

FILE NO. 071002

ORDINANCE NO. 68-08

[Laguna, Haight, Buchanan and Hermann Streets Special Use District]

Ordinance approving the Laguna, Haight, Buchanan, and Hermann Streets Special Use District (SUD) by amending the San Francisco Planning Code by adding Section 249.32 to create a new SUD bounded by Laguna, Haight, Buchanan and Hermann Streets (Assessor's Blocks 857 and portions of Assessor's Block 870) to permit a mixed-use project at the former UC Berkeley Extension property; and adopting findings, including findings under the California Environmental Quality Act.

Note: Additions are single-underline italics Times New Roman;
deletions are ~~strikethrough 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

(a) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. 17535, and incorporates such reasons herein by reference. A copy of said Planning Commission Resolution is on file with the Clerk of the Board of Supervisors in File No. 071002.

(b) The Board of Supervisors finds that this ordinance is in conformity with the General Plan, amended in the companion legislation, and the Priority Policies of Planning Code Section 101.1 for the reasons set forth in Planning Commission Resolution No. 17535, and hereby incorporates those reasons by reference.

(c) 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

1 Board of Supervisors in File No. 071002 and is incorporated herein by
2 reference. In addition, the Board of Supervisors adopts additional findings under the
3 California Environmental Quality Act, found as Exhibit F "California Environmental Quality Act
4 Findings," on file with the Clerk of the Board of Supervisors in File 071002, and which are
5 incorporated herein by reference.

6 Section 2: The San Francisco Planning Code is hereby amended by adding Section
7 249.32, to read as follows:

8 **SEC. 249.32 LAGUNA, HAIGHT, BUCHANAN AND HERMANN STREETS SPECIAL**
9 **USE DISTRICT.**

10 (a) Purpose. In order to facilitate the development of a mixed-use project including
11 affordable and market-rate rental and ownership dwelling units, affordable senior dwelling
12 units welcoming to the lesbian, gay, bisexual and transgender (LGBT) senior community,
13 community facilities, open space and retail services generally consistent with the policies of
14 the Market and Octavia Area Plan, approved by the Board of Supervisors on October 24,
15 2007 (the "Area Plan"), there shall be the Laguna, Haight, Buchanan and Hermann Streets
16 Special Use District, applicable to the two RM-3 and NC-3 zoned blocks bounded by Laguna,
17 Haight, Buchanan and Hermann Streets, consisting of Assessor's Blocks 857 and portions of
18 Assessor's Block 870. The following provisions shall apply within the Special Use District:

19 (b) Applicability. The provisions of this Special Use District shall only apply to
20 projects which require conditional use authorization under Section 303 of this Code. In
21 considering the appropriateness of conditional use authorization within the Special Use
22 District, the Commission shall, in addition to the factors required by Section 303, consider the
23 following factors:
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1 (1) Parking: Consistent with the Area Plan, there shall be no minimum
2 number of off-street parking spaces required for any use within the Special Use District.
3 There shall be no more than 0.75 off-street parking space per unit, including dwelling units,
4 senior dwelling units, which parking spaces may be located anywhere in the Special Use
5 District. In addition, up to ~~36~~ 51 replacement parking spaces may be provided in the Special
6 Use District for the existing dental clinic located on Assessor's Block 870, Lot 3, provided that
7 15 of such spaces should be subject to a parking rate structure to encourage short-term use,
8 and that the Project Sponsor AF Evans, or its successor, should use good faith efforts to
9 agree with the owner of the dental clinic that any after tax revenue from such parking spaces
10 should be used to support the indoor community facility; and provided that the owner of the
11 dental clinic, within five years from the effective date of this ordinance, submits a plan
12 consistent with Planning Code Section 304.5, for reuse of the dental clinic. The minimum
13 number of parking spaces required for any commercial or community facility use set forth in
14 Section 151 of this Code shall instead be the maximum number of spaces that can be
15 provided for such commercial and community facility uses.
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18 (2) Off-street Parking Standards. The off-street parking standards for both
19 residential and non-residential parking spaces set forth in the Area Plan shall be generally
20 applied, including: (i) that no more than 20 feet per block frontage of any building may be
21 devoted to off-street parking ingress and egress, and such ingress and egress is not located
22 on a Transit Preferential Street, Citywide Pedestrian Network or designated Neighborhood
23 Commercial Street where an alternative frontage exists; (ii) that off-street parking at or above
24 the ground floor be set back at least 25 feet from any street exceeding a width of 30 feet and
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1 that active uses be provided along such street frontages within the required setback; (iii) that
2 vehicle movement on or around the project does not unduly impact pedestrian spaces or
3 movement, transit service, bicycle movement, or the overall traffic movement in the district;
4 (iv) that accommodating off-street parking does not degrade the overall urban design quality
5 of the project; (v) that parking does not diminish the quality and viability of existing or planned
6 streetscape enhancements; (vi) that for residential projects of 50 units or more, all residential
7 accessory parking in excess of 0.5 spaces per unit is stored and accessed by mechanical
8 stackers or lifts, valet, or other space-efficient means that reduces space used for parking and
9 maneuvering, maximizes other uses, and discourages the use of vehicles for commuting for
10 daily errands; (vii) that projects that provide 10 or more spaces for non-residential uses
11 dedicate 5% of those spaces, rounded down, to short-term, transient use by vehicles from
12 certified car sharing organizations per Section 166, vanpool, rideshare, taxis, or other co-
13 operative auto programs; (viii) that retail uses larger than 20,000 square feet which sell
14 merchandise that is bulky or difficult to carry by hand or by public transit offer door-to-door
15 delivery services and/or shuttle service; (ix) that car share parking spaces be offered in at
16 least the minimum amounts set forth in Planning Code 166; (x) that accessory non-residential
17 parking spaces be available to the general public from the hours of 76:00 p.m. to 78:00 a.m.
18 Monday through Friday, and at all times on Saturday and Sunday; and (xi) that parking
19 spaces be leased or sold separately from the rental or purchase price of units.

20 (3) Loading. The minimum number of loading spaces required for any use
21 as set forth in Section 152 of this Code shall instead be the maximum number of spaces that
22 can be provided.

23 (4) Residential Density. The base residential density limits of the underlying
24 zoning as set forth in Sections 209 and 712 shall apply. For a project that exceeds those
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1 base density limits through a Section 304 planned unit development authorization, the policy
2 of the Area Plan that 40% of on-site family units be two or more bedroom units shall apply.

3 (5) Impact Fees or In-Kind Provision of Community Infrastructure. The
4 Planning Commission shall consider imposition of a community infrastructure impact fees or
5 accept in lieu the in kind provision of community infrastructure improvements generally
6 consistent with the priorities set forth in the Area Plan, including publicly accessible open
7 space in excess of the residential open space requirements of this Code and an indoor
8 community facility, of a value comparable to the Area Plan policies. In the event the Planning
9 Commission does not accept in lieu the in kind provision of publicly accessible open space in
10 excess of the residential open space requirements of this Code or an indoor community
11 facility, such in kind open space and community facilities shall not otherwise be required to be
12 provided by a project in the Special Use District. Should impact fees, rather than in kind
13 provision of infrastructure improvements, be provided in whole or part, such fees shall be
14 deposited in the Market & Octavia Community Improvements Fund as proposed to be
15 established by the Area Plan. Fees deposited in the Market & Octavia Community
16 Improvements Fund, as proposed to be established by the Area Plan, may be used to support
17 the indoor community facility.

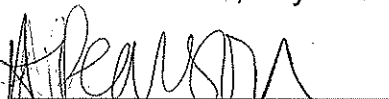
18 (c) Affordable Housing. Should the percentage of family and senior dwelling units
19 in a project in the Special Use District proposed to be affordable to households of low- or
20 moderate-income meet or exceed thirty-five percent (35%) of the total number of dwelling
21 units in the project, the proposed amendments to Section 315.4(a)(1)(A), which can be found
22 in Board of Supervisors File Nos. 071156 and 080255, imposing an additional affordable
23 housing fee in the Market and Octavia Plan Area, shall not apply.
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1 (d) Waller Street. The project sponsor shall gain approval for the use of Waller
2 Street from the Board of Supervisors prior to issuance of a building or site permit.

3 (e) Expiration. If a site or building permit has not been issued and construction
4 commenced on the mixed-use project described above, the provisions of this Special Use
5 District shall expire 5 years from the effective date of this legislation.

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

8 By:


9 Audrey Williams Pearson
Deputy City Attorney



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 071002

Date Passed:

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March 4, 2008 Board of Supervisors — SUBSTITUTED

March 18, 2008 Board of Supervisors — SUBSTITUTED

April 8, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick,
Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

April 15, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick,
Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

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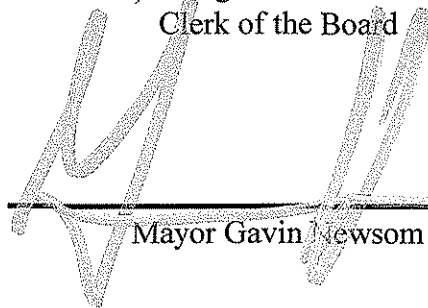
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on April 15, 2008 by
the Board of Supervisors of the City and
County of San Francisco.



for Angela Calvillo
Clerk of the Board

4.17.08

Date Approved



Mayor Gavin Newsom