

REVISED LEGISLATIVE DIGEST

[Planning Code - Zoning - Establishing Consistent Setback, Street Frontage, Off-Street Parking, and Other Planning Code Requirements and Procedures Across Various Use Districts]

Ordinance amending the San Francisco Planning Code by amending Sections 124, 132.2, 136, 144, 145, 145.1, 145.5, 150, 151.1, 155, 161, 186, 206.3, 209.8, 210.3, 212, 231, 243, 253, 253.2 and 307, and by repealing Sections 175.1, 175.2, 175.3, 175.4, 175.5, 209.10, and 249.26 to (1) create comprehensive and consistent street frontage controls for residential districts, (2) create consistent ground floor controls for industrial districts, (3) permit certain small corner commercial uses in RM-3 and RM-4 districts, (4) modify floor area ratio controls in the Van Ness Special Use District, (5) modify conditional use requirements for buildings over 40 feet in RM and RC districts, (6) amend the procedure for granting exceptions from off-street parking and loading requirements, (7) allow parking and loading exceptions to preserve historic buildings and landmark trees, (8) make certain Planning Code controls consistent across C-3 Districts, and (9) streamline Code language and correct out-of-date references; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Existing Law

Planning Code Section 124 sets basic floor area ratio (FAR) limits in most zoning districts, and provides for exceptions in certain districts. Section 136 regulates obstructions over streets and alleys and in required setbacks, yards, and useable open space.

Section 132.2 establishes the North of Market Residential Special Use District ("SUD"). Section 243 establishes the Van Ness SUD.

Sections 144, 145, 145.1, and 145.5 regulate street frontage and ground-floor requirements in specified zoning districts to ensure that they are attractive, pedestrian-oriented, and compatible with existing buildings. Section 144 limits the amount of frontage used for parking entrances and requires a percentage of the ground story of dwellings to be devoted to windows, entrances, landscaping, and other architectural features. Section 145 imposes controls on parking and loading entrances, and requires building heights and walls to be stepped and otherwise moderated. Section 145.1 establishes ground floor ceiling height, limits the amount of frontage used for off-street parking and loading entrances, and requires "active uses" on the ground floor and other features (such as gates, transparency and fenestration) for street-fronting spaces. Section 145.5 establishes a minimum ceiling height for ground floor spaces in new buildings constructed in PDR Districts.

Sections 150, 151.1, 155, and 161 establish off-street parking and loading requirements for all zoning districts and establish general standards as to location and arrangement of off-street parking, freight loading, and service vehicle facilities. Section 155 also regulates garage entries, driveways or other vehicular access to off-street parking or loading on development lots on the frontages of specified streets in order to preserve the pedestrian character of downtown and neighborhood commercial districts and to minimize delays to transit service.

Sections 175.1, 175.2, 175.3, and 175.4 were adopted in 1985; they provide for an orderly transition from prior zoning to implementation of the Downtown Plan by grandfathering certain pipeline projects and Redevelopment Project Areas from specific provisions of the Planning Code. Section 175.5, adopted in 1987, provides for a similar transition to Neighborhood Commercial rezoning. Section 249.26 establishes a Downtown Housing Demonstration SUD on an 11,000 square foot lot at the corner of Market Street, Kearny Street, and Geary Avenue to demonstrate the effects of reducing the constraints placed on residential housing in the Downtown Core; this SUD sunsetted in 2008.

Section 186 regulates existing non-conforming commercial uses in Residential Districts.

Section 206.3 describes four Residential-Commercial (RC) Districts. Section 209.8 establishes controls for Commercial Establishments in specified zoning districts. Section 209.10 conditionally permits formula retail uses along Van Ness Avenue from Golden Gate Avenue to Chestnut Street. Section 210.3 describes four Downtown Commercial (C-3) Districts. Section 212 establishes additional requirements for some permitted uses in certain Commercial and Industrial Districts. Section 231 establishes controls on the location, permitted uses, size, parking, and operation of corner stores in RTO zoning districts.

Section 253 requires conditional use authorization for buildings over 40 feet in Residential Districts other than RTO Districts. Section 253.2 describes building setbacks which the Planning Commission may require for buildings exceeding 40 feet along certain streets in the Van Ness SUD.

Section 307 sets forth certain powers and duties of the Zoning Administrator, including the authority to grant administratively exceptions from specific Code requirements such as off-street parking requirements.

Amendments to Current Law

The proposed Ordinance seeks to achieve more consistency in how the City controls street frontages. It takes certain provisions that have been tested and approved for recent plan areas and extends these controls to additional zoning districts. Among other things, the legislation would (1) create comprehensive and consistent street frontage controls for residential districts, (2) create consistent ground floor controls for industrial districts, (3) permit certain small corner commercial uses in RM-3 and RM-4 districts, (4) modify floor area ratio controls in the Van Ness SUD, (5) modify conditional use requirements for buildings over 40

feet in RM and RC districts, (6) amend the procedure for granting exceptions from off-street parking and loading requirements, (7) allow parking and loading exceptions to preserve historic buildings and landmark trees, (8) make certain Planning Code controls consistent across C-3 Districts, and (9) streamline Code language and correct out-of-date references.

Specifically, Planning Code Section 124 is amended to remove the FAR exemption for nonaccessory parking in NC districts and slightly increase the FAR limit in the Van Ness Special Use District to match the limit for other RC-4 districts.

Section 132.2 is amended to raise the potential setback requirement height in the North of Market Residential SUD to 50 feet and adds alleys to the list of street frontages that must comply with setback and ground floor design standards. Section 136 is amended to conform the language to the amendments made to other Code sections.

Section 144 is amended to extend street frontage controls similar to those which exist for RTO districts to additional RH and RM districts. The maximum amount of street frontage used for off-street parking ingress/egress is set at one-third, although a garage entrance of at least 10 feet is permitted on all street frontages; individual garage entrances cannot exceed 20 feet in width. Street-facing garage structures and garage doors may not extend closer to the street than a primary building facade unless they are consistent with Section 136 controls; garage entrances must be located at least six feet from a lot corner located at the intersection of two public rights-of-way. The exception for upsloping or downsloping lots is extended to all RM Districts, and allows for modification or waiver of the requirements.

Section 145 is renumbered as Section 144.1 and a new Section 145 is added as an introduction to the subsequent sections. Section 145.1 is amended to (1) require level floors and a minimum ceiling height for parking at or above the ground floor in C-3 districts to ensure that new parking can be converted to other uses in the future, and to include language from a 2009 Zoning Administrator interpretation and (2) impose the same controls on street-facing garage structures and garage doors that were added to Section 144. Removable parking ramps are excluded from these requirements. Section 145.5 is expanded to include all industrial districts and amended to provide that in existing buildings, a minimum clear ceiling height of 15 feet shall be retained where currently existing; any building permit that seeks to reduce the clear ceiling height to less than 15 feet requires a variance.

Section 150 is amended to refer to walking, cycling, public transit, and movement of goods and to delete the provision authorizing the Planning Commission to require additional off-street parking and loading when authorizing a conditional use; the definition of "major addition" is amended to increase the number of off-street parking spaces from one to two. The Table in Section 151.1 is amended to provide that a retail grocery store with over 20,000 gross square feet in NCT districts, which has a specific parking requirement, is not subject to the requirement for non-residential uses. Section 155 is amended to provide that parking located at or above the ground level in C-3 districts must conform to the street frontage requirements of Section 145.1.

Section 161 is amended to authorize the Zoning Administrator, rather than the Department or the Commission, to reduce administratively the off-street parking requirements in the Waterfront SUDs, NC and RC Districts. There will be no minimum parking requirements in the North of Market NCD or parking and loading requirements for certain historic buildings. This authority to reduce or waive parking requirements is extended to protect landmark or significant trees. Criteria for the Zoning Administrator or Planning Commission to consider when reducing or modifying off-street parking requirements has been added to Section 307.

Section 186 is amended to apply its requirements to RH, RM, RTO, and RED Districts. Formula Retail will require a conditional use. Section 145.1's requirements for transparency and fenestration and for gates, railings and grillwork would apply to Limited Commercial Uses (LCUs) and awnings would be allowed for LCUs that comply with the awning controls used for NC-1 Districts.

Section 206.3 is amended to delete the RC-1 and RC-2 District categories, which are no longer in use, and to remove the reference to C-2 Districts. Section 209.8 is amended to delete the RC-1 and RC-2 District categories and to fine-tune the retail, personal service, or other commercial uses that are allowed in the RC-3 and RC-4 Districts. Specifically, commercial uses would be subject to NC-3 rather than NC controls, Formula Retail and a nonresidential use that exceeds 6000 gross square feet are conditionally permitted, a liquor store is principally permitted on the ground floor unless otherwise specified in the Code, a drive-up facility is not permitted, a walk-up facility is principally permitted if recessed and conditionally permitted if not recessed, and an outdoor activity area is principally permitted on the ground floor if in front and conditionally permitted if elsewhere.

Section 210.3 is amended to update the description of the C-3-S District. Section 212 is amended to add a purpose section for the ground-floor commercial frontage requirement in C-3 Districts, and to extend the ground level active commercial use requirements on building frontages in C-3-R Districts to include Destination Alleyway street frontage (as defined in the Downtown Streetscape Plan) and along any street frontage facing Market Street except for the Van Ness and Market Downtown Residential SUD. Section 231 is amended to allow limited commercial uses in dense residential districts, and updates street frontage and awning controls.

Section 243 is amended to conform the language to the amendments made to Section 124 for the Van Ness SUD and to remove the controls for small self-service restaurants, large fast-food restaurants, and drive-up facilities, which are superseded by the amendments to Section 209.8.

Sections 253 and 253.2 are amended to increase the height of a building which can be built without conditional use from 40 feet to 50 feet in RM and RC Districts; buildings over 40 feet in height in RC and RM Districts with more than 50 feet of street frontage on the front facade would require a conditional use. In the Van Ness SUD, the permitted bulk and required

setbacks of a building must be arranged to include consideration of sunlight to narrow streets and alleys.

Section 307 is amended to add criteria for the Zoning Administrator or Planning Commission to use when considering a request to reduce off-street parking requirements.

Sections 175.1, 175.2, 175.3, 175.4, 175.5, 209.10, and 249.26 are repealed as obsolete.

Background Information

In April 2010, the Board passed Ordinance No. 85-10, which amended several sections of the Planning Code to create a comprehensive and consistent set of street frontage controls for most use districts in San Francisco that allow a mix of uses. The goal of that legislation was to provide more consistency in the Planning Code by extending controls across use districts of a similar type and to simplify the Code by consolidating and harmonizing varying Code requirements governing certain building features. This ordinance proposes additional amendments to the Planning Code that would further this goal.

Since most of San Francisco developed before the widespread use of the automobile and before the existence of Planning Codes that geographically segregated land uses, many San Francisco neighborhoods have a dense, walkable character, with a mix of primary uses. The Planning Code includes a number of use districts that allow a mix of uses, and these use districts have changed and multiplied over time. The General Plan, in its Urban Design and Transportation Elements, strongly emphasizes the importance of active, human-scaled, and pedestrian-oriented building fronts, and of maintaining neighborhood character. Recently created zoning districts, like the RTO and PDR districts, sought to codify these policies into zoning controls. This Ordinance seeks to further the goals of the General Plan by expanding these controls to older use districts that permit similar uses.