File No. 111247 Committee Item No. 2
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development **Date** April 23, 2012

Board of Supervisors Meeting **Date** _____

Cmte Board

Cmte	Board	
☐	☐	**Motion**
☐	☐	**Resolution**
☒	☐	**Ordinance**
☒	☐	**Legislative Digest**
☐	☐	**Budget and Legislative Analyst Report**
☐	☐	**Legislative Analyst Report**
☐	☐	**Youth Commission Report**
☐	☐	**Introduction Form (for hearings)**
☒	☐	**Department/Agency Cover Letter and/or Report**
☐	☐	**MOU**
☐	☐	**Grant Information Form**
☐	☐	**Grant Budget**
☐	☐	**Subcontract Budget**
☐	☐	**Contract/Agreement**
☐	☐	**Form 126 – Ethics Commission**
☐	☐	**Award Letter**
☐	☐	**Application**
☐	☐	**Public Correspondence**

OTHER **(Use back side if additional space is needed)**

☒	☐	Environmental Review Determination, dtd 1/31/12
☒	☐	Planning Commission Resolution No. 18532
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Completed by: Alisa Miller **Date** April 20, 2012
Completed by: _____ **Date** _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

[Planning Code - Permitting a Five Feet Ground Floor Height Increase in the 40-X and 50-X Height and Bulk Districts in the NC-3 Zoning District Along Geary Boulevard]

Ordinance amending the San Francisco Planning Code Section 263.20 to permit a five feet ground floor height increase in the 40-X and 50-X Height and Bulk Districts in the NC-3 Zoning District along Geary Boulevard, from Scott Street to 28th Avenue; and making findings, including environmental findings and findings of consistency with Planning Code Section 101.1 and the General Plan.

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

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

Section 1. Findings. The Board of Supervisors of the City and County of San Francisco hereby finds and determines that:

(a) The Planning Department has determined that the actions contemplated in this Ordinance are in compliance with the California Environmental Quality Act (California Public Resources Code sections 21000 et seq.) Said determination is on file with the Clerk of the Board of Supervisors in File No. 111247 and is incorporated herein by reference.

(b) On February 2, ~~2011~~ 2012, the Planning Commission, in Resolution No. 18532 approved this legislation, recommended it for adoption by the Board of Supervisors, and adopted findings that it will serve the public necessity, convenience and welfare. Pursuant to Planning Code Section 302, the Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 111247, and is incorporated by reference herein.

(c) In Resolution No. 18532, the Planning Commission adopted findings that this legislation is consistent, on balance, with the City's General Plan and the eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own.

Section 2. The San Francisco Planning Code is hereby amended by amending Section 263.20, to read as follows:

SEC. 263.20. SPECIAL HEIGHT EXCEPTION: ADDITIONAL FIVE FEET HEIGHT FOR GROUND FLOOR USES IN NCT 40-X AND 50-X HEIGHT AND BULK DISTRICTS, IN NC-2 AND NC-3 DESIGNATED PARCELS FRONTING MISSION STREET, FROM SILVER AVENUE TO THE DALY CITY BORDER, AND IN SPECIFIED NC-1 DESIGNATED PARCELS AND IN SPECIFIED NC DISTRICTS.

(a) Intent. In order to encourage generous ground floor ceiling heights for commercial and other active uses, encourage additional light and air into ground floor spaces, allow for walk-up ground floor residential uses to be raised slightly from sidewalk level for privacy and usability of front stoops, and create better building frontage on the public street, up to an additional 5' of height is allowed along major streets in NCT districts, or in specific NC-3, NC-2, or NC-1 districts listed below, for buildings that feature either higher ground floor ceilings for non-residential uses or ground floor residential units (that have direct walk-up access from the sidewalk) raised up from sidewalk level.

(b) Applicability. The special height exception described in this section shall only apply to projects that meet all of the following criteria:

(1) project is located in a 40-X or 50-X Height and Bulk District as designated on the Zoning Map;

(2) project is located:

(A) in an NCT district as designated on the Zoning Map;

(B) in the Upper Market Street NCD;

(C) a NC-2 or NC-3 designated parcel fronting Mission Street, from Silver Avenue to the Daly City border;

(D) on a NC-1 designated parcel within the boundaries of Sargent Street to Orizaba Avenue to Lobos Street to Plymouth Avenue to Farallones Street to San Jose Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street and back to Sargent Street~~.~~*; or*

(E) on a NC-3 designated parcel fronting on Geary Boulevard from Scott Street to 28th Avenue.

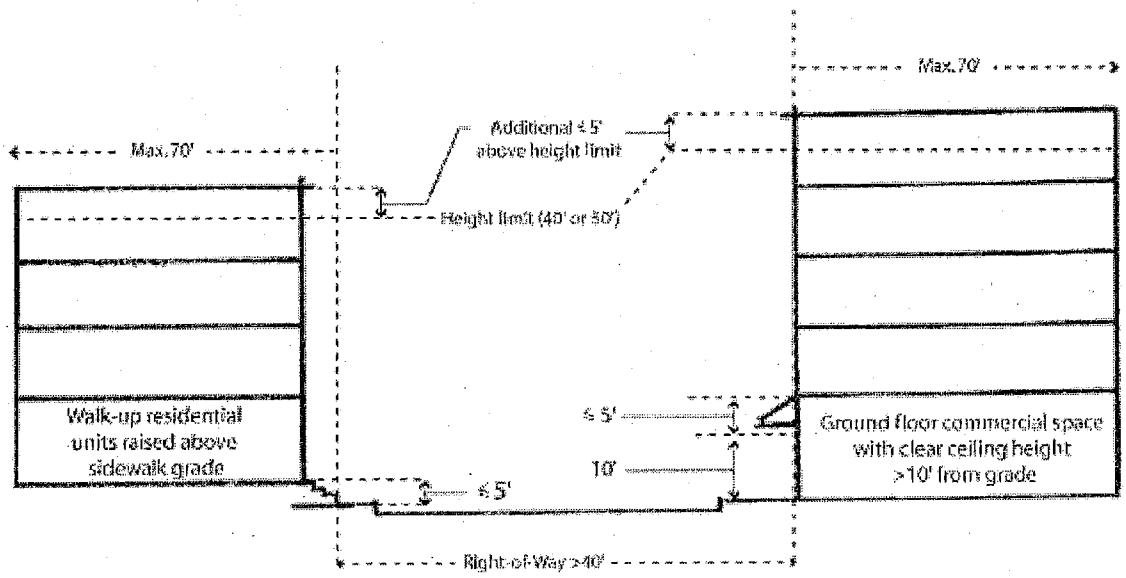
(3) project features ground floor commercial space or other active use as defined by Section 145.1(b)(2) with clear ceiling heights in excess of ten feet from sidewalk grade, or in the case of residential uses, such walk-up residential units are raised up from sidewalk level;

(4) said ground floor commercial space, active use, or walk-up residential use is primarily oriented along a right-of-way wider than 40 feet;

(5) said ground floor commercial space or active use occupies at least 50% of the project's ground floor area; and

(6) except for projects located in NCT districts, the project sponsor has conclusively demonstrated that the additional 5' increment allowed through Section 263.20 would not add new shadow to any public open spaces.

(c) One additional foot of height, up to a total of five feet, shall be permitted above the designated height limit for each additional foot of ground floor clear ceiling height in excess of 10 feet from sidewalk grade, or in the case of residential units, for each foot the unit is raised above sidewalk grade.



Section 3. The San Francisco Planning Code is hereby amended by amending Section 712.1, to read as follows:

SEC. 712.1. NC-3 – MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT.

NC-3 Districts are intended in most cases to offer a wide variety of comparison and specialty goods and services to a population greater than the immediate neighborhood, additionally providing convenience goods and services to the surrounding neighborhoods. NC-3 Districts are linear districts located along heavily trafficked thoroughfares which also serve as major transit routes.

NC-3 Districts include some of the longest linear commercial streets in the City, some of which have continuous retail development for many blocks. Large-scale lots and buildings and wide streets distinguish the districts from smaller-scaled commercial streets, although the districts may include small as well as moderately scaled lots. Buildings typically range in height from two to four stories with occasional taller structures.

NC-3 building standards permit moderately large commercial uses and buildings. Rear yards are protected at residential levels.

A diversified commercial environment is encouraged for the NC-3 District, and a wide variety of uses are permitted with special emphasis on neighborhood-serving businesses. Eating and drinking, entertainment, financial service and certain auto uses generally are permitted with certain limitations at the first and second stories. Other retail businesses, personal services and offices are permitted at all stories of new buildings. Limited storage and administrative service activities are permitted with some restrictions.

Housing development in new buildings is encouraged above the second story. Existing residential units are protected by limitations on demolitions and upper-story conversions.

SEC. 712. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-3 ZONING CONTROL TABLE

			NC-3
No.	Zoning Category	§ References	**Controls**
BUILDING STANDARDS			
712.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250 - 252, 260, 261.1, 263.20, 270, 271	Generally, 40-X See Zoning Map; additional 5 feet for NC-3 parcels with active uses along Mission Street, from Silver Avenue to the Daly City Border, *and on Geary Boulevard from Scott Street to 28th Avenue,*

			see § 263.20. Height Sculpting on Alleys: § 261.1
712.11	Lot Size *[Per Development]*	§§ 790.56, 121.1	P up to 9,999 sq. ft.; C 10,000 sq. ft. & above § 121.1
712.12	Rear Yard	§§ 130, 134, 136	Required at residential levels only § 134(a)(e)
712.13	Street Frontage		Required § 145.1
712.14	Awning	§ 790.20	P § 136.1(a)
712.15	Canopy	§ 790.26	P § 136.1(b)
712.16	Marquee	§ 790.58	P § 136.1(c)
712.17	Street Trees		Required § 138.1
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
712.20	Floor Area Ratio	§§ 102.9, 102.11, 123	3.6 to 1 § 124(a) (b)

712.21	Use Size *[Non-Residential]*	§ 790.130	P up to 5,999 sq. ft.; C 6,000 sq. ft. & above § 121.2
712.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153 - 157, 159 - 160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
712.23	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)
712.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
712.25	Drive-Up Facility	§ 790.30	#
712.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
712.27	Hours of Operation	§ 790.48	No Limit
712.30	General Advertising Sign	§§ 262, 602 - 604, 608, 609	P # § 607.1(e)2
712.31	Business Sign	§§ 262, 602 - 604,	P #

		608, 609	§ 607.1(f)3
712.32	Other Signs	§§ 262, 602 - 604, 608, 609	P # § 607.1(c) (d) (g)

No.	Zoning Category	§ References	NC-3 Controls by Story		
		§ 790.118	1st	2nd	3rd+
712.38	Residential Conversion	§ 790.84	P	C	C #
712.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
712.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P #	P #	P #
712.41	Bar	§ 790.22	P #	P	
712.42	Full-Service Restaurant	§ 790.92	P #	P	
712.43	Large Fast Food Restaurant	§ 790.90	C #	C #	
712.44	Small Self-Service Restaurant	§ 790.91	P #	P #	

712.45	Liquor Store	§ 790.55			
712.46	Movie Theater	§ 790.64	P	P	
712.47	Adult Entertainment	§ 790.36	C	C	
712.48	Other Entertainment	§ 790.38	P	P	
712.49	Financial Service	§ 790.110	P	P	
712.50	Limited Financial Service	§ 790.112	P	P	
712.51	Medical Service	§ 790.114	P	P	P
712.52	Personal Service	§ 790.116	P	P	P
712.53	Business or Professional Service	§ 790.108	P	P	P
712.54	Massage Establishment	§ 790.60, § 1900 Health Code	C	C	
712.55	Tourist Hotel	§ 790.46	C	C	C
712.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
712.57	Automobile Gas Station	§ 790.14	C		
712.58	Automotive Service	§ 790.17	C		

	Station				
712.59	Automotive Repair	§ 790.15	C	C	
712.60	Automotive Wash	§ 790.18	C		
712.61	Automobile Sale or Rental	§ 790.12	C		
712.62	Animal Hospital	§ 790.6	C	C	
712.63	Ambulance Service	§ 790.2	C		
712.64	Mortuary	§ 790.62	C	C	C
712.65	Trade Shop	§ 790.124	P	C	C
712.66	Storage	§ 790.117	C	C	C
712.67	Video Store	§ 790.135	P	C	C
712.68	Fringe Financial Service	§ 790.111	P#		
712.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
712.69A	Self-Service Specialty Food	§ 790.93	P#	P#	
712.69B	Amusement Game Arcade (Mechanical	§ 790.04 1	C		

	Amusement Devices)				
712.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P
712.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C
Institutions and Non-Retail Sales and Services					
712.70	Administrative Service	§ 790.106	C	C	C
712.80	Hospital or Medical Center	§ 790.44	C	C	C
712.81	Other Institutions, Large	§ 790.50	P	P	P
712.82	Other Institutions, Small	§ 790.51	P	P	P
712.83	Public Use	§ 790.80	C	C	C
712.84	Medical Cannabis Dispensary	§ 790.141	P #		
RESIDENTIAL STANDARDS AND USES					
712.90	Residential Use	§ 790.88	P	P	P
712.91	Residential Density,	§§ 207, 207.1,	Generally, 1 unit per 600 sq. ft. lot area		

	Dwelling Units	790.88(a)	§ 207.4		
712.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 210 sq. ft. lot area § 208		
712.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)		
712.94	Off-Street Parking, Residential	§§ 150, 153-157, 159 - 160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
712.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR NC-3 DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
§ 712.25 § 712.40	§ 249.14	THIRD STREET SPECIAL USE DISTRICT Boundaries: Applicable only to the portion of the Third Street SUD as shown on Sectional Map 10 SU zoned NC-3 Controls: Off-sale retail liquor sales as defined in Section 249.14(b)(1)(A) are NP; drive-up facilities for large fast-food restaurants, small self-service restaurants and self-service

		specialty food are C
§ 712.10 § 207.4 § 712.22 § 712.12	§ 780.4	MISSION-HARRINGTON SPECIAL USE DISTRICT Boundaries: Applicable only to the Mission-Harrington SUD, as shown on Sectional Map SU11. Controls: Height 56-X; one unit allowed for every 400 square feet of lot area; no parking requirements; no rear setback requirements.
§ 712.30 § 712.31 § 712.32	§ 608.10	UPPER MARKET STREET SPECIAL SIGN DISTRICT Boundaries: Applicable only for the portion of the Market Street NC-3 District from Octavia to Church Streets as mapped on Sectional Map SSD Controls: Special restrictions and limitations for signs
§ 712.38	§ 790.84	Boundaries: Applicable to NC-3 Districts Controls: A residential use may be converted to an Other Institution, Large, use, as defined by Section 790.50 of this Code, as a conditional use on the third story and above if in addition to the criteria set forth in Section 303, the Commission finds that: (1) The structure in which the residential use is to be converted has been found eligible for listing on the National Register of Historic Places; (2) The proposed Other Institution, Large, use is to be operated by a nonprofit public benefit corporation; and (3) No legally residing residential tenants will be displaced.

§ 712.43	§ 781.4	GEARY BOULEVARD FORMULA RETAIL PET SUPPLY STORE AND FORMULA RETAIL EATING AND DRINKING SUBDISTRICT Boundaries: Applicable only for the portion of the Geary Boulevard NC-3 District between 14th and 28th Avenues as mapped on Sectional Maps 3 SU and 4 SU Controls: Formula Retail pet supply stores and formula retail eating and drinking uses are NP
§ 712.43 § 712.44 § 712.69A	§ 781.5	MISSION STREET FAST-FOOD SUBDISTRICT Boundaries: Applicable only for the portion of the Mission Street NC-3 District between 15th Street and Randall Street as mapped on Sectional Map 7 SU Controls: Small self-service restaurants and self-service specialty food are C; large fast-food restaurants are NP
§ 712.45	§ 781.10	17TH AND RHODE ISLAND STREET GROCERY STORE SPECIAL USE SUBDISTRICT. Boundaries: Applicable only for the block bound by 17th, Rhode Island, Mariposa and Kansas Streets as mapped on Sectional Map 8 SU Controls: One liquor store on the first or second story is C if operated as integral element of a grocery store of not less than 30,000 gross square feet. Nighttime Entertainment uses are not permitted.
§ 712.68	§ 249.35	FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT

		(FFSRUD) Boundaries: The FFSRUD and its ¼ mile buffer includes, but is not limited to, properties within: the Mission Alcoholic Beverage Special Use District; the Haight Street Alcohol Restricted Use District; the Third Street Alcohol Restricted Use District; the Divisadero Street Alcohol Restricted Use District; the North of Market Residential Special Use District and the Assessor's Blocks and Lots fronting on both sides of Mission Street from Silver Avenue to the Daly City borders as set forth in Special Use District Maps SU11 and SU12; and includes Moderate-Scale Neighborhood Commercial Districts within its boundaries. 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 Subsection 249.35(c)(3).
§ 712.84 § 790.141	Health Code § 3308	Medical cannabis dispensaries in NC-3 District may only operate between the hours of 8 a.m. and 10 p.m.

Effective Date. This ordinance shall become effective 30 days from the date of passage.

Section 4. This section is uncodified. In enacting this Ordinance, the Board intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams, or any other constituent part of the Planning Code that are explicitly shown in this legislation as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the legislation.

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

By: _____
ANDREA RUIZ-ESQUIDE
Deputy City Attorney

FILE NO. 111247

LEGISLATIVE DIGEST

[Planning Code - Permitting a Five Feet Ground Floor Height Increase in the 40-X and 50-X Height and Bulk Districts in the NC-3 Zoning District Along Geary Boulevard]

Ordinance amending the San Francisco Planning Code Section 263.20 to permit a five feet ground floor height increase in the 40-X and 50-X Height and Bulk Districts in the NC-3 Zoning District along Geary Boulevard, from Scott Street to 28th Avenue; and making findings, including environmental findings and findings of consistency with Planning Code Section 101.1 and the General Plan.

Existing Law

The San Francisco Planning Code currently provides for an extra 5 feet for ground floor uses in Neighborhood Commercial Transit (NCT) 40-x and 50-x Height and Bulk districts; in the Upper Market Street NCD; in NC-2 and NC-3 designated parcels along Mission Street, from Silver Avenue to the Daly City border; and in NC-1 designated parcels within the boundaries of Sargeant Street / Orizaba Avenue / Lobos Street / Plymouth Avenue / Farellones Street / San Jose Avenue / Alemany Boulevard. (See Planning Code Section 263.20.) This height exception is available only for projects with ground floor commercial space or other active uses, as defined by Section 145.1(e), i.e., uses that are oriented to public access and primarily to walk-up pedestrian activities.

Amendments to Current Law

This Ordinance amends Section 263.20 to make the 5 feet height exception for ground floor uses applicable also in the 40-X and 50-X Height and Bulk Districts in the NC-3 Zoning District along Geary Boulevard, from Scott Street to 28th Avenue, with ground floor commercial space or other active uses.

Background Information

The purpose of this exception is "to encourage generous ground floor ceiling heights for commercial and other active uses, encourage additional light and air into ground floor spaces, allow for walk-up ground floor residential uses to be raised slightly from sidewalk level for privacy and usability of front stoops, and create better building frontage on the public street."

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Certificate of Determination
EXCLUSION/EXEMPTION FROM ENVIRONMENTAL REVIEW

Case No.:	**2011.1382E**
Project Title:	**Board File No. 111247 (Permitting a 5 Feet Ground Floor Height Increase in the 40-X and 50-X Height and Bulk Districts in the NC-3 Zoning District along Geary Boulevard)**
Zoning:	NC-3, NC-2, and Inner and Outer Clement Street NCDs 40-X and 50-X Height and Bulk Districts
Block/Lot:	Various
Lot Size:	Various
Project Sponsor	Supervisor Eric Mar, District 1, San Francisco Board of Supervisors
Staff Contact:	Jeanie Poling – (415) 575-9072 jeanie.poling@sfgov.org

PROJECT DESCRIPTION:

The proposed project is an ordinance that would amend San Francisco Planning Code Section 263.20, which permits a maximum 5-foot ground-floor height increase for active ground-floor uses in the 40-X and 50-X Height and Bulk Districts, to include the NC-3 (Moderate Scale Neighborhood Commercial) Zoning District along Geary Boulevard from Scott Street to 28th Avenue. A modification to the legislation proposed by the Planning Department would also amend Section 263.20 to include parcels in the Inner Clement Neighborhood Commercial District (NCD)(Clement Street between Arguello Boulevard and Funston Avenue); the Outer Clement NCD (Clement Street between 18th and 28th Avenues); and NC-2 (Small-Scale Neighborhood Commercial) District on Balboa Street between 2nd and 8th Avenues, and between 32nd and 39th Avenues. [Continued on following page.]

EXEMPT STATUS:

General Rule Exclusion (State CEQA Guidelines, Section 15061(b)(3))

REMARKS:

Please see next page.

DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and Local requirements.

January 31, 2012

Bill Wycko
Environmental Review Officer

Date

cc: Kimia Haddadan, San Francisco Planning Dept.
Supervisor Eric Mar
Distribution List
Virna Byrd, M.D.F

PROJECT DESCRIPTION (CONTINUED):

Planning Code Section 263.20 provides a 5-foot height exception for active ground floor uses in Neighborhood Commercial Transit (NCT) Districts, the Upper Market Street NCD, certain NC-2 and NC-3 parcels on Mission Street south of Silver Avenue, and NC-1 parcels in the Oceanview neighborhood. In addition, the 5-foot height exception has been proposed for the Glen Park and Fisherman's Wharf areas. The 5-foot special height exception is applicable to properties that contain ground-floor commercial, other active, or residential uses, where the ground-floor commercial space or active use occupies at least 50 percent of the project's ground floor area, and where the project sponsor has conclusively demonstrated that the additional 5-foot increment would not add new shadow to any public open space. Furthermore, Planning Code Section 263.20 specifies that 1 additional foot of height, up to a total of 5 feet, is permitted above the designated height limit for each additional foot of ground floor clear ceiling height in excess of 10 feet from sidewalk grade, or in the case of residential units, for each foot the unit is raised above sidewalk grade.

The 5-foot exception provided by Planning Code Section 263.20 is not sufficient to add another story but provides an incentive for developers to create lively ground-floor commercial spaces along NCD corridors. Older buildings along commercial streets in the 40-X and 50-X height districts are generally three or four stories with each story having a minimum of 12-foot clear ceiling heights, with spaces that are directly accessed from the street. The older residential buildings in these districts often have ground-floor units that are elevated several feet above the sidewalk level and include stoops to provide direct access to individual units. Newer buildings along commercial streets in the 40-X and 50-X height districts, however, tend to have four or five 10-foot stories, and the residential buildings often contain a single ground-floor entrance lobby providing access to multiple dwelling units. These buildings generally lack visual interest and human scale and don't contribute to public life on the street. The intention of the 5-foot height exception is to encourage developers to incorporate the design elements of the older types of buildings into new commercial and residential development projects to offer more attractive uses that will better activate the public realm.

Figure 1 identifies (1) the parcels proposed for the 5-foot height exception under proposed Board of Supervisors Ordinance No. 111247, and (2) additional parcels recommended by the Planning Department for inclusion in the legislation.

REMARKS:

California Environmental Quality Act (CEQA) State Guidelines Section 15061(b)(3) establishes the general rule that CEQA applies only to projects that have the potential to cause a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Land Use. The proposed project would allow future development projects in NCDs to be are up to 5 feet taller, with taller ground-floor retail space. The land uses covered by this legislation are located exclusively in Neighborhood Commercial Use Districts, in which ground-floor uses are typically commercial, with residential use above. All parcels affected by this legislation are within the 40-foot height district, with the exception of one block on the north side of Geary Boulevard between Presidio and Lyon Streets, which is in the 50-foot height district.

Geary Boulevard from Scott Street to 28th Avenue contains continuous retail development, generally one-story retail or two- and three-story residential-over-retail buildings, interspersed with churches,

schools, gas stations, and taller residential-over-commercial buildings. Larger developments along this corridor include medical offices and Kaiser Hospital near Divisadero Street, the City Center shopping center and Muni facilities at Masonic Boulevard, the six-story Institute for the Aging senior residences and social services facility at Arguello Boulevard, and the six-story Kaiser Permanente Medical Center French Campus at 6th Avenue.

The Inner Clement NCD generally contains single-story commercial buildings and two- and three-story residential-over-commercial buildings. The Outer Clement Street NCD contains two- and three-story mixed-use buildings with some fully commercial and fully residential buildings interspersed between them.

Balboa Street between 2nd and 8th Avenues and between 32nd and 39th Avenues contains two- and three-story mixed-use buildings with some fully commercial and fully residential buildings interspersed between them. Four-story buildings along this corridor include the San Francisco Institute of English and a residential building at 34rd Avenue, a residential building at 35th Avenue, and residential over commercial buildings at 36th and at 39th Avenues.

Housing development is encouraged in new buildings above the ground story in all the NCDs covered in the proposed project. Future commercial growth is directed to the ground story in order to promote more continuous and active retail frontage.

A project could have a significant effect on land use if it would physically divide an established community; conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect; or have a substantial adverse impact on the existing character of the vicinity.

The proposed project would allow for slightly taller buildings to be constructed but would not be considered to cause a substantial adverse impact on the existing character of the NCD. Furthermore, the proposed project would not physically disrupt or divide an established community, or conflict with any land use plan, policy, or regulation that has been adopted for the purpose of avoiding or mitigating an environmental effect. For these reasons, the proposed project would not result in a significant effect on land use.

Visual Quality and Urban Design. The proposed project would increase maximum permitted building heights along the NCDs identified in Figure 1. The proposed height exception would be minor, up to 5 feet, and would occur within a highly developed urban environment. The 5-foot height exception is not so great as to allow another story to be added to an existing building. The parcels that are subject to the proposed height increase are mostly adjacent to residential districts, zoned RH-1, -2, and -3 (Residential House, One- Two- and Three-Family) and RM-1 (Low-Density Mixed Residential). A portion of three blocks on the north side of Geary between Palm and Parker Streets contain parcels that are zoned RH-1(D) (Residential, One Family – Detached Dwellings). Regardless of the zoning of the adjacent parcels, the development of individual NCD parcels to a height 5 feet above existing height allowances would be noticeable to immediate neighbors; however, in the dense urban character of development within and surrounding the NCDs, this minor increase in height would have correspondingly minor visual impacts.

In reviewing visual quality and urban design under CEQA generally, consideration of the existing context in which a project is proposed is required, and evaluation must be based on the impact on the

existing environment. That some people may not find a given development project attractive does not mean that it creates a significant aesthetic environmental impact; projects must be judged in the context of the existing conditions. For the proposed height exception, the context is urban right-of-way that is already developed. Given the context and the minor allowable increase of up to 5 feet and the incremental nature of such development along an NCD, the proposed height exception would be consistent with the existing, developed environment, and its visual effects would not be unusual and would not create adverse aesthetic impacts on the environment. Furthermore, it would not be likely to result in a substantial, demonstrable negative aesthetic effect, or obstruct or degrade scenic views or vistas now observed from public areas. Thus, the proposed project would result in less-than-significant impacts on visual quality and urban design.

In addition, the increased height allowed by the proposed legislation would not directly or indirectly contribute to the generation of any obtrusive light or glare. For all the above reasons, proposed legislation would not result in a significant adverse effect on public views or aesthetics.

Historic Resources. The proposed special height exception could result in increased building heights within a potential historical district or affect known historical resources. The allowable increase in height, however, would be minor (up to 5 feet) and in and of itself would not result in a material impairment to a historic district or historic building. Projects taking advantage of the height exception could involve the re-use and remodeling of existing historical buildings, but such a minor height increase could be accomplished maintaining the general scale, design, and materials of the historical resources, thereby maintaining their historic context. Any development proposal taking advantage of the height exception would be subject to further review for a determination of whether the project would result in potential impacts to the environment, including historic resources. The proposed legislation therefore would not result in a significant effect on historical resources.

Noise and Air Quality. The proposed special height exception of up to 5 feet would potentially result in an incremental increase in construction activities or greater intensity of use at future development project sites, in that such development projects that would occur regardless of the proposed legislation could be up to 5 feet taller. Thus, the resulting increase in operational or construction noise would be minimal, and noise and air quality impacts would be less than significant.

Shadow. Planning Code Section 263.20(b)(6) specifies that the 5-foot special height exception is applicable to properties where the project sponsor has conclusively demonstrated that the additional 5-foot increment would not add new shadow to any public open space. For this reason, the proposed legislation would not result in a significant impact with regard to shadow.

Light and Air. The 5-foot special height exception could result in slightly taller development projects that could potentially change or reduce that amount of light and air available to adjacent buildings. Any such changes could be undesirable for those individuals affected. Given the minor increase in height that would be permitted, it is anticipated that any changes in light and air would also be minor and would not affect a substantial number of people. Thus, the potential impact of the proposed legislation on light and air would not be significant.

Wind. The proposed legislation would allow a minor 5-foot increase in height for future development projects at the NCD parcels identified in Figure 1. Most parcels affected by this legislation are within the 40-foot height district; thus, the maximum resulting building height would be thus 45 feet. (For one block on the north side of Geary Boulevard between Presidio and Lyon Streets, in the 50-foot height

district, the maximum resulting building height would be 55 feet). In general, buildings up to 55 feet in height do not result in wind speeds that cause new exceedances (violations) of the hazard criterion of 26 miles per hour for a single hour of the year as established in the Planning Code Section 148. For this reason, the proposed legislation would not result in a significant impact with regard to wind.

Cumulative Impacts. The proposed 5-foot height exception could potentially result in a minimal increase in construction activities and greater intensity of use at individual future development project sites, in that such development projects that would occur regardless of the proposed legislation could be up to 5 feet taller. This increase in activities and intensity of use would not be considered significant. Thus, cumulative impacts would be less than significant.

Neighborhood Concerns. A "Notification of Project Receiving Environmental Review" was mailed on January 10, 2012, to potentially interested parties. One commenter expressed concerns about noise and air quality effects, cumulative build-outs, and the effects on land use and visual character of the blocks on the north side of Geary between Palm and Parker Streets (which are zoned RH-1(D)). These topics are addressed above.

Conclusion. CEQA Guidelines Section 15061(b)(3) provides an exemption from environmental review where it can be seen with certainty that the proposed project would not have a significant impact on the environment. As noted above, there are no unusual circumstances surrounding the current proposal that would suggest a reasonable possibility of a significant effect. Since the proposed project would have no significant environmental effects, it is appropriately exempt from environmental review under the General Rule Exclusion (CEQA Guidelines Section 15061(b)(3).

Figure 1: Parcels Proposed for 5-Foot Height Exception for Active Uses

SAN FRANCISCO
PLANNING DEPARTMENT

Printed: 25 January, 2012

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February 6, 2012

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

Re: **Transmittal of Planning Case Number 2011.1382T**
BF No. 11-1247- Five Foot Height Increase for Active Ground Floor Uses
In Contiguous Commercial Corridors in the Richmond District

Recommendation: **Approval with Modifications**

Dear Supervisor Mar and Ms. Calvillo,

On February 2, 2012 the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearings at a regularly scheduled meeting to consider the proposed Ordinance under Board of Supervisors File Number 11-1247.

At the February 2nd Hearing, the Commission voted 6-0 to recommend approval with modifications of the proposed Ordinance which would offer a maximum five foot height increase for the ground floor of some NC zoned parcels in the Richmond District, when active uses are provided.

Supervisor, please advise the City Attorney at your earliest convenience if you wish to incorporate the changes recommended by the Commission. The attached resolution and case report provide more detail about the Commission's action. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

AnMarie Rodgers
Manager of Legislative Affairs

Cc: City Attorneys Cheryl Adams and Judith Boyajian

Attachments (one copy of the following): Planning Commission Resolution No. 18532
Department Executive Summary

SAN FRANCISCO
PLANNING DEPARTMENT

Planning Commission Resolution No.18532

HEARING DATE: FEBRUARY 2ND, 2012

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Project Name:	**Five Foot Height Increase for Active Ground Floor Uses in certain NC-3 Districts**
Case Number:	2011.1382T [Board File No. 11-1247]
Initiated by:	Supervisor Mar / Introduced November 15, 2011
Staff Contact:	Kimia Haddadan, 415.575.9068 kimia.haddadan@sfgov.org
Reviewed by:	AnMarie Rodgers, Manager Legislative Affairs anmarie.rodgers@sfgov.org, 415.558.6395
90-Day Deadline:	*February 15, 2012*
Recommendation:	**Recommend Approval with Modifications**

RECOMMENDING THAT THE BOARD OF SUPERVISORS PASS AN ORDINANCE WITH MODIFICATIONS THAT WOULD INITIATE AMENDMENTS TO THE SAN FRANCISCO PLANNING CODE BY 1) AMENDING SECTION 263.20 TO PROVIDE FOR A SPECIAL HEIGHT EXCEPTION FOR GROUND FLOOR USES WHEN ACTIVE GROUND FLOOR USES ARE PROVIDED, FOR PARCELS THAT FALL UNDER THE 40-X AND 50-X HEIGHT AND BULK DISTRICTS AND THE FOLLOWING NC DISTRICTS: NC-3 ZONING DISTRICT ALONG GEARY BOULEVARD, FROM MASONIC AVENUE TO 28TH AVE EXCEPT PARCELS BETWEEN PALM AVENUE AND PAKER AVENUE ON THE NORTH SIDE OF GEARY; INNER CLEMENT NEIGHBORHOOD COMMERCIAL DISTRICT (CLEMENT STREET BETWEEN ARGUELLO BOULEVARD AND FUNSTON AVENUE); THE OUTER CLEMENT NEIGHBORHOOD COMMERCIAL DISTRICT (CLEMENT STREET BETWEEN 18TH AND 28TH AVENUES); NC-2 (SMALL-SCALE NEIGHBORHOOD COMMERCIAL) DISTRICT ON BALBOA STREET BETWEEN 2ND AVENUE AND 8TH AVENUE, AND BETWEEN 32ND AVENUE AND 39TH AVENUE 2) AMENDING SECTIONS 712.10, 716.1, 717.1, AND 711.1 TO REFLECT THESE HEIGHT EXCEPTIONS IN THE ASSOCIATED ZONING CONTROL TABLES AND REQUESTING THAT SUPERVISOR MAR WORK WITH STAFF TO PRESERVE THE TRADITIONAL FABRIC OF SMALL COMMERCIAL SPACES, ESPECIALLY IN THE EVENT THAT PARCELS ARE COMBINED FOR EASE OF FUTURE DEVELOPMENT.

PREAMBLE

Whereas, on November 15, 2011 Supervisor Mar introduced a proposed Ordinance under Board File Number 11-1247 that would amend Section 263.20 to provide for a special height exception for ground floor uses in NC-3 parcels along Geary Boulevard from Scot Street to 28th Avenue; and

Whereas, since the introduction of the proposed Ordinance, the Planning Department recommended expanding the legislation to provide the same five foot special height exception for Inner Clement Neighborhood Commercial District (Clement Street between Arguello Boulevard and Funston Avenue); the Outer Clement Neighborhood Commercial District (Clement Street between 18th and 28th Avenues); and NC-2 (Small-Scale Neighborhood Commercial) District parcels on Balboa Street between 2nd Avenue and 8th Avenue, and between 32nd Avenue and 39th Avenue; and

Whereas, since the introduction of the proposed Ordinance, Supervisor Mar, in response to community comments received, proposed to remove some parcels from this Ordinance: NC3 parcels on the north side of Geary Boulevard from Palm Avenue to Parker Avenue; and

Whereas, on February 2, 2012 the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance and the modification to expand the parcels under consideration by the Planning Department; and

Whereas, both the proposed Ordinance and the proposed modification of the proposed Ordinance have been reviewed under the California Environmental Quality Act and found exempt under the General Rule Exclusion (State CEQA Guidelines, Section 15061 (b) (3) on January 31, 2012.

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

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

Whereas, the Commission has reviewed the proposed Ordinance; and

MOVED, that the Commission hereby recommends that the Board of Supervisors recommend ***approval with modification*** of the proposed Ordinance and adopts the attached Draft Resolution to that effect.

The recommended modifications include modifying the Supervisor's proposed Ordinance to apply to NC-3 parcels on Geary Boulevard between Masonic and 28th Avenue except for parcels on the north side of Geary Boulevard between Palm Avenue and Parker Avenue; and to expand the influence of the proposed Ordinance to apply to contiguous commercial corridors within the Inner Clement Neighborhood Commercial District (Clement Street between Arguello Boulevard and Funston Avenue); the Outer Clement Neighborhood Commercial District (Clement Street between 18th and 28th Avenues); and the NC-2 (Small-Scale Neighborhood Commercial) District on Balboa Street between 2nd Avenue and 8th Avenue, and between 32nd Avenue and 39th Avenue.
The Commission also expressed concern about loss of fine-grain commercial spaces where future developments may pursue lot mergers, resulting in larger lots and larger ground floor commercial

spaces with fewer opportunities for small business owners. The Commission requested that Supervisor Mar work with staff to preserve the traditional fabric of small commercial spaces, in the event that parcels are combined for ease of future development.

FINDINGS

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

1. The design and use of a building's ground floor has a direct influence on the pedestrian experience of the city. Active uses provide a visually interesting edge to the street and a lively setting for pedestrian experience. Older buildings on commercial streets often contribute to this with spaces that are directly accessible from the street; have a minimum of 12′ clear ceiling heights; and are interrupted with few curbcuts. For residential buildings, stoops and elevated access to the units define active use. Some recent buildings have moved away from facades that add such visual interest and human scale to a street. This proposed Ordinance will help return an emphasis to these important design elements and ensure that these shopping streets provide a center for life in the neighborhood that is consistent with their historical successes.

2. Contiguous stretches of commercial properties can offer the opportunity of a lively street life in neighborhoods. Expanding this height bonus to other contiguous stretches of commercial corridors will allow newer developments to build the ground floors consistent with older or historic buildings.

3. The proposed maximum five foot height bonus would increase the maximum height of future new developments but would NOT allow an additional story in these projects.

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

   <u>I. URBAN DESIGN</u>

   POLICY 2.6 Respect the character of older development nearby in the design of new buildings.

   The proposed Ordinance will encourage both generous ground floor retail uses and residential units with stoops raised above eye-level—both of which are consistent with San Francisco's traditional development.

   POLICY 3.1 Promote harmony in the visual relationships and transitions between new and older buildings.

   The proposed Ordinance will encourage design features in ground floors of new buildings that are more consistent with ground floors of older buildings. This will create a visual harmony on the ground floor level between new and older buildings.

II. COMMERCE AND INDUSTRY ELEMENT

POLICY 1.1 Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

OBJECTIVE 6: MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

POLICY 6.1 Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

POLICY 6.2 Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to economic and technological innovation in the marketplace and society.

POLICY 6.3 Preserve and promote the mixed commercial-residential character in neighborhood commercial districts. Strike a balance between the preservation of existing affordable housing and needed expansion of commercial activity.

POLICY 6.7 Promote high quality urban design on commercial streets.

The active and attractive designs encouraged by the proposed Ordinance will enhance the commercial corridors and provide more interest and comfort to pedestrian experience.

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

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

   The proposed Ordinance will have a positive impact on neighborhood serving retail uses. The proposed Ordinance supports existing and new commerce by encouraging ground floor retail with active and attractive uses.

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

The proposed Ordinance will protect and enhance the existing neighborhood character by encouraging commercial designs with higher groundfloor ceilings and encouraging residential designs that are elevated above the sidewalk by stoops—both of which are more consistent with the City's traditional character.

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

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

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

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

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

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

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

The proposed Ordinance would not affect the preparedness against injury and loss of life in an earthquake is unaffected.

G) That landmark and historic buildings will be preserved:

The proposed Ordinance would not adversely affect landmark and historic buildings.

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

The proposed Ordinance provides greater protection for sunlight to the City's parks and open space, as it requires each project sponsor to demonstrate that the project will not shadow <u>any</u> public open space. This expands the current protections offered by Section 249 of the Planning Code which currently only protects open spaces under the jurisdiction of the Recreation and Park Department.

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on February 2, 2012.

Linda Avery
Commission Secretary

AYES: Miguel, Antonini, Fong, More, Sugaya, Borden

NAYS: none

ABSENT: none

ADOPTED: February 2nd, 2012

SAN FRANCISCO
PLANNING DEPARTMENT

Executive Summary
Planning Code Text Change
HEARING DATE: FEBRUARY 2ND, 2012

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Planning
Information:
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Project Name:	**Five Foot Height Increase for Active Ground Floor Uses in certain NC-3 Districts**
Case Number:	2011.1382T [Board File No. 11-1247]
Initiated by:	Supervisor Mar / Introduced November 15, 2011
Staff Contact:	Kimia Haddadan, 415.575.9068 kimia.haddadan@sfgov.org
Reviewed by:	AnMarie Rodgers, Manager Legislative Affairs anmarie.rodgers@sfgov.org, 415.558.6395
90-Day Deadline:	*February 15, 2012*
Recommendation:	**Recommend Approval with Modifications**

PLANNING CODE AMENDMENTS

The proposed Ordinance would initiate amendments to the San Francisco Planning Code by 1) amending Section 263.20 to provide for a special height exception for ground floor uses when active ground floor uses are provided, for parcels that fall under the 40-X and 50-X Height and Bulk Districts and the NC-3 Zoning District along Geary Boulevard, from Scott Street to 28th Ave and 2) amending section 712.10 to reflect this height exception in the zoning control table for the Neighborhood Commercial Moderate-Scale (NC-3) Zoning District.

The Way It Is Now:

San Francisco's commercial height districts tend to be base ten numbers such as 40, 50, etc. These base ten districts may lead to buildings that are similar in height to the neighboring buildings but that are lesser in human comfort than buildings of similar scale built prior to the City's height limits. This is due to the desire to maximize the number of stories in new projects. Recent community planning efforts have highlighted some failings of these base 10 height districts. The 2008 Market & Octavia[1] and Eastern Neighborhoods[2] Plans recognize that the base ten height limits in neighborhood commercial districts often encourage inferior architecture. For this reason, both of these plans sought to encourage more active and attractive ground floor space by giving a five foot height bonus to buildings which meet the definition of "active ground floor" use. This five foot increase must be used for adding more space to the ground floor.

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[1] Ord. 72-08, File No. 071157, App. 4/3/2008.

[2] Ord. 297-08, 298-08, 299-08 and 300-08, App. 12/19/2008.

In 2008, Supervisor Sandoval sponsored a similar text amendment that extended this height increase outside of established plan areas to provide for a maximum five foot special height exception for active ground floor uses in the NC-2 and NC-3 designated parcels fronting Mission Street, from Silver Avenue to the Daly City border[3]. This Ordinance became effective in early 2009. Another amendment introduced by Supervisor Avalos in 2009, became effective to allow a maximum five foot height increase NC-1 parcels with a commercial use on the ground floor within the boundaries of Sargent Street to Orizaba Avenue to Lobos Street to Plymouth Avenue to Farellones Street to San Jose Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street and back to Sargent Street[4].

The Way It Would Be:

Like the two ordinances adopted in 2009, this proposed Ordinance would provide an incentive for active and attractive ground floor uses along parts of Geary Boulrvard, within the Richmond Neighborhood. The area considered in the proposed district lies in Supervisorial Districts 1 and 2. (See map Map 1.)

Similar to the current NCT and Mission Street height increase, this proposed increase is predicated on the provision of active ground floor use as defined by Planning Code Section 145.1(e). Section 145.1(e) generally defines active uses as those that are oriented to public access and walk-up pedestrian activity. While active uses are generally commercial uses, residential uses can be considered active if any above-grade parking is set back at least 25 feet from the street frontage and the majority of the street frontage at ground level features dwelling units with direct pedestrian access to the sidewalk or street[5].

Proposed Ordinance as Introduced: The proposed Ordinance would apply to parcels that front Geary Boulevard, and are designated as NC-3 zoning district, and within 40-X or 50-X height and bulk district. These parcels would be eligible to apply for a maximum five foot ground floor height increase, when active uses are provided. Map 1 illustrates eligible parcels for height increase along Geary Boulevard.

Proposed Ordinance with Modification

The Department suggests extending the proposed Ordinance to other commercial corridors in the Inner and Outer Richmond areas. This would include parcels in the Inner Clement Neighborhood Commercial District (Clement Street between Arguello Boulevard and Funston Avenue); the Outer Clement Neighborhood Commercial District (Clement Street between 18th and 28th Avenues); and NC-2 (Small-

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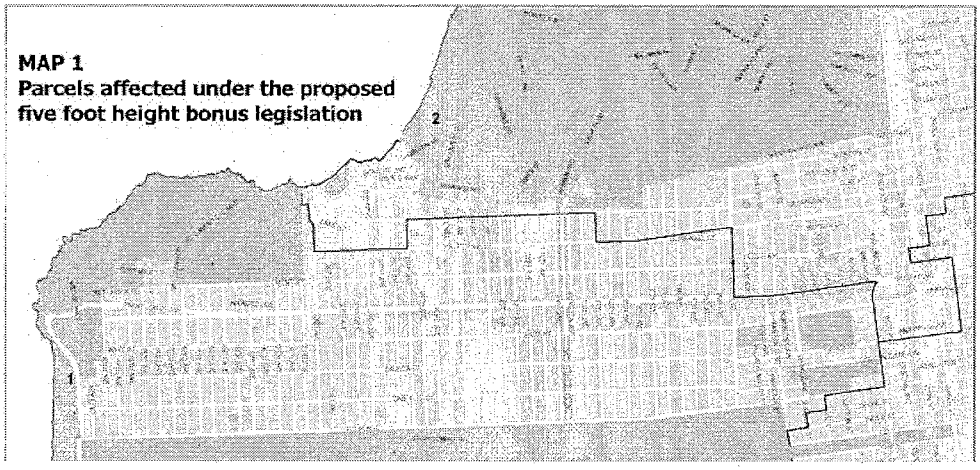
[3] Ord. 321-08, File no. 081100, App. 12/19/2008.

[4] Ord. 5-10, File No. 090319, App. 1/22/2010

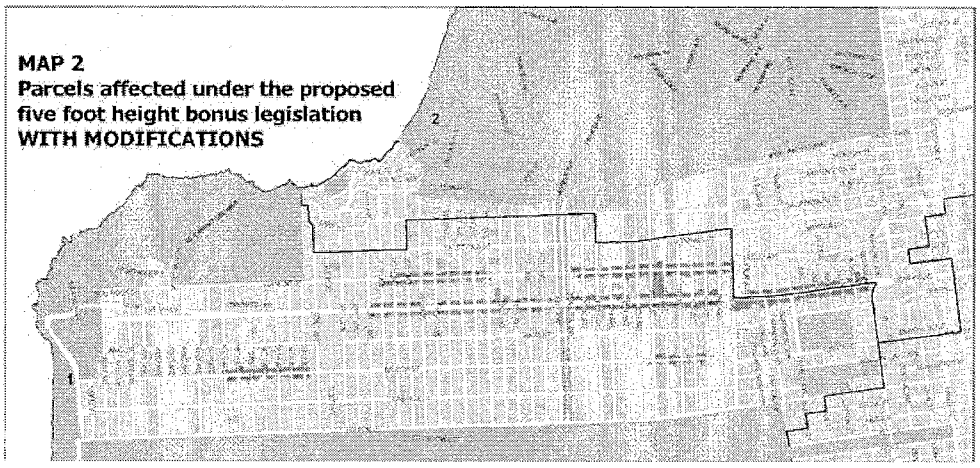
[5] Section 145.1 regulates street frontages in neighborhood commercial districts. Subsection (e) defines active uses as those "that are oriented to public access and primarily to walk-up pedestrian activity. Active uses shall not include any use whose primary function is the storage of goods or vehicles, utility installations, any office use, or any use or portion of a use which by its nature requires non-transparent walls facing a public street. Uses considered active uses shall include the uses listed in Table 145.1 and as defined by the referenced Code sections, and lobbies for any permitted or conditional use in that district. Uses noted with an asterisk in Table 145.1 are restricted. . ."

Scale Neighborhood Commercial) District parcels on Balboa Street between 2nd Avenue and 8th Avenue, and between 32nd Avenue and 39th Avenue. Map 2 illustrates all the parcels that the Department would recommend for inclusion in the proposed Ordinance.

The Department recommends modifying the Supervisor's proposal along Geary Boulevard to limit eligible parcels to those that are west of Masonic Avenue. There were only a few parcels east of Masonic Avenue that were eligible under the Supervisor's original proposal. However, since Masonic Avenue sits at the crest of Geary, it serves as a visual gateway to the Richmond neighborhood and is therefore a logical marker to begin this opportunity.

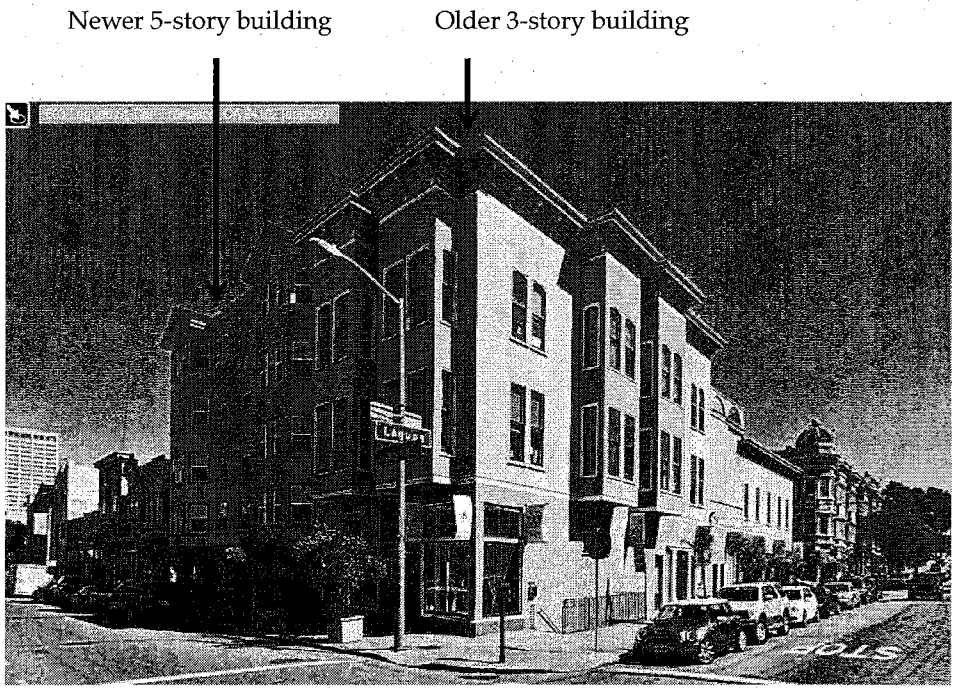


This map illustrates the proposed height bonus as proposed by Supervisor Mar. This proposal focuses on sections of Geary Boulevard which currently fall within either a 40 or 50' height district. There are some discontinuous stretches where higher height limits (more than 50-x) would allow a generous groundfloor space within the existing height limits and thus do not need the proposed bonus to create successful groundfloor spaces.



This map illustrates the proposed Ordinance with modifications recommended by the Planning Department. This proposal creates contiguous linear stretches where the bonus would be offered. The height bonus would begin at the crest of the hill on Geary at Masonic. This eastern gateway marks the visual entry to the district. In addition, the Department recommends applying this to other contiguous commercial stretches in the Richmond District.

Issues and Considerations:



Study of Two Buildings: *The corner building is a three-story building that was built pre-height limits. Next to it is a building of comparable height that fits within the existing height limit (50-X). The new building, however, is five stories. While the newer building conforms to the height limit it is not performing up to the livability and comfort standards of the older building stock.* ***Richmond District Examples:*** *More pictures representing older buildings with higher ground floor ceiling and newer buildings with lower ground floor ceiling on Geary Boulevard can be found in Exhibit A.*

Generous Ground Floor Retail: Most of San Francisco's building stock pre-dated height limits (first established in 1940's-50's in Pacific Heights and Telegraph Hill) and therefore focused on creating desirable buildings. At times, more recent buildings seek to maximize floor space within height limits by squeezing in more floors within the height constraints. The photograph above illustrates how a building can be compatible in height and scale to its neighbors while resulting in vastly inferior interior spaces.

Reevaluating Base 10 Height Limits: The community planning efforts ignited discussions regarding height limits based upon integrated considerations of not only existing development patterns but also good urban design principles and the economics of housing construction and building code requirements. This legislation does not seek to reevaluate the City's neighborhood commercial height district limits, instead it seeks to encourage "active and attractive" spaces through a five foot height increase on the ground floor in some parts of the Richmond District.

Shading of Parks: The proposed Ordinance would not cause any additional shadow on park properties, as it requires each project sponsor to demonstrate that the project will not shadow any public open space. This follows the protocol of earlier pieces of legislation which have expanded the protections offered by Section 295 of the Planning Code which prior to 2009, only applied open spaces under the jurisdiction of the Recreation and Park Commission[6].

Number of floors: The proposed Ordinance would not allow an additional floor to new projects. A 40-X and 50-X height limit can accommodate a maximum of four and five floors, respectively. Since the additional five foot height can only be used on the ground floor, the height limit still can only accommodate the same number of floors.

REQUIRED COMMISSION ACTION

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

RECOMMENDATIONS

The Department recommends that the Commission recommend *approval with modification* of the proposed Ordinances and adopt the attached Draft Resolution to that effect. The recommended modification is:

- **Accept the Supervisor's proposed Ordinance with modifications to apply the proposed Ordinance to contiguous commercial corridors in the area, beginning at the crest of Geary Boulevard at Masonic Avenue and including portions of both Balboa and Clement Streets.**

Basis for Recommendation of Support

The design and use of a building's ground floor has a direct influence on the pedestrian experience of the City. Active uses that provide a visually interesting edge to the public life of the street are especially important on neighborhood commercial streets. Older buildings on commercial corridors often contribute to this with spaces that are directly accessible from the street, have a minimum of 12' clear ceiling heights, and are interrupted with few curb cuts. For residential buildings, design elements such as stoops and elevated front access accommodate a more interesting public life on the sidewalk. Some recent buildings have moved away from facades that add such visual interest and human scale to a street. This legislation will help return emphasis to these important design elements which help ensure that these commercial corridors provide a lively stretch in the neighborhood that is consistent with their historical

[6] Section 295 states: "No building permit authorizing the construction of any structure that will cast any shade or shadow upon any property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission may be issued except upon prior action of the City Planning Commission pursuant to the provisions of this Section; provided, however, that the provisions of this Section shall not apply to building permits authorizing..."

successes and would enhance the pedestrian experience. The proposed Ordinance would allow projects to both have a generous high ceiling ground floor and have up to 9 foot high floors above. The proposed Ordinance also would not create a significant impact on adjacent residential properties abutting NC properties in terms of light or air. However, this Ordinance would enhance the experience of residents when walking on sidewalks along Geary Boulevard.

Basis for Recommended Modifications

The Department found that other commercial corridors in the neighborhood would also benefit from an enhanced pedestrian experience as a result of better designed ground floors. This proposal focuses on contiguous shopping corridors. This is due to the role a stretch of commercial stores can play in creating a lively setting for pedestrian activities. Map 2 demonstrates the additional commercial corridors in the neighborhood. The Department proposes extending the maximum five foot height increase to these areas as a part of this Ordinance.

ENVIRONMENTAL REVIEW

The proposal is to amend the San Francisco Planning Code by 1) amending Section 263.20 to provide for a special height exception for ground floor uses when active ground floor uses are provided, for parcels that fall under the 40-X and 50-X Height and Bulk Districts and the NC-3 Zoning District along Geary Boulevard, from Scott Street to 28th Ave and 2) amending section 712.10 to reflect this height exception in the zoning control table for the Neighborhood Commercial Moderate-Scale (NC-3) Zoning District.

The Department proposed extending this ordinance to apply to parcels in the Inner Clement Neighborhood Commercial District (Clement Street between Arguello Boulevard and Funston Avenue); the Outer Clement Neighborhood Commercial District (Clement Street between 18th and 28th Avenues); and NC-2 (Small-Scale Neighborhood Commercial) District parcels on Balboa Street between 2nd Avenue and 8th Avenue, and between 32nd Avenue and 39th Avenue. Map 2 illustrates all the eligible parcels based on the proposed modifications. The environmental review exemption for this Ordinance is underway and will be ready by the Planning Commission hearing date.

Both the original proposed Ordinance and the proposed modification of the proposed Ordinance have been reviewed under the California Environmental Quality Act.

PUBLIC COMMENT

The Planning Department has received comments from a community member expressing some concerns about this Ordinance applying to parts of Geary Boulevard. These comments largely were concerned about the possibility of an additional story as a result of this Ordinance, which we have clarified in this report, it would not occur. In addition, these comments raised the possibility of light and air obtrusion as a result of the five foot height increase over the residential properties abutting properties along Geary Boulevard. The Department found that while minuscule additional shadow might occur as a result of this Ordinance, improved pedestrian experience on the sidewalks would serve greater public benefit. The letters are attached to this document.

RECOMMENDATION:	**Recommendation of Approval with Modifications**

Attachments:

Exhibit A:	Pictures of buildings on Geary Boulevard.
Exhibit B:	Community comments received
Exhibit C:	Draft Planning Commission Resolution
Exhibit D:	Draft Board of Supervisors Ordinance [Board File No. 11-1247]

Exhibit A- Pictures of buildings on Geary Boulevard supporting approval of the proposed Ordinance

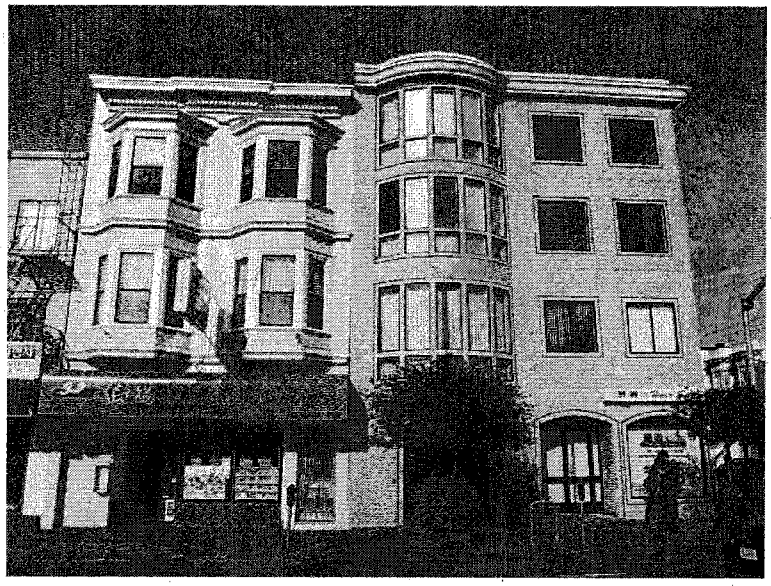


Figure 1- Located on Geary Boulevard and 4th Avenue, these two buildings speak to the benefit of proposed Ordinance in enhancing the street frontage of buildings. The building on the right is a newer four story building with an inactive and lower ceiling ground floor. The building on the left, almost equally as tall, only includes three floors but more active and higher ceiling ground floor. An additional maximum five foot for the building on the right, could have improved the ground floor while maintaining the four stories.

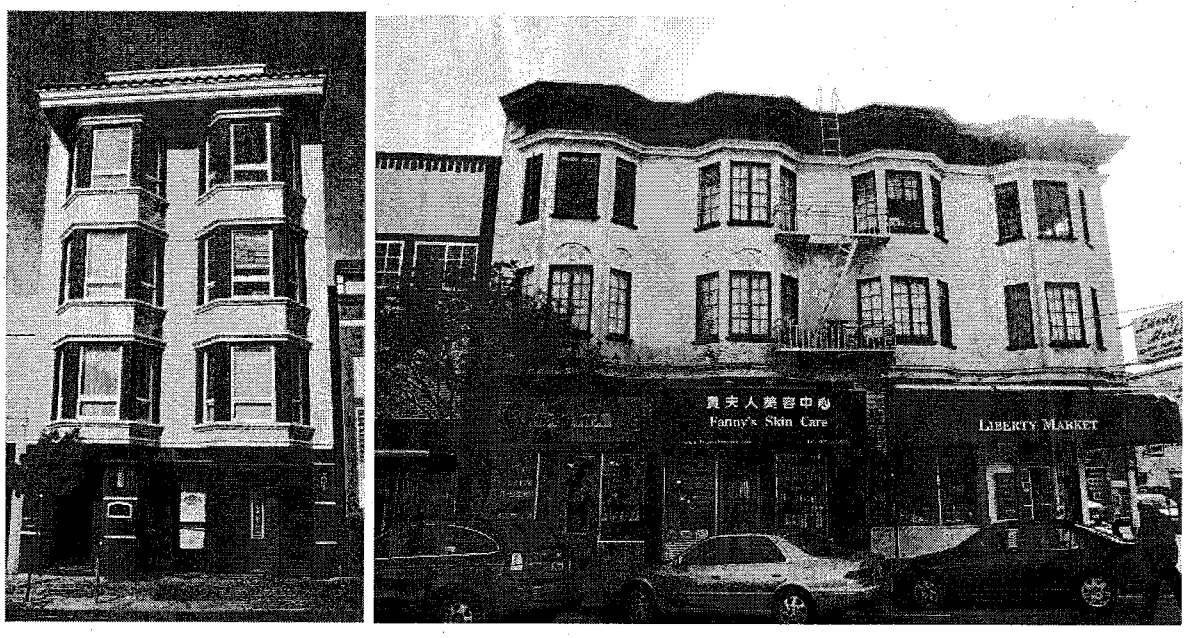


Figure 2-The building on the left is located on Geary Boulevard and 2nd Avenue and demonstrates a new development under 40-X including three floors on top of a low ceiling, inactive ground floor. In contrast, the building on the right, located on Geary Boulevard. and 23rd Avenue is almost the same height and is able to provide a generously high ceiling and active ground floor.

Exhibit B- Public Comme...s

Proposed Ordinance on 5-ft Height Bonus on Geary NCDs for Active Use at Ground Level
:\)
to:
AnMarie Rodgers
01/24/2012 07:58 PM
Cc:
"Kimia Haddadan", "Rich Worner", "Eric Mar", "Mark Farrell"
Please respond to gumby5
Show Details

History: This message has been replied to.

5 Attachments

image011.jpg image012.jpg image013.jpg image014.jpg image015.jpg

Hi AnMarie,
Thank you for the additional information you provided as background to Supervisor Mar's 5 ft. Bonus Legislation (based on the info in the pdf Executive Summary of the legislation introduced by Supervisor Sandoval for all NCDs Citywide for the Oct. 16, 2008 hearing). This may work for other sections of Geary but not adjacent to Jordan Park. The document you provided makes the argument that not having the 5-ft. additional ceiling height on the ground level and having shorter ceiling floors above makes for a squished and crammed "inferior" design. The document goes on to say that the 5 ft. additional height bonus on the ground floor for new development is to match the older existing buildings' higher ground floor height to create a "uniform" appealing appearance to the streetscape. It stresses the main intent of the bump up bonus as a design issue of "inferior" to a better one. However, it is one thing to have the ground floor match the higher ceilings of the ground floors of the old buildings which also have floors above them that also have higher ceilings.
The new development will not put floors above the ground floor with higher ceilings on the upper levels to match. For Jordan Park, it is more than just a design issue. It means a drastic change to the surrounding ambiance in our neighborhood.

The obvious difference between the older exisitng buildings with the higher street levels having a high ceiling and new development is that the upper floors in the old buildings with their higher ceilings do not allow as many floors within the 40-X limit and thus has the less units. Regardless of the number of units, the higher ceiling heights for all floors in the older buildings create a more livable and pleasing, and a "superior" living environment where one does not feel squeezed, especially if one is tall. This is the point that is being missed in this legislation. That difference of higher ceilings for all floors in the older buildings creates along this stretch of Geary adjacent to Jordan Park to have that almost undescribable charm.

The other key point about providing an additional 5 ft. height bonus for those who develop a 15' ceiling on the ground floor is that per SF Building Code, a legal floor height is 7 ft. 6 in. So by having this Building Code set at 7.5 ft. for a floor, one can put two floors into this 15 ft. height especially if one digs down a bit to accommodate this. What this could mean is that at 40-X, if one has a 15' ground floor, one can put in one floor of "active" use for commercial at street level topped by another floor of 7.5 ft. of residential followed by up to 5 more floors of residential space. Instead of 3 floors at 40-X, one now can squeeze in up to 6 floors into 40-X. And one is still left with the "squished" and "inferior" design alluded to for the upper floors in the 2008 document.

The idea also of not limiting the height increase to extend beyond the percentage of the lot based on zoning of the lot but rather to allow the height to extend to the rear beyond 70 ft. is also very problematic per this Executive Summary from 2008.

As this legislation impacts Jordan Park residents and Laurel Heights residents along Geary, I still request that the small stretch of Geary adjacent to our streets be exempted from this 5-ft. height bonus. The few blocks I mentioned from Palm to Spruce (Parker homes go midway of Geary so Spruce sh/b cutoff) and Spruce to Wood/Emerson are have very different architecture and the buildings are at most mainly 30+ feet, well under the 40-X.

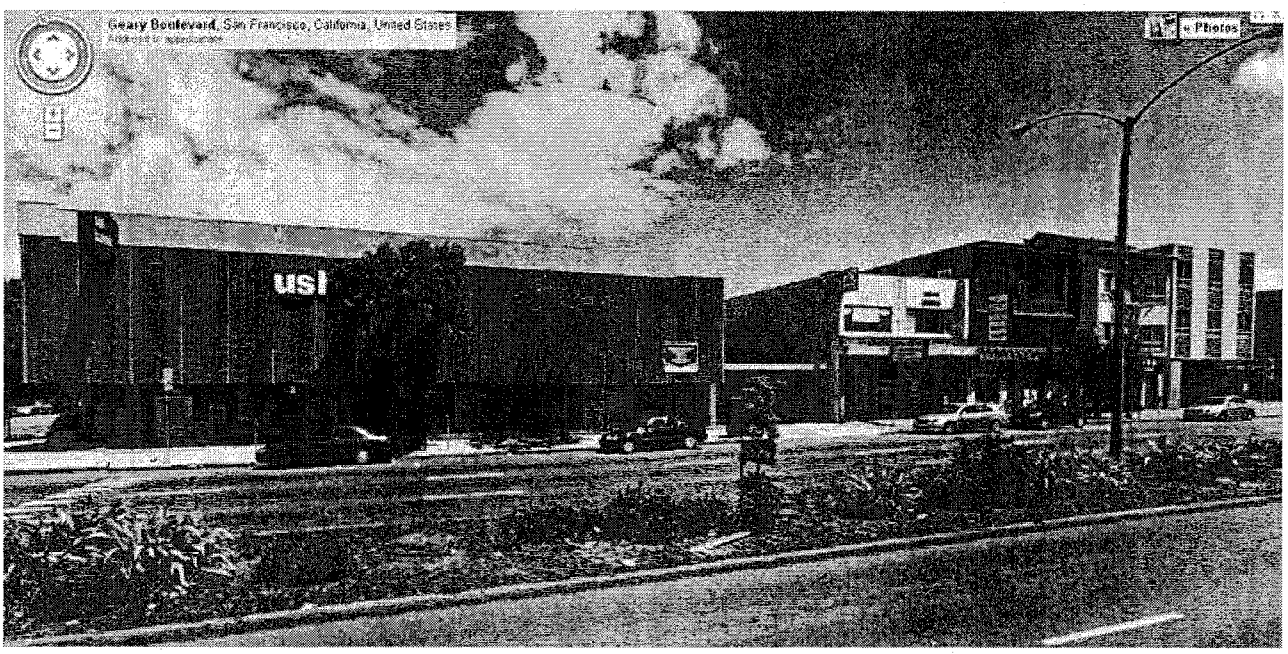
Perhaps other areas from the intended stretch mentioned in the legislation (from Scott St. to 28th Avenueon Geary) could be candidates. All stretches of Geary are NOT the same; however, we in Jordan Park are an *extraordinary* case.

Our lower homes abutting Geary's NCD lots cannot take the shadowing of even an additional 5 ft. bump up when NCD lots do not allow as large a rear yard open space or none at all. Having even a 5-ft. height bonus to buildings along Geary in the
The tradeoff to our homes in Jordan Park with this 5 ft. height bonus is not worth sacrificing our neighborhood character for.

Exhibit B - Public Comments

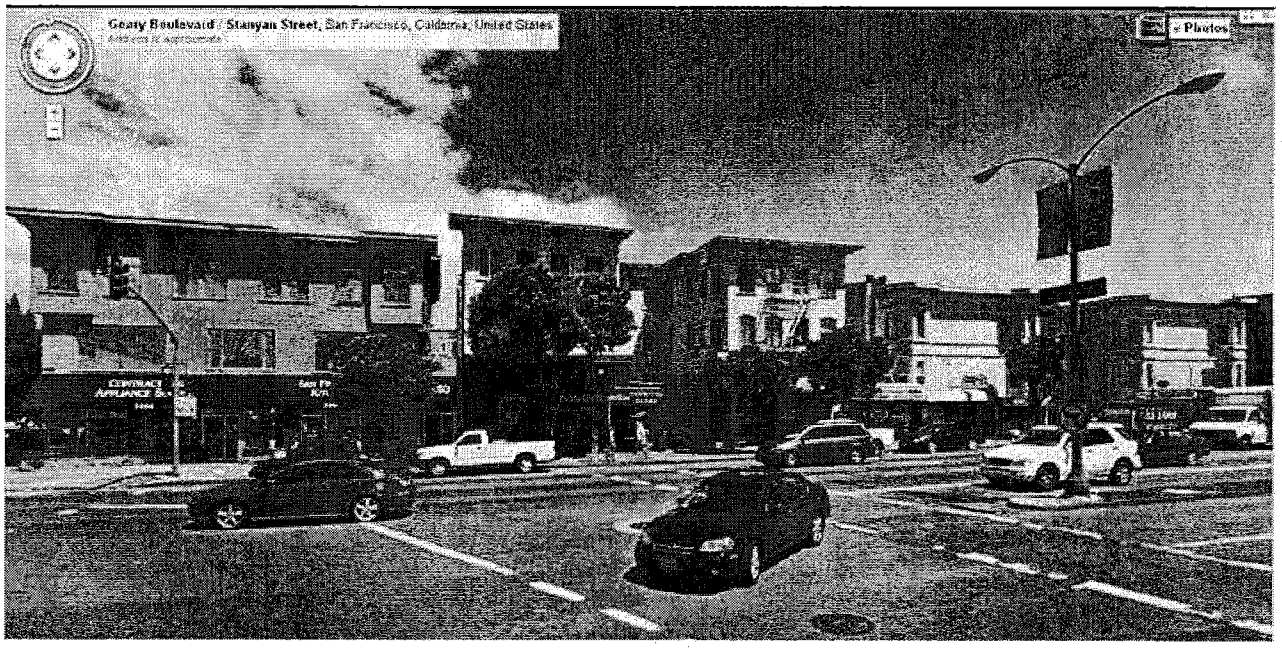
Here's the new structure with 5 stories. Even if the street level gets increased to 15 ft. high, you still have 4 stories above it.
Compare to the old structure with the 15 ft. high (or probably 12 ft. high) street level and only 2 stories above it. The difference will be more housing units in the area which is not as dense as the other areas along Geary from Scott St. to 28th Ave.

Now look at the existing buildings from Palm to Jordan, Jordan to Commonwealth and Commonwealth to Parker in our Jordan Park Improvement Association area. Note that the buildings are basically only 4 stories tall.



Palm to Jordan, northside of Geary...all 40-X. Behind these lots are the RH-1/RH-2 lots of Jordan Park.
This and below images courtesy of Google.

Exhibit B - Public Comments



Jordan to Commonwealth, northside of Geary...all 40-X. Behind these lots are the RH-1/RH-2 lots of Jordan Park.

Commonwealth to Parker, northside of Geary...all 40-X. Behind these lots are the RH-1/RH-2 lots of Jordan Park.

Exhibit B- Public Comments

Parker to Spruce, northside of Geary...all 40-X. Behind these lots are also RH-2s of Jordan Park homes.

This minimizes the number of units impacting our neighborhood character and the potential issues with over densifying this area which historically has not been as dense due to the RH-1's and RH-2's of Jordan Park and Laurel Heights.
What with simultaneous pending legislation proposing to remove density, rear yard open space, exposure and parking requirements in Supervisor David Chiu's legislation, this together with Supevisor Mar's legislation is not necessary or desirable for Jordan Park/Laurel Heights.

I appreciate your sending me the additional information to continue the discussion about this proposed legislation.

Again, thank you for taking the time to help me understand this design issue better; however I beg to differ. I still request that Jordan Park/Laurel Heights along this short stretch be exempt.

Rose Hillson
Member, Jordan Park Improvement Association

Exhibit B- Public Comments

Fw: BOS File No. 111247, Case No. 2011.1382E -- 5' Bonus on Geary

Jeanie Poling to: Kimia Haddadan 01/18/2012 02:21 PM

History: This message has been replied to and forwarded.

----- Forwarded by Jeanie Poling/CTYPLN/SFGOV on 01/18/2012 02:21 PM -----

":\)" <gumby5@att.net>

01/15/2012 11:55 AM

Please respond to <gumby5@att.net>

To <jeanie.poling@sfgov.org>

cc "Rich Worner" <worner@sbcglobal.net>, "Kathy D." <krdevincenzi@gmail.com>, "Eric Mar" <Eric.L.Mar@sfgov.org>, "Mark Farrell" <Mark.Farrell@sfgov.org>

Subject BOS File No. 111247, Case No. 2011.1382E -- 5' Bonus on Geary

Dear Jeanie,
I understand that the subject-referenced case, introduced by Supervisor Mar, proposes the following:

1. 5' height increase on Geary for 40-X/50-X in NC-3 from Scott St. to 28th Ave.
2. 5' height increase on Clement from Arguello to Funston
3. 5' height increase on Clement from 18th Ave. to 28th Ave.
4. 5' height increase on Balboa in NC-2 from 2nd Ave to 8th Ave, also between 32nd and 39th Ave.

Concerns on environmental effects:

1. Cumulative build-outs w/o variance and conditional hearings for neighbors
2. Increased noise pollution from more units being built with the additional height and attracting more people who circle the blocks for parking
3. Increased pollution particulate matter with congestion and vehicles circling for parking especially on streets with schools for children middle school and below
4. Impact on environmental effects due to recent pending ordinances in the pipeline to exacerbate the conditions this ordinance proposes to implement

Question:
Why is it that the 5' height increase is being done as if all blocks along Geary are the same? The blocks between Palm Ave and Parker Avenue are different than the entire length of Geary due to RH-1 and RH-2 lots that ABUT RH-1's which in turn ABUT the Geary lots. The same between Wood St. and Blake St. with this similar situation. These areas are truly old historical areas of a different character and are unlike the rest of Geary such as near the Kaiser Hospital near Divisadero or farther west towards 18th Avenue where WHOLE city blocks are COMPLETELY RH-2s and higher near Geary. The blocks of Palm, Jordan, Commonwealth, Parker in Jordan Park Neighborhood Association need to be made an exception with this very different low-density lot set up similar to RH-1s and RH-2s that abut around 9th and 10th Avenues between Balboa and Anza or like Seacliff which has RH-1s/abutting RH-2s.
Please make this change in the proposed ordinance. Jordan Park homes do not reflect the same characteristics nor the fully higher zoning of an ENTIRE city block of RH2s like the rest of the blocks on Geary. This may not be "unique" but it certainly tells you about the very special

nature of these blocks and is extraordinary and unusual for this length of Geary.
I strongly suggest that Geary between Palm and Parker inclusive be excluded in the ordinance.
Please forward to planner who is in charge of this if you are not. Thank you very much.
Sincerely,
Rose Hillson
Member, Jordan Park Improvement Association