

1 [Zoning – Street Frontages for Most Use Districts]

2

3 **Ordinance amending the San Francisco Planning Code by amending Sections 145.1,**
4 **201, 243, 261.1, and 270.2 to create a comprehensive and consistent set of street**
5 **frontage controls for most use districts that allow a mix of uses; adopting findings,**
6 **including environmental findings, Section 302 findings, and findings of consistency**
7 **with the General Plan and the Priority Policies of Planning Code Section 101.1.**

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

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

12 Section 1. Findings.

13 (a) The Planning Department has determined that the actions contemplated in this
14 ordinance comply with the California Environmental Quality Act (California Public Resources
15 Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of
16 Supervisors in File No. 091271 and is incorporated herein by reference.

17 (b) Pursuant to Planning Code Section 302, this Board finds that these Planning
18 Code amendments will serve the public necessity, convenience, and welfare for the reasons
19 set forth in Planning Commission Resolution No. 18034 and the Board incorporates such
20 reasons herein by reference. A copy of Planning Commission Resolution No. 18034 is on file
21 with the Board of Supervisors in File No. 091271.

22 (c) This Board finds that these Planning Code amendments are consistent with the
23 General Plan and with the priority policies of Planning Code Section 101.1 for the reasons set
24 forth in Planning Commission Resolution No. 18034, and the Board hereby incorporates such
25 reasons herein by reference.

1 Section 2. The San Francisco Planning Code is hereby amended by amending Section
2 145.1, to read as follows:

3 Sec. SEC. 145.1. STREET FRONTAGES, NEIGHBORHOOD COMMERCIAL,
4 DOWNTOWN RESIDENTIAL, RESIDENTIAL-COMMERCIAL, COMMERCIAL, C-M,
5 CHINATOWN MIXED USE, SOUTH OF MARKET MIXED USE, AND EASTERN
6 NEIGHBORHOOD MIXED USE DISTRICTS.

7 (a) Purpose. The purpose of this Section is to preserve, enhance and promote
8 attractive, clearly defined street frontages that are pedestrian-oriented, fine-grained, and
9 which are appropriate and compatible with the buildings and uses in Neighborhood
10 Commercial Districts, Commercial Districts, Downtown Residential Districts, Residential-
11 Commercial Districts, C-M, Districts, Chinatown Mixed Use Districts, South of Market Mixed Use
12 Districts, and Eastern Neighborhoods Mixed Use Districts.

13 (b) Definitions.

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

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

16 (B) Building alterations which would increase the gross square footage of a
17 structure by 20 percent or more, or

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

21 (2) Active use. An "active use", shall mean any principal, conditional, or accessory
22 use which by its nature does not require non-transparent walls facing a public street or
23 involves the storage of goods or vehicles.

24 A. Residential uses are considered active uses above the ground floor; on the
25 ground floor, residential uses are considered active uses only if more than 50 percent of the

1 linear residential street frontage at the ground level features walk-up dwelling units which
2 provide direct, individual pedestrian access to a public sidewalk, and are consistent with the
3 Ground Floor Residential Design Guidelines, as adopted and periodically amended by the
4 Planning Commission.

5 ~~(A) — Public Uses described in 790.80 and 890.80 are considered active uses except utility~~
6 ~~installations.~~

7 (B) Spaces accessory to residential uses, such as fitness or community rooms, are
8 considered active uses only if they meet the intent of this section and have access directly to
9 the public sidewalk or street.

10 C. Building lobbies are considered active uses, so long as they do not exceed 40 feet or 25
11 % of building frontage, whichever is larger.

12 D. Public Uses described in 790.80 and 890.80 are considered active uses except utility
13 installations.

14 (c) Controls. the following requirements shall generally apply, except as specified
15 below, to new structures or alterations to existing structures involving a change in the level of the first
16 story or a change in the facade at the street frontage at the first story and below, where such structure
17 is located along any block frontage that is entirely within District subject to this Section for those
18 controls listed in subsections (1) Above Grade Parking Setback and (3) Ground Floor Ceiling Height,
19 which only apply to a "development lot" as defined above.

20 In NC-S Districts, the applicable frontage shall be the primary facade(s) which contain
21 customer entrances to commercial spaces.

22 ~~(1) — Standards Applicable in all Districts. Other than as set forth in this Subsection (c) for~~
23 ~~NC-S Districts, no more than 1/3 of the width of a new or altered structure, parallel to and facing such~~
24 ~~street, shall be devoted to ingress/egress to parking, provided that in no case shall such ingress/egress~~
25 ~~exceed 20 feet in width per frontage or be less in width than eight feet for garages containing up to~~

1 *three cars, nine feet for garages containing up to ten cars, and ten feet for garages containing up to 50*
 2 *cars. In NC-S Districts, no more than 1/3 or 50 feet, whichever is less, of each lot frontage shall be*
 3 *devoted to ingress/egress of parking, provided that each such ingress/egress shall not be less than 10*
 4 *feet in width for single directional movement or 20 feet in width for bidirectional movement.*

5 (2) *—Additional Standards Applicable in all NC Districts other than NCT Districts. If such*
 6 *structures contain any of the permitted uses in the Zoning Control Categories listed below, at least 1/2*
 7 *the total width of such new or altered structures at the commercial street frontage shall be devoted to*
 8 *entrances to commercially used space, windows or display space at the pedestrian eye level. Such*
 9 *windows shall use clear, untinted glass, except for decorative or architectural accent. Any decorative*
 10 *railings or decorative grille work, other than wire mesh, which is placed in front of or behind such*
 11 *windows, shall be at least 75 percent open to perpendicular view and no more than six feet in height*
 12 *above grade.*

| No. | Zoning Control Category |
|----------------|--|
| .40 | Other Retail Sales and Services |
| .41 | Bar |
| .42 | Full Service Restaurant |
| .43 | Small Fast Food Restaurant |
| .44 | Large Fast Food Restaurant |
| .45 | Take Out Food |
| .46 | Movie Theater |
| .49 | Financial Service |
| .50 | Limited Financial Service |

| | | |
|---|----------------|---|
| 1 | .51 | Medical Service |
| 2 | .52 | Personal Service |
| 3 | .53 | Business or Professional Service |
| 4 | .55 | Tourist Hotel |
| 5 | .61 | Automobile Sale or Rental |
| 6 | .62 | Animal Hospital |
| 7 | .65 | Trade Shop |
| 8 | .70 | Administrative Service |

10 ~~(3) Additional Standards Applicable in NCT Districts, Downtown Residential Districts, and~~
11 ~~Eastern Neighborhoods Mixed Use Districts.~~

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

18 ~~(2) Parking and Loading Entrances. No more than one-third of the width or 20 feet,~~
19 ~~whichever is less, of any given street frontage of a new or altered structure parallel to and facing a~~
20 ~~street shall be devoted to parking and loading ingress or egress. In NC-S Districts, no more than 1/3 or~~
21 ~~50 feet, whichever is less, of each lot frontage shall be devoted to ingress/egress of parking; provided~~
22 ~~that each such ingress/egress shall not be less than 10 feet in width for single directional movement or~~
23 ~~20 feet in width for bidirectional movement. The total street frontage dedicated to parking and loading~~
24 ~~access should be minimized, and combining entrances for off-street parking with those for off-street~~
25

1 loading is encouraged. The placement of parking and loading entrances should minimize interference
2 with street-fronting active uses and with the movement of pedestrians, cyclists, public transit, and
3 autos. Off-street parking and loading entrances should minimize the loss of on-street parking and
4 loading spaces. Off-street parking and loading are also subject to the provisions of Section 155 of this
5 Code.

6 (3) ~~(B)~~ Active Uses Required. With the exception of space allowed for parking and
7 loading access, building egress, and access to mechanical systems, space for active uses as
8 defined in Subsection (b)(2) and permitted by the specific district in which it is located shall be
9 provided within the first 25 feet of building depth on the ground floor and 15 feet on floors
10 above from any facade facing a street at least 30 feet in width. Building systems including
11 mechanical, electrical, and plumbing features may be exempted from this requirement by the
12 Zoning Administrator only in instances where those features are provided in such a fashion as
13 to not negatively impact the quality of the ground floor space.

14 (4) ~~(C)~~ Ground Floor Ceiling Height. Unless otherwise established elsewhere in this
15 Code:

16 (A) ~~g~~Ground floor non-residential uses in UMU Districts shall have a minimum floor-
17 to-floor height of 17 feet, as measured from grade.

18 (B) Ground floor non-residential uses in all C-3, C-M, NCT, DTR, Chinatown Mixed
19 Use, RSD, SLR, SLI, SSO, MUG, MUR, and MUO Districts shall have a minimum floor-to-floor
20 height of 14 feet, as measured from grade.

21 (C) Ground floor non-residential uses in all RC districts, C-2 districts, RED districts, and
22 NC districts other than NCT, shall have a minimum floor-to-floor height of 14 feet, as measured from
23 grade except in 40-foot and 50-foot height districts, where buildings shall have a minimum floor-to-
24 floor height of 10 feet.

1 (5) ~~(D)~~ Street-facing Ground-level Spaces. The floors of street-fronting interior spaces housing
2 non-residential active uses and lobbies shall be as close as possible to the level of the adjacent
3 sidewalk at the principal entrance to these spaces. Street-facing ground-level spaces housing non-
4 residential active uses in hotels, office buildings, shopping centers, and other large buildings shall open
5 directly onto the street, rather than solely into lobbies and interior spaces of the buildings. Such
6 required street-facing entrances shall remain open to the public during business hours.

7 (6) Transparency and Fenestration. Frontages with active uses that are not
8 residential or PDR must be fenestrated with transparent windows and doorways for no less
9 than 60 percent of the street frontage at the ground level and allow visibility to the inside of the
10 building. The use of dark or mirrored glass shall not count towards the required transparent
11 area.

12 (7) ~~(E)~~ Gates, Railings, and Grillwork. Any decorative railings or grillwork, other than
13 wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75
14 percent open to perpendicular view. Rolling or sliding security gates shall consist of open
15 grillwork rather than solid material, so as to provide visual interest to pedestrians when the
16 gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both
17 open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid
18 flush with, the building facade.

19 (d) Exceptions for Historic Buildings. Specific street frontage requirements in this Section
20 may be modified or waived by the Planning Commission for structures designated as landmarks,
21 significant or contributory buildings within a historic district, or buildings of merit when the Historic
22 Preservation Commission advises that complying with specific street frontage requirements would
23 adversely affect the landmark, significant, contributory, or meritorious character of the structure, or
24 that modification or waiver would enhance the economic feasibility of preservation of the landmark or
25 structure.

1 Section 3. The San Francisco Planning Code is hereby amended by amending Section
 2 201, to read as follows:

3 SEC. 201. CLASSES OF USE DISTRICTS.

4 In order to carry out the purposes and provisions of this Code, the City is hereby
 5 divided into the following classes of use districts:

| | |
|--|---|
| | |
| Public Use Districts (<i>P</i>) | |
| <i>Residential Districts</i> | |
| RH-1(D) | Residential, House Districts, One-Family (Detached Dwellings) |
| RH-1 | Residential, House Districts, One-Family |
| RH-1(S) | Residential, House Districts, One-Family with Minor Second Unit |
| RH-2 | Residential, House Districts, Two-Family |
| RH-3 | Residential, House Districts, Three-Family |
| RM-1 | Residential, Mixed Districts, Low Density |
| RM-2 | Residential, Mixed Districts, Moderate Density |
| RM-3 | Residential, Mixed Districts, Medium Density |
| RM-4 | Residential, Mixed Districts, High Density |
| <i>Residential-Commercial Districts</i> | |
| RC-1 | Residential-Commercial Combined Districts, Low Density |
| RC-2 | Residential-Commercial Combined Districts, Moderate Density |
| RC-3 | Residential-Commercial Combined Districts, Medium Density |
| RC-4 | Residential-Commercial Combined Districts, High Density |
| <i>Residential Transit-Oriented Neighborhood Districts</i> | |

| | | |
|----|---|--|
| 1 | RTO | Residential, Transit-Oriented Neighborhood Districts |
| 2 | RTO-M | Residential Transit-Oriented -- Mission Neighborhood Districts |
| 3 | | |
| 4 | Neighborhood Commercial Districts (Also see Article 7) General Area Districts | |
| 5 | NC-1 | Neighborhood Commercial Cluster District |
| 6 | NC-2 | Small-Scale Neighborhood Commercial District |
| 7 | NC-3 | Moderate-Scale Neighborhood Commercial District |
| 8 | NC-S | Neighborhood Commercial Shopping Center District |
| 9 | | |
| 10 | Individual Area Districts | |
| 11 | Broadway Neighborhood Commercial District | |
| 12 | Castro Street Neighborhood Commercial District | |
| 13 | Inner Clement Street Neighborhood Commercial District | |
| 14 | Outer Clement Street Neighborhood Commercial District | |
| 15 | Upper Fillmore Street Neighborhood Commercial District | |
| 16 | Haight Street Neighborhood Commercial District | |
| 17 | Hayes-Gough Neighborhood Commercial District | |
| 18 | Inner Sunset Neighborhood Commercial District | |
| 19 | Upper Market Street Neighborhood Commercial District | |
| 20 | | |
| 21 | | |
| 22 | | |
| 23 | | |
| 24 | | |
| 25 | | |

| | | |
|----|---|---|
| 1 | North Beach Neighborhood Commercial District | |
| 2 | Polk Street Neighborhood Commercial District | |
| 3 | Sacramento Street Neighborhood Commercial District | |
| 4 | Union Street Neighborhood Commercial District | |
| 5 | 24th Street-Noe Valley Neighborhood Commercial District | |
| 6 | West Portal Avenue Neighborhood Commercial District | |
| 7 | | |
| 8 | Neighborhood Commercial Transit Districts (NCT) | |
| 9 | NCT-1 | Neighborhood Commercial Transit Cluster District |
| 10 | NCT-2 | Small-Scale Neighborhood Commercial Transit District |
| 11 | NCT-3 | Moderate Scale Neighborhood Commercial Transit District |
| 12 | | |
| 13 | Individual Area Neighborhood Commercial Transit (NCT) Districts | |
| 14 | Hayes-Gough NCT | |
| 15 | Upper Market Street NCT | |
| 16 | Valencia Street NCT | |
| 17 | 24th Street -- Mission NCT | |
| 18 | Mission Street NCT | |
| 19 | SoMa NCT | |
| 20 | Ocean Avenue NCT | |
| 21 | | |
| 22 | Commercial Districts | |
| 23 | C-1 | Neighborhood Shopping Districts |
| 24 | | |
| 25 | | |

| | | |
|----|--|---|
| 1 | C-2 | Community Business Districts |
| 2 | C-M | Heavy Commercial Districts |
| 3 | C-3-O | Downtown Office District |
| 4 | C-3-R | Downtown Retail District |
| 5 | C-3-G | Downtown General Commercial District |
| 6 | C-3-S | Downtown Support District |
| 7 | Industrial Districts | |
| 8 | M-1 | Light Industrial Districts |
| 9 | M-2 | Heavy Industrial Districts |
| 10 | PDR-1-B | Production Distribution and Repair -- Light Industrial Buffer |
| 11 | PDR-1-D | Production Distribution and Repair -- Design |
| 12 | PDR-1-G | Production Distribution and Repair - General |
| 13 | PDR-2 | Core Production Distribution and Repair -- Bayview |
| 14 | | |
| 15 | Chinatown Mixed Use Districts (Also see Article 8) | |
| 16 | CCB | Chinatown Community Business District |
| 17 | CR/NC | Chinatown Residential/Neighborhood Commercial District |
| 18 | CVR | Chinatown Visitor Retail District |
| 19 | | |
| 20 | South of Market <i>Use</i> Mixed Use Districts (Also see Article 8) | |
| 21 | RED | Residential Enclave Districts |
| 22 | RSD | Residential Service District |
| 23 | SLR | Service/Light Industrial/Residential District |
| 24 | SLI | Service/Light Industrial District |
| 25 | | |

| | | |
|----|---|--|
| 1 | SSO | Service/Secondary Office District |
| 2 | | |
| 3 | Eastern Neighborhoods Mixed Use Districts (Also see Article 8) | |
| 4 | SPD | South Park District |
| 5 | MUG | Mixed Use -- General |
| 6 | MUO | Mixed Use -- Office |
| 7 | MUR | Mixed Use -- Residential |
| 8 | UMU | Urban Mixed Use |
| 9 | Downtown Residential Districts (Also see Article 8) | |
| 10 | | |
| 11 | RH-DTR | Rincon Hill Downtown Residential |
| 12 | SB-DTR | South Beach Downtown Residential |
| 13 | Mission Bay Districts (Also see Article 9) | |
| 14 | | |
| 15 | MB-R-1 | Mission Bay Lower Density Residential District |
| 16 | MB-R-2 | Mission Bay Moderate Density Residential District |
| 17 | MB-R-3 | Mission Bay High Density Residential District |
| 18 | MB-NC-2 | Mission Bay Small Scale Neighborhood Commercial District |
| 19 | | |
| 20 | MB-NC-3 | Mission Bay Moderate Scale Neighborhood Commercial District |
| 21 | MB-NC-S | Mission Bay Neighborhood Commercial Shopping Center District |
| 22 | MB-O | Mission Bay Office District |
| 23 | MB-CI | Mission Bay Commercial-Industrial District |
| 24 | MB-H | Mission Bay Hotel District |
| 25 | MB-CF | Mission Bay Community Facilities District |

2 Section 4. The San Francisco Planning Code is hereby amended by amending Section
3 243, to read as follows:

4 SEC. 243. VAN NESS SPECIAL USE DISTRICT.

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

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

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

17 (1) Basic Floor Area Ratio. The basic floor area ratio limit shall be 7.0 to 1 in the
18 130-foot height district and 4.5:1 in the 80-foot height district. These limits shall apply to
19 dwellings notwithstanding Section 124(b) of this Code, but shall not apply to floor space used
20 for nonaccessory off-street parking and driveways and maneuvering areas incidental thereto
21 provided such parking is located entirely below curb level at the centerline of the building
22 containing such parking and replaces parking spaces displaced by the building or buildings.
23 For definitions of floor area ratio and gross floor area, see Sections 102.11 and 102.9,
24 respectively. The provisions allowing a floor area premium set forth in Section 125(a) shall not
25 apply in the Van Ness Special Use District.

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

3 (3) Height and Bulk Restrictions. See Height and Bulk Map No. 2H. See Section
4 270 of this Code for bulk limits.

5 (4) Awnings, canopies and marquees, as defined in Sections 790.20, 790.26 and
6 790.58 of this Code, and further regulated by the Building Code and Sections 243(c)(5), 136.2
7 and 607.3 of this Code, are permitted.

8 (5) Signs.

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

13 (B) Signs on structures designated as landmarks under the provisions of Section
14 1004 shall be regulated as provided in Section 607.3(d).

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

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

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

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

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

1 (7) Required Setbacks. Setbacks for buildings exceeding a height of 40 feet shall be
2 regulated as provided in Section 253.2 of this Code.

3 (8) Limitation of Nonresidential Uses.

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

23 (B) Reduction of Ratio of Residential Uses for Affordable Housing. The City
24 Planning Commission may modify the Van Ness Special Use District residential to
25

1 nonresidential use ratio between Golden Gate Avenue and California Street as a conditional
 2 use in one of the following ways:

3 (i) In-Lieu Fee. By conditional use, the developer may elect to fulfill the obligation to
 4 build housing by paying an in-lieu fee to the Affordable Housing Fund as provided in Section
 5 313 of this Code. No more than a 50 percent reduction of the required housing for a specific
 6 project can be fulfilled by paying an in-lieu fee. Use of these funds shall provide affordable
 7 housing within 2,000 feet of the Van Ness Special Use District. The in-lieu fee shall be
 8 determined by the following formula:

9 (1)

| | |
|-----------------------------|---------------------------------|
| (Lot Area x FAR) / 4) x 3 = | Residential SQ. FT. Requirement |
|-----------------------------|---------------------------------|

12 (2)

| | | | | |
|---------------------------------|----|-------------------------------|---|------|
| Residential SQ. FT. Requirement | -- | Residential SQ. FT. Developed | = | LOSS |
|---------------------------------|----|-------------------------------|---|------|

15 (3)

16 $LOSS \times \$15 = \text{In-Lieu Fee}$

17 (ii) Providing Affordable Housing. By conditional use, the developer may reduce up
 18 to 50 percent of the required amount of on-site housing by maintaining a portion of that
 19 housing as permanently affordable for the life of the project. Affordable units shall be
 20 managed by a nonprofit housing agency through a duly executed agreement between the
 21 project sponsor, the nonprofit agency and the Planning Department. The mix of affordable
 22 units retained in the project shall conform to the overall dwelling unit size mix of the project.
 23 The portion of retained residential which shall be affordable will be determined by calculating
 24 the number of market rate units which could be subsidized by the amount of "in-lieu fee"
 25

1 calculated in Paragraph (i) above. The number of square feet of affordable housing shall be
2 calculated in the following manner:

3 (1)

| | | |
|---|---|--|
| 4 In-Lieu Fee 5 \$30/square foot subsidy | = | Square Feet of Affordable Housing Retained in the Project |
|---|---|--|

6
7 (iii) Annual Reporting, Evaluation and Adjustments to Affordability and Fee
8 Calculations. The Department shall report annually to the Planning Commission on the activity
9 and utilization of Section 243(c)(8)(B). Based on an evaluation of this report, the Planning
10 Commission may initiate a modification or deletion of Section 243(c)(8)(B).

11 The dollar amounts used in the calculation for Paragraphs (i) and (ii) of this Subsection shall
12 be subject to annual adjustments in accord with Section 313.6(1) of this Code. Affordability
13 shall be defined by rents or sale prices affordable by households with no more than 80
14 percent of median income standards developed by HUD.

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

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

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

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

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

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

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

19 (ii) When the Department of City Planning approves an application for a project
20 containing only nonresidential use and the project is linked to one or more other projects
21 pursuant to the statement of intent filed with the Department, it shall include as a condition of
22 approval a requirement prohibiting the project sponsor from commencing any work on the site
23 until the Zoning Administrator issues a written determination that such work may proceed. The
24 Zoning Administrator shall not issue such a determination until those permits authorizing the
25

1 projects containing residential use have been issued and foundations have been completed at
2 each such site;

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

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

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

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

22 (i) In calculating the cost of structural alterations pursuant to Section 181(b)(4), the
23 cost of reinforcing the building to meet the standards for seismic loads and forces of the 1975
24 Building Code shall not be included; and
25

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

4 (E) ~~Ground Story Uses. Street Frontages. Street frontages and parking setbacks shall~~
5 ~~conform to Section 145.1 of this Code. Ground floor non-residential uses shall have a minimum floor-~~
6 ~~to-floor height of 14 feet. Parking shall not be permitted on the ground story of lots abutting Van Ness~~
7 ~~Avenue to a depth of 25 feet from Van Ness Avenue. At least 1/2 the total width of structures at the~~
8 ~~ground story on lots abutting Van Ness Avenue shall be devoted to entrances, windows or display~~
9 ~~space. Every window located at the ground story shall use clear, untinted glass, except for decorative~~
10 ~~or architectural accent. Any decorative railings or grillwork, other than wire mesh, shall be at least 75~~
11 ~~percent open to view and no more than six feet in height above grade. For the purposes of this Section,~~
12 ~~"ground story" shall be defined as the portion of a building included between the upper surface of the~~
13 ~~lowest floor and the upper surface of the floor next above, provided such floor level is not more than~~
14 ~~four feet below grade for more than 50 percent of the total perimeter, or more than eight feet below~~
15 ~~grade at any point.~~

16 (F) Fast Food Uses. A large fast food restaurant as defined in Section 790.90 of this
17 Code shall be permitted only as a conditional use.

18 A small self-service restaurant, as defined in Section 790.91 of this Code, shall be
19 permitted only as a conditional use unless such restaurant is a related minor use which is
20 either necessary to the operation or enjoyment of a lawful principal use or conditional use, or
21 is appropriate, incidental and subordinate to any such use, in which case it shall be permitted
22 as an accessory use.

23 (G) Drive-Up Facilities. Drive-up facilities are not permitted. For the purposes of this
24 Section, "drive-up facilities" shall be defined as structures designed primarily for drive-to or
25 drive-through trade which provides service to patrons while in private motor vehicles.

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

14 A conditional use permit shall not be required if the demolition permit is sought in order
15 to comply with a court order directing or permitting the owner to demolish a building because it
16 is unsafe. No person shall be permitted to construct anything on the site of a demolished
17 building subject to such an order for a period of two years unless (a) the proposal is for at
18 least the same number and size of dwelling units and guest rooms and the same amount of
19 nonresidential floor area as that which was demolished or (b) the applicant requests and is
20 granted an exemption from this requirement on the ground that the applicant has
21 demonstrated that (1) the need for demolition did not arise because of the deliberate or
22 unreasonable neglect of the maintenance of the building, or that (2) the restrictions would
23 cause undue hardship to the property owner or that (3) the restrictions would leave the
24 property without any substantial remaining market value or reasonable use.

1 (I) Parking. Pursuant to Table 151 in Article 1.5 of this Code, the residential parking
2 requirement shall be one space for each dwelling unit; provided, however, that the parking
3 requirement may be reduced to not less than one space for each four dwelling units, if the
4 Zoning Administrator determines that the reduced parking requirement is sufficient to serve
5 the reasonably anticipated auto usage by residents and visitors to the project. The procedures
6 and fee for such review shall be the same as those which are applicable to variances, as set
7 forth in Sections 306.1 through 306.5 and 308.2.

8 (J) Adult Entertainment Enterprises. The uses described in Section 221(k) of this
9 Code are not permitted.

10 (9) Reduction of Ground Level Wind Currents.

11 (A) New buildings and additions to existing buildings shall be shaped, or other wind
12 baffling measures shall be adopted, so that the development will not cause year-round ground
13 level wind currents to exceed, more than 10 percent of the time, between 7:00 a.m. and 6:00
14 p.m., the comfort level of 11 m.p.h. equivalent wind speed in areas of pedestrian use and
15 seven m.p.h. equivalent wind speed in public seating areas. When pre-existing ambient wind
16 speeds exceed the comfort levels specified above, the building shall be designed to reduce
17 the ambient wind speeds in efforts to meet the goals of this requirement.

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

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

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

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

7 Section 5. The San Francisco Planning Code is hereby amended by amending Section
8 261.1, to read as follows:

9 SEC. 261.1. ADDITIONAL HEIGHT LIMITS FOR NARROW STREETS AND ALLEYS
10 IN, RTO, NC, NCT, ~~AND~~ EASTERN NEIGHBORHOODS MIXED USE, AND SOUTH OF
11 MARKET MIXED USE DISTRICTS.

12 (a) Purpose. The intimate character of narrow streets (right-of-ways 40 feet in width
13 or narrower) and alleys is an important and unique component of the City and certain
14 neighborhoods in particular. The scale of these streets should be preserved to ensure they do
15 not become overshadowed or overcrowded. Heights along alleys and narrow streets are
16 hereby limited to provide ample sunlight and air, as follows:

17 (b) Definitions.

18 (1) "Narrow Street" shall be defined as a public right of way less than or equal to 40
19 feet in width, or any mid-block passage or alley that is less than 40 feet in width created under
20 the requirements of Section 270.2.

21 (2) "Subject Frontage" shall mean any building frontage in an RTO, NC, NCT or
22 Eastern Neighborhood Mixed Use District that abuts a Narrow Street and that is more than 60
23 feet from an intersection with a street wider than 40 feet.

24 (3) "East-West Narrow Streets" shall mean all Narrow Streets, except those created
25 pursuant to Section 270.2, that are oriented at 45 degrees or less from a true east-west

1 orientation or are otherwise named herein: Elm, Redwood, Ash, Birch, Ivy, Linden, Hickory,
2 Lily, Rose, Laussat, Germania, Clinton Park, Brosnan, Hidalgo, and Alert Streets.

3 (c) Applicability. The controls in this Section shall apply in all RTO, NC, NCT, Eastern
4 Neighborhoods Mixed Use, and South of Market Mixed Use Districts, except in the Western SoMa
5 Planning Area Special Use District.

6 (d) Controls.

7 (1) General Requirement. Except as described below, all subject frontages shall
8 have upper stories set back at least 10 feet at the property line above a height equivalent to
9 1.25 times the width of the abutting narrow street.

10 (2) Southern Side of East-West Streets. All subject frontages on the southerly side
11 of an East-West Narrow Street shall have upper stories which are set back at the property line
12 such that they avoid penetration of a sun access plane defined by an angle of 45 degrees
13 extending from the most directly opposite northerly property line (as illustrated in Figure
14 261.1A.) No part or feature of a building, including but not limited to any feature listed in
15 Sections 260(b), may penetrate the required setback plane.

16 (3) Mid-block Passages. Subject frontages abutting a mid-block passage provided
17 per the requirements of Section 270.2 shall have upper story setbacks as follows:

18 (A) for mid-block passages between 20 and 30 feet in width, a setback of not less
19 than 10 feet above a height of 25 feet.

20 (B) for mid-block passages between 30 and 40 feet in width, a setback of not less
21 than 5 feet above a height of 35 feet.

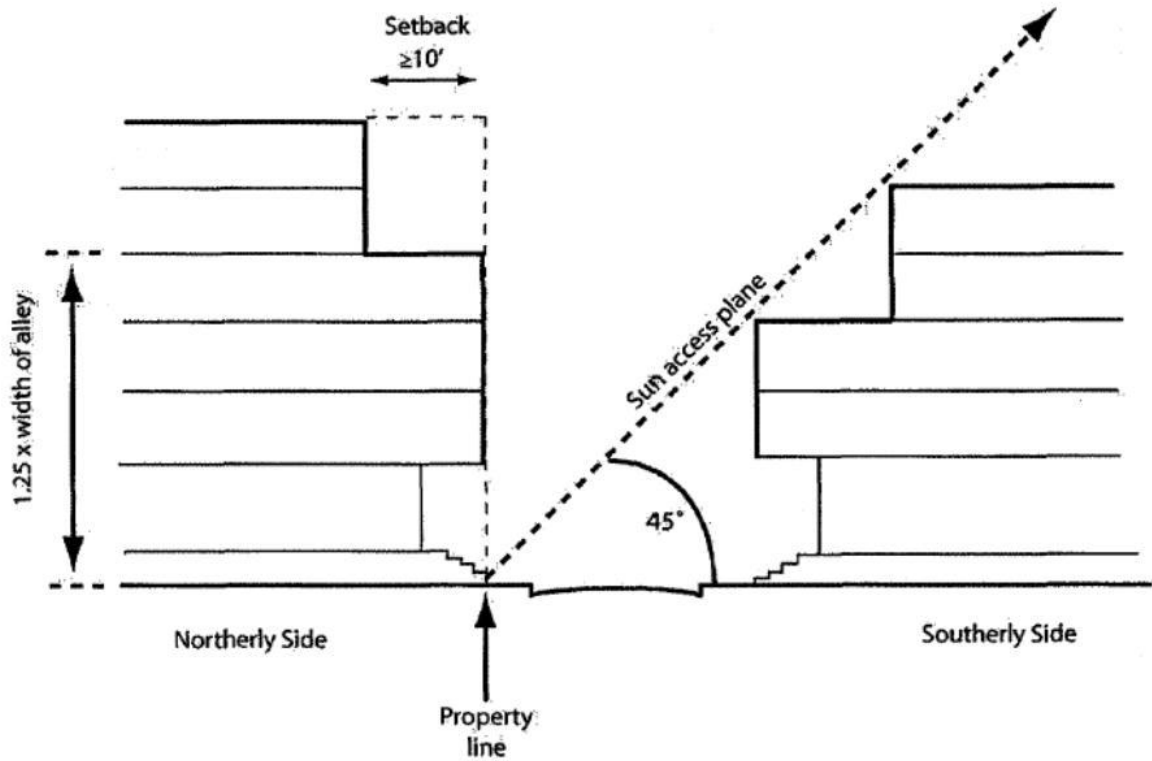


Figure 261.1A

Section 6. The San Francisco Planning Code is hereby amended by amending Section 270.2, to read as follows:

SEC. 270.2. SPECIAL BULK AND OPEN SPACE REQUIREMENT: MID-BLOCK ALLEYS IN LARGE LOT DEVELOPMENT IN THE EASTERN NEIGHBORHOODS MIXED USE, ~~EASTERN NEIGHBORHOODS~~, SOUTH OF MARKET MIXED USE, C-3, C-M, AND DTR DISTRICTS.

(a) Findings. The historically industrial parts of the City, including the South of Market, Showplace Square, Central Waterfront, and Mission, typically have very large blocks. In the South of Market, a typical block is 825 feet in length and 550 feet in width; in Showplace

1 Square and the Central Waterfront blocks extend up to 800 feet in length and greater; and in
2 the Mission many blocks are over 500 feet in length. In areas of the City historically developed
3 as moderate and high-density residential and commercial environments, the block pattern is
4 much smaller, with many alternate and redundant paths of travels, service alleys, and public
5 mid-block pedestrian walkways and stairways: the typical North of Market block is 275 feet in
6 width and not more than 412.5 feet in length, often with minor alleys bisecting these blocks
7 further into smaller increments.

8 Large blocks inhibit pedestrian movement and convenience by significantly lengthening
9 walking distances between points, thereby reducing the ability and likelihood of people to walk
10 between destinations, including reducing access to and likelihood of using transit. Academic
11 studies have shown that the likelihood of people to walk for trips of all purposes, including
12 walking to transit stops, declines substantially above distances as low as 1/5th of a mile, and
13 that the propensity to walk is very elastic for distances of one mile or less and heavily
14 dependent on distance and route barriers (Berman, Journal of American Planning Literature,
15 May 1996). People are generally willing to walk not more than 1/3-mile to access rail transit,
16 and less to access bus transit. In the Eastern Neighborhoods Mixed Use, *South of Market*
17 *Mixed Use, C-M*, and DTR Districts, *and South-of-Market portion of the C-3 Districts*, longer
18 walking distances due to large blocks generally lengthen walking distances by up to 1,000
19 feet or more for even the shortest trips, a major factor in reduced use of transit in these areas.
20 In areas with large blocks, walking distances between destinations can be between 50% and
21 300% longer than for areas with smaller blocks and more route choices (Hess, Places,
22 Summer 1997). In the South of Market area, for example, the distance between destinations
23 for walking trips can be as much as 2.5 times longer than a trip between destinations similarly
24 situated apart north of Market Street. Given equivalent densities and distributions of
25 development, where walking distances are greater due to longer and larger blocks, residents

1 have access to up to 50% fewer destinations (e.g. shops, services, transit) for equal walking
2 distances (Id.). Greater walking distances and fewer route choices also severely degrade
3 accessibility to transit, services, and shops for people with disabilities and the elderly (Kulash,
4 Development, July/August 1990). Because there are fewer pedestrian route choices and
5 people must walk on fewer, more-highly trafficked and busier streets for longer distances, the
6 quality of the pedestrian experience is severely diminished and there are more conflicts with
7 motor vehicles, with corresponding heightened concerns for pedestrian safety on major
8 streets.

9 Large blocks also increase vehicular and service demand on streets. Where there are
10 no secondary streets or service alleys, all vehicular functions (including service loading as
11 well as private vehicular access to off-street parking) are concentrated onto fewer streets,
12 increasing traffic volumes on these streets and creating significant and frequent conflicts with
13 automobile traffic, transit, bicycles, and pedestrian activity.

14 Where industrial uses with low densities of workers and residents remain in place, the
15 condition of large blocks is not a problem. However, where land use changes occur with new
16 development and the intensity and density of residential and employment population are
17 increased by new development, there is thus a significant new need created to improve
18 pedestrian and vehicular circulation by mitigating the size the blocks, providing alternate and
19 redundant paths of travel, and creating a more pedestrian-accessible environment.

20 (b) Purpose. The mid-block alley requirements of this Section are intended to
21 ameliorate the conditions and impacts described in the Findings of subsection (a) above and
22 make the subject areas appropriate for a higher density of activity and population in areas
23 being targeted for more intense development.

24 (c) Applicability. This Section applies to all new construction on parcels that have
25 one or more street frontage_s of over 200 linear feet on a block face longer than 400 feet

1 between intersections, and are in the C-3 Districts, C-M Districts, in South of Market Mixed Use
2 Districts, except in the Western SoMa Planning Area Special Use District, Eastern Neighborhoods
3 Mixed Use Districts, or DTR Districts, except for parcels in the RH DTR District, which are
4 subject to Section 827.

5 (d) Requirements.

6 (1) New construction on lots with greater than 300 linear feet of street frontage shall
7 provide a publicly-accessible mid-block alley for the entire depth of the property, generally
8 located toward the middle of the subject block face, perpendicular to the subject frontage and
9 connecting to any existing streets and alleys. For development lots with frontage on more than
10 one street that exceeds the above dimensions, one such mid-block alley will be required per
11 frontage.

12 (2) For new construction on lots with frontage greater than 200 linear feet but less
13 than 300 feet the project shall provide a publicly-accessible mid-block alley for the entire
14 depth of the property where any of the following criteria are met:

15 (A) There is an opportunity to establish a through-block connection between two
16 existing alleys or streets, or

17 (B) A portion of the subject frontage extends over the central half of the block face,
18 or

19 (C) Where it is deemed necessary by the Planning Department and Commission to
20 introduce alleys to reduce the scale of large development, particularly in areas with a
21 surrounding pattern of alleys.

22 (e) Design and Performance Standards. The alleys provided per subsections (a)
23 and (b) above shall meet the following standards:

- 1 (1) Generally be located as close to the middle portion of the subject block face as
2 possible, perpendicular to the subject frontage and connect to existing adjacent streets and
3 alleys;
- 4 (2) Provide pedestrian access;
- 5 (3) Provide no, limited or full vehicular access, as specific conditions warrant;
- 6 (4) Have a minimum width of 20 feet from building face to building face, exclusive of
7 those obstructions allowed pursuant to Section 136, and a minimum clearance height from
8 grade of 15 feet at all points;
- 9 (5) Have a minimum clear walking width of 10 feet free of any obstructions in the
10 case of a pedestrian-only right-of-way, and dual sidewalks each of not less than 6 feet in width
11 with not less than 4 feet minimum clear walking width in the case of an alley with vehicular
12 access;
- 13 (6) In the Eastern Neighborhoods Mixed Use Districts, be at least 60% open to the
14 sky, including those encroachments permitted in front setbacks by Section 136 of this Code;
- 15 (7) Provide such ingress and egress as will make the area easily accessible to the
16 general public;
- 17 (8) Be protected from uncomfortable wind, as called for elsewhere in this Code;
- 18 (9) Be ungated and publicly accessible 24 hours per day, as defined elsewhere in
19 this Section;
- 20 (10) Be provided with appropriate paving, furniture, and other amenities that
21 encourage pedestrian use, and be landscaped to greatest extent feasible;
- 22 (11) Be provided with ample pedestrian lighting to ensure pedestrian comfort and
23 safety;
- 24 (12) Be free of any changes in grade or steps not required by the underlying natural
25 topography and average grade; and

1 (13) Be fronted by active ground floor uses, as defined in Section 145.1, to the extent
2 feasible.

3 (14) New buildings abutting mid-block alleys provided pursuant to this Section 270.2
4 shall feature upper story setbacks according to the provisions of Section 261.1.

5 (f) Maintenance. Mid-block paths and alleys required under this Section shall be
6 maintained at no public expense. The owner of the property on which the alley is located shall
7 maintain it by keeping the area clean and free of litter and by keeping it in an acceptable state
8 of repair. Conditions intended to assure continued maintenance of the right-of-way for the
9 actual lifetime of the building giving rise to the open space requirement may be imposed in
10 accordance with the provisions of Section 309.1 for DTR or 329 for Eastern Neighborhoods
11 Mixed Use Districts.

12 (g) Informational Plaque. Prior to issuance of a permit of occupancy, a plaque shall
13 be placed in a publicly conspicuous location for pedestrian viewing. The plaque shall state the
14 right of the public to pass through the alley and stating the name and address of the owner or
15 owner's agent responsible for maintenance. The plaque shall be of no less than 24 inches by
16 36 inches in size.

17 (h) Property owners providing a pathway or alley under this section will hold
18 harmless the City and County of San Francisco, its officers, agents and employees, from any
19 damage or injury caused by the design, construction or maintenance of the right-of-way, and
20 are solely liable for any damage or loss occasioned by any act or neglect in respect to the
21 design, construction or maintenance of the right-of-way.

22 (i) Any non-vehicular portions of such a pathway or alley, including sidewalks or
23 other walking areas, seating areas, or landscaping, may count toward any open space
24 requirements of this Code which permit publicly-accessible open space, provided that such
25 space meets the standards of Section 135. *In C-3 Districts, the non-vehicular portions of such a*

1 pathway or alley may count towards the open space requirements of Section 138 of this Code, so long
2 as the pathway or alley is located at street grade and meets the requirements of Section 138 and of this
3 Section.

4
5 APPROVED AS TO FORM:
6 DENNIS J. HERRERA, City Attorney

7 By: _____
8 JUDITH A. BOYAJIAN
9 Deputy City Attorney