



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Resolution No. 19280

HEARING DATE: NOVEMBER 20, 2014

*Project Name:* Article 2 Simplification and Definition Consolidation  
*Case Number:* 2013.0647T  
*Initiated by:* Planning Department  
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*Reviewed by:* AnMarie Rodgers, Senior Policy Advisor  
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*Recommendation:* Approval with Modifications

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**RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE WITH MODIFICATIONS THAT WOULD AMEND THE PLANNING CODE TO CONSOLIDATE DEFINITIONS INTO SECTION 102, REORGANIZE ARTICLE 2 TO CREATE ZONING CONTROL TABLES, AND MAKE NONSUBSTANTIVE CHANGES TO VARIOUS SECTIONS IN ARTICLES 1, 2, 3, 4, 6, 7 AND 8 IN ORDER TO UPDATE, CLARIFY, AND SIMPLIFY CODE LANGUAGE; AFFIRMING THE PLANNING DEPARTMENT'S CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION AND MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE SECTION 101.1.**

### PREAMBLE

WHEREAS, until 1986, development standards and general definitions were located in Article 1 of the Planning Code, and use definitions and use controls were located in Article 2 of the Planning Code; and

WHEREAS, in 1986, Article 7 was added to the Planning Code to regulate the City's Neighborhood Commercial Districts, which came with their own set of controls, use definitions and organizational structure; and

WHEREAS, a few years after Article 7 was added, Article 8 was added to the Planning Code to regulate the City's South of Market Street Mixed Use Districts and Chinatown Mixed Use Districts, which also came with its own set of controls, use definitions and organizational structure; and

WHEREAS, the addition of these new sections and new set of use definitions made the Planning Code more complicated and inconsistent, and its provisions more difficult to implement and enforce; and

WHEREAS, there is a need to rethink how the Planning Code is organized in order to make it more user-friendly; and

WHEREAS, the proposed legislation is intended to resolve the aforementioned issues; and

WHEREAS, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on October 23, 2014; and

WHEREAS, this Ordinance is not defined as a project under CEQA Guidelines Sections 15378 and 1506(c)(2) because it does not result in a physical change in the environment; and

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 on behalf of 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:

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors **approve with modifications** the proposed ordinance. Specifically, the Commission recommends the following modifications:

1. Adopt modifications listed below:

- a) **Page 132, line 6:** Section 202.1(a), add the following text to the end of the paragraph in Section 202.1(a):
  - o Each of the Zoning Control Tables contains a brief summary of, and reference guide to, the specific rules that appear elsewhere in this Planning Code. To the extent of any inconsistency between a Table and the relevant governing sections, the latter shall control.
- b) **Page 175 Lines 6-10:** Table 209.1, Zoning Control Table for RH Districts, height requirements for RH-1, RH-2 and RH-3. Modify the text as follows:
  - o **RH-1 Height Limits:** Buildings may not be taller than 35 feet. Per § 261 the height limit may be decreased or increased based on the slope of the lot topography.
  - o **RH-2 Height Limits:** Buildings may not be taller than 40 feet. Per § 261 the height limit may be decreased based on the slope of the lot topography.
  - o **RH-3 Height Limit:** Varies, but generally 40 feet. See Height and Bulk Map for more information.
- c) **Tables 209.1, 209.2, 209.3 and 209.4:** Zoning Control Tables for RH, RM, RC and RTO Districts, Miscellaneous Section. Add a new row titled "Residential Design Guidelines." In the "§ Reference" column add "§311 and Residential Design Guidelines". In the following control columns add the following text:

- o *Subject to the Residential Design Guidelines. Other design guidelines that have been approved by the Planning Commission may also apply.*
  - d) **Page 7, Line 4:** Section 102, amend the definition for Bedroom as follows:
    - o **Bedroom.** A room primarily used for sleeping that meets the minimum requirements ~~Accommodation room as defined~~ in the Building Code for sleeping rooms.
  - e) **Page 9, Line 2:** Section 102, amend the definition of Commercial Use as follows:
    - o **Commercial Use.** A land use with the sole or chief emphasis on making ~~a profit~~ financial gain including but not limited to Agricultural Uses, Industrial Uses, Sales and Service Uses, Retail Entertainment Uses, and Auto Uses.
  - f) **Page 27, line 24:** Section 102, remove the definition of Household and add it back to Section 401.
  - g) **Page 46, Line 23:** Section 102, modify the definition of Residential Use as follows:
    - o **Residential Use.** A Use Category consisting of uses that provide housing for San Francisco residents, rather than visitors, including Dwelling Units, Group Housing, Residential Hotels, and Senior Housing, and for the purposes of Article 4 only any residential components of Institutional Uses. Single Room Occupancy and Student Housing designations are consider characteristics of certain Residential Uses.
  - h) **Page 182 Lines 21-23:** RM Zoning Control Table, Residential Use Section, Residential Density, Group Housing. Update the controls for each RM district as follows:
    - o P (7), Up to one bedroom for every.....At the end of the RM Zoning Control Table add the following new foot note:
    - o (7) C required if the Group Housing is affiliated with and operated by a Hospital or an Institutional Educational Use as defined in Section 102.
2. Allow Staff to continue to find and fix typos, incorrect or missing references and other non-substantive changes in order to maintain consistency with existing Planning Code controls in consultation with the City Attorney's office.
  3. Reconcile the proposed Ordinance with recently adopted ordinances, including but not limited to:
    - a. Board File 120796: Divisadero Street NCD
    - b. Board File 120814: Fillmore Street NCD
    - c. Board File 120881: NE Ordinance
    - d. Board File 140844: Formula Retail Ordinance

## 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. At over 1,336 pages and including over 100 zoning districts, the Planning Code is a large and complicated document. This complexity, some of which is necessary, can make it difficult to effectively implement and interpret the City's land use regulations. It also makes it difficult for members of the community to effectively engage in the City's development process. The Commission finds that consolidating use definitions and making the Planning Code easier to use by creating zoning control tables for all zoning districts will help address these issues.
2. The Commission finds that standardizing how zoning districts are organized will aid future community planning efforts by providing a clear framework for existing land use regulations and use definitions.
3. The Commission finds that Zoning Control Tables are a more user friendly way to convey zoning information in the Planning Code, and one of the main components of this ordinance is to remove the existing use tables in Article 2, and replace them with zoning controls tables modeled after the ones found in Articles 7 and 8 of the Planning Code.
4. This Ordinance is phase one of a three phase approach that will eventually lead to all zoning districts in the City referencing one set of use definitions. The Commission finds that this three phase approach will help ensure that the proposed ordinances are not overwhelming for Staff, the Commission and members of the public, and that it will reduce the potential for errors and oversights.
5. The Commission finds that while this Ordinance is extremely large, it is not seeking to make any substantive policy changes to the City's land use controls that have not already been reviewed and voted on by this Commission.
6. The Commission finds that Staff has thoroughly reviewed and vetted the proposed Ordinance, and has held or attended several community meetings to seek input and answer questions on the proposed changes. This effort, which has taken over a year to complete, has created a more complete and accurate Ordinance; however as with any large undertaking small errors and typos are inevitable. As such, the Commission has included in its recommendation a provision that allows Planning Staff to continue to refine the proposed Ordinance.
7. **General Plan Compliance.** The proposed Ordinance and the Commission's recommended modifications are consistent with the Objectives and Policies of the General Plan:

**OBJECTIVE 10**

ENSURE A STREAMLINED, YET THOROUGH, AND TRANSPARENT DECISION-MAKING PROCESS.

**Policy 10.1**

Create certainty in the development entitlement process, by providing clear community parameters for development and consistent application of these regulations.

*The proposed Ordinance will bring more consistency to the Planning Code by consolidating uses into one section of the Code. This will ensure that each zoning district references one definition for a particular use. The proposed Ordinance will also reorganize Article 2 so that the zoning controls for each district are displayed in an easy to understand, more complete and consistent table. Both of these improvements will help bring certainty to the development process by providing clear community parameters for development and consistent application of these regulations.*

8. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

*The proposed Ordinance would not have a negative effect on neighborhood-serving retail uses.*

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

*The proposed Ordinance would not have a negative effect on existing housing or neighborhood character.*

3. That the City's supply of affordable housing be preserved and enhanced;

*The proposed Ordinance would not have a negative effect on the City's supply of affordable housing.*

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

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

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

*The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.*

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

*The proposed Ordinance would not have an impact on City's preparedness against injury and loss of life in an earthquake.*

7. That the landmarks and historic buildings be preserved;

*The proposed Ordinance would not have a negative effect on the City's Landmarks and historic buildings.*

8. That our parks and open space and their access to sunlight and vistas be protected from development;

*The proposed Ordinance would not have a negative effect on the City's parks and open space access to sunlight and vistas.*

9. **Planning Code Section 302 Findings.** The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

I hereby certify that the foregoing Resolution was ADOPTED by the San Francisco Planning Commission on November 20, 2014.

Jonas P. Ionin  
Commission Secretary

AYES: Commissioners Antonini, Fong, Hillis, Johnson, Moore, Richards, and Wu

NOES: none

ABSENT: none

DATE: November 20, 2014