

[Planning Code - Office Conversion Controls In Landmark Buildings]

1
2 **Ordinance amending the Planning Code to place vertical controls on the conversion of**
3 **designated landmark buildings to office use in Production Distribution and Repair -**
4 **Design (PDR-1-D) and Production Distribution and Repair - General (PDR-1-G) Districts;**
5 **to require that projects seeking office space in landmark buildings in PDR-1-D and**
6 **PDR-1-G Districts receive a conditional use authorization from the Planning**
7 **Commission; to establish requirements for those projects to receive conditional use**
8 **authorization; and making environmental findings, and findings of consistency with**
9 **the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

10 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
11 **Additions to Codes** are in *single-underline italics Times New Roman font*.
12 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
13 **Board amendment additions** are in double-underlined Arial font.
14 **Board amendment deletions** are in ~~strikethrough Arial font~~.
15 **Asterisks (* * * *)** indicate the omission of unchanged Code
16 subsections or parts of tables.

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

18 Section 1.

19 (a) The Planning Department has determined that the actions contemplated in this
20 ordinance comply with the California Environmental Quality Act (California Public Resources
21 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
22 Supervisors in File No. 14086 and is incorporated herein by reference. The Board of
23 Supervisors hereby affirms this determination.

24 (b) On October 2, 2014 _____, the Planning Commission, in Resolution No.
25 19251 _____, adopted findings that the actions contemplated in this ordinance are
consistent, on balance, with the City's General Plan and eight priority policies of Planning

1 Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution
 2 is on file with the Clerk of the Board of Supervisors in File No. 140876_____, and is
 3 incorporated herein by reference.

4
 5 Section 2. The Planning Code is hereby amended by revising Section 219 and adding
 6 Section 219.2, to read as follows:

7 **SEC. 219. OFFICES.**

C-1	C-2	C-3-O	C-3-O (SD)	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	PDR-1-G	PDR-1-D	PDR-1-B	PDR-2	
														SEC. 219. OFFICES. (a) Professional and business offices, as defined in 890.70, not more than 5,000 gross square feet in size and offering on-site services to the general public. (b) Professional and business offices, as defined in 890.70, larger than 5,000 gross square feet in size and
P	P	P	P	P	P	P	P	P	P	NP, unless in a designated landmark building. <u>PC</u> in designated landmark buildings. <u>subject to Section 803.9(h).</u>	NP, unless in a designated landmark building. <u>PC</u> in designated landmark buildings. <u>subject to Section 803.9(h).</u>	P*#	P*#	
P	P	P	P	C	P	P	P	P	P	NP, unless in a designated landmark building. <u>PC</u> in designated landmark	NP, unless in a designated landmark building. <u>PC</u> in designated landmark			

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

										build-ings, subject to Section 803.9(h).	build-ings, subject to Section 803.9(h).			offering on-site services to the general public.
P	P	P	P	C	P	P	P	P	P	NP, unless in a designated land-mark building. PC in designated land-mark build-ings, subject to Section 803.9(h).	NP, unless in a designated land-mark building. PC in designated land-mark build-ings, subject to Section 803.9(h).	P under 5,000 gsf*#	P under 5,000 gsf*#	(c) Other professional and business offices, as defined in 890.70, above the ground floor. In the C-3-R District, in addition to the criteria set forth in Section 303, approval shall be given upon a determination that the use will not detract from the district's primary function as an area for comparison shopper retailing and direct consumer services.
P	P	C	C		C	C	P	P	P	NP, unless in a designated land-mark building. PC in designated land-mark	NP, unless in a designated land-mark building. PC in designated land-mark	P under 5,000 gsf*#	P under 5,000 gsf*#	(d) Other professional and business offices, as defined in 890.70, at or below the ground floor.

										build-ings ₂ <i>subject to</i> <i>Section</i> <i>803.9(h).</i>	build-ings ₂ <i>subject to</i> <i>Section</i> <i>803.9(h).</i>			
														Subject to limitations of Section 121.8

SECTION 219.2. OFFICE IN LANDMARK BUILDINGS IN THE PDR-1-D AND PDR-1-G DISTRICTS.

In order for a proposed project to receive a Conditional Use Authorization for the provision of office space in landmark buildings in the PDR-1-D and PDR-1-G Districts:

(a) The applicant must submit a Historic Structures Report (HSR) to the Planning Department.

_____ (1) The scope of the HSR will be developed in consultation with Planning Department Staff.

_____ (2) The HSR must be prepared by a licensed historic architect who meets the Secretary of the Interior’s Professional Qualification Standards.

(b) The Historic Preservation Commission shall review the HSR for the proposed project’s ability to enhance the feasibility of preserving the building.

(c) The Historic Preservation Commission shall review the proposal, including any proposed work related to the change in use, for its compliance with the Secretary of the Interior’s Standards (36 C.F.R. §67.7 (2001)).

(d) The Planning Commission shall consider the following Conditional Use criteria, in addition to the criteria set forth in Section 303(c) and (d):

_____ (1) The Historic Preservation Commission’s assessment of the proposed project’s ability to enhance the feasibility of preserving the building:

1 (2) The Historic Preservation Commission’s assessment of the proposed
2 project’s compliance with the Secretary of the Interior’s Standards;

3 (3) The economic need for the improvements relative to preservation of the
4 building;

5 (4) The ability for the office tenants to be physically compatible with the PDR
6 tenants;

7 (5) The relocation strategy for any displaced PDR tenants; and

8 (6) The impact of the proposed change on the surrounding community.

9
10 Section 3. The Planning Code is hereby amended by revising Section 803.9(h), to
11 read as follows:

12 **SEC. 803.9. COMMERCIAL USES IN MIXED USE DISTRICTS.**

13 * * * *

14 **(h) Vertical Controls for Office Uses.**

15 (1) **Purpose.** In order to preserve ground floor space for production,
16 distribution, and repair uses and to allow the preservation and enhancement of a diverse mix
17 of land uses, including limited amounts of office space on upper stories, additional vertical
18 zoning controls shall govern office uses as set forth in this Section.

19 (2) **Applicability.** This Section shall apply to all office uses in the MUG and
20 UMU Districts and all office uses in buildings in the PDR-1-D and PDR-1-G Districts that are
21 designated as landmarks pursuant to Section 10 of the Planning Code, where permitted.

22 (3) **Definitions.** Office use shall be as defined in Section 890.70 of this Code.

23 (4) **Controls.**

24 (A) **Designated Office Story or Stories.** Office uses are not permitted
25 on the ground floor, except as specified in Sections 840.65A and 843.65A. Office uses may

1 be permitted on stories above the ground floor if they are designated as office stories. On any
2 designated office story, office uses are permitted, subject to any applicable use size
3 limitations. On any story not designated as an office story, office uses are not permitted.
4 When an office use is permitted on the ground floor per Sections 840.65A and 843.65A, it
5 shall not be considered a designated office story for the purposes of Subsection (h)(4)(D)
6 below.

7 (B) **Timing of Designation.** In the case of new construction, any
8 designated office story or stories shall be established prior to the issuance of a first building
9 permit or along with any associated Planning Commission action, whichever occurs first. In
10 the case of buildings that were constructed prior to the effective date of this Section, any such
11 story or stories shall be designated prior to the issuance of any building permit for new or
12 expanded office uses or along with any associated Planning Commission action, whichever
13 occurs first.

14 (C) **Recordation of Designation.** Notice of the designation of office
15 stories shall be recorded as a restriction on the deed of the property along with plans clearly
16 depicting the designated story or stories in relation to the balance of the building. A
17 designated office story may only be re-allocated when the designated office story is first
18 returned to a permitted non-office use and associated building modifications to the designated
19 office story are verified by the Zoning Administrator.

20 (D) **Maximum Number of Designated Stories.** The maximum number
21 of designated office stories shall correspond to the total number of stories in a given building,
22 as set forth in the table below. The designation of a particular story shall apply to the total floor
23 area of that story and no partial designation, split designation, or other such subdivision of
24 designated floors shall be permitted. For the purposes of the following table, the total number
25

1 of stories in a given building shall be counted from grade level at curb and shall exclude any
2 basements or below-grade stories.

3 **Table 803.9(h)**

Total Number of Stories	Maximum Number of Designated Office Stories
1-story	0 stories (office use NP)
2 - 4 stories	1-story
5 - 7 stories	2-stories
8 or more stories	3-stories

10 (E) For projects *in MUG and UMU Districts* with multiple buildings,
11 consolidation of permitted office stories may be permitted, pursuant to the controls set forth in
12 329(d)(8).

13 * * * *

14 Section 4. Effective Date. This ordinance shall become effective 30 days after
15 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
16 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
17 of Supervisors overrides the Mayor’s veto of the ordinance.

18
19 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
20 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
21 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
22 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
23
24 additions, and Board amendment deletions in accordance with the “Note” that appears under
25 the official title of the ordinance.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

By: _____
VICTORIA WONG
Deputy City Attorney

n:\legana\as2014\1400578\00983548.doc