, scale, and character of the existing or previously
20 existing Historic Movie Theater Sign or Historic Movie Theater Marquee and:

21 (B) For a Qualified Movie Theater that retains its Historic Movie Theater Projecting Sign
22 and/or Historic Movie Theater Marquee, the signage features shall be limited to the following:

23 (i) On a Historic Movie Theater Projecting Sign, the historic name associated with a previous
24 theater occupant;

1 (ii) On a Historic Movie Theater Marquee, the historic name associated with a previous theater
2 occupant and, where applicable, on the signboard, other information that is an Identifying Sign, as
3 defined in Section 602.10, provided such information shall be contained within the signboard, shall not
4 consist of any logos, and shall be in the character of lettering historically found on movie theater
5 signboards in terms of size, font, and detail.

6 (C) For a Qualified Movie Theater where the Historic Movie Theater Projecting Sign and/or
7 Historic Movie Theater Marquee has been removed and is proposed to be reconstructed, the overall
8 design and signage features shall be limited to the following:

9 (i) On a Historic Movie Theater Projecting Sign, the historic name associated with a previous
10 theater occupant;

11 (ii) On a Historic Movie Theater Marquee, the historic name associated with a previous theater
12 occupant and, where applicable, on the signboard, other information that is an Identifying Sign, as
13 defined in Section 602.10, provided such information shall be contained within the signboard, shall not
14 consist of any logos, and shall be in the character of lettering historically found on movie theater
15 signboards in terms of size, font, and detail.

16 (D) Any application to reconstruct shall include evidence of the dimensions, scale, materials,
17 placement, and features of the previously existing Historic Movie Theater Projecting Sign and/or
18 Historic Movie Theater Marquee, as well as any other information required by the Zoning
19 Administrator.

20 (E) General advertising signs shall not be permitted on either a Historic Movie Theater
21 Projecting Sign or a Historic Movie Theater Marquee.

22 **SEC. 602.24. WINDOW SIGN.**

23 A sign painted directly on the surface of a window glass or placed ~~in front of or~~ behind
24 the surface of a window glass.

25 **SEC. 604. PERMITS AND CONFORMITY REQUIRED.**

1 (a) **Approval of Application.** An application for a permit for a sign that conforms to the
2 provisions of this Code shall be approved by the Planning Department ~~of Planning~~ without
3 modification or disapproval by the Planning Department ~~of Planning~~ or the Planning
4 Commission, pursuant to the authority vested in them by Section 26, ~~Part III,~~ of the San
5 Francisco ~~Municipal~~ Business & Tax Regulations Code or any other provision of said Municipal
6 Code; provided, however, that applications pertaining to (a) signs subject to the regulations
7 set forth in Article 10 of the Planning Code, Preservation of Historical, Architectural and
8 Aesthetic Landmarks, Article 11, Preservation of Buildings and Districts of Architectural,
9 Historical and Aesthetic Importance in the C-3 Districts and Sections 602.9 and 608.14 may be
10 disapproved pursuant to the relevant provisions thereof, and (b) preservation, restoration,
11 rehabilitation, or reconstruction of Historic Movie Theater Projecting Signs or Historic Movie
12 Theater Marquees as set forth in Section 188(e) may be modified or disapproved subject to
13 applicable sections of the General Plan, this Code, relevant design guidelines, Department or
14 Commission policy, or the Secretary of the Interior Standards for the Treatment of Historic
15 Properties. No sign, other than those signs exempted by Section 603 of this Code, shall be
16 erected, placed, replaced, reconstructed or relocated on any property, intensified in
17 illumination or other aspect, or expanded in area or in any dimension except in conformity with
18 Article 6 of this Code. No such erection, placement, replacement, reconstruction, relocation,
19 intensification, or expansion shall be undertaken without a permit having been duly issued
20 therefor, except as specifically provided otherwise in this Section 604.

21 (b) **Applicability of Section.** The provisions of this Section 604 shall apply to work of the
22 above types on all signs unless specifically exempted by this Code, whether or not a permit
23 for such sign is required under the San Francisco Building Code. In cases in which permits
24 are not required under the Building Code, applications for permits shall be filed with the
25 Central Permit Bureau of the Department of Building Inspection on forms prescribed by the

1 Planning Department ~~of Planning~~, together with a permit fee of \$5.00 for each sign, and the
2 permit number shall appear on the completed sign in the same manner as required by the
3 Building Code.

4 (c) Sign Painted on Door or Window. No permit shall be required under this Code for a
5 sign painted or repainted directly on a door or window in an NC, C or M District. Permits shall
6 be required for all other painted signs in NC, C and M Districts, and for all painted signs in P
7 and R Districts. Repainting of any painted sign shall be deemed to be a replacement of the
8 sign, except as provided in Subsection (f) below.

9 (d) Ordinary Maintenance and Repairs. Except as provided in Subsection (c) above, no
10 permit shall be required under this Code for ordinary maintenance and minor repairs which do
11 not involve replacement, alteration, reconstruction, relocation, intensification or expansion of
12 the sign.

13 (e) Temporary Sale or Lease Signs. No permit shall be required under this Code for
14 temporary sale or lease signs, temporary signs of persons and firms connected with work on
15 buildings under actual construction or alteration, and temporary business signs, to the extent
16 that such signs are permitted by this Code.

17 (f) Change of Copy. A mere change of copy on a sign the customary use of which
18 involves frequent and periodic changes of copy shall not be subject to the provisions of this
19 Section 604, except that a change from general advertising to nongeneral advertising sign
20 copy or from nongeneral advertising to general advertising sign copy or an increase in area
21 including, but not limited to, any extensions in the form of writing, representation, emblem or
22 any figure of similar character shall in itself constitute a new sign subject to the provisions of
23 this Section 604. In the case of signs the customary use of which does not involve frequent
24 and periodic changes of copy, a change of copy shall in itself constitute a new sign subject to
25

1 the provisions of this Section 604 if the new copy concerns a different person, firm, group,
2 organization, place, commodity, product, service, business, profession, enterprise or industry.

3 (g) **Scaled Drawing.** Each application for a permit for a sign shall be accompanied by a
4 scaled drawing of the sign, including the location of the sign on the building or other structure
5 or on the lot, and including (except in the case of a sign the customary use of which involves
6 frequent and periodic changes of copy) such designation of the copy as is needed to
7 determine that the location, area and other provisions of this Code are met.

8 (h) **Nonconforming Signs; Replacement, Alteration, Reconstruction, Relocation,**
9 **Intensification, or Expansion.** Unless otherwise provided in this Code or in other Codes or
10 regulations, a lawfully existing sign which fails to conform to the provisions of this Article 6
11 *shall be brought into conformity ~~may remain until~~ when the activity for which the sign has been posted*
12 *ceases operation or moves to another location, when a new building is constructed, or at the end of ~~its~~*
13 *the sign's* normal life. Such sign may not, however, be replaced, altered, reconstructed,
14 relocated, intensified or expanded in area or in any dimension except in conformity with the
15 provisions of this Code, including Subsection (i) below *and Section 602.9 for historic signs.*
16 Ordinary maintenance and minor repairs shall be permitted, but such maintenance and
17 repairs shall not include replacement, alteration, reconstruction, relocation, intensification or
18 expansion of the sign; provided, however, that alterations of a structural nature required to
19 reinforce a part or parts of a lawfully existing sign to meet the standards of seismic loads and
20 forces of the Building Code, to replace a damaged or weathered signboard, to ensure safe
21 use and maintenance of that sign, to remediate hazardous materials, or any combination of
22 the above alterations shall be considered ordinary maintenance and shall be allowed. A sign
23 which is damaged or destroyed by fire or other calamity shall be governed by the provisions of
24 Sections 181(d) and 188(b) of this Code.

1 A sign which is voluntarily destroyed or removed by its owner or which is required by
2 law to be removed may be restored only in full conformity with the provisions of this Code,
3 except as authorized in Subsection (i) below. A general advertising sign that has been
4 removed shall not be reinstalled, replaced, or reconstructed at the same location, and the
5 erection, construction, and/or installation of a general advertising sign at that location to
6 replace the previously existing sign shall be deemed to be a new sign in violation of Section
7 611(a) of this Code; provided, however, that such reinstallation, replacement, or
8 reconstruction pursuant to a permit duly issued prior to the effective date of this requirement
9 shall not be deemed a violation of Section 611(a) and shall be considered a lawfully existing
10 nonconforming general advertising sign; and further provided that this prohibition shall not
11 prevent a general advertising sign from being relocated to that location pursuant to a
12 Relocation Agreement and conditional use authorization under Sections 611 and 303(l) of this
13 Code and Section 2.21 of the San Francisco Administrative Code.

14 (i) ***Business Signs.*** When the activity for which a business sign has been posted has ceased
15 operation for more than 90 days, all signs pertaining to that business activity shall be removed after
16 that time. A lawfully existing business that is relocating to a new location within 300 feet of its
17 existing location within the North Beach Neighborhood Commercial District described in
18 Sections 702.1 and 722.1 of this Code may move to the new location within said North Beach
19 Neighborhood Commercial District one existing business sign together with its associated sign
20 structure, whether or not the sign is nonconforming in its new location; provided, however, that
21 the sign is not intensified or expanded in area or in any dimension except in conformity with
22 the provisions of this Code. With the approval of the Zoning Administrator, however, the sign
23 structure may be modified to the extent mandated by the Building Code. In no event may a
24 painted sign or a sign with flashing, blinking, fluctuating or other animated light be relocated
25 unless in conformity with current code requirements applicable to its new location. In addition,

1 the provisions of Articles 10 and 11 of this Code shall apply to the relocation of any sign to a
2 location regulated by the provisions of said Articles.

3 (j) Nothing in this Article 6 shall be deemed to permit any use of property that is
4 otherwise prohibited by this Code, or to permit any sign that is prohibited by the regulations of
5 any special sign district or the standards or procedures of any Redevelopment Plan or any
6 other Code or legal restriction.

7 (k) **Public Areas.** No sign shall be placed upon any public street, alley, sidewalk, public plaza
8 or right-of-way, or in any portion of a transit system, except such projecting signs as are otherwise
9 permitted by this Code and signs, structures and features as are specifically approved by the
10 appropriate public authorities under applicable laws and regulations and under such conditions as
11 may be imposed by such authorities.

12 (l) **Maintenance.** Every sign shall be adequately maintained in its appearance. When the
13 activity for which a business sign has been posted has ceased operation for more than 90 days, all signs
14 pertaining to that business activity shall be removed after that time.

15 ~~An historic sign is a sign that depicts a land use, a business activity, a public activity, a social~~
16 ~~activity or historical figure or an activity or use that recalls the City's historic past, as further defined~~
17 ~~in Section 608.14 of this Code, and as permitted by Sections 303 and 608.14 of this Code.~~

18 ~~An historic sign district is a specific geographic area depicted on the Zoning Map of the City~~
19 ~~and County of San Francisco, pursuant to Section 302 of this Code, within which historic signs may be~~
20 ~~permitted by conditional use authorization by the Planning Commission pursuant to Sections 303 and~~
21 ~~608.14 of this Code.~~

22 **SEC. 606. RESIDENTIAL DISTRICTS.**

23 Signs in Residential and Residential Enclave Districts, other than those signs exempted
24 by Section 603 of this Code, shall conform to the following provisions:

25 (a) **General Provisions for All Signs.**

1 (1) No sign shall project beyond a street property line or legislated setback line, or into
2 a required front setback area.

3 (2) No sign shall have or consist of any moving, rotating or otherwise animated part, or
4 (if permitted to be illuminated) any flashing, blinking, fluctuating or otherwise animated light.

5 (3) No roof sign, wind sign, or general advertising sign shall be permitted.

6 (4) No sign shall extend above the roofline of a building to which it is attached, or
7 above a height of 12 feet.

8 (b) **Signs for Uses Permitted in Residential and RED Districts.** The following types
9 of signs, subject to the limitations prescribed for them, shall be the only signs permitted for
10 uses authorized as principal or conditional uses in Residential and RED Districts, except that
11 signs for any *limited* commercial establishments ~~so authorized in RC Districts~~ shall be subject to
12 the limitations of Paragraph (c)~~(3)~~ below.

13 (1) One nonilluminated or indirectly illuminated nameplate for each street frontage of
14 the lot, not exceeding a height of 12 feet, and having an area not exceeding one square foot
15 in RH Districts or two square feet in RM or RED Districts.

16 (2) One identifying sign for each street frontage of the lot, not exceeding a height of 12
17 feet, and meeting the following additional requirements:

18 (A) In RH Districts: nonilluminated or indirectly illuminated only; maximum area 12
19 square feet;

20 (B) In RM-~~I~~, RTO, or RED Districts: maximum area eight square feet if directly
21 illuminated, and 20 square feet if nonilluminated or indirectly illuminated.

22 ~~(C) In RTO Districts: nonilluminated or indirectly illuminated only; maximum area 12 square~~
23 ~~feet; signage related to commercial uses permitted under Sections 209.8(e) and 230 is regulated~~
24 ~~according to the provisions described in Section 230.~~

1 (3) **Sale or Lease Signs.** One temporary nonilluminated or indirectly illuminated sale or
2 lease sign for each street frontage of the total parcel involved, not exceeding a height of 24
3 feet if freestanding and not above the roofline if attached to a building, and having an area not
4 exceeding six square feet for each lot or for each 3,000 square feet in such total parcel,
5 whichever ratio permits the larger area, provided that no such sign shall exceed 50 square
6 feet in area and any such sign exceeding 18 square feet in area shall be set back at least 25
7 feet from all street property lines. Any sale or lease sign shall be removed within seven days
8 following removal of the property from the market.

9 (4) **Construction Signs.** Temporary nonilluminated signs of persons and firms
10 connected with work on buildings under actual construction or alteration, giving their names
11 and information pertinent to the project, not exceeding a height of 12 feet, with the combined
12 area of all such signs not to exceed 10 square feet for each street frontage of the project.

13 (c) **Business Signs for Limited Commercial Uses.** *For Limited Commercial Uses, as*
14 *described in Section 186 of this Code, and for Limited Corner Commercial Uses, as permitted by*
15 *Section 231, the following controls shall apply:*

16 (1) **Wall Signs.** *One wall sign is permitted for each street frontage occupied by the use, placed*
17 *flat against the wall that faces such street and not located above the ground floor. Such sign shall not*
18 *exceed an area of one square foot for each linear foot of street frontage occupied by the building or*
19 *part thereof that is devoted to the commercial use or 50 square feet per street frontage, whichever is*
20 *less. Any such sign may be nonilluminated or indirectly illuminated.*

21 (2) **Window Signs.** *Window signs, limited to signs painted or similarly applied directly on the*
22 *surface of the window glass, are permitted. The total area of all window signs, as defined in Section*
23 *602.1(b), shall not exceed one-quarter the area of the window on which the signs are located. Such*
24 *signs may be nonilluminated or indirectly illuminated.*

1 (3) **Projecting Signs.** The number of projecting signs shall not exceed one per business. The
2 area of such sign, as defined in Section 602.1(a), shall not exceed six square feet. The height of such
3 sign shall not exceed 14 feet, or the height of the lowest residential windowsill above the commercial
4 use, whichever is lower. No part of the sign shall project more than 75 percent of the horizontal
5 distance from the street property line to the curblin, or four feet, whichever is less. Any such sign may
6 be nonilluminated or indirectly illuminated.

7 (4) **Signs on Awnings.** Sign copy may be located on permitted awnings in lieu of wall signs
8 and projecting signs. The area of such sign copy as defined in Section 602.1(c) shall not exceed 20
9 square feet per business. Such sign copy may be nonilluminated or indirectly illuminated.

10 (5) **Illumination.** Any illumination permitted for signs covered by this Subsection (c) shall be
11 extinguished at all times when the commercial use is not open for business.

12 ~~(e) (d)~~ **Signs for Other Nonconforming Uses.** ~~Signs for any use in an R District which is~~
13 ~~nonconforming under the provisions of Sections 180 through 187 of this Code, or which is given~~
14 ~~conditional use status under said sections, shall be subject to the provisions of this Subsection (e),~~
15 ~~except that any such use that would first be permitted as either a principal or a conditional use in some~~
16 ~~other R District under Article 2 of this Code, other than an RC District, shall be subject to the~~
17 ~~provisions of Subsection 606(b) above.~~ Any illumination permitted for signs covered by this
18 Subsection ~~(e)~~ (d) shall be extinguished at all times when the nonconforming use is not open
19 for business.

20 (1) **Automobile Service Stations.** The following business signs are permitted for an
21 automobile service station. Any such signs may be nonilluminated or indirectly or directly
22 illuminated. Directly illuminated signs may be illuminated only during open business hours.

23 (A) **Oil Company Signs.** A maximum of two oil company signs, which shall not extend
24 ~~more than 10 feet~~ above the roofline if attached to a building, or exceed a height of 24 feet if
25 freestanding. The area of any such sign shall not exceed 180 square feet, and along each

1 street frontage all parts of such a sign or signs that are within 10 feet of the street property line
2 shall not exceed 80 square feet in area. The areas of other permanent and temporary signs
3 as covered in Subparagraph 606(c)(1)(B) below shall not be included in the calculation of the
4 areas specified in this Subparagraph.

5 (B) **Other Permanent and Temporary Signs Customarily Incidental to the Service**
6 **Station Business.** No such sign shall extend above the roofline if attached to a building, or
7 exceed a height of 12 feet if freestanding. The area of such signs shall not exceed 20 square
8 feet for each such sign or a total of 80 square feet for all such signs on the premises.

9 (2) **Open Land Uses.** If there is no building with more than 50 square feet of floor
10 area involved in the use, one business sign is permitted for each street frontage occupied by
11 such use, not exceeding a height of 12 feet and having an area not exceeding one square
12 foot for each foot of such street frontage. The total area of all signs for such a use shall not
13 exceed 50 square feet. Any such sign may be nonilluminated or indirectly illuminated.

14 (3) **Other Uses.** For a use not listed in Paragraph 606(c)(1) or 606(c)(2) above, one
15 business sign is permitted for each street frontage occupied by the use, placed flat against the
16 wall that faces such street and not located above the ground floor. Such sign shall not exceed
17 an area of ~~two~~ one square feet for each foot of street frontage occupied by the building or part
18 thereof that is devoted to the nonconforming use. The total area of all signs for such a use
19 shall not exceed 100 square feet. Any such sign may be nonilluminated or indirectly
20 illuminated. *In RM, RED and RC Districts, any such sign may be directly illuminated.*

21 **SEC. 607. COMMERCIAL AND INDUSTRIAL DISTRICTS.**

22 Signs in C, M, and PDR Districts, other than those signs exempted by Section 603 of
23 this Code, shall conform to the following provisions:

24 (a) **General Advertising Signs.** No general advertising sign shall be permitted ~~in any~~
25 ~~C-1 District or~~ within 200 feet of the park known as Union Square and visible from said park.

1 No general advertising sign shall be permitted to cover part or all of any windows. ~~except that a~~
2 replacement sign of the same size or smaller, of the same type as defined in this Code or as interpreted
3 by the Zoning Administrator, and at the same approximate location as an existing sign would be
4 allowed within 200 feet of said park provided that the sign is otherwise permitted by the Planning
5 Code, would cast no additional shadow upon Union Square, has no intensification of lighting as
6 determined by the Zoning Administrator, and is not internally lighted or backlighted. Use of neon is not
7 precluded by this provision. Temporary general advertising signs determined by the Zoning
8 Administrator to be at pedestrian level and less than 50 square feet in size are not precluded by this
9 provision.

10 (b) **Roof Signs.** Roof signs are not permitted in C Districts, and shall be permitted in all
11 C, M and PDR Districts ~~other than C-1~~ only if Subsections (1) through (3) below are satisfied;
12 except that a roof sign that is designated historic pursuant to Sections 303 and 608.14 of this
13 Code may be permitted without regard to Subsections (1) through (3) below:

14 (1) The sign does not extend more than 25 feet above the roofline of the building on or
15 over which the sign is placed; and

16 (2) All parts of the sign are within 25 feet of, and the sign is mounted at not more than
17 a 45-degree angle from, a wall of a building the roofline of which is at least as high as the top
18 of the sign; and

19 (3) Such wall forms a complete backdrop for the sign, as the sign is viewed from all
20 points from which the sign is legible from a public street or alley.

21 (c) **Wind Signs.** No wind sign shall be permitted in any C, ~~or~~ M or PDR District.

22 (d) **Moving Parts.** No sign shall have or consist of any moving, rotating, or otherwise
23 physically animated part (as distinguished from lights that give the appearance of animation
24 by flashing, blinking or fluctuating), except as follows:

1 (1) Moving or rotating or otherwise physically animated parts may be used for the
2 rotation of barber poles and the indication of time of day and temperature.

3 (2) In the case of a general advertising sign in C-2, C-3, C-M, M-1, M-2, and PDR
4 Districts, except for signs located within 200 feet of the park known as Union Square and
5 visible from said park and signs located so as to be primarily viewed by persons traveling on
6 any portion of a freeway, moving or otherwise physically animated parts may be used if such
7 parts do not exceed a velocity of one complete cycle in a four-second period where such parts
8 constitute less than 30 percent of the area of the sign or if, where such parts constitute a
9 greater area of the sign, they do not exceed a velocity of one complete cycle in a four-second
10 period and are stationary at least half of each eight-second period; except that signs
11 designated historic pursuant to Sections 303 and 608.14 of this Code may have such moving
12 features otherwise prohibited for signs located so as to be primarily viewed by persons
13 traveling on any portion of a freeway.

14 (3) Notwithstanding the type of signs permissible under Subparagraph (d), a video sign
15 is prohibited.

16 (4) Notwithstanding the type of signs permissible under Subparagraph (d)(2), a sign
17 that rotates is prohibited.

18 (e) **illumination.** Any sign may be nonilluminated or indirectly or directly illuminated.
19 Signs in PDR, C-3, C-M, M-1 and M-2 Districts shall not be limited in any manner as to type of
20 illumination, but no sign in a C-1 or C-2 District shall have or consist of any flashing, blinking,
21 fluctuating or otherwise animated light except ~~in each of the following special sign districts, all~~ as
22 specifically designated as "Special Districts for Sign Illumination" on Sectional Map SSD of the
23 Zoning Map of the City and County of San Francisco, described in Section 608 of this Code,;

24 ~~(+) In the C-2 area consisting of five blocks, in the vicinity of Fisherman's Wharf,;~~
25

1 (2) ~~In the C-2 area in the vicinity of Van Ness Avenue from Golden Gate Avenue and Eddy~~
2 ~~Street to Sacramento Street, and Polk Street from Eddy Street to Geary Street, also known as the~~
3 ~~Automotive Special Use District;~~

4 (3) ~~In the C-2 area in the vicinity of Stockton, Washington and Kearny Streets and Broadway,~~
5 ~~also known as Washington-Broadway Special Use District Number 1.~~

6 (4) Notwithstanding the type of signs permissible under subparagraph (e), a video sign
7 is prohibited in the districts ~~described in subparagraphs (1)–(3).~~

8 (f) **Projection.** No sign shall project more than 75 percent of the horizontal distance
9 from the street property line to the curblin and in no case shall a sign project more than 10
10 feet beyond the street property line or building setback line ~~in C-1 Districts, or 12 feet beyond the~~
11 ~~street property line or building setback line in any other C, M, and PDR District.~~

12 (g) **Height and Extension Above Roofline.**

13 (1) **Signs Attached to Buildings.** Except as provided in Section 260 for historic signs
14 in historic districts, no sign attached to a building shall extend or be located above the roofline
15 of the building to which it is attached; ~~except that up to ½ the area of a business sign attached to the~~
16 ~~street wall of a building may extend above the roofline, up to the maximum height permitted for~~
17 ~~freestanding signs in the same district or 10 feet above the roofline, whichever is the lesser.~~ In
18 addition, no sign attached to a building shall under any circumstances exceed 40 feet in height
19 ~~the following maximum heights:~~

20 ~~In C-1: 40 feet;~~

21 ~~In C-3: 100 feet;~~

22 ~~In all other C, and M Districts: 40 feet.~~

23 ~~The 100-foot height limitation stated herein shall not apply to the modification or replacement~~
24 ~~of any currently existing wall signs so long as such modified or replacement sign is generally in the~~
25 ~~same location and not larger in surface area and projection than existing signs being modified or~~

1 ~~replaced.~~ Such signs may contain letters, numbers, a logo, service mark and/or trademark and
2 may be nonilluminated or indirectly illuminated.

3 (2) **Freestanding Signs.** The maximum height for freestanding signs shall be as
4 follows:

5 ~~In C-1: 24 feet;~~

6 In C-2: 36 feet;

7 In all other C and M Districts: 40 feet.

8 (h) **Special Standards for Automobile Service Stations.** For automobile service
9 stations, only the following signs are permitted, subject to the standards in this Subsection (h)
10 and to all other standards in this Section 607.

11 (1) A maximum of two oil company signs, which shall not extend ~~more than 10 feet~~
12 above the roofline if attached to a building, or exceed the maximum height permitted for
13 freestanding signs in the same district if freestanding. The area of any such sign shall not
14 exceed 180 square feet, and along each street frontage all parts of such a sign or signs that
15 are within 10 feet of the street property line shall not exceed 80 square feet in area. No such
16 sign shall project more than five feet beyond any street property line or building setback line.
17 The areas of other permanent and temporary signs as covered in Paragraph 607(h)(2) below
18 shall not be included in the calculation of the areas specified in this paragraph.

19 (2) Other permanent and temporary business signs, not to exceed 30 square feet in
20 area for each such sign or a total of 180 square feet for all such signs on the premises. No
21 such sign shall extend above the roofline if attached to a building, or in any case project
22 beyond any street property line or building setback line.

23 (3) General advertising signs meeting the provisions of this Section 607.

24 (i) **Other Sign Requirements.** Within C, M, and PDR Districts the following requirements shall
25 apply:

1 (1) **Public Areas.** No sign shall be placed upon any public street, alley, sidewalk, public plaza
2 or right-or-way, or in any portion of a transit system, except such projecting signs as are otherwise
3 permitted by this Code and signs, structures and features as are specifically approved by the
4 appropriate public authorities under applicable laws and regulations and under such conditions as
5 may be imposed by such authorities.

6 (2) **Maintenance.** Every sign shall be adequately maintained in its appearance. When the
7 activity for which a business sign has been posted has ceased operation for more than 90 days, all signs
8 pertaining to that business activity shall be removed after that time.

9 **SEC. 607.1. NEIGHBORHOOD COMMERCIAL AND RESIDENTIAL-COMMERCIAL**
10 **DISTRICTS.**

11 Signs located in Neighborhood Commercial Districts shall be regulated as provided
12 herein, except for those signs which are exempted by Section 603 of this Code. In the event
13 of conflict between the provisions of Section 607.1 and other provisions of Article 6, the
14 provisions of Section 607.1 shall prevail in Neighborhood Commercial and Residential-
15 Commercial Districts, provided that with respect to properties also located in the Upper Market
16 Special Sign District, the provisions of Section 608.10 of this Code shall prevail.

17 (a) **Purposes and Findings.** In addition to the purposes stated in Sections 101 and
18 601 of this Code, the following purposes apply to Neighborhood Commercial and Residential-
19 Commercial Districts. These purposes constitute findings that form a basis for regulations and
20 provide guidance for their application.

21 (1) As Neighborhood Commercial Districts change, they need to maintain their
22 attractiveness to residents, customers and potential new businesses alike. Physical amenities
23 and a pleasant appearance will profit both existing and new enterprises.

24 (2) The character of signs and other features projecting from buildings is an important
25 part of the visual appeal of a street and the general quality and economic stability of the area.

1 Opportunities exist to relate these signs and projections more effectively to street design and
2 building design. These regulations establish a framework that will contribute toward a
3 coherent appearance of Neighborhood Commercial Districts.

4 (3) Neighborhood Commercial Districts are typically mixed use areas with commercial
5 units on the ground or lower stories and residential uses on upper stories. Although signs *and*
6 ~~other advertising devices~~ are essential to a vital commercial district, they should not be allowed
7 to interfere with or diminish the livability of residential units within a Neighborhood Commercial
8 District or in adjacent residential districts.

9 (4) The scale of most Neighborhood Commercial Districts as characterized by building
10 height, bulk, and appearance, and the width of streets and sidewalks differs from that of other
11 commercial and industrial districts. Sign sizes should relate and be compatible with the
12 surrounding district scale.

13 (b) **Signs or Sign Features Not Permitted in NC and RC Districts.** Roof signs as
14 defined in Section 602.16 of this Code, wind signs as defined in Section 602.22 of this Code,
15 and signs on canopies, as defined in Section 136.1(b) of this Code, are not permitted in NC
16 and RC Districts. No sign shall have or consist of any moving, rotating, or otherwise physically
17 animated part, or lights that give the appearance of animation by flashing, blinking, or
18 fluctuating, except as permitted by Section 607.1(i) of this Code. In addition, all signs or sign
19 features not otherwise specifically regulated in this Section 607.1 shall be prohibited.

20 (c) **Identifying Signs.** Identifying signs, as defined in Section 602.10, shall be
21 permitted in all Neighborhood Commercial and Residential-Commercial Districts subject to the
22 limits set forth below.

23 (1) One sign per lot shall be permitted and such sign shall not exceed 20 square feet
24 in area. The sign may be a freestanding sign, if the building is recessed from the street
25 property line, or may be a wall sign or a projecting sign. The existence of a freestanding

1 identifying sign shall preclude the erection of a freestanding business sign on the same lot. A
2 wall or projecting sign shall be mounted on the first-story level; a freestanding sign shall not
3 exceed 15 feet in height. Such sign may be nonilluminated, indirectly illuminated, or directly
4 illuminated.

5 (2) One sign identifying a shopping center or shopping mall shall be permitted subject
6 to the conditions in Paragraph (1), but shall not exceed 30 square feet in area. Any sign
7 identifying a permitted use listed in zoning categories .40 through .70 in Section 703.2(a) in an
8 NC District shall be considered a business sign and subject to Section 607.1(f) of this Code.
9 Such signs may be nonilluminated, indirectly illuminated, or directly illuminated during the
10 hours of operation of the businesses in the shopping center or shopping mall.

11 (d) **Nameplates.** One nameplate, as defined in Section 602.12 of this Code, not
12 exceeding an area of two square feet, shall be permitted for each noncommercial use in NC
13 Districts.

14 (e) **General Advertising Signs.** General advertising signs, as defined in Section
15 602.7, ~~shall are not be~~ permitted in Neighborhood Commercial and Residential-Commercial
16 Districts, ~~except in the Inner Sunset Neighborhood Commercial District where they are not permitted,~~
17 ~~as provided for below. In NC Districts where such signs are permitted, general advertising signs may~~
18 ~~be either a wall sign or freestanding, provided that the surface of any freestanding sign shall be~~
19 ~~parallel to and within three feet of an adjacent building wall. In either case, the building wall shall~~
20 ~~form a complete backdrop for the sign, as the sign is viewed from all points from a street or alley from~~
21 ~~which it is legible. No general advertising sign shall be permitted to cover part or all of any windows.~~
22 ~~Any extension of the copy beyond the rectangular perimeter of the sign shall be included in the~~
23 ~~calculation of the sign, as defined in Section 602.1(a) of this Code.~~

1 ~~(1) NC-2, NCT-2, and NC-S Districts. No more than one general advertising sign shall be~~
2 ~~permitted per lot or in NC-S Districts, per district. Such sign shall not exceed 72 square feet in area nor~~
3 ~~exceed 12 feet in height. Such sign may be either nonilluminated or indirectly illuminated.~~

4 ~~(2) NC-3, NCT-3, and Broadway Districts. No more than one general advertising sign not~~
5 ~~exceeding 300 square feet or two general advertising signs of 72 square feet each shall be permitted~~
6 ~~per lot. The height of any such sign shall not exceed 24 feet, or the height of the wall to which it is~~
7 ~~attached, or the height of the lowest of any residential windowsills on the wall to which it is attached,~~
8 ~~whichever is lower, if a wall sign, or the adjacent wall or the top of the adjacent wall if a freestanding~~
9 ~~sign, whichever is lower.~~

10 ~~(A) NC-3 and NCT-3 Districts. Signs may be either nonilluminated or indirectly illuminated.~~

11 (f) **Business Signs.** Business signs, as defined in Section 602.3 shall be permitted in
12 all Neighborhood Commercial and Residential Commercial Districts subject to the limits set forth
13 below.

14 (1) **NC-1 and NCT-1 Districts.**

15 (A) **Window Signs.** The total area of all window signs, as defined in Section 602.1(b),
16 shall not exceed 1/3 the area of the window on or in which the signs are located. Such signs
17 may be nonilluminated, indirectly illuminated, or directly illuminated.

18 (B) **Wall Signs.** The area of all wall signs shall not exceed one square foot per square
19 foot of street frontage occupied by the business measured along the wall to which the signs
20 are attached, or 50 square feet for each street frontage, whichever is less. The height of any
21 wall sign shall not exceed 15 feet or the height of the wall to which it is attached. Such signs
22 may be nonilluminated or indirectly illuminated; or during business hours, may be directly
23 illuminated.

24 (C) **Projecting Signs.** The number of projecting signs shall not exceed one per
25 business. The area of such sign, as defined in Section 602.1(a), shall not exceed 24 square

1 feet. The height of such sign shall not exceed 15 feet or the height of the wall to which it is
2 attached. No part of the sign shall project more than 75 percent of the horizontal distance from
3 the street property line to the curblineline, or six feet six inches, whichever is less. The sign may
4 be nonilluminated or indirectly illuminated, or during business hours, may be directly
5 illuminated.

6 (D) **Signs on Awnings.** Sign copy may be located on permitted awnings in lieu of wall
7 signs and projecting signs. The area of such sign copy as defined in Section 602.1(c) shall not
8 exceed 20 square feet. Such sign copy may be nonilluminated or indirectly illuminated.

9 (2) **NC-2, NCT-2, NC-S, RC, Broadway, Castro Street, Inner Clement Street, Outer
10 Clement Street, Upper Fillmore Street, Inner Sunset, Haight Street, Hayes-Gough,
11 Upper Market Street, North Beach, Ocean Avenue, Polk Street, Sacramento Street,
12 SoMa, Union Street, Valencia Street, 24th Street-Mission, 24th Street—Noe Valley, and
13 West Portal Avenue Neighborhood Commercial Districts.**

14 (A) **Window Signs.** The total area of all window signs, as defined in Section 602.1(b),
15 shall not exceed 1/3 the area of the window on or in which the signs are located. Such signs
16 may be nonilluminated, indirectly illuminated, or directly illuminated.

17 (B) **Wall Signs.** The area of all wall signs shall not exceed two square feet per foot of
18 street frontage occupied by the use measured along the wall to which the signs are attached,
19 or 100 square feet for each street frontage, whichever is less. The height of any wall sign shall
20 not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest
21 of any residential windowsill on the wall to which the sign is attached, whichever is lower.
22 Such signs may be nonilluminated, indirectly, or directly illuminated.

23 (C) **Projecting Signs.** The number of projecting signs shall not exceed one per
24 business. The area of such sign, as defined in Section 602.1(a), shall not exceed 24 square
25 feet. The height of such sign shall not exceed 24 feet, or the height of the wall to which it is

1 attached, or the height of the lowest of any residential windowsill on the wall to which the sign
2 is attached, whichever is lower. No part of the sign shall project more than 75 percent of the
3 horizontal distance from the street property line to the curblineline, or six feet six inches,
4 whichever is less. Such signs may be nonilluminated or indirectly illuminated; or during
5 business hours, may be directly illuminated.

6 (D) **Signs on Awnings and Marquees.** Sign copy may be located on permitted
7 awnings or marquees in lieu of projecting signs. The area of such sign copy as defined in
8 Section 602.1(c) shall not exceed 30 square feet. Such sign copy may be nonilluminated or
9 indirectly illuminated; except that sign copy on marquees for movie theaters or places of
10 entertainment may be directly illuminated during business hours.

11 (E) **Freestanding Signs and Sign Towers.** With the exception of automotive gas and
12 service stations, which are regulated under Paragraph 607.1(f)(4), one freestanding sign or
13 sign tower per lot shall be permitted in lieu of a projecting sign, if the building or buildings are
14 recessed from the street property line. The existence of a freestanding business sign shall
15 preclude the erection of a freestanding identifying sign on the same lot. The area of such
16 freestanding sign or sign tower, as defined in Section 602.1(a), shall not exceed 20 square
17 feet nor shall the height of the sign exceed 24 feet. No part of the sign shall project more than
18 75 percent of the horizontal distance from the street property line to the curblineline, or six feet,
19 whichever is less. Such signs may be nonilluminated or indirectly illuminated; or during
20 business hours, may be directly illuminated.

21 (3) **Mission Street NCT. NC-3, and NCT-3 Neighborhood Commercial Districts.**

22 (A) **Window Signs.** The total area of all window signs, as defined in Section 602.1(b),
23 shall not exceed 1/3 the area of the window on or in which the signs are located. Such signs
24 may be nonilluminated, indirectly illuminated, or directly illuminated.

1 (B) **Wall Signs.** The area of all wall signs shall not exceed three square feet per foot of
2 street frontage occupied by the use measured along the wall to which the signs are attached,
3 or 150 square feet for each street frontage, whichever is less. The height of any wall sign shall
4 not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest
5 of any residential windowsill on the wall to which the sign is attached, whichever is lower.
6 Such signs may be nonilluminated, indirectly, or directly illuminated.

7 (C) **Projecting Signs.** The number of projecting signs shall not exceed one per
8 business. The area of such sign, as defined in Section 602.1(a), shall not exceed 32 square
9 feet. The height of the sign shall not exceed 24 feet, or the height of the wall to which it is
10 attached, or the height of the lowest of any residential windowsill on the wall to which the sign
11 is attached, whichever is lower. No part of the sign shall project more than 75 percent of the
12 horizontal distance from the street property line to the curblin, or six feet six inches,
13 whichever is less. Such signs may be nonilluminated, indirectly, or directly illuminated.

14 (D) **Sign Copy on Awnings and Marquees.** Sign copy may be located on permitted
15 awnings or marquees in lieu of projecting signs. The area of such sign copy, as defined in
16 Section 602.1(c), shall not exceed 40 square feet. Such sign copy may be nonilluminated or
17 indirectly illuminated; except that sign copy on marquees for movie theaters or places of
18 entertainment may be directly illuminated during business hours.

19 (E) **Freestanding Signs and Sign Towers.** With the exception of automotive gas and
20 service stations, which are regulated under Paragraph 607.1(f)(4) of this Code, one
21 freestanding sign or sign tower per lot shall be permitted in lieu of a projecting sign if the
22 building or buildings are recessed from the street property line. The existence of a
23 freestanding business sign shall preclude the erection of a freestanding identifying sign on the
24 same lot. The area of such freestanding sign or sign tower, as defined in Section 602.1(a),
25 shall not exceed 30 square feet nor shall the height of the sign exceed 24 feet. No part of the

1 sign shall project more than 75 percent of the horizontal distance from the street property line
2 to the curblineline, or six feet, whichever is less. Such signs may be nonilluminated or indirectly
3 illuminated, or during business hours, may be directly illuminated.

4 (4) **Special Standards for Automotive Gas and Service Stations.** For automotive
5 gas and service stations in Neighborhood Commercial Districts, only the following signs are
6 permitted, subject to the standards in this Paragraph (f)(4) and to all other standards in this
7 Section 607.1.

8 (A) A maximum of two oil company signs, which shall not extend *more than 10 feet*
9 above the roofline if attached to a building, or exceed the maximum height permitted for
10 freestanding signs in the same district if freestanding. The area of any such sign shall not
11 exceed 180 square feet, and along each street frontage, all parts of such a sign or signs that
12 are within 10 feet of the street property line shall not exceed 80 square feet in area. No such
13 sign shall project more than five feet beyond any street property line. The areas of other
14 permanent and temporary signs as covered in Subparagraph (B) below shall not be included
15 in the calculation of the areas specified in this Subparagraph.

16 (B) Other permanent and temporary business signs, not to exceed 30 square feet in
17 area for each such sign or a total of 180 square feet for all such signs on the premises. No
18 such sign shall extend above the roofline if attached to a building, or in any case project
19 beyond any street property line or building setback line.

20 (g) **Temporary Signs.** One temporary nonilluminated or indirectly illuminated sale or
21 lease sign or nonilluminated sign of persons and firms connected with work on buildings under
22 actual construction or alteration, giving their names and information pertinent to the project
23 per lot, shall be permitted. Such sign shall not exceed 50 square feet and shall conform to all
24 regulations of Subsection 607.1(f) for business signs in the respective NC or RC District in
25

1 which the sign is to be located. All temporary signs shall be promptly removed upon
2 completion of the activity to which they pertain.

3 (h) **Special Sign Districts.** Additional controls apply to certain Neighborhood
4 Commercial and Residential-Commercial Districts that are designated as Special Sign Districts.
5 Special Sign Districts are described within Sections 608.1 through 608.11 of this Code and
6 with the exception of Sections 608.1, 608.2 and 608.11, their designations, locations and
7 boundaries are provided on Sectional Map SSD of the Zoning Map of the City and County of
8 San Francisco.

9 (i) **Restrictions on Illumination.** Signs in Neighborhood Commercial and Residential-
10 Commercial Districts shall not have nor consist of any flashing, blinking, fluctuating or
11 otherwise animated light except those moving or rotating or otherwise physically animated
12 parts used for rotation of barber poles and the indication of time of day and temperature, and
13 in the following special districts, all specifically designated as "Special Districts for Sign
14 Illumination" on Sectional Map SSD of the Zoning Map of the City and County of San
15 Francisco.

16 (1) **Broadway Neighborhood Commercial District.** Along the main commercial
17 frontage of Broadway between west of Columbus Avenue and Osgood Place.

18 (2) **NC-3.** NC-3 District along Lombard Street from Van Ness Avenue to Broderick
19 Street.

20 (3) Notwithstanding the type of signs permissible under subparagraph (i), a video sign
21 is prohibited in the districts described in subparagraphs (1) and (2).

22 (j) **Other Sign Requirements.** Within Neighborhood Commercial and Residential-
23 Commercial Districts, the following additional requirements shall apply:

24 ~~(1) **Public Areas.** No sign shall be placed upon any public street, alley, sidewalk, public plaza~~
25 ~~or right of way, or in any portion of a transit system, except such projecting signs as are otherwise~~

1 ~~permitted by this Code and signs, structures, and features as are specifically approved by the~~
2 ~~appropriate public authorities under applicable laws and regulations not inconsistent with this Code~~
3 ~~and under such conditions as may be imposed by such authorities.~~

4 ~~(2) **Maintenance.** Every sign pertaining to an active establishment shall be adequately~~
5 ~~maintained in its appearance. When the activity for which the business sign has been posted has ceased~~
6 ~~operation for more than 90 days within the Chinatown Mixed Use Districts, all signs pertaining to that~~
7 ~~business activity shall be removed after that time.~~

8 ~~(3) (1) **Temporary Signs.** The provisions of Section 607.1(g) of this Code shall apply.~~

9 ~~(4) (2) **Special Standards for Automotive Gas and Service Stations.** The~~
10 ~~provisions of Section 607.1(f)(4) of this Code shall apply.~~

11 **SEC. 607.2. MIXED USE DISTRICTS.**

12 Signs located in Mixed Use Districts shall be regulated as provided herein, except for
13 signs in Residential Enclave Districts, which are regulated by Section 606, and those signs which are
14 exempted by Section 603. Signs not specifically regulated in this Section 607.2 shall be
15 prohibited. In the event of conflict between the provisions of Section 607.2 and other
16 provisions of Article 6, the provisions of Section 607.2 shall prevail in Mixed Use Districts.

17 (a) **Purposes and Findings.** In addition to the purposes stated in Sections 101 and
18 601 of this Code, the following purposes apply to Mixed Use Districts. These purposes
19 constitute findings that form a basis for regulations and provide guidance for their application.

20 (1) As Mixed Use Districts change, they need to maintain their attractiveness to
21 customers and potential new businesses alike. Physical amenities and a pleasant appearance
22 will profit both existing and new enterprises.

23 (2) The character of signs and other features projecting from buildings is an important
24 part of the visual appeal of a street and the general quality and economic stability of the area.
25 Opportunities exist to relate these signs and projections more effectively to street design and

1 building design. These regulations establish a framework that will contribute toward a
2 coherent appearance of Mixed Use Districts.

3 (3) Mixed Use Districts are typically mixed use areas with commercial units on the
4 ground or lower stories and residential uses on upper stories or have housing and commercial
5 and industrial activities interspersed. Although signs and other advertising devices are
6 essential to a vital commercial district, they should not be allowed to interfere with or diminish
7 the livability of residential units within a Mixed Use District or in adjacent residential districts.

8 (4) The scale of most Mixed Use Districts as characterized by building height, bulk,
9 and appearance, and the width of streets and sidewalks differs from that of other commercial
10 and industrial districts. Sign sizes should relate and be compatible with the surrounding district
11 scale.

12 (b) **Signs or Sign Features Not Permitted in Mixed Use Districts.** General
13 advertising signs are not permitted in the Eastern Neighborhoods and South of Market Mixed
14 Use districts, except in the South of Market General Advertising Special Sign District. Roof
15 signs as defined in Section 602.16 of this Code, wind signs as defined in Section 602.21 of
16 this Code, and signs on canopies, as defined in Section 136.1(b) of this Code, are not
17 permitted in Mixed Use Districts. No sign shall have or consist of any moving, rotating, or
18 otherwise physically animated part, or lights that give the appearance of animation by
19 flashing, blinking, or fluctuating. In addition, all signs or sign features not otherwise
20 specifically regulated in this Section 607.2 shall be prohibited.

21 (c) **Identifying Signs.** Identifying signs, as defined in Section 602.10, shall be
22 permitted in all Mixed Use Districts subject to the limits set forth below.

23 (1) One sign per lot shall be permitted and such sign shall not exceed 20 square feet
24 in area. The sign may be a freestanding sign, if the building is recessed from the street
25 property line, or may be a wall sign or a projecting sign. The existence of a freestanding

1 identifying sign shall preclude the erection of a freestanding business sign on the same lot. A
2 wall or projecting sign shall be mounted on the first-story level; a freestanding sign shall not
3 exceed 15 feet in height. Such sign may be nonilluminated, indirectly illuminated, or directly
4 illuminated.

5 (2) One sign identifying a shopping center or shopping mall shall be permitted subject
6 to the conditions in Paragraph (1), but shall not exceed 30 square feet in area. Such signs
7 may be nonilluminated, indirectly illuminated, or directly illuminated during the hours of
8 operation of the businesses in the shopping center or shopping mall.

9 (d) **Nameplate.** One nameplate, as defined in Section 602.12 of this Code, not
10 exceeding an area of two square feet, shall be permitted for each noncommercial use in

11 (e) **General Advertising Signs.** General advertising signs, as defined in Section
12 602.7, shall be permitted in Mixed Use Districts as provided for below. General advertising
13 signs are not allowed in the South of Market Mixed Use Districts, except in the Eastern
14 Neighborhoods and South of Market General Advertising Special Sign District or where a
15 permit was approved by the City prior to January 1, 2001. In Mixed Use Districts where such
16 signs are permitted, general advertising signs may be either a wall sign or freestanding,
17 provided that the surface of any freestanding sign shall be parallel to and within three feet of
18 an adjacent building wall. In either case, the building wall shall form a complete backdrop for
19 the sign, as the sign is viewed from all points from a street or alley from which it is legible. No
20 general advertising sign shall be permitted to cover part or all of any windows. Any extension
21 of the copy beyond the rectangular perimeter of the sign shall be included in the calculation of
22 the sign area, as defined in Section 602.1(a) of this Code.

23 (1) **Chinatown Residential Neighborhood Commercial District.** No more than one
24 general advertising sign shall be permitted per lot. Such sign shall not exceed 72 square feet
25

1 in area nor exceed 12 feet in height. Such sign may be either nonilluminated or indirectly
2 illuminated.

3 (2) **Chinatown Visitor Retail and Chinatown Community Business Districts.** No
4 more than one general advertising sign not exceeding 300 square feet in area or two general
5 advertising signs of 72 square feet each shall be permitted per lot. The height of any such wall
6 sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of
7 the lowest of any residential windowsills on the wall to which it is attached, whichever is lower.
8 If the advertising sign is a freestanding sign, the height shall not exceed 24 feet or the height
9 of the adjacent wall, whichever is lower.

10 ~~(A)~~ Signs may be either nonilluminated or indirectly or directly illuminated.

11 (3) **South of Market General Advertising Special Sign District.** Within the area
12 designated as a South of Market General Advertising Special Sign District, as described in
13 Section 821 of this Code and shown on Sectional Map SSD of the Zoning Map, the following
14 provisions shall apply to general advertising signs: (1) No more than two general advertising
15 signs not to exceed 300 square feet in area or one general advertising sign not to exceed 672
16 square feet in area shall be permitted per lot; (2) No more than one double-sided or multiple-
17 sided sign shall be permitted per lot; and (3) Roof signs shall be permitted and shall not
18 exceed the standards established by Section 607(b) of this Code for roof signs lying within M
19 Districts.

20 (f) **Business Signs.** Business signs, as defined in Section 602.3 shall be permitted in
21 all Mixed Use Districts subject to the limits set forth below.

22 (1) **Chinatown Residential Neighborhood Commercial District.**

23 (A) **Window Signs.** The total area of all window signs, as defined in Section 602.1(b),
24 shall not exceed 1/3 the area of the window on or in which the signs are located. Such signs
25 may be nonilluminated, indirectly illuminated, or directly illuminated.

1 (B) **Wall Signs.** The area of all wall signs shall not exceed one square foot per foot of
2 street frontage occupied by the business measured along the wall to which the signs are
3 attached, or 50 square feet for each street frontage, whichever is less; provided, however, that
4 in no case shall the wall sign or combination of wall signs cover more than 75 percent of the
5 surface of any wall, excluding openings. The height of any wall sign shall not exceed 15 feet
6 or the height of the wall to which it is attached. Such signs may be nonilluminated or indirectly
7 illuminated; or during business hours, may be directly illuminated.

8 (C) **Projecting Signs.** The number of projecting signs shall not exceed one per
9 business. The area of such sign or signs combined when there are multiple signs, as defined
10 in Section 602.1(a), shall not exceed 24 square feet. The height of such sign shall not exceed
11 15 feet or the height of the wall to which it is attached. No part of the sign shall project more
12 than 75 percent of the horizontal distance from the street property line to the curblin, or six
13 feet six inches, whichever is less. The sign may be nonilluminated or indirectly illuminated, or
14 during business hours, may be directly illuminated.

15 (D) **Signs on Awnings.** Sign copy may be located on permitted awnings in lieu of
16 wall signs and projecting signs. The area of such sign copy as defined in Section 602.1(c)
17 shall not exceed 20 square feet. Such sign copy may be nonilluminated or indirectly
18 illuminated.

19 (2) **Chinatown Visitor Retail District.**

20 (A) **Window Signs.** The total area of all window signs, as defined in Section 602.1(b),
21 shall not exceed 1/3 the area of the window on or in which the signs are located. Such signs
22 may be nonilluminated, indirectly illuminated, or directly illuminated.

23 (B) **Wall Signs.** The area of all wall signs shall not exceed two square feet per foot of
24 street frontage occupied by the use measured along the wall to which the signs are attached,
25 or 100 square feet for each street frontage, whichever is less. The height of any wall sign

1 shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the
2 lowest of any residential windowsill on the wall to which the sign is attached, whichever is
3 lower. Such signs may be nonilluminated, indirectly, or directly illuminated.

4 (C) **Projecting Signs.** The number of projecting signs shall not exceed one per
5 business. The area of such sign, as defined in Section 602.1(a), shall not exceed 24 square
6 feet. The height of such sign shall not exceed 24 feet, or the height of the wall to which it is
7 attached, or the height of the lowest of any residential windowsill on the wall to which the sign
8 is attached, whichever is lower. No part of the sign shall project more than 75 percent of the
9 horizontal distance from the street property line to the curblin, or six feet six inches,
10 whichever is less. Such signs may be nonilluminated or indirectly illuminated; or during
11 business hours, may be directly illuminated.

12 (D) **Signs on Awnings and Marquees.** Sign copy may be located on permitted
13 awnings or marquees in lieu of projecting signs. The area of such sign copy as defined in
14 Section 602.1(c) shall not exceed 30 square feet. Such sign copy may be nonilluminated or
15 indirectly illuminated, except that sign copy on marquees for movie theaters or places of
16 entertainment may be directly illuminated during business hours.

17 (E) **Freestanding Signs and Sign Towers.** One freestanding sign or sign tower per
18 lot shall be permitted in lieu of a projecting sign, if the building or buildings are recessed from
19 the street property line. The existence of a freestanding business sign shall preclude the
20 erection of a freestanding identifying sign on the same lot. The area of such freestanding sign
21 or sign tower, as defined in Section 602.1(a), shall not exceed 20 square feet nor shall the
22 height of the sign exceed 24 feet. No part of the sign shall project more than 75 percent of the
23 horizontal distance from the street property line to the curblin, or six feet, whichever is less.
24 Such signs may be nonilluminated or indirectly illuminated; or during business hours, may be
25 directly illuminated.

1 (3) **Chinatown Community Business District, Eastern Neighborhoods and South**
2 **of Market Mixed Use Mixed Use Districts.**

3 (A) **Window Signs.** The total area of all window signs, as defined in Section 602.1(b),
4 shall not exceed 1/3 the area of the window on or in which the signs are located. Such signs
5 may be nonilluminated, indirectly illuminated, or directly illuminated.

6 (B) **Wall Signs.** The area of all wall signs shall not exceed three square feet per foot
7 of street frontage occupied by the use measured along the wall to which the signs are
8 attached, or 150 square feet for each street frontage, whichever is less; provided, however,
9 that in no case shall the wall sign or combination of wall signs cover more than 75 percent of
10 the surface of any wall, excluding openings. The height of any wall sign shall not exceed 24
11 feet, or the height of the wall to which it is attached, or the height of the lowest of any
12 residential windowsill on the wall to which the sign is attached, whichever is lower. Such signs
13 may be nonilluminated, indirectly, or directly illuminated.

14 (C) **Projecting Signs.** The number of projecting signs shall not exceed one per
15 business. The area of such sign or signs combined when there are multiple signs, as defined
16 in Section 602.1(a), shall not exceed 32 square feet. The height of the sign shall not exceed
17 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any
18 residential windowsill on the wall to which the sign is attached, whichever is lower. No part of
19 the sign shall project more than 75 percent of the horizontal distance from the street property
20 line to the curblineline, or six feet six inches, whichever is less. Such signs may be
21 nonilluminated, indirectly, or directly illuminated.

22 (D) **Sign Copy on Awnings and Marquees.** Sign copy may be located on permitted
23 awnings or marquees in lieu of projecting signs. The area of such sign copy, as defined in
24 Section 602.1(c), shall not exceed 40 square feet. Such sign copy may be nonilluminated or
25 indirectly illuminated; except that sign copy on marquees for movie theaters or places of

1 (E) **Freestanding Signs and Sign Towers.** One freestanding sign or sign tower per
2 lot shall be permitted in lieu of a projecting sign if the building or buildings are recessed from
3 the street property line. The existence of a freestanding business sign shall preclude the
4 erection of a freestanding identifying sign on the same lot. The area of such freestanding sign
5 or sign tower, as defined in Section 602.1(a), shall not exceed 30 square feet nor shall the
6 height of the sign exceed 24 feet. No part of the sign shall project more than 75 percent of the
7 horizontal distance from the street property line to the curblineline, or six feet, whichever is less.
8 Such signs may be nonilluminated or indirectly illuminated, or during business hours, may be

9 (g) **Special Sign Districts.** Additional controls apply within certain Mixed Use Districts
10 that are designated as Special Sign Districts. The designations, locations, and boundaries of
11 these Special Sign Districts are provided on Sectional Map SSD of the Zoning Map of the City
12 and County of San Francisco, and are described within Sections 608.1 through 608.10 of this
13 Code.

14 (h) ~~*Special Districts for Sign Illumination. Signs in Mixed Use Districts shall not have nor*~~
15 ~~*consist of any flashing, blinking, fluctuating or otherwise animated light except in the following special*~~
16 ~~*districts, all specifically designated as "Special Districts for Sign Illumination" on Sectional Map SSD*~~
17 ~~*of the Zoning Map of the City and County of San Francisco, and described in Section 607(e) of this*~~
18 ~~*Code.*~~

19 ~~*(1) Broadway District. Along the main commercial frontage of Broadway between Wayne and*~~
20 ~~*Osgood.*~~

21 (i) **Other Sign Requirements.** Within Mixed Use Districts, the following additional
22 requirements shall apply:

23 ~~*(1) Public Areas. No sign shall be placed upon any public street, alley, sidewalk, public plaza*~~
24 ~~*or right of way, or in any portion of a transit system, except such projecting signs as are otherwise*~~
25 ~~*permitted by this Code and signs, structures, and features as are specifically approved by the*~~

1 ~~appropriate public authorities under applicable laws and regulations not inconsistent with this Code~~
2 ~~and under such conditions as may be imposed by such authorities or posted pursuant to the Police~~
3 ~~Code.~~

4 ~~(2) **Maintenance.** Every business sign pertaining to an active establishment shall be~~
5 ~~adequately maintained in its appearance. When the activity for which the business sign has been posted~~
6 ~~has ceased operation for more than 90 days within the Chinatown Mixed Use Districts, all signs~~
7 ~~pertaining to that business activity shall be removed after that time.~~

8 ~~(3) (1) **Temporary Signs.**~~ The provisions of Section 607.1(g) of this Code shall apply.

9 ~~(4) (2) **Special Standards for Automotive Gas and Service Stations.**~~ The provisions
10 of Section 607.1(f)(4) of this Code shall apply.

11 **SEC. 608.6. NEAR CERTAIN SCENIC STREETS.**

12 No general advertising sign, and no other sign exceeding 200 square feet in area, shall
13 be located within the areas along the scenic streets that are listed below and designated as
14 special sign districts on Sectional Map SSD of the Zoning Map of the City and County of San
15 Francisco, if any face of such sign is visible from any such street. These limitations shall apply
16 to any portion of any property that is within 200 feet of any such street, unless a greater depth
17 or area is indicated on said Sectional Map. Historic Signs may exceed the size limit in this section.

18 Telegraph Hill Boulevard for its entire length;

19 Twin Peaks Boulevard for its entire length;

20 The Embarcadero for its entire length;

21 Market Street extension east side from Mono Street to Portola Drive;

22 Portola Drive for its entire length;

23 Roosevelt Way for its entire length;

24 El Camino Del Mar for its entire length;

1 Point Lobos Avenue from El Camino Del Mar to its intersection with the Great Highway,
2 including the Cliff House and Sutro Baths areas;
3 Sunset Boulevard for its entire length;
4 Great Highway and Esplanade from Point Lobos Avenue to Sloat Boulevard;
5 Great Highway extension south from Sloat Boulevard to its junction with Skyline
6 Boulevard near Harding Boulevard;
7 Nineteenth Avenue from Lincoln Way to Junipero Serra Boulevard;
8 Sloat Boulevard from the Great Highway to Junipero Serra Boulevard;
9 Junipero Serra Boulevard from Sloat Boulevard to the County Line;
10 Skyline Boulevard from Sloat Boulevard to the County Line;
11 Lake Merced Boulevard for its entire length;
12 John Muir Drive for its entire length;
13 Zoo Road for its entire length;
14 Harding Boulevard for its entire length;
15 Alemany Boulevard from Mission Street viaduct to Junipero Serra Boulevard;
16 Marina Boulevard for its entire length;
17 Lyon Street from Marina Boulevard to Lombard Street;
18 Baker Street from Marina Boulevard to Lombard Street;
19 Broderick Street from Marina Boulevard to Lombard Street;
20 Jefferson Street from Lyon Street to Broderick Street;
21 Beach Street from Baker Street to Broderick Street;
22 North Point Street from Baker Street to Broderick Street;
23 Bay Street from Lyon Street to Broderick Street;
24 Francisco Street from Lyon Street to Broderick Street;
25 Chestnut Street from Lyon Street to Broderick Street;

1 Lombard Street from Broderick Street to Lyon Street;
2 Richardson Avenue from Lyon Street to Lombard Street.

3 **SEC. 608.8. MARKET STREET SPECIAL SIGN DISTRICT ~~ON AND NEAR MARKET STREET~~
4 ~~FROM THE EMBARCADERO TO THE CENTRL SKYWAY OVERPASS.~~**

5 There shall be a special sign district known as the "Market Street Special Sign District"
6 in the vicinity of Market Street, from The Embarcadero to Octavia Boulevard ~~the Central Skyway~~
7 ~~overpass~~ as designated on Sectional Map ~~SSD~~ SS02 of the Zoning Map of the City and County
8 of San Francisco. The original copy of said Sectional Map with this Special Sign District
9 indicated thereon is on file with the Clerk of the Board of Supervisors under File No. 112-70.
10 With respect to said Special Sign District, the following regulations shall apply:

11 (a) **Purpose and Findings.** In addition to the purposes stated in Sections 101 and 601
12 of this Code, the following purposes apply to the Market Street Special Sign District. These
13 purposes constitute findings that form a basis for these regulations and provide guidance for
14 their application.

15 (1) In November 1962, the electorate of San Francisco voted approval of an
16 investment in a City and regional rapid transit system that will run beneath Market Street. In
17 June 1968, the electorate approved a bonded indebtedness of \$24,500,000, including
18 payment for reconstruction and improvement of Market Street from The Embarcadero to the
19 Central Skyway overpass. The street ~~is being~~ has been completely rebuilt at public expense,
20 with special paving, furnishings, plazas and landscaping. ~~When rebuilt,~~ Market Street ~~will be~~ is
21 the transit spine of the ~~d~~Downtown area, ~~will have~~ with heavy concentrations of pedestrians,
22 and ~~will be~~ is more than ever a central domain of the people of the City and of the region. It is a
23 purpose of the Market Street Special Sign District to further this public endeavor.

24 (2) ~~As Market Street is rebuilt, the area is attracting and will continue to attract investments,~~
25 ~~d~~Development and design efforts along Market Street rely ~~in reliance~~ upon the promise of a

1 street of high quality. Both existing and new enterprises will be strengthened by the high
2 standards of their environment and by the joint efforts of owners, residents, and business people
3 businessmen.

4 (3) The character of signs along the street and of other features projecting from
5 buildings is especially significant to street appearance and to the general quality and
6 economic stability of the area. Opportunities exist to relate these signs and projections more
7 effectively to the street design and to the design of buildings, and it is a purpose of these
8 regulations to set a framework that will contribute toward those ends.

9 (4) The standards established by these regulations are reasonable standards related
10 to the unique nature of the Market Street area and to its present and future needs. ~~Where~~
11 ~~removal of existing signs and other features is required, the periods for removal are related to the~~
12 ~~schedule for reconstruction of Market Street, including installation of the street trees with which~~
13 ~~projecting signs and other features would conflict. The removal periods recognize the revocable nature~~
14 ~~of past permits for erection of features projecting over public streets, and will help to promote equality~~
15 ~~among establishments, adding greater significance to the improvement efforts.~~

16 (5) The standards established by these regulations are deemed to be minimum
17 requirements, forming a basic framework for development and remodeling. They are not
18 intended in any way to preclude further design refinement or review by individuals or duly
19 constituted organizations which might consider more restrictive requirements as to any
20 aspects limited herein, or as to additional aspects such as materials, color, graphics, types of
21 representation, relationship of signs to one another and to architectural features, or the
22 general quality of design. It is anticipated that private efforts along such lines will and should
23 be made for the further improvement of Market Street.

24 (b) **General Advertising Signs.** Except as specified in Paragraph 608.8~~(f)~~(e)(2)
25 below,

1 (1) No general advertising sign shall be permitted at any location within said Special
2 Sign District; and

3 (2) No general advertising sign shall be located within 200 feet of said Special Sign
4 District, if any portion of a face of such sign would be visible from any point on a street, alley
5 or plaza within the Special Sign District.

6 ~~(c) Roof Signs. Notwithstanding the exceptions stated in Subsection 607(b) of this Code, no roof~~
7 ~~sign shall be permitted within said Special Sign District.~~

8 ~~(c) (d)~~ **Projection of Signs and Other Features.** Within said Special Sign District:

9 (1) No projection shall exceed a horizontal distance of six feet beyond any street
10 property line. This limitation shall apply to signs and to all other features including but not
11 limited to marquees, awnings and canopies, with the sole exception of flagpoles for flags of
12 any nation or political subdivision.

13 (2) Projecting signs for each establishment shall be limited to one sign on each street
14 frontage occupied by the establishment, in addition to any signs that are placed flat upon or
15 otherwise integrated in the design of marquees and awnings.

16 ~~(d) (e)~~ **Height and Extension Above Roofline.** Within said Special Sign District, all of
17 the following limitations shall apply:

18 (1) ~~With the exception of Historic Signs Notwithstanding the exceptions stated in Subsection~~
19 ~~607(g) of this Code,~~ no sign attached to a building shall extend or be located above the roofline
20 of the building to which it is attached.

21 (2) A projecting sign with lettering or other inscription arranged in a vertical manner
22 shall have a maximum height of 60 feet; except that a greater height shall be permitted, up to
23 a maximum height of 100 feet, provided the height of the sign shall remain at least 20 feet
24 below the roofline of the building as measured directly above the sign.

1 (3) Except as provided in Paragraph 608.8~~(d)~~(~~e~~)5) below, all other signs shall be
2 located no higher than the windowsill level of the lowest story (if any) that has a window or
3 windows on the building facade on which the signs are placed, exclusive of the ground story
4 and mezzanine, provided that no such sign shall in any case exceed a height of 60 feet.

5 (4) In addition, except as provided in Paragraph 608.8~~(d)~~(~~e~~)3) and (4) above,
6 uniformity of height shall be maintained in both the upper and lower edges of signs placed flat
7 upon or essentially parallel to each facade of a single building.

8 (5) As to the requirements of Paragraphs 608.8(e)3) and (4) above, deviation from the
9 requirements may be permitted to the extent an alternative placement of signs is made
10 necessary by the location of arches, entrances and other architectural features, as determined
11 by the Zoning Administrator, or for the purpose of installing special lighting effects and
12 temporary holiday decorations, or for the purpose of modifying or replacing currently existing
13 noncomplying business wall signs as provided by Subsection 607(g).

14 ~~(e)~~ **Other Requirements.** Within said Special Sign District, the following additional
15 requirements shall apply:

16 (1) **Temporary Signs.** With the exception of holiday decorations, no sign composed
17 of paper or other temporary material shall be placed on the outside of any building or structure
18 or affixed to the glass on the outside or inside of any window, unless such sign is placed in a
19 frame or on a structure specifically designed for this purpose.

20 (2) **Public Areas.** No sign or other structure or feature shall be placed upon any
21 public street, alley or public plaza, or in any portion of a transit system, except such signs,
22 structures and features as are specifically approved by the appropriate public authorities
23 under applicable laws and regulations not inconsistent with this Code and under such
24 conditions as may be imposed by such authorities.

1 (3) **Maintenance.** Every sign pertaining to an active establishment shall be
2 adequately maintained in its appearance, or else removed or obscured. When the space
3 occupied by any establishment has been vacated, all signs pertaining to such establishment
4 shall be removed or obscured within 60 days following the date of vacation.

5 **SEC. 608.10. UPPER MARKET SPECIAL SIGN DISTRICT ON AND NEAR MARKET STREET**
6 **FROM THE CENTRAL SKYWAY OVERPASS TO DIAMOND STREET.**

7 There shall be a special sign district known as the Upper Market Special Sign District in
8 the vicinity of Market Street from Octavia Boulevard ~~the Central Skyway overpass~~ to Diamond
9 Street as designated on Sectional Map ~~SSD~~ SS01 of the Zoning Map of the City and County of
10 San Francisco. The original copy of said Sectional Map with this Special Sign District
11 indicated thereon is on file with the Clerk of the Board of Supervisors under File No. 324-76-2.
12 With respect to said Special Sign District, the following regulations shall apply:

13 (a) **Purposes and Findings.** In addition to the purposes stated in Sections 101 and
14 601 of this Code, the following purposes apply to the Upper Market Special Sign District.
15 These purposes constitute findings that form a basis for these regulations and provide
16 guidance for their application.

17 (1) In November 1962, the electorate of San Francisco voted approval of an
18 investment in a City and regional rapid transit system that will run beneath Market Street,
19 including a city subway along Upper Market. In June 1968, the electorate approved a bonded
20 indebtedness of \$24,500,000, including payment for reconstruction and improvement of
21 Market Street from the Central Skyway overpass to the vicinity of Castro Street. The street ~~is~~
22 ~~being~~ has been rebuilt at public expense, with special paving, furnishings and landscaping.
23 ~~When rebuilt, this~~ portion of Market Street ~~will have~~ has heavy concentrations of pedestrians,
24 and ~~will increase in importance as a~~ is an important transit and shopping corridor. It is a purpose
25 of the Upper Market Special Sign District to further this public endeavor.

1 (2) ~~As the street is rebuilt, the area is attracting and will continue to attract investments,~~
2 ~~Development and design efforts~~ along Market Street ~~in reliance~~ rely upon the promise of a
3 street of high quality. Both existing and new enterprises will be strengthened by the high
4 standards of their environment and by the joint efforts of owners, residents, and business
5 people.

6 (3) The character of signs along the street and of other features projecting from
7 buildings is especially significant to street appearance and to the general quality and
8 economic stability of the area. Opportunities exist to relate these signs and projections more
9 effectively to the street design and to the design of buildings, and it is a purpose of these
10 regulations to set a framework that will contribute toward those ends.

11 (4) The standards established by these regulations are reasonable standards related
12 to the unique nature of the Upper Market area and to its present and future needs. Where
13 removal or alteration of existing signs is required, the periods for removal or alteration allow
14 adequate time for amortization of the signs, consistent with other improvements along the
15 street. The removal or alteration will help to promote equality among establishments, adding
16 greater significance to the improvement efforts.

17 (5) The standards established by these regulations are deemed to be minimum
18 requirements, forming a basic framework for development and remodeling. They are not
19 intended in any way to preclude further design refinement or review by individuals or duly
20 constituted organizations which might consider more restrictive requirements as to any
21 aspects limited herein, or as to additional aspects such as materials, color, graphics, types of
22 representation, relationship of signs to one another and to architectural features, or the
23 general quality of design. It is anticipated that private efforts along such lines will and should
24 be made for the further improvement of the Upper Market area.

1 (b) **General Advertising Signs.** Except as *permitted specified* in Subsection 604(k)
2 *608.10(f) below*:

3 (1) No general advertising sign shall be permitted at any location within said Special
4 Sign District; and

5 (2) No general advertising sign shall be located within 200 feet of said Special Sign
6 District, if any portion of a face of such sign would be visible from any point on a street, alley
7 or plaza within the Special Sign District.

8 ~~(c) **Roof Signs.** Notwithstanding the exceptions stated in Subsection 607(b) of this Code, no
9 roof sign shall be permitted within said Special Sign District.~~

10 ~~(d) **Projection of Signs and Other Features.** Within said Special Sign District:~~

11 ~~(1) No projection shall exceed a horizontal distance of six feet beyond any street property line.
12 This limitation shall apply to signs and to all other features including but not limited to marquees,
13 awnings and canopies, with the sole exception of flagpoles for flags of any nation or political
14 subdivision.~~

15 ~~(2) Projecting signs for each establishment shall be limited to one sign on each street frontage
16 occupied by the establishment, in addition to any signs that are placed flat upon or otherwise
17 integrated in the design of marquees and awnings.~~

18 ~~(e) **Height and Extension Above Roofline.** Within said Special Sign District, all of the
19 following limitations shall apply:~~

20 ~~(1) Notwithstanding the exceptions stated in Subsection 607(g) of this Code, no sign attached to
21 a building shall extend or be located above the roofline of the building to which it is attached.~~

22 ~~(2) A projecting sign attached to a building with lettering or other inscription arranged in a
23 vertical manner shall have a maximum height of 50 feet or the roofline of the building to which it is
24 attached, whichever is the lesser.~~

1 ~~(3) Except as provided in Paragraph 608.10(e)(5) below, all other signs attached to a building~~
2 ~~shall be located no higher than the windowsill level of the lowest story (if any) that has a window or~~
3 ~~windows on the building facade on which the signs are placed, exclusive of the ground story and~~
4 ~~mezzanine, provided that no such sign shall in any case exceed a height of 50 feet or the roofline of the~~
5 ~~building to which it is attached, whichever is the lesser.~~

6 ~~(4) In addition, except as provided in Paragraph 608.10(e)(5) below, uniformity of height shall~~
7 ~~be maintained in both the upper and lower edges of signs placed flat upon or essentially parallel to~~
8 ~~each facade of a single building.~~

9 ~~(5) As to the requirements of Paragraphs 608.10(e)(3) and (4) above, deviation from the~~
10 ~~requirements may be permitted to the extent an alternative placement of signs is made necessary by the~~
11 ~~location of arches, entrances and other architectural features, as determined by the Zoning~~
12 ~~Administrator, or for the purpose of installing special lighting effects and temporary holiday~~
13 ~~decorations.~~

14 ~~(6) The maximum height for freestanding signs shall be 24 feet.~~

15 ~~(f) **Public Areas.** No sign or other structure or feature shall be placed upon any public street,~~
16 ~~alley or public plaza, or in any portion of a transit system, except such signs, structures and features as~~
17 ~~are specifically approved by the appropriate public authorities under applicable laws and regulations~~
18 ~~not inconsistent with this Code and under such conditions as may be imposed by such authorities.~~

19 **SEC. 609.8. MISCELLANEOUS SERVICE STATION SIGNS IN R DISTRICTS.**

20 Any lawfully existing sign at an automobile service station in an R District (other than
21 those signs covered by Paragraph 606(d)(e)(A) of this Code) which does not conform to
22 Paragraph 606(d)(e)(1)(B) of this Code shall be removed or altered to conform therewith within
23 one year after the effective date of this Article 6 or such later date as the sign becomes
24 nonconforming.

25 **SEC. 714.1. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.**

1 The Broadway Neighborhood Commercial District, located in the northeast quadrant of
2 San Francisco, extends along Broadway from west of Columbus Avenue to Osgood Place. It
3 is part of a larger commercial area which includes North Beach to the north, Chinatown to the
4 south and west, and Jackson Square to the southeast. Broadway's fame and popularity as a
5 Citywide and regional entertainment district is derived from a concentration of nightclubs,
6 music halls, adult theaters, bars, and restaurants between Grant Avenue and Montgomery
7 Street. These places attract locals and visitors alike, mainly in the evening and late-night
8 hours. In addition to the entertainment and some retail businesses, Broadway contains many
9 upper-story residential hotels. Due to its proximity to downtown, there is strong pressure to
10 develop upper-story offices.

11 The Broadway District controls are designed to encourage development that is
12 compatible with the existing moderate building scale and mixed-use character, and maintain
13 the district's balance of entertainment uses, restaurants, and small-scale retail stores. New
14 buildings exceeding 40 feet in height will be carefully reviewed and rear yards at residential
15 levels are protected. Most commercial uses in new buildings are permitted at the first two
16 stories. Neighborhood-serving businesses are strongly encouraged. In order to protect the
17 livability of the area, limitations apply to new fast-food restaurants and adult entertainment
18 uses at the first and second stories, as well as late-night activity. Financial services are
19 allowed on the ground story subject to certain limitations. Nonretail offices are prohibited in
20 order to prevent encroachment of the adjoining downtown office uses. Due to the high traffic
21 volume on Broadway, most automobile and drive-up uses are prohibited in order to prevent
22 further traffic congestion. Parking garages are permitted if their ingress and egress do not
23 disrupt the traffic flow on Broadway.

24 Housing development in new buildings is encouraged above the second story. Existing
25 housing is protected by limitations on demolitions and upper-story conversions.

**SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

			Broadway
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
714.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, 270, 271	P up to 40 ft. C 40 to 65 ft. § 253.1
714.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1
714.12	Rear Yard	§§ 130, 134, 136	Required at residential level only § 134(a) (e)
714.13	Street Frontage		Required § 145.1
714.14	Awning	§ 136.1(a) 790.20	P § 136.1(a)
714.15	Canopy	§ 136.1(b) 790.26	P § 136.1(b)
714.16	Marquee	§ 136.1(c) 790.58	P § 136.1(e)
714.17	Street Trees		Required § 143 <u>138.1</u>

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

714.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a) (b)
714.21	Use Size [Non-Residential]	§ 790.130	P up to 2,999 sq. ft.; C 3,000 sq. ft. & above § 121.2
714.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153—157, 159— 160, 204.5	Generally, none required. Limits set forth in § 151.1 if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
714.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
714.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
714.25	Drive-Up Facility	§ 790.30	
714.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
714.27	Hours of Operation	§ 790.48	P 6 a.m.—2 a.m.;

			C 2 a.m.—6 a.m.
714.30	General Advertising Sign	§§ 262, 602—604, 608, 609	
714.31	Business Sign	§§ 262, 602—604, 608, 609	P § 607.1(f)2
714.32	Other Signs	§§ 262, 602—604, 608, 609	P § 607.1(c) (d) (g)

No.	Zoning Category	§ References	Broadway		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
714.38	Residential Conversion	§ 790.84	P	C	
714.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
714.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P #	P #	
714.41	Bar	§ 790.22	P	P	
714.42	Full-Service Restaurant	§ 790.92	P	P	

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714.43	Large Fast Food Restaurant	§ 790.90			
714.44	Small Self-Service Restaurant	§ 790.91	C	C	
714.45	Liquor Store	§ 790.55	C		
714.46	Movie Theater	§ 790.64	P	P	
714.47	Adult Entertainment	§ 790.36	C	C	
714.48	Other Entertainment	§ 790.38	P	P	
714.49	Financial Service	§ 790.110	C		
714.50	Limited Financial Service	§ 790.112	C		
714.51	Medical Service	§ 790.114	P	P	
714.52	Personal Service	§ 790.116	P	P	
714.53	Business or Professional Service	§ 790.108	P	P	
714.54	Massage Establishment	§ 790.60, § 1900 Health Code	C	C	
714.55	Tourist Hotel	§ 790.46	C	C	C

1	714.56	Automobile	§§ 790.8, 156,	C	C	C
2		Parking	160			
3	714.57	Automotive Gas	§ 790.14			
4		Station				
5	714.58	Automotive	§ 790.17			
6		Service Station				
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8	714.59	Automotive Repair	§ 790.15			
9	714.60	Automotive Wash	§ 790.18			
10	714.61	Automobile Sale	§ 790.12			
11		or Rental				
12	714.62	Animal Hospital	§ 790.6	C		
13	714.63	Ambulance	§ 790.2			
14		Service				
15	714.64	Mortuary	§ 790.62			
16						
17	714.65	Trade Shop	§ 790.124	P #	C #	
18	714.66	Storage	§ 790.117			
19	714.67	Video Store	§ 790.135	<u>P €</u>	<u>P €</u>	
20	714.68	Fringe Financial	§ 790.111			
21		Service				
22	714.69	Tobacco	§ 790.123	C		
23		Paraphernalia				
24		Establishments				
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714.69A	Self-Service Specialty Food	§ 790.93	C	C	
714.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04	C		
714.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P
714.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C
Institutions and Non-Retail Sales and Services					
714.70	Administrative Service	§ 790.106			
714.80	Hospital or Medical Center	§ 790.44			
714.81	Other Institutions, Large	§ 790.50	P	C	C
714.82	Other Institutions, Small	§ 790.51	P	P	P
714.83	Public Use	§ 790.80	C	C	C
714.84	Medical Cannabis Dispensary	§ 790.141	P		
RESIDENTIAL STANDARDS AND USES					

1	714.90	Residential Use	§ 790.88	P	P	P
2	714.91	Residential	§§ 207, 207.1,	Generally, 1 unit per 400 sq. ft. lot area		
3		Density, Dwelling	790.88(a)	§ 207.4		
4		Units				
5	714.92	Residential	§§ 207.1,	Generally, 1 bedroom per 140 sq. ft. lot area		
6		Density, Group	790.88(b)	§ 208		
7		Housing				
8	714.93	Usable Open	§§ 135, 136	Generally, either		
9		Space		60 sq. ft if private, or		
10		[Per Residential		80 sq. ft. if common		
11		Unit]		§ 135(d)		
12						
13	714.94	Off-Street Parking,	§§ 150, 151.1,	<i>None required. P up to 0.5 parking spaces for</i>		
14		Residential	153—157,	<i>each one car for each two dwelling units; C up</i>		
15			159—160,	<i>to .75 cars parking spaces for each dwelling</i>		
16			204.5	<i>unit, subject to the criteria and procedures of</i>		
17				<i>Section 151.1 (f); NP above 0.75 cars for each</i>		
18				<i>dwelling unit.</i>		
19				§§ 151.1, <u>166, 167, 145.1</u> 161(a)(g)		
20				# Mandatory discretionary review by the		
21				Planning Commission if installing a garage in		
22				an existing residential building <i>of four or more</i>		
23				<i>units and Section 311 notice for a building of less</i>		
24				<i>than four units.</i>		
25	714.95	Community	§ 790.10	C	C	C

	Residential				
	Parking				

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

Article 7 Code Section	Other Code Section	Zoning Controls
§ 714.10	§ 253.1	65-A-1 HEIGHT AND BULK DISTRICT Boundaries: Applicable for all of the Broadway NCD from Columbus Avenue to Osgood Place as mapped on Sectional Map 1H Controls: Building height and bulk limits are P up to 40 feet; C between 40 feet and 65 feet
§ 714.40	§ 790.102(n)	BROADWAY SPECIALTY RETAIL USES Boundaries: Broadway NCD Controls: Retail coffee stores defined pursuant to Code § 790.102(n) are not permitted without conditional use authorization except to the extent qualifying as specialty grocery permitted pursuant to § 790.102(b)
§ 714.65	§ 236	GARMENT SHOP SPECIAL USE DISTRICT
<u>§ 714.68</u>	<u>§ 249.35</u>	<u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD).</u> <i>Boundaries:</i> <i>The FFSRUD and its ¼ mile buffer includes, but is not limited to, the Broadway Neighborhood Commercial Districts.</i>

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		<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>
§ <u>714722.94</u>	§§ 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 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</u></p>

		<p>only for the portion of Broadway NCD as mapped on Sectional Map 1 SUa</p> <p>Controls: Garment shops are P at the 1st and 2nd stories</p>
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SEC. 722.1. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.

The North Beach Neighborhood Commercial District is a nonlinear district centered on Columbus Avenue, located in the valley between Telegraph Hill and Russian Hill north of Broadway. North Beach functions as a neighborhood-serving marketplace, citywide specialty shopping, and dining district, and a tourist attraction, as well as an apartment and residential hotel zone. Traditionally, the district has provided most convenience goods and services for residents of North Beach and portions of Telegraph and Russian Hills. North Beach's eating, drinking, and entertainment establishments remain open into the evening to serve a much wider trade area and attract many tourists. The balance between neighborhood-serving convenience stores and Citywide specialty businesses has shifted , as convenience stores have been replaced by restaurants and bars. The proliferation of financial services, limited financial services, and business and professional services has also upset the district's balance of uses. The relocation of business and professional offices from downtown to North Beach threatens the loss of upper-story residential units.

The North Beach District controls are designed to ensure the livability and attractiveness of North Beach. Building standards limit new development to a small to moderate scale. Rear yards are protected above the ground story and at residential levels. Most new commercial development is permitted at the first two stories. Small-scale, neighborhood-serving businesses are strongly encouraged and formula retail uses are prohibited. Use sizes are controlled to limit future consolidation of spaces and to encourage conversion back to the traditional small-scale commercial spaces. Special controls are necessary because an over-concentration of food and beverage service establishments limits

1 neighborhood-serving retail sales and personal services in an area that needs them to thrive
2 as a neighborhood. In order to maintain neighborhood-serving retail sales and personal
3 services and to protect residential livability, additional eating and drinking establishments are
4 prohibited in spaces that have been occupied by neighborhood-serving retail sales and
5 personal services. Special controls limit additional ground-story entertainment uses and
6 prohibit new walk-up automated bank teller machines (ATMs). Financial services, limited
7 financial services, and ground-story business and professional office uses are prohibited from
8 locating in the portion of the district south of Greenwich Street, while new financial services
9 locating in the portion of the district north of Greenwich Street are limited. Restrictions on
10 automobile and drive-up uses are intended to promote continuous retail frontage and maintain
11 residential livability.

12 In keeping with the district's existing mixed-use character, housing development in new
13 buildings is encouraged above the second story. Existing residential units are protected by
14 prohibitions of upper-story conversions and limitations on demolitions.

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**SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

			North Beach
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
722.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, 270, 271	P up to 40 ft.
722.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1
722.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a) (e)
722.13	Street Frontage		Required § 145.1
722.14	Awning	§ 136.1(a) 790.20	P § 136.1(a)
722.15	Canopy	§ 136.1(b) 790.26	P § 136.1(b)
722.16	Marquee	§ 136.1(c) 790.58	P § 136.1(e)

1	722.17	Street Trees		Required § 143 138.1
2	COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
3	722.20	Floor Area Ratio	§§ 102.9, 102.11, 123	1.8 to 1 § 124(a) (b)
4	722.21	Use Size [Nonresidential]	§ 790.130	P up to 1,999 sq. ft.; C# 2,000 sq. ft. to 3,999 sq. ft. NP 4,000 sq. ft. and above § 121.2
5	722.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153—157, 159—160, 204.5	<i>Generally, none required. <u>Limits set forth in if occupied floor area is less than 5,000 sq. ft.</u></i> §§ 151.1, 161(g)
6	722.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
7	722.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
8	722.25	Drive-Up Facility	§ 790.30	
9	722.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed

			§ 145.2(b)
722.27	Hours of Operation	§ 790.48	P 6 a.m.—2 a.m. C 2 a.m.—6 a.m.
722.30	General Advertising Sign	§§ 262, 602—604, 608, 609	
722.31	Business Sign	§§ 262, 602—604, 608, 609	P § 607.1(f)2
722.32	Other Signs	§§ 262, 602—604, 608, 609	P § 607.1(c) (d) (g)

No.	Zoning Category	§ References	North Beach		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
722.38	Residential Conversion	§ 790.84	P		
722.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
722.40	Other Retail Sales and Services [Not Listed]	§ 790.102	P #	P #	

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	Below]				
722.41	Bar	§ 790.22 § 780.3	C#		
722.42	Full-Service Restaurant	§ 790.92 § 780.3	C#	C #	
722.43	Large Fast Food Restaurant	§ 790.90			
722.44	Small Self- Service Restaurant	§ 790.91 § 780.3	C#		
722.45	Liquor Store	§ 790.55	C		
722.46	Movie Theater	§ 790.64	P		
722.47	Adult Entertainment	§ 790.36			
722.48	Other Entertainment	§ 790.38	C		
722.49	Financial Service	§ 790.110	C/NP #		
722.50	Limited Financial Service	§ 790.112	C/NP#		
722.51	Medical	§ 790.114	P	P	

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	Service				
722.52	Personal Service	§ 790.116	P	P	
722.53	Business or Professional Service	§ 790.108	C/NP#	P	
722.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
722.55	Tourist Hotel	§ 790.46	C	C	C
722.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
722.57	Automotive Gas Station	§ 790.14			
722.58	Automotive Service Station	§ 790.17			
722.59	Automotive Repair	§ 790.15	C		
722.60	Automotive Wash	§ 790.18			
722.61	Automobile Sale or Rental	§ 790.12			
722.62	Animal	§ 790.6	C		

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	Hospital				
722.63	Ambulance Service	§ 790.2			
722.64	Mortuary	§ 790.62			
722.65	Trade Shop	§ 790.124	P#	C #	
722.66	Storage	§ 790.117			
722.67	Video Store	§ 790.135	<u>P</u> €	<u>P</u> €	
722.68	Fringe Financial Service	§ 790.111			
722.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
722.69A	Self-Service Specialty Food	§ 790.93	C		
722.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04			
722.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P
722.69C	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C

Institutions and Non-Retail Sales and Services

722.70	Administrative Service	§ 790.106			
722.80	Hospital or Medical Center	§ 790.44			
722.81	Other Institutions, Large	§ 790.50	P	C	C
722.82	Other Institutions, Small	§ 790.51	P	P	P
722.83	Public Use	§ 790.80	C	C	C
722.84	Medical Cannabis Dispensary	§ 790.141	P		
RESIDENTIAL STANDARDS AND USES					
722.90	Residential Use	§ 790.88	P	P	P
722.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per400 sq. ft. lot area § 207.4		
722.92	Residential Density, Group	§§ 207.1, 790.88(b)	Generally, 1 bedroom per140 sq. ft. lot area § 208		

	Housing				
722.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 60 sq. ft if private, or 80 sq. ft. if common § 135(d)		
722.94	Off-Street Parking, Residential	§§ 150, 151.1, 153—157, 159—160, 204.5	<i>None required. P up to 0.5 parking spaces 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) # if installing a garage in an existing residential building</i>		
722.95	Community Residential Parking	§ 790.10	C	C	C

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

Article 7 Code Section	Other Code Section	Zoning Controls
§ 722.26	§ 790.140	NORTH BEACH WALK UP FACILITIES Boundaries: North Beach NCD Controls: Walk-up automated bank teller machines (ATMs) are

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		not permitted.
§ 722.40	§ 790.102(n)	<p>NORTH BEACH SPECIALTY RETAIL USES</p> <p>Boundaries: North Beach NCD</p> <p>Controls: Retail coffee stores defined pursuant to Code § 790.102(n) are not permitted without conditional use authorization except to the extent qualifying as specialty grocery permitted pursuant to § 790.102(b)</p>
§§ 722.42, 722.44, 722.41	§ 780.3	<p>NORTH BEACH SPECIAL USE DISTRICT</p> <p>Boundaries: North Beach NCD</p> <p>Controls: Full-service restaurants and small self-service restaurants as defined in Sections 790.92 and 790.91 of this Code and bars as defined in Section 780.22 may be permitted as a conditional use on the first story if, in addition to the criteria set forth in Section 303, the Planning Commission finds that the full-service restaurant, small self-service restaurant, or bar does not occupy:</p>
		(1) a space that is currently or was last occupied by a Basic Neighborhood Sale or Service, as defined in Section 780.3(b), or by a permitted principal use under Section 722 (North Beach Controls); or
		(2) a vacant space last occupied by a nonconforming use or a permitted conditional use under Section 722 (North Beach Controls) that has been discontinued or abandoned pursuant to Section 186.1(d) or Section 178(d) of this Code.

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<p>§§ 722.42, 722.44</p>	<p>§§ 790.92, 790.91</p>	<p>NORTH BEACH LIQUOR LICENSES FOR FULL-SERVICE AND SMALL SELF-SERVICE RESTAURANTS</p> <p>Boundaries: North Beach NCD</p> <p>Controls: (a) In order to allow full-service restaurants, as defined in § 790.92, and small self-service restaurants, as defined in § 790.91 to seek or maintain an ABC license type 41, so that they may provide on-site beer and/or wine sales for drinking on the premises, the restaurant shall be required to operate as a 'bona-fide eating place' as defined in § 790.142.</p>
		<p>(b) In order to allow full service restaurants, as defined in § 790.91, to seek and maintain an ABC license type 47, so that liquor may be served for drinking on the premises, a bar use, as defined in § 790.22, may be permitted as a conditional use on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission finds that:</p>
		<p>(1) The bar function is operated as an integral element of an establishment which is classified both as: (A) a full-service restaurant as defined in § 790.92 and (B) a 'bona-fide eating place' as defined in § 790.142; and</p>
		<p>(2) (2) The establishment maintains only an ABC license type 47, 40, 41 or 60.</p>
		<p>(c) The Commission may consider immediate revocation of a previous conditional use authorization should an establishment no longer comply with any of the criteria set forth above in (a) or (b)</p>

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		of this Section for any length of time.
		(d) A small self-service restaurant use as defined in § 790.91 may not provide liquor for drinking on the premises (with ABC licenses 42, 47, 48, or 61).
§§ 722.49, 722.50 722.53	§ 781.6	NORTH BEACH FINANCIAL SERVICE, LIMITED FINANCIAL SERVICE, AND BUSINESS OR PROFESSIONAL SERVICE SUBDISTRICT Boundaries: Applicable only for portions of the North Beach NCD south of Greenwich Street as mapped on Sectional Map SU01 Controls: Financial services and limited financial services are NP at all stories; business or professional services are NP at the 1st story
§ 722.65	§ 236	GARMENT SHOP SPECIAL USE DISTRICT
§ 722.94	§§ 150, 153-157, 159-160, 204.5	NORTH BEACH OFF-STREET PARKING, RESIDENTIAL Boundaries: North Beach NCD A. 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. <u>In approving installation of the garage, the Commission shall find that:</u> (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

		<p>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.</p> <p>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.</p> <p>Boundaries: Applicable only for the portion of North Beach NCD as mapped on Sectional Map SU01a</p> <p>Controls: Garment shops are P at the 1st and 2nd stories</p>
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SEC. 790.20. AWNING. An awning in a Neighborhood Commercial District shall be as defined and regulated in Section 136.1(a) of this Code. ~~A light roof-like structure, supported entirely by the exterior wall of a building; consisting of a fixed or movable frame covered with cloth, plastic or metal; extending over doors, windows, and/or show windows; with the purpose of providing protection from sun and rain and/or embellishment of the facade; as further regulated in Sections 4506 and 5211 of the Building Code.~~

1 **SEC. 790.26. CANOPY.**

2 A canopy in a Neighborhood Commercial District shall be as defined and regulated in Section
3 136.1(b) of this Code ~~A light roof-like structure, supported by the exterior wall of a building and on~~
4 ~~columns or wholly on columns, consisting of a fixed or movable frame covered with approved cloth,~~
5 ~~plastic or metal, extending over entrance doorways only, with the purpose of providing protection from~~
6 ~~sun and rain and embellishment of the facade, as further regulated in Sections 4504, 4506, 4508, and~~
7 ~~5213 of the Building Code.~~

8 **SEC. 790.58. MARQUEE.**

9 A marquee in a Neighborhood Commercial District shall be as defined and regulated in Section
10 136.1(c). ~~A permanent roofed structure attached to and supported entirely by a building; including any~~
11 ~~object or decoration attached to or part of said marquee; no part of which shall be used for occupancy~~
12 ~~or storage; with the purpose of providing protection from sun and rain or embellishment of the facade;~~
13 ~~as further regulated in Sections 414 and 4506 of the Building Code.~~

14 **SEC. 799. OTHER APPLICABLE SECTIONS OF THE ~~CITY~~ PLANNING CODE.**

15 Reference should be made to other sections which also apply to Neighborhood
16 Commercial Districts. These sections and their titles are listed below.

General Provisions	
Section 101	Purposes
<u>Section 101.1</u>	<u>General Plan Consistency and Implementation</u>
Section 109	Severability
Definitions	
Sections 102—102.25	Definitions

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Zoning Map	
Section 105	Zoning Map
Section 106	Zoning Map Incorporated Herein
Building Standards	
Section 121	Minimum Lot Width
Section 121.1	Development on Large Lots, Neighborhood Commercial Districts
Section 121.2	Use Size Limits (Nonresidential), Neighborhood Commercial Districts
Section 124	Basic Floor Area Ratio
<i>Section 125</i>	<i>Floor Area Premiums, Districts Other than NC and C-3</i>
Section 130	Yard and Setback Requirements
Section 131	Legislated Setback Line
Section 134	Rear Yards, R, NC, C, and M Districts
Section 135	Usable Open Space, R, NC, C, and M Districts
Section 136	Obstructions Over Streets and Alleys and in Required Setbacks, Yards, and Usable Open Space
Section 136.1	Awnings, Canopies, and Marquees <i>in NC Districts</i>
<i>Section 138.1</i>	<i>Streetscape and Pedestrian Improvements</i>
Section 140	All Dwelling Units <i>in All Use Districts</i> to Face on Open Area, R, NC, and M Districts
Section 141	Screening of Rooftop Features R, NC, C, and M Districts
Section 142	Screening <i>and Greening</i> of Parking <i>and Vehicle Use</i> Areas, R and NC Districts

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<i>Section 143</i>	<i>Street Trees, R, NC, C-3 Districts</i>
Section 145.1	Street Frontages; <i>in</i> Neighborhood Commercial, <i>Residential-Commercial</i> , <i>Commercial</i> , and <i>Mixed Use</i> Districts
Section 145.2	Outdoor Activity Areas and Walk-up Facilities in NC Districts
<i>Section 145.4</i>	<i>Required Ground Floor Commercial Uses</i>
Parking	
Section 150	Off-Street Parking and Loading Requirements
Section 151	Schedule of Required Off-Street Parking Spaces
<i>Section 151.1</i>	<i>Schedule of Permitted Off-Street Parking Spaces in Specified Districts</i>
Section 152	Schedule of Required Off-Street Freight Loading Spaces in District Other than C-3
Section 153	Rules for Calculation of Required Spaces
Section 154	Minimum Dimensions for Required Off-Street Parking, Freight Loading and Service Vehicle Spaces
Section 155	General Standards as to Location and Arrangement of Off-Street Parking, Freight Loading, and Service Vehicle Facilities
<i>Section 155.1 to 155.5</i>	<i>Bicycle Parking Requirements</i>
Section 156	Parking Lots
Section 157	Conditional Use Applications for Parking Exceeding Accessory Amounts: Additional Criteria

1	Section 159	Required Off-Street Parking Not on the Same Lot as the Structure or Use Served
2		
3	Section 160	Collective Provision and Joint Use of Required Off-Street Parking
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5	Section 161	Exemptions From Off-Street Parking, Freight Loading and Service Vehicle Requirements
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7	Compliance	
8	Section 170	Applicability of Requirements
9	Section 171	Compliance of Uses Required
10	Section 172	Compliance of Structures, Open Spaces, and Off-Street Parking and Loading
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12	Section 173	Compliance of Lots Required
13	Section 174	Compliance With Conditions, Stipulations, and Special Restrictions Required
14	Section 175	Approval of Permits
15	Section 176	Enforcement Against Violations
16		
17	Section 178	Conditional Uses
18	Section 179	Uses Located in Neighborhood Commercial Districts
19	Section 180	Nonconforming Uses, Noncomplying Structures, and Substandard Lots of Record: General
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21	Section 181	Nonconforming Uses: Enlargements, Alterations, or Reconstruction
22	Section 182	Nonconforming Uses: Changes of Use
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24	Section 183	Nonconforming Uses: Discontinuance and Abandonment
25	Section 184	Short-term Continuance of Certain Nonconforming Uses

1	Section 185	Continuance of Other Nonconforming Uses
2	<i>Section 186</i>	<i>Exemption of Limited Commercial Nonconforming Uses</i>
3	Section 186.1	Exemption of Nonconforming Uses in Neighborhood Commercial Districts
4	<i>Section 187</i>	<i>Garment Shops and Garment Factories as Nonconforming Uses</i>
5	Section 188	Noncomplying Structures: Enlargements, Alterations and Reconstruction
6	Section 189	Substandard Lots of Record: Construction and Other Actions
7	Uses	
8	Section 201	Classes of Use Districts
9	Section 202	Uses Permitted by This Code
10	Section 203	Effect on Certain Public Services
11	Section 204	Accessory Uses, General
12	Section 204.1	Accessory Uses for Dwellings in R and NC Districts
13	Section 204.4	Dwelling Units Accessory to Other Uses
14	Section 204.5	Parking and Loading as Accessory Uses
15	Section 205	Temporary Uses, General
16	Section 205.1	Temporary Uses, Sixty-day Limit
17	Section 205.2	Temporary Uses, Two-year Limit
18	Section 207.1	Rules for Calculation of Dwelling Unit Densities
19	<i>Section 207.4</i>	<i>Density of Dwelling Units in Neighborhood Commercial Districts</i>
20	Section 208	Density Limitations for Group Housing in R and NC Districts
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1	Section 209.1	Dwellings
2	<i>Section 210</i>	<i>Description and Purpose of Commercial and Industrial Districts</i>
3	Section 234	P Districts
4	Section 234.1	Principal Uses Permitted, P Districts
5	Section 234.2	Conditional Uses, P Districts
6	Section 235	Special Use Districts
7	<i>Section 236</i>	<i>Garment Shop Special Use District</i>
8	Height and Bulk	
9		
10	Section 122	Height and Bulk
11	Section 250	Height and Bulk Districts Established
12	Section 251	Height and Bulk Districts: Purposes
13	Section 252	Classes of Height and Bulk Districts
14	Section 253.1	Review of Proposed Buildings and Structures in North Beach and Broadway Neighborhood Commercial Districts
15	Section 260	Height Limits: Measurement
16	<i>Section 261.1</i>	<i>Additional Height Limits for Narrow Streets and Alleys in RTO, NC, NCT, Eastern Neighborhoods Mixed Use, and South of Market Mixed Use Districts</i>
17	Section 262	Additional Height Limits Applicable to Signs
18	Section 270	Bulk Limits: Measurement
19	Section 271	Bulk Limits: Special Exceptions, In Districts Other than C-3
20	Section 295	Height Restrictions on Structures Shadowing Property Under the Jurisdiction of
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	the Recreation and Park Commission
Procedures	
Section 301	General Description of Zoning Procedures
Section 302	Amendments
Section 303	Conditional Uses
Section 304	Planned Unit Developments
Section 304.5	Institutional Master Plans
Section 305	Variances
Section 306	Applications and Hearings
Section 306.1	Applications and Filing Fees
Section 306.2	Scheduling of Hearings
Section 306.3	Notice of Hearings
Section 306.4	Conduct of Hearings
Section 306.5	Reconsideration
Section 306.6	Initiation of Amendments
Section 306.7	Interim Zoning Controls
Section 306.8	Posting of Signs Required
Section 307	Other Powers and Duties of the Zoning Administrator
Section 308	Appeals
Section 308.1	Appeals: Amendments and Conditional Uses

1	Section 308.2	Appeals: Variances and Administrative Actions
2	Section 313	Housing Requirements for Office Development Projects
3	Section 314	Child Care Requirements for Office Development Projects (Outside C-3
4		Districts)
5	Section 315	Procedures for Conditional Use Authorization in Neighborhood Commercial
6		Districts
7	Section 315.1	Applications and Filing Fees
8	Section 315.2	Zoning Administrator Review, Scheduling of Hearing, and Recommendation
9	Section 315.3	Notice of Recommendation and Determination
10	Section 315.4	Request for Reconsideration of Consent Calendar Items at a Public Hearing
11	Section 315.5	Conduct of Consent Calendar and Determination
12	Section 315.6	Conduct of Public Hearings and Determination
13	Section 315.7	Reconsideration
14	Section 315.8	Appeal
15	Sections	Permit Review in the San Francisco Coastal Zone Area
16	330—330.18	
17	Fees	
18	Section 350	Fees, General
19	Section 351	Fees for Applications to Establish, Abolish or Modify a Setback Line, to
20		Reclassify Property, to Authorize a Conditional Use, to Consider a Variance, or
21		to Review a Coastal Zone Permit
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1	Section 352	Fee for Review of Building Permit Applications
2	Section 353	Fee for Review of Permit Applications Issued by the Fire Department, the
3		Police Department, and the Department of Public Health
4	Section 355	Fee for Reviewing Notices and Special Restrictions
5	Section 356	Fee for Reviewing Proposals Which Cast a Shadow on Recreation and Park
6		Commission Property
7	Signs	
8	Section 601	Special Purposes
9	Sections	Special Definitions
10	602—602.21	
11	Section 603	Exempted Signs
12	Section 604	Permits and Conformity Required
13	<i>Section 607</i>	<i>Commercial and Industrial Districts</i>
14	Section 607.1	Neighborhood Commercial Districts
15	Sections	Special Sign Districts
16	608—608.11	
17	Sections	Amortization Periods
18	609—609.13	
19	Landmarks	
20	Article 10	Preservation of Historical, Architectural and Aesthetic Landmarks (Inclusive)
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SEC. 819. SOUTH OF MARKET EXTENDED PRESERVATION DISTRICT.

1 The South of Market Extended Preservation District, as shown on Sectional Map #PD01
2 and #PD07 of the Zoning Map, incorporates an area, formerly zoned C-3-S, in which
3 provisions of Article 11 and Section 128 continue to be in effect.

4 **SEC. 890.21. AWNING.**

5 An awning in a Mixed Use District shall be as defined and regulated in Section 136.1(a) of this
6 Code. A light roof-like structure, supported entirely by the exterior wall of a building; consisting of a
7 fixed or movable frame covered with cloth, plastic or metal; extending over doors, windows, and/or
8 show windows; with the purpose of providing protection from sun and rain and/or embellishment of the
9 façade; as further regulated in Sections 4505 and 5211 of the Building Code.

10 **SEC. 890.24. CANOPY.**

11 A canopy in a Mixed Use District shall be as defined and regulated in Section 136.1(b) of this
12 Code. A light roof-like structure, supported by the exterior wall of a building and on columns or
13 wholly on columns, consisting of a fixed or movable frame covered with approved cloth, plastic or
14 metal, extending over entrance doorways only, with the purpose of providing protection from sun and
15 rain and embellishment of the façade, as further regulated in Sections 4505, 4506, 4508, and 5213 of
16 the Building Code.

17 **SEC. 890.58. MARQUEE.**

18 A marquee in a Mixed Use District shall be as defined and regulated in Section 136.1(c) of this
19 Code. A permanent roofed structure attached to and supported entirely by a building, including any
20 object or decoration attached to or part of said marquee, no part of which shall be used for occupancy
21 or storage. The purpose of the structure is to provide protection from sun and rain or embellishment of
22 the façade, as further regulated in Sections 414 and 4506 of the Building Code.

23 **SEC. 899. OTHER APPLICABLE SECTIONS OF THE CITY PLANNING CODE.**

24 Certain sections of the ~~City~~ Planning Code in Articles other than this Article also apply
25 to Mixed Use Districts. Such sections and their titles are listed below. The following listing is

1 set forth for convenience; in the event of any omission of a provision, that provision shall
 2 nevertheless still apply.

General Provisions	
Section 101	Purposes
Section 101.1	Master <u>General</u> Plan Consistency and Implementation
Section 109	Severability
Definitions	
Sections 102— 102.28	Definitions
Zoning Map	
Section 105	Zoning Map
Section 106	Zoning Map Incorporated Herein
Building Standards	
<u>Section 121</u>	<u>Minimum Lot Width</u>
Section 122	Height and Bulk
Section 124	Basic Floor Area Ratio
Section 128	Transfer of Development Rights in C-3 Districts
<u>Section 130</u>	<u>Yard and Setback Requirements</u>
<u>Section 131</u>	<u>Legislated Setback Line</u>
<u>Section 134</u>	<u>Rear Yard Requirements</u>
<u>Sections 135 –</u>	<u>Usable Open Space</u>

1	<u>135.3</u>	
2	<u>Section 136</u>	<u>Obstructions Over Streets and Alleys and in Required Setbacks, Yards, and Usable</u>
3		<u>Open Spaces</u>
4	<u>Section 136.1</u>	<u>Awnings, Canopies and Marquees</u>
5		
6	<u>Section 138.1</u>	<u>Streetscape and Pedestrian Improvements</u>
7	<u>Section 140</u>	<u>All Dwelling Units in All Zoning Districts to Face on an Open Space</u>
8	<u>Section 141</u>	<u>Screening of Rooftop Features</u>
9	<u>Section 142</u>	<u>Screening of Parking Areas</u>
10		
11	<u>Section 143</u>	<u>Street Trees</u>
12	<u>Section 145.1</u>	<u>Street Frontages in Neighborhood Commercial, Residential-Commercial,</u>
13		<u>Commercial, and Mixed-Use Districts</u>
14	<u>Section 147</u>	<u>Reduction of Shadows on Certain Public Open Spaces</u>
15	Section 250	Height and Bulk Districts Established
16	Section 251	Height and Bulk Districts—Purpose
17	Section 252	Classes of Height and Bulk Districts
18	Section 253	Review of Buildings Exceeding 40 Feet in R Districts
19	Section 260	Height Limits—Method of Measurement
20	Section 262	Additional Height Limits—Applicable to Signs
21	Section 263	Height Limits: Special Exceptions
22	Section 270	Bulk Limits—Measurement
23	Section 271	Bulk Limits-Special Exceptions
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1	Section 295	Height Restrictions on Structures Shadowing Property Under the
2		Jurisdiction of the Recreation and Park Commission
3	<i>Section 121</i>	<i>Minimum Lot Width</i>
4	<i>Section 130</i>	<i>Yard and Setback Requirements</i>
5	<i>Section 131</i>	<i>Legislated Setback Line</i>
6	<i>Section 134</i>	<i>Rear Yard Requirements</i>
7	<i>Sections 135—</i>	<i>Usable Open Space</i>
8	<i>135.3</i>	
9	<i>Section 136</i>	<i>Obstructions Over Streets and Alleys</i>
10	<i>Section 136.1</i>	<i>Awnings, Canopies and Marquees</i>
11	<i>Section 136.1</i>	<i>Awnings, Canopies and Marquees</i>
12	<i>Section 141</i>	<i>Screening of Rooftop Features</i>
13	<i>Section 142</i>	<i>Screening of Parking Areas</i>
14	<i>Section 143</i>	<i>Street Trees</i>
15	<i>Section 147</i>	<i>Reduction of Shadows on Certain Public Open Spaces</i>
16	Parking	
17	Section 150	Off-Street Parking and Loading Requirements
18	Section 151	Schedule of Required Off-Street Parking Spaces
19	Section 152	Schedule of Required Off-Street Freight Loading Spaces
20	Section 153	Rules for Calculation of Required Spaces
21	Section 154	Minimum Dimensions for Required Off-Street Parking and Loading Spaces

1	Section 155	General Standards as to Location and Arrangement of Off-Street Parking and Loading Spaces
2		
3	Section 156	Parking Lots
4		
5	Section 157	Conditional Use Applications for Parking Exceeding Accessory Amounts
6	Section 159	Required Off-Street Parking Not on the Same Lot as Structure or Use Served
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8	Section 160	Collective Provision and Joint Use of Required Off-Street Parking
9	Section 161	Exemptions from Off-Street Parking, Freight Loading
10	Section 163	Transportation Management Programs
11	Signs	
12		
13	Sections 602—	Definitions
14	602.21	
15	Section 603	Exemptions
16	Section 604	Permits and Conformity
17		
18	Section 606	Residential Districts
19	Section 607.2	Mixed Use Districts
20	Sections 608—	Special Sign Districts
21	608.1	
22	Section 609	Amortization Period
23	Section 821	South of Market Special General Advertising Sign Districts
24	<u>Uses</u>	
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Section 201	Classes of Use Districts
Section 202	Uses Permitted By This Code
Section 203	Effect on Certain Public Services
Section 204	Accessory Uses, General
Section 204.1	Accessory Uses for Dwellings in R Districts
Section 204.4	Dwelling Units Accessory to Other Uses
Section 204.5	Parking and Loading as Accessory Uses
Sections 205— 205.3	Temporary Uses
Section 207	Density of Dwelling Units in R Districts
Section 207.1	Rules for Calculation of Dwelling Unit Densities
<i>Section 207.1</i>	<i>Density of Dwelling Units in Mixed Use Districts</i>
Section 208	Density Limitations for Group Housing
<i>Section 210</i>	<i>Description and Purpose of Commercial and Industrial Districts</i>
Section 233	Additional Provisions For Live/Work Units
Section 234.2	Conditional Uses, P Districts
Section 235	Special Use Districts
<i>Section 236</i>	<i>Garment Shop Special Use District</i>
Article 10	Preservation of Historical, Architectural and Aesthetic Landmarks (Inclusive)
Section 1106	Article 11 Change of Designation, Designation of Additional Buildings

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Procedures	
Section 301	General Description
Section 302	Amendments
Section 303	Conditional Uses
Section 304.5	Institutional Master Plans
Section 305	Variances
Sections 306— 306.8	Applications and Hearings
Section 307	Other Powers and Duties of the Zoning Administrator
Sections 308— 308.2	Appeals
<u>Section 309.1</u>	<u>Permit Review in Downtown Residential Districts</u>
<u>Section 329</u>	<u>Large Project Authorization in Eastern Neighborhoods Mixed Use Districts</u>
Fees	
Article 3.5	Fees (Inclusive)
Compliance	
Section 170	Applicability of Requirements
Section 171	Compliance of Uses Required
Section 172	Compliance of Structures, Open Spaces, and Off-Street Parking and Loading
Section 173	Compliance of Lots Required

1	Section 174	Compliance with Conditions, Stipulations, and Special Restrictions
2	Section 175	Approval of Permits
3	Section 176	Enforcement Against Violations
4	Section 178	Conditional Uses
5	Section 180	Nonconforming Uses, Noncomplying Structures, and Substandard Lots
6	Section 181	Nonconforming Uses: Enlargements, Alterations, or Reconstruction
7	Section 182	Nonconforming Uses: Changes of Use
8	Section 183	Nonconforming Uses: Discontinuance and Abandonment
9	Section 184	Short-term Continuance of Certain Nonconforming Uses
10	Section 185	Continuance of Other Nonconforming Uses
11	Section 186	Exemption of Limited Commercial Nonconforming Uses
12	Section 187	Garment Shops and Garment Factories as Nonconforming Uses
13	Section 188	Noncomplying Structures: Enlargements, Alterations and Reconstruction

17
18 APPROVED AS TO FORM:
19 DENNIS J. HERRERA, City Attorney

20 By: _____
21 JUDITH A. BOYAJIAN
22 Deputy City Attorney

LEGISLATIVE DIGEST

[Planning Code - Zoning - Uses, Signs, Building Features, Floor Area Ratio, Parking, and Compliance in Specified Use Districts]

Ordinance amending 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 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.

Amendments to Current Law

Density, Floor Area Ratio, and Open Space in C-3 Districts and the Van Ness Special Use District.

Sections 102.9, 128, 138, 215, and 243 are amended to:

- Remove the conditional use requirement for higher residential density in the C-3 Districts.
- Exempt affordable housing from Gross Floor Area ratio limits in the C-3 Districts and the Van Ness Special Use District.
- Permit Transferred Development Rights from any eligible site in a C-3 District and from the South of Market Extended Preservation District to be applied to any site in a C-3 District.
- Count space dedicated to parking which exceeds principally permitted amounts, or parking located above ground, to Floor Area Ratio calculations in C-3 Districts. Currently, parking up to 150% of what is principally permitted is exempt from FAR calculations.
- Exempt Bicycle Parking from Floor Area Ratio calculations.

- Extend Public Open Space requirements in C-3 Districts to projects which are primarily retail.

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

Section 204.3 is amended to:

- Increase the maximum permitted size of an accessory use in Commercial and Industrial Districts from one-quarter to one-third of the gross floor area.
- 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 Districts not extend outside the premises.
- Subject accessory uses in RC districts to the requirements of Commercial Districts rather than those of Residential Districts.

Parking and Automotive Uses

Sections 151, 151.1, 155, 155.1, 155.4, 156, 157, 157.1, 158, 158.1, 161,163, 223, 228, and 243 are amended to:

- Increase the number of principally permitted parking spaces from one for every four units to one for every two units in C-3 Districts, and from 3 for every 8 units to one for every two units in RC Districts.
- Decrease the minimum number parking spaces required in RC-3 Districts and the Van Ness Special Use District from one space per unit to one space for every four units.
- Eliminate minimum parking requirements for the Chinatown Mixed Use Districts and North Beach Neighborhood Commercial Districts
- Permit exceptions from parking requirements where providing required parking would remove a transit stop, compromise a building's earthquake safety or create a geologic hazard.
- Amend the pricing requirements for commuter parking to permit a discounted daily rate for use outside commute hours, and to extend these requirements to commuter parking in Residential-Commercial and South of Market Mixed Use Districts and the Washington-Broadway Special Use District.
- Expand bicycle parking requirements to include all uses.
- 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, and permitting exceptions from parking screening requirements, in C-3 Districts.
- Consolidate the conditional use findings for non-accessory parking in C-3 Districts in a single section.
- Allow automobile service stations on transit-priority and major pedestrian streets to be converted to another use without conditional use authorization, and amend the

conditional use criteria for conversion to include consideration of transportation impacts of the existing and proposed use.

Sign, Awning, Canopy, and Marquee controls

Sections 136, 136.1, 136.2, 136.3, 262, 602.9, 602.24, 602.25, 602.26, 606, 607, 607.1, 608.6, 608.8, 608.10, 790.24, 790.26, 790.58, 890.21, 890.24, and 890.58 are amended to:

- Permit awnings, canopies, and marquees in PDR Districts.
- Consolidate awning, canopy, and marquee controls for all use districts into a single section.
- Permit awnings to be made of cloth, glass, and metal, but not of plastic.
- Conform signage controls in Residential districts with those of Neighborhood Commercial Districts, and to prohibit General Advertising Signs in the few RC and NC districts where they are currently permitted.
- Remove the special sign districts permitting blinking, flashing, and rotating signs from the Van Ness Corridor and from the portion of Broadway in the Chinatown Community Business District.
- Prohibit roof signs, other than historic signs, in Commercial Districts, to prohibit temporary General Advertising Signs around Union Square, and to limit business signs to 40' in height in C-3 districts.
- Permit window signs and small projecting signs, decrease the permitted size of wall signs, and limit sign illumination to business hours for Limited Commercial Uses in Residential Districts.
- Add The Embarcadero to the list of Scenic Streets where certain sign requirements apply, and to exempt Historic Signs from the sign size limits for Scenic Streets.
- Consolidate procedures for designating, altering, and reconstructing historic signs, and exempt historic signs from height limits on signs.
- Modify the definitions of window signs and business signs.
- Remove certain provisions from the Market Street and Upper Market Sign Districts which duplicate or conflict with sign controls for the underlying use districts.

Limited Commercial Uses in Residential Districts

Sections 186, 209.9, and 231 are amended to:

- Increase the maximum size of new limited corner commercial uses permitted in RTO, RM-3 and RM-4 districts from 1250 to 2500 square feet, and permit them to extend more than 50' from a street corner.
- Require conditional use authorization to convert all or part of a dwelling to a limited corner commercial use.
- Permit Limited Commercial Uses to be reestablished in spaces which were in a commercial use before 1960, which have not been converted to a dwelling, and which conform to current code requirements, with Conditional Use authorization.
- Define commercial uses conditionally permitted in historic buildings in Residential Districts those permitted in an NC-1 district rather than an RC-1 district.

Washington-Broadway and Waterfront Special Use Districts.

Sections 161, 239, 240, 240.1, 240.2, and 240.3 are amended to:

- Consolidate the two Washington-Broadway SUDs into a single district, limited to the C-2 zoned areas between Washington and Broadway Streets.
- Permit exceptions from parking requirements in Waterfront SUD #3.
- Remove parking screening requirements for the Waterfront Special Use Districts, so that the citywide screening requirements of Section 143 apply.
- Delete height limit exceptions for buildings on piers in 84' height districts, as such height limits no longer exist on the historic piers.

Conformity, Changes of Use, and Other Building Requirements

Sections 136, 138.1, 135, 140, 182, 184, and 307 are amended to:

- Expand the exception from residential density limits and minimum parking requirements when converting non-conforming uses in existing buildings to residential uses in all districts where residential uses are principally permitted.
- Permit exceptions from dwelling unit exposure and residential open space requirements when converting historic buildings to residential use.
- Remove the exception for parking lots in C-3 districts from the conformity requirements for uses not in an enclosed building.
- Construction of basement spaces under public streets and alleys is no longer permitted.
- Permit the Planning Department to require, as a condition of approval, that non-conforming encroachments onto public rights-of-way be removed or brought into conformity with current standards when projects are newly constructed or undergo major additions or major changes of use.
- Extend rooftop screening requirements to Chinatown Mixed Use Districts.
- Permit Dwellings to face onto alleys as narrow as 20', rather than 25'.

In addition to the amendments to the Planning Code, conforming amendments to the Zoning Map have been made in a companion ordinance.

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, North Beach, and lower Broadway areas, and reduces residential parking requirements in the Van Ness corridor, which Proposition K (2003) designated as a bus rapid transit corridor. The ordinance also permits administrative exceptions from minimum parking requirements in the Fisherman's Wharf area (Waterfront SUD #2), and facilitates conversion of automobile service stations located on important transit and pedestrian streets to other compatible uses.

Provide incentives for affordable housing and mixed-income residential projects. By exempting affordable housing from Floor-Area Ratio limits in the Downtown Commercial (C-3) and Van Ness Special Use Districts, this ordinance will provide a significant incentive for construction of affordable projects and the inclusion of affordable units in market rate residential projects rather than their location off-site. State law requires that municipalities provide significant incentives to developers for including affordable units in market rate projects, and this ordinance will further San Francisco's compliance with the California Density Bonus law.

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, neighborhood-serving commercial uses in residential areas. For decades, the Planning Code has recognized that 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". Older storefronts are common in residential districts, and can be difficult to convert to residential uses because of lack of privacy and open space. This ordinance permits storefronts that were in active commercial use before 1960 to be reactivated with conditional use authorization. It also increases the maximum size of new street-corner commercial uses permitted in RTO, RM-3, and RM-4 to 2500 square feet, the size of a typical residential lot, and to extend further than 50' from a corner, to make more existing corner retail uses conforming, and to discourage inactive street fronting uses like storage or garage doors on prominent corner lots. This ordinance also establishes an appropriate set of signage standards that takes into account the essentially residential nature of the neighborhoods

where these uses are found, with limitations on the size of signs and sign illumination outside of business hours.

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, Industrial, 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 a 'good neighbor' performance standard.

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 less than one space for every two units in C-3 and RC 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 sections, and harmonizing similar definitions and controls across use districts.

REUBEN & JUNIUS LLP

October 12, 2011

By Messenger

Ms. Christina Olague and Planning Commissioners
President
Planning Commission
1650 Mission Street, 4th Floor
San Francisco, CA 94103

**Re: Chiu Planning Code Amendments
Board of Supervisors File No. 1105487**

Dear President Olague and Commissioners:

I am writing on behalf of our firm, and several affected clients, regarding Supervisor Chiu's Planning Code amendments, which are scheduled for hearing at the Planning Commission on October 20th. We are very concerned about the impact of the changes to parking regulations on approved projects that have not broken ground, as well as pipeline projects that have been in process for several years.

By our count, this will be the tenth amendment of the Planning Code's parking regulations since 2005. The frequency of policy changes creates problems for many projects, particularly given the long timelines for getting projects approved, financed and built. The current legislation, for example, would require some approved downtown projects that received 309 exceptions for parking to go back to the Commission for a CU. Many Van Ness SUD projects would face the same conundrum. In both districts, the absolute cap for accessory parking is lowered, so garages in approved projects may have to be downsized even with a new CU approval and some additional CEQA review would be needed. Pipeline projects would be similarly affected with requirements to amend CEQA studies and file new applications late in the process. There are numerous other changes that do not lend themselves to concise summary, but would nonetheless alter the playing field.

As a matter of simple fairness, project sponsors that already have approvals, or who have invested substantial sums in completing environmental review, should not be continually whipsawed by new rules. We have not seen a staff report or written recommendations, but understand the Department will be recommending a grandfather provision for approved downtown projects. There is no reason to limit grandfather protection

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President Christina Olague and Planning Commissioners

October 12, 2011

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to downtown projects. We urge you to recommend grandfather provisions that would apply to all approved and pipeline projects that would be affected by new parking rules.

The legislation should also provide for the many projects that have been put on hold and are being re-examined post economic downturn. Given the large number of entitled projects that are being actively marketed to developers, there is a likelihood that some projects will come back to the Commission to make minor and desirable changes. Projects in the pipeline have also been designed to meet current parking standards. Having to re-visit the parking question for these classes of projects would be a deterrent to their moving forward. We encourage you to recommend that grandfathered projects be allowed to seek modifications without parking reductions and/or new parking entitlements. Similar rules for grandfathered projects were included in the Eastern Neighborhoods, Rincon Hill and Neighborhood Commercial rezoning. Something similar is necessary here.

Thank you for considering.

Very truly yours,

REUBEN & JUNIUS, LLP



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cc: Supervisor David Chiu
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