

File No. 120774

Committee Item No. 1

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date October 1, 2012

Board of Supervisors Meeting Date _____

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Environmental Review Determination Certificate, dtd 9/17/12</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Planning Commission Resolution No. 18712</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Small Business Commission Recommendation , dtd 9/12/12</u> |
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Completed by: Alisa Miller Date September 28, 2012

Completed by: _____ Date _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

1 [Planning Code - Permitting a Five Feet Ground Floor Height Increase for Active Ground Floor
 2 Uses in the Castro Street and the 24th Street - Noe Valley Neighborhood Commercial
 Districts]

3
 4 **Ordinance amending the San Francisco Planning Code by: 1) amending Section 263.20**
 5 **to permit a five feet ground floor height increase for active ground floor uses in the**
 6 **Castro Street and the 24th Street - Noe Valley Neighborhood Commercial Districts; 2)**
 7 **replacing the figure in Section 263.20; 3) amending Sections 715.1 and 728.1 to make**
 8 **reference to this height exception; and 4) making findings including environmental**
 9 **findings and findings of consistency with Planning Code Section 101.1 and the General**
 10 **Plan.**

11 NOTE: Additions are single-underline italics Times New Roman;
 12 deletions are ~~strike-through italics Times New Roman~~.
 13 Board amendment additions are double-underlined;
 14 Board amendment deletions are ~~strikethrough normal~~.

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

16 Section 1. Findings. The Board of Supervisors of the City and County of San
 17 Francisco hereby finds and determines that:

18 (a) The Planning Department has determined that the actions contemplated in this
 19 Ordinance are in compliance with the California Environmental Quality Act (California Public
 20 Resources Code sections 21000 et seq.) Said determination is on file with the Clerk of the
 21 Board of Supervisors in File No. 120774 and is incorporated herein by reference.

22 (b) On September 27, ²⁰¹²~~2011~~, the Planning Commission, in Resolution No.
 23 10712 approved this legislation, recommended it for adoption by the Board of
 24 Supervisors, and adopted findings that it will serve the public necessity, convenience and
 25 welfare. Pursuant to Planning Code Section 302, the Board adopts these findings as its own.

1 Resolution is on file with the Clerk of the Board of Supervisors in File No. 120774, and is
2 incorporated by reference herein.

3 (c) In Resolution No. 10712, the Planning Commission adopted findings that this
4 legislation is consistent, on balance, with the City's General Plan and the eight priority policies
5 of Planning Code Section 101.1. The Board adopts these findings as its own.
6

7 Section 2. The San Francisco Planning Code is hereby amended by amending Section
8 263.20, to read as follows:

9 **SEC. 263.20. SPECIAL HEIGHT EXCEPTION: ADDITIONAL FIVE FEET HEIGHT**
10 **FOR GROUND FLOOR USES IN NCT 30-X, 40-X AND 50-X HEIGHT AND BULK**
11 **DISTRICTS, IN NC-2 AND NC-3 DESIGNATED PARCELS FRONTING MISSION**
12 **STREET, FROM SILVER AVENUE TO THE DALY CITY BORDER, AND IN**
13 **SPECIFIED NC-1 DESIGNATED PARCELS AND IN SPECIFIED NC DISTRICTS.**

14 (a) Intent. In order to encourage generous ground floor ceiling heights for
15 commercial and other active uses, encourage additional light and air into ground floor spaces,
16 allow for walk-up ground floor residential uses to be raised slightly from sidewalk level for
17 privacy and usability of front stoops, and create better building frontage on the public street,
18 up to an additional 5' of height is allowed along major streets in NCT districts, or in specific
19 NC-3, NC-2, or NC-1 districts listed below, for buildings that feature either higher ground floor
20 ceilings for non-residential uses or ground floor residential units (that have direct walk-up
21 access from the sidewalk) raised up from sidewalk level.

22 (b) Applicability. The special height exception described in this section shall only
23 apply to projects that meet all of the following criteria:

24 (1) project is located in a 30-X, 40-X or 50-X Height and Bulk District as
25 designated on the Zoning Map;

(2) project is located:

(A) in an NCT district as designated on the Zoning Map;

1 (B) in the 24th Street-Noe Valley, Castro Street, Upper Market Street, Inner
2 Clement Street and Outer Clement Street NCDs;

3 (C) on a NC-2 or NC-3 designated parcel fronting Mission Street, from
4 Silver Avenue to the Daly City border;

5 (D) on a NC-2 designated parcel on Balboa Street between 2nd Avenue
6 and 8th Avenue, and between 32nd Avenue and 39th Avenue;

7 (E) on a NC-1 designated parcel within the boundaries of Sargent Street to
8 Orizaba Avenue to Lobos Street to Plymouth Avenue to Farallones Street to San Jose
9 Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street and
10 back to Sargent Street; or

11 (F) on a NC-3 designated parcel fronting on Geary Boulevard from Masonic
12 Avenue to 28th Avenue, except for parcels on the north side of Geary Boulevard between
13 Palm Avenue and Parker Avenue;

14 (3) project features ground floor commercial space or other active use as
15 defined by Section 145.1(b)(2) with clear ceiling heights in excess of ten feet from sidewalk
16 grade, or in the case of residential uses, such walk-up residential units are raised up from
17 sidewalk level;

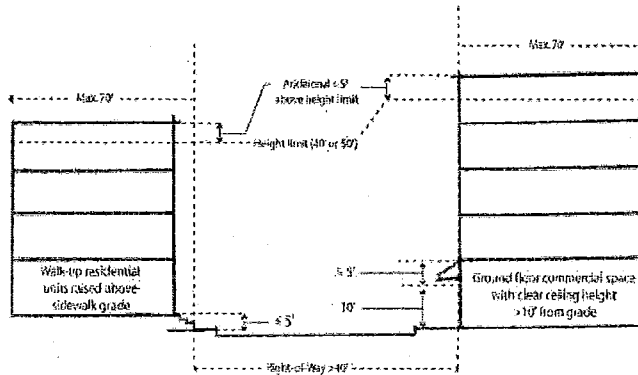
18 (4) said ground floor commercial space, active use, or walk-up residential use
19 is primarily oriented along a right-of-way wider than 40 feet;

20 (5) said ground floor commercial space or active use occupies at least 50% of
21 the project's ground floor area; and

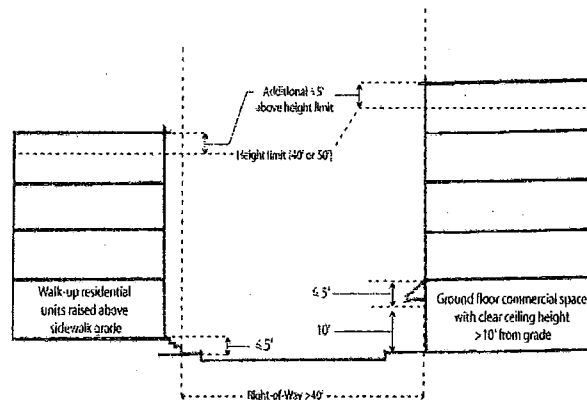
22 (6) except for projects located in NCT districts, the project sponsor has
23 conclusively demonstrated that the additional 5' increment allowed through Section 263.20
24 would not add new shadow to any public open spaces.

1 (c) One additional foot of height, up to a total of five feet, shall be permitted above
 2 the designated height limit for each additional foot of ground floor clear ceiling height in
 3 excess of 10 feet from sidewalk grade, or in the case of residential units, for each foot the unit
 4 is raised above sidewalk grade.

5 *Note to Publisher: Delete this Image:*



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1 Section 3. The San Francisco Planning Code is hereby amended by amending Section
2 715.1, to read as follows:

3 **SEC. 715.1. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

4 The Castro Street District is situated in Eureka Valley, close to the geographic center of
5 San Francisco between the Mission District, Twin Peaks, and Upper Market Street. The
6 physical form of the district is a crossing at Castro and 18th Streets, the arms of which contain
7 many small, but intensely active commercial businesses. The multi-purpose commercial
8 district provides both convenience goods to its immediate neighborhood as well as
9 comparison shopping goods and services on a specialized basis to a wider trade area.
10 Commercial businesses are active both in the daytime and late into the evening and include a
11 number of gay-oriented bars and restaurants, as well as several specialty clothing and gift
12 stores. The district also supports a number of offices in converted residential buildings.

13 The Castro Street District controls are designed to maintain existing small-scale
14 development and promote a balanced mix of uses. Building standards permit small-scale
15 buildings and uses and protect rear yards above the ground story and at residential levels. In
16 new buildings, most commercial uses are permitted at the ground and second stories. Special
17 controls are necessary to preserve the existing equilibrium of neighborhood-serving
18 convenience and specialty commercial uses. In order to maintain convenience stores and
19 protect adjacent residential livability, controls authorize some additional eating and drinking
20 establishments with a conditional use, permit self-service specialty food establishments, and
21 permit with certain limitations new late-night uses, adult and other entertainment, and financial
22 service uses. The continuous retail frontage is maintained by prohibiting most automobile and
23 drive-up uses.

24 Housing development in new buildings is encouraged above the second story. Existing
25 housing units are protected by limitations on demolitions and upper-story conversions.

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**SEC. 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

			Castro Street
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
715.10	Height and Bulk Limit	§§ <u>102.12</u> , <u>105</u> , <u>106</u> , <u>250 - 252</u> , <u>260</u> , <u>261.1</u> , <u>263.20</u> , <u>270</u> , <u>271</u>	40-X, 65B; <i>additional 5 feet for parcels with active ground floor uses; see Section 263.20.</i> See <u>Zoning Map</u> Height Sculpting on Alleys: § <u>261.1</u>
715.11	Lot Size <i>[Per Development]</i>	§§ <u>121.1</u> , <u>790.56</u>	P up to 4,999 sq. ft.; C 5,000 sq. ft & above § <u>121.1</u>
715.12	Rear Yard	§§ <u>130</u> , <u>134</u> , <u>136</u>	Required at the second story and above and at all residential levels § <u>134(a) (e)</u>
715.13	Street Frontage		Required § <u>145.1</u>
715.14	Awning	§ <u>790.20</u>	P § <u>136.1(a)</u>

1	715.15	Canopy	§ <u>790.26</u>	P § <u>136.1(b)</u>
2				
3	715.16	Marquee	§ <u>790.58</u>	P § <u>136.1(c)</u>
4				
5	715.17	Street Trees		Required § <u>138.1</u>
6				
7				
8	COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
9	715.20	Floor Area Ratio	§§ <u>102.9, 102.11,</u> <u>123</u>	3.0 to 1 § <u>124(a) (b)</u>
10				
11	715.21	Use Size <i>[Non-Residential]</i>	§ <u>790.130</u>	P to 1,999 sq. ft.; C# 2,000 sq. ft. to 3,999 sq. ft.; NP 4,000 sq. ft. & above § <u>121.2</u>
12				
13				
14				
15				
16				
17	715.22	Off-Street Parking, Commercial/Institutional	§§ <u>150, 153 - 157,</u> <u>159 - 160, 204.5</u>	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ <u>151, 161(g)</u>
18				
19				
20				
21	715.23	Off-Street Freight Loading	§§ <u>150, 153 - 155,</u> <u>204.5</u>	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ <u>152, 161(b)</u>
22				
23				
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25				

1	715.24	Outdoor Activity Area	§ <u>790.70</u>	P if located in front; C if located elsewhere § <u>145.2(a)</u>		
2						
3						
4	715.25	Drive-Up Facility	§ <u>790.30</u>			
5						
6	715.26	Walk-Up Facility	§ <u>790.140</u>	P if recessed 3 ft.; C if not recessed § <u>145.2(b)</u>		
7						
8						
9	715.27	Hours of Operation	§ <u>790.48</u>	P 6 a.m. - 2 a.m.; C 2 a.m. - 6 a.m.		
10						
11	715.30	General Advertising Sign	§§ <u>262, 602 - 604,</u> <u>608, 609</u>			
12						
13						
14	715.31	Business Sign	§§ <u>262, 602 - 604,</u> <u>608, 609</u>	P # § <u>607.1(f)2</u>		
15						
16	715.32	Other Signs	§§ <u>262, 602 - 604,</u> <u>608, 609</u>	P # § <u>607.1(c) (d) (g)</u>		
17						
18						
19	No.	Zoning Category	§ References	Castro Street		
20				Controls by Story		
21						
22			§ <u>790.118</u>	1st	2nd	3rd+
23	715.38	Residential Conversion	§ <u>790.84</u>	P	C	
24						
25	715.39	Residential Demolition	§ <u>790.86</u>	P	C	C

Retail Sales and Services

715.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	<u>§ 790.102</u>	P	P	
715.41	Bar	<u>§ 790.22</u>			
715.43	Limited-Restaurant	<u>§ 790.90</u>	P		
715.44	Restaurant	<u>§ 790.91</u>	C		
715.45	Liquor Store	<u>§ 790.55</u>	C		
715.46	Movie Theater	<u>§ 790.64</u>	P		
715.47	Adult Entertainment	<u>§ 790.36</u>	C		
715.48	Other Entertainment	<u>§ 790.38</u>	C		
715.49	Financial Service	<u>§ 790.110</u>	C	C	
715.50	Limited Financial Service	<u>§ 790.112</u>	C		
715.51	Medical Service	<u>§ 790.114</u>	P	P	C
715.52	Personal Service	<u>§ 790.116</u>	P	P	C
715.53	Business or Professional Service	<u>§ 790.108</u>	P	P	C
715.54	Massage Establishment	<u>§ 790.60,</u> <u>§ 1900</u> Health Code	C	C	

1	715.55	Tourist Hotel	§ <u>790.46</u>	C	C	C
2	715.56	Automobile Parking	§§ <u>790.8, 156, 160</u>	C	C	C
3						
4	715.57	Automotive Gas Station	§ <u>790.14</u>			
5	715.58	Automotive Service	§ <u>790.17</u>			
6		Station				
7						
8	715.59	Automotive Repair	§ <u>790.15</u>			
9	715.60	Automotive Wash	§ <u>790.18</u>			
10	715.61	Automobile Sale or	§ <u>790.12</u>			
11		Rental				
12	715.62	Animal Hospital	§ <u>790.6</u>	C		
13						
14	715.63	Ambulance Service	§ <u>790.2</u>			
15	715.64	Mortuary	§ <u>790.62</u>			
16	715.65	Trade Shop	§ <u>790.124</u>	P	C	
17						
18	715.66	Storage	§ <u>790.117</u>			
19	715.68	Fringe Financial Service	§ <u>790.111</u>			
20	715.69	Tobacco Paraphernalia	§ <u>790.123</u>	C		
21		Establishments				
22						
23	715.69B	Amusement Game	§ <u>790.04 1</u>			
24		Arcade (Mechanical				
25		Amusement Devices)				

1	715.69C	Neighborhood Agriculture	§ <u>102.35(a)</u>	P	P	P
2	715.69D	Large-Scale Urban	§ <u>102.35(b)</u>	C	C	C
3		Agriculture				
4	Institutions and Non-Retail Sales and Services					
5	715.70	Administrative Service	§ <u>790.106</u>			
6	715.80	Hospital or Medical	§ <u>790.44</u>			
7		Center				
8	715.81	Other Institutions, Large	§ <u>790.50</u>	P	C	C
9	715.82	Other Institutions, Small	§ <u>790.51</u>	P	P	P
10	715.83	Public Use	§ <u>790.80</u>	C	C	C
11	715.84	Medical Cannabis	§ <u>790.141</u>	P		
12		Dispensary				
13	RESIDENTIAL STANDARDS AND USES					
14	715.90	Residential Use	§ <u>790.88</u>	P	P	P
15	715.91	Residential Density,	§§ <u>207, 207.1,</u>	Generally, 1 unit per 600 sq. ft.		
16		Dwelling Units	<u>790.88(a)</u>	lot area		
17				§ <u>207.4</u>		
18	715.92	Residential Density,	§§ <u>207.1,</u>	Generally, 1 bedroom per 210		
19		Group Housing	<u>790.88(b)</u>	sq. ft. lot area		
20				§ <u>208</u>		

1 2 3 4	715.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ <u>135, 136</u>	Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § <u>135(d)</u>		
5 6 7	715.94	Off-Street Parking, Residential	§§ <u>150, 153 - 157,</u> <u>159 - 160, 204.5</u>	Generally, 1 space for each dwelling unit §§ <u>151, 161(a) (g)</u>		
8 9 10	715.95	Community Residential Parking	§ <u>790.10</u>	C	C	C

11 SPECIFIC PROVISIONS FOR CASTRO STREET

12 NEIGHBORHOOD COMMERCIAL DISTRICT

13 14 15	Article 7 Code Section	Other Code Section	Zoning Controls
16 17 18 19	§ 715.31 § 715.32	§ <u>608.10</u>	UPPER MARKET STREET SPECIAL SIGN DISTRICT Boundaries: Applicable only for the portions of the Castro Street NCD as mapped on Sectional Map SSD Controls: Special restrictions and limitations for signs
20 21 22 23 24 25	§ 715.44	§ <u>790.91</u>	CASTRO STREET LIQUOR LICENSES FOR RESTAURANTS Boundaries: Applicable to the Castro Street Neighborhood Commercial District Controls: A Restaurant Use may only add ABC license types 47, 49 or 75 as a conditional use on the ground level if, in

		<p>addition to the criteria set forth in Section <u>303</u>, the Planning Commission finds that the restaurant is operating as a Bona Fide Eating Place, as defined in Section <u>790.142</u> of this Code. Should a restaurant fail to operate as a Bona Fide Eating Place for any length of time, the conditional use authorization shall be subject to immediate revocation.</p>
<p>§ 715.68</p>	<p>§ <u>249.35</u></p>	<p>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</p> <p>Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the Castro Street Neighborhood Commercial District.</p> <p>Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section <u>249.35</u>. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection <u>249.35(c)(3)</u>.</p>

Section 4. The San Francisco Planning Code is hereby amended by amending Section 728.1, to read as follows:

SEC. 728.1. 24TH STREET – NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT.

The 24th Street – Noe Valley Neighborhood Commercial District is situated along 24th Street between Chattanooga and Diamond in the Noe Valley neighborhood of central San Francisco. This daytime-oriented, multi-purpose commercial district provides a mixture of convenience and comparison shopping goods and services to a predominantly local market area. It contains primarily retail sales and personal services at the street level, some office

Supervisor Wiener
BOARD OF SUPERVISORS

1 uses on the second story, and residential use almost exclusively on the third and upper
2 stories.

3 The 24th Street – Noe Valley District controls are designed to allow for development
4 that is compatible with the existing small-scale, mixed-use neighborhood commercial
5 character and surrounding residential area. The small scale of new buildings and
6 neighborhood-serving uses is encouraged and rear yard open space corridors at all levels are
7 protected. Most commercial uses are directed to the ground story and limited at the second
8 story of new buildings. In order to maintain the variety and mix of retail sales and services
9 along the commercial strip and to control the problems of traffic, congestion, noise and late-
10 night activity, certain potentially troublesome commercial uses are regulated. Additional large
11 fast food restaurants are prohibited, other eating and drinking establishments require
12 conditional use authorization, and ground-story entertainment and financial service uses are
13 restricted to and at the ground story. Prohibitions on drive-up and most automobile uses help
14 prevent additional traffic and parking congestion.

15 Housing development in new buildings is encouraged above the ground story.
16 Existing housing units are protected by prohibitions on upper-story conversions and limitations
17 on demolitions.

18 **SEC. 728. 24TH STREET – NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT**
19 **ZONING CONTROL TABLE**

			24th Street – Noe Valley
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
728.10	Height and Bulk Limit	§§ <u>102.12</u> , <u>105</u> , <u>106</u> ,	40-X; <i>additional 5 feet for</i>

		<u>250 - 252, 260, 263.20, 270, 271</u>	<i>parcels with active ground floor uses; see Section 263.20.</i>
728.11	Lot Size [Per Development]	§§ <u>121.1, 790.56</u>	P up to 4,999 sq. ft. C 5,000 sq. ft. & above § <u>121.1</u>
728.12	Rear Yard	§§ <u>130, 134, 136</u>	Required at grade level and above § <u>134(a) (e)</u>
728.13	Street Frontage		Required § <u>145.1</u>
728.14	Awning	§ <u>790.20</u>	P § <u>136.1(a)</u>
728.15	Canopy	§ <u>790.26</u>	P § <u>136.1(b)</u>
728.16	Marquee	§ <u>790.58</u>	P § <u>136.1(c)</u>
728.17	Street Trees		Required § <u>143</u>
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
728.20	Floor Area Ratio	§§ <u>102.9, 102.11, 123</u>	1.8 to 1 § <u>124(a) (b)</u>

1	728.21	Use Size [Non-Residential]	§ <u>790.130</u>	P up to 2,499 sq. ft.; C 2,500 sq. ft. & above § <u>121.2</u>
2				
3				
4	728.22	Off-Street Parking, Commercial/Institutional	§§ <u>150, 153 - 157, 159 -</u> <u>160, 204.5</u>	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ <u>151, 161(g)</u>
5				
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7				
8				
9				
10	728.23	Off-Street Freight Loading	§§ <u>150, 153 - 155,</u> <u>204.5</u>	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ <u>152, 161(b)</u>
11				
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15	728.24	Outdoor Activity Area	§ <u>790.70</u>	P if located in front; C if located elsewhere § <u>145.2(a)</u>
16				
17				
18				
19	728.25	Drive-Up Facility	§ <u>790.30</u>	
20	728.26	Walk-Up Facility	§ <u>790.140</u>	P if recessed 3 ft.; C if not recessed § <u>145.2(b)</u>
21				
22				
23	728.27	Hours of Operation	§ <u>790.48</u>	P 6 a.m. - 2 a.m. C 2 a.m. - 6 a.m.
24				
25				

1	728.30	General Advertising Sign	§§ <u>262, 602 - 604, 608, 609</u>	
2				
3	728.31	Business Sign	§§ <u>262, 602 - 604, 608, 609</u>	P § <u>607.1(f)2</u>
4				
5	728.32	Other Signs	§§ <u>262, 602 - 604, 608, 609</u>	P § <u>607.1(c) (d) (g)</u>
6				
7				

No.	Zoning Category	§ References	24th Street – Noe Valley		
			Controls by Story		
		§ <u>790.118</u>	1st	2nd	3rd+
728.38	Residential Conversion	§ <u>790.84</u>	P		
728.39	Residential Demolition	§ <u>790.86</u>	P	C	C
Retail Sales and Services					
728.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ <u>790.102</u>	P	C	
728.41	Bar	§ <u>790.22</u>	C		
728.43	Limited-Restaurant	§ <u>790.90</u>	P #		
728.44	Restaurant	§ <u>790.91</u>	C #		
728.45	Liquor Store	§ <u>790.55</u>	C		

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728.46	Movie Theater	§ <u>790.64</u>	P		
728.47	Adult Entertainment	§ <u>790.36</u>			
728.48	Other Entertainment	§ <u>790.38</u>	C		
728.49	Financial Service	§ <u>790.110</u>	C		
728.50	Limited Financial Service	§ <u>790.112</u>	C		
728.51	Medical Service	§ <u>790.114</u>	P	C	
728.52	Personal Service	§ <u>790.116</u>	P	C	
728.53	Business or Professional Service	§ <u>790.108</u>	P	C	
728.54	Massage Establishment	§ <u>790.60</u> , § <u>1900</u> Health Code	C		
728.55	Tourist Hotel	§ <u>790.46</u>	C	C	
728.56	Automobile Parking	§§ <u>156, 160, 790.8</u>	C	C	C
728.57	Automotive Gas Station	§ <u>790.14</u>			
728.58	Automotive Service Station	§ <u>790.17</u>			
728.59	Automotive Repair	§ <u>790.15</u>			
728.60	Automotive Wash	§ <u>790.18</u>			

1	728.61	Automobile Sale or Rental	§ <u>790.12</u>			
2						
3	728.62	Animal Hospital	§ <u>790.6</u>	C		
4						
5	728.63	Ambulance Service	§ <u>790.2</u>			
6						
7	728.64	Mortuary	§ <u>790.62</u>			
8						
9	728.65	Trade Shop	§ <u>790.124</u>	P	C	
10						
11	728.66	Storage	§ <u>790.117</u>			
12						
13	728.68	Fringe Financial Service	§ <u>790.111</u>	#	#	#
14						
15	728.69	Tobacco Paraphernalia Establishments	§ <u>790.123</u>	C		
16						
17	728.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.04 <u>1</u>			
18						
19	728.69C	Neighborhood Agriculture	§ <u>102.35(a)</u>	P	P	P
20						
21	728.69D	Large-Scale Urban Agriculture	§ <u>102.35(b)</u>	C	C	C
22						
Institutions and Non-Retail Sales and Services						
23	728.70	Administrative Service	§ <u>790.106</u>			
24						
25	728.80	Hospital or Medical	§ <u>790.44</u>			

	Center				
728.81	Other Institutions, Large	§ <u>790.50</u>	P	C	C
728.82	Other Institutions, Small	§ <u>790.51</u>	P	P	P
728.83	Public Use	§ <u>790.80</u>	C	C	C
728.84	Medical Cannabis Dispensary	§ <u>790.141</u>	P		
RESIDENTIAL STANDARDS AND USES					
728.90	Residential Use	§ <u>790.88</u>	P	P	P
728.91	Residential Density, Dwelling Units	§§ <u>207, 207.1,</u> <u>790.88(a)</u>	Generally, 1 unit per 600 sq. ft. lot area § <u>207.4</u>		
728.92	Residential Density, Group Housing	§§ <u>207.1, 790.88(b)</u>	Generally, 1 bedroom per 210 sq. ft. lot area § <u>208</u>		
728.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ <u>135, 136</u>	Generally, either 80 sq. ft if private, or 100 sq. ft. if common § <u>135(d)</u>		

728.94	Off-Street Parking, Residential	§§ <u>150, 153 - 157, 159 - 160, 204.5</u>	Generally, 1 space for each dwelling unit §§ <u>151, 161(a) (g)</u>		
728.95	Community Residential Parking	§ <u>790.10</u>	C	C	C

SPECIFIC PROVISIONS FOR THE 24TH STREET – NOE VALLEY

NEIGHBORHOOD COMMERCIAL DISTRICT

<u>Article 7</u> Code Section	Other Code Section	Zoning Controls
§ 728.40	§ <u>703.2(b)(1)(C)</u> § <u>790.102(b) and (n)</u>	24TH STREET – NOE VALLEY SPECIALTY RETAIL USES Boundaries: Only the area within the 24th Street – Noe Valley Neighborhood Commercial District. The controls shall not apply to NC-1 Districts or nonconforming uses within ¼ mile of this District asset forth in Code §§ <u>710.10</u> and <u>186</u> . Controls: Formula Retail Limited- Restaurants are NP.
§ 728.44	§ <u>790.91</u>	24th STREET – NOE VALLEY LIQUOR LICENSES FOR RESTAURANTS

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		<p>Boundaries: Applicable to the 24th Street – Noe Valley Neighborhood Commercial District.</p> <p>Controls: A Restaurant Use may only add ABC license types 47, 49 or 75 as a conditional use on the around level if, in addition to the criteria set forth in Section <u>303</u>, the Planning Commission finds that the restaurant is operating as a Bona Fide Eating Place, as defined in Section <u>790.142</u> of this Code. Should a restaurant fail to operate as a Bona Fide Eating Place for any length of time, the conditional use authorization shall be subject to immediate revocation.</p>
<p>§ 728.68</p>	<p>§ <u>249.35</u></p>	<p>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</p> <p>Boundaries: The FFSRUD and its ¼ mile buffer includes portions of, but is not limited to, the 24th Street-Noe Valley Neighborhood Commercial District.</p> <p>Controls: Within the FFSRUD and its ¼ mile buffer, fringe financial services are NP pursuant to Section <u>249.35</u>. Outside the FFSRUD and its ¼ mile buffer, fringe financial</p>

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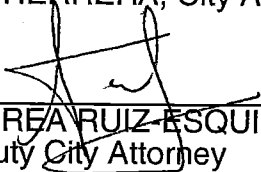
		services are P subject to the restrictions set forth in Subsection <u>249.35(c)(3)</u> .
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Section 5. Effective Date. This ordinance shall become effective 30 days from the date of passage.

Section 6. This section is uncodified. In enacting this Ordinance, the Board intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams, or any other constituent part of the Planning Code that are explicitly shown in this legislation as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the legislation, in addition to the replacement of the figure in Section 263.20.

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

By:



ANDREA RUIZ ESQUIDE
Deputy City Attorney

LEGISLATIVE DIGEST

[Planning Code - Permitting a Five Feet Ground Floor Height Increase for Active Ground Floor Uses in the Castro Street and the 24th Street - Noe Valley Neighborhood Commercial Districts]

Ordinance amending the San Francisco Planning Code by: 1) amending Section 263.20 to permit a five feet ground floor height increase for active ground floor uses in the Castro Street and the 24th Street - Noe Valley Neighborhood Commercial Districts; 2) replacing the figure in Section 263.20; 3) amending Sections 715.1 and 728.1 to make reference to this height exception; and 4) making findings including environmental findings and findings of consistency with Planning Code Section 101.1 and the General Plan.

Existing Law

The San Francisco Planning Code currently provides for an extra 5 feet for ground floor uses in Neighborhood Commercial Transit (NCT) 40-x and 50-x Height and Bulk districts; in the Upper Market Street, Inner Clement, and Outer Clement Neighborhood Commercial Districts (NCDs); and in other designated Neighborhood Commercial parcels. (See Planning Code Section 263.20.)

This height exception is available only for projects with ground floor commercial space or other active uses, as defined by Section 145.1(e), i.e., uses that are oriented to public access and primarily to walk-up pedestrian activities.

Amendments to Current Law

This Ordinance amends Section 263.20 to make the 5 feet height exception for ground floor uses applicable also in the Castro Street and the 24th Street – Noe Valley NCDs.

This Ordinance also replaces the figure in Section 263.20, which was erroneously replaced with a wrong image by a previous piece of legislation.

Background Information

The purpose of the 5 feet height exception is "to encourage generous ground floor ceiling heights for commercial and other active uses, encourage additional light and air into ground floor spaces, allow for walk-up ground floor residential uses to be raised slightly from sidewalk level for privacy and usability of front stoops, and create better building frontage on the public street."



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination EXCLUSION/EXEMPTION FROM ENVIRONMENTAL REVIEW

Date: September 17, 2012
Case No.: 2012.1088E
Project Name: BOS File No. 120774 – 5' Ground Floor Height Increase for Active Ground-Floor Uses within the Castro Street and the 24th Street - Noe Valley Neighborhood Commercial Districts (NCDs)
Zoning: Castro Street and 24th Street - Noe Valley NCDs
 40-X Height and Bulk District
Block/Lot: Various
Lot Size: Various
Project Sponsor: Supervisor Scott Wiener, District 8, San Francisco Board of Supervisors
Staff Contact: Kei Zushi – (415) 575-9036
 kei.zushi@sfgov.org

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 Suite 400
 San Francisco,
 CA 94103-2479

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Fax:
 415.558.6409

Planning
 Information:
 415.558.6377

PROJECT DESCRIPTION:

The proposed project is an ordinance that would amend San Francisco Planning Code Sections 263.20, 715.1, and 728.1 to permit a maximum 5-foot ground-floor height increase when ground-floor commercial space or other active use is provided in the 40-X Height and Bulk District within the Castro Street and the 24th Street – Noe Valley Neighborhood Commercial Districts (NCDs). The maximum building height that can be allowed under the proposed legislation would be 45 feet. [Continued on following page.]

EXEMPT STATUS:

General Rule Exclusion (State CEQA Guidelines, Section 15061(b)(3))

REMARKS:

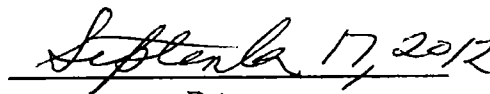
Please see next page.

DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and Local requirements.



Bill Wycko
 Environmental Review Officer



Date

cc: Kimia Haddadan, San Francisco Planning Dept.
 District 8 Supervisor Scott Wiener

Distribution List
 Virna Byrd, M.D.F

PROJECT DESCRIPTION (CONTINUED):

Planning Code Section 263.20 provides a 5-foot height exception when ground-floor commercial space or other active use is provided in the following areas: 1) Neighborhood Commercial Transit (NCT) districts; 2) the Upper Market Street, Inner Clement Street, and Outer Clement Street NCDs; 3) NC-2 and NC-3 parcels fronting Mission Street, from Silver Avenue to the Daly City border; 4) NC-2 parcels on Balboa Street between 2nd and 8th Avenues, and between 32nd and 39th Avenues; 5) NC-1 parcels within the boundaries of Sargent Street to Orizaba Avenue to Lobos Street to Plymouth Avenue to Farallones Street to San Jose Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street and back to Sargent Street; and 6) NC-3 parcels fronting on Geary Boulevard from Masonic Avenue to 28th Avenue, except for parcels on the north side of Geary Boulevard between Palm and Parker Avenues. Concurrently with this application, the 5-foot height exception has also been proposed by District 5 Supervisor Christina Olague for the proposed Divisadero and Filmore NCDs.¹

The 5-foot special height exception can be permitted on properties that contain: 1) ground-floor commercial or other active use, as defined by Planning Code Section 145.1(b)(2), with clear ceiling heights in excess of 10 feet from sidewalk grade; or 2) walk-up residential units raised up from sidewalk level. Planning Code Section 263.20 requires that: 1) such ground-floor commercial spaces, active uses, or walk-up residential uses be primarily oriented along a right-of-way wider than 40 feet; 2) such ground-floor commercial spaces or active uses occupy at least 50 percent of the project's ground-floor area; and 3) the project sponsor conclusively demonstrate that the additional 5-foot increment would not add new shadow to any public open spaces, except for projects located in NCT districts. Furthermore, Planning Code Section 263.20 provides that 1 additional foot of height, up to a total of 5 feet, is permitted above the designated height limit for each additional foot of ground-floor clear ceiling height in excess of 10 feet from sidewalk grade, or in the case of residential units, for each foot the unit is raised above sidewalk grade.

The 5-foot exception provided by Planning Code Section 263.20 is insufficient to add another story, but provides an incentive for developers to create lively ground-floor commercial spaces along NCD corridors. Older buildings along commercial streets in the 40-X Height and Bulk District are generally three or four stories with each story having a minimum of 12-foot clear ceiling heights, with spaces that are directly accessed from the street. The older residential buildings in the 40-X Height and Bulk District often have ground-floor units that are elevated several feet above the sidewalk level and include stoops to provide direct access to individual units. Newer buildings along commercial streets in the 40-X Height and Bulk District, however, tend to have four or five 10-foot stories, and the residential buildings often contain a single ground-floor entrance lobby providing access to multiple dwelling units. These buildings generally lack visual interest and human scale. The primary intention of the 5-foot height exception is to encourage developers to incorporate the design elements of the older types of buildings into new commercial and residential development projects to offer more attractive uses that will better activate the public realm, without allowing for an increase in building area.

Figures 1 and 2 identify: (1) the parcels proposed for the 5-foot height exception within the Castro NCD; and (2) the parcels proposed for the 5-foot height exception within the 24th Street – Noe Valley NCD, respectively.

¹ See Board File No. 120796-2 concerning the proposed Divisadero NCD and Board File No. 120814 concerning the proposed Filmore NCD.

REMARKS:

California Environmental Quality Act (CEQA) State Guidelines Section 15061(b)(3) establishes the general rule that CEQA applies only to projects that have the potential to cause a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Land Use. The proposed project would allow future development projects in the subject NCDs to be up to 5 feet taller, with taller ground-floor commercial space or active use. The land uses covered by this legislation are located exclusively in the Castro Street and 24th Street – Noe Valley NCDs, in which many of the existing ground-floor uses are commercial, with residential use above. All parcels affected by this legislation are within the 40-X Height and Bulk District.

The Castro Street NCD contains various commercial, services, and residential uses, and generally consists of one-story retail or two- and three-story residential-over-retail buildings. The commercial businesses are active both in the daytime and late into the evening and include a number of bars and restaurants, as well as several specialty clothing and gift stores. The Castro Street NCD also supports a number of offices in converted residential buildings.

The 24th Street – Noe Valley NCD generally contains single-story commercial buildings and two- and three-story residential-over-commercial buildings. This daytime-oriented, multi-purpose commercial district provides a mixture of convenience and comparison shopping goods and services to a predominantly local market area. It contains primarily retail sales and personal services at the street level, some office uses on the second story, and residential use almost exclusively on the third and upper stories.

Housing development is encouraged in new buildings above the ground story in both of the subject NCDs. Future commercial growth is directed to the ground story in order to promote more continuous and commercial/active frontage.

A project could have a significant effect on land use if it would physically divide an established community; conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect; or have a substantial adverse impact on the existing character of the vicinity.

The proposed project would allow for slightly taller buildings to be constructed, but would not be considered to cause a substantial adverse impact on the existing character of the subject NCDs. Furthermore, the proposed project would not physically disrupt or divide an established community, or conflict with any land use plan, policy, or regulation that has been adopted for the purpose of avoiding or mitigating an environmental effect. For these reasons, the proposed project would not result in a significant effect on land use.

Visual Quality and Urban Design. The proposed project would increase maximum permitted building heights in the NCDs identified in Figures 1 and 2. The proposed height exception would be minor, up to 5 feet, and would occur within a highly developed urban environment. The 5-foot height exception is insufficient to allow another story to be added to an existing building. The parcels that are subject to the proposed height increase are mostly adjacent to residential districts, zoned RH-2 and -3 (Residential

House, Two- and Three-Family) and RM-1 (Low-Density Mixed Residential). Regardless of the zoning of the adjacent parcels, the development of individual NCD parcels to a height 5 feet above existing height allowances might be noticeable to immediate neighbors; however, in the dense urban character of development within and surrounding the NCDs, this minor increase in height would have correspondingly minor visual impacts.

In reviewing visual quality and urban design under CEQA generally, consideration of the existing context in which a project is proposed is required, and evaluation must be based on the impact on the existing environment. That some people may not find a given development project attractive does not mean that it creates a significant aesthetic environmental impact; projects must be judged in the context of the existing conditions. For the proposed height exception, the context is urban right-of-way that is already developed. Given the context and the minor allowable increase of up to 5 feet and the incremental nature of such development along the subject NCDs, the proposed height exception would be consistent with the existing, developed environment, and its visual effects would not be unusual and would not create adverse aesthetic impacts on the environment. Furthermore, it would not be likely to result in a substantial, demonstrable negative aesthetic effect, or obstruct or degrade scenic views or vistas now observed from public areas. Thus, the proposed project would result in less-than-significant impacts on visual quality and urban design.

In addition, the increased height allowed by the proposed legislation would not directly or indirectly contribute to the generation of any obtrusive light or glare that is unusual in the subject NCDs. For all the above reasons, proposed legislation would not result in a significant adverse effect on public views or aesthetics.

Historic Resources. There are no designated historic districts within or adjacent to the subject NCDs. The proposed special height exception could result in increased building heights within a potential historical district or affect known historical resources. The allowable increase in height, however, would be minor (up to 5 feet) and in and of itself would not have the potential to result in a material impairment to a potential historic district or potential/known historic building. Projects taking advantage of the height exception could involve the re-use and remodeling of existing historical buildings, but such a minor height increase could be accomplished maintaining the general scale, design, and materials of the historical resources, thereby maintaining their historic context. Any development proposal taking advantage of the height exception would be subject to further review for a determination of whether the project would result in potential impacts to the environment, including historic resources. The proposed legislation therefore would not result in a significant effect on historical resources.

Noise and Air Quality. The proposed special height exception of up to 5 feet would potentially result in an incremental increase in construction activities or greater intensity of use at future development project sites, in that such development projects that would occur regardless of the proposed legislation could be up to 5 feet taller. Thus, the resulting increase in operational or construction noise would be minimal, and noise and air quality impacts would be less than significant.

Shadow. Planning Code Section 263.20(b)(6) provides that the 5-foot special height exception can be permitted only when the project sponsor has conclusively demonstrated that the additional 5-foot increment would not add new shadow to any public open space. For this reason, the proposed legislation would not result in a significant impact with regard to shadow.

Light and Air. The 5-foot special height exception could result in slightly taller development projects that could potentially change or reduce that amount of light and air available to adjacent buildings. Any such changes could be undesirable for those individuals affected. Given the minor increase in height that would be permitted, it is anticipated that any changes in light and air would also be minor and would not have substantial effects. Thus, the potential impact of the proposed legislation on light and air would not be significant.

Wind. The proposed legislation would allow a minor 5-foot increase in height for future development projects at the NCD parcels identified in Figures 1 and 2. All of the parcels affected by this legislation are within the 40-foot height district; thus, the maximum resulting building height would be 45 feet. In general, buildings up to 55 feet in height do not result in significant impacts on wind. For this reason, the proposed legislation would not result in a significant adverse impact with regard to wind.

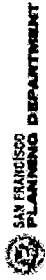
Cumulative Impacts. The proposed 5-foot height exception could potentially result in a minimal increase in construction activities and greater intensity of use at individual future development project sites, in that such development projects that would occur regardless of the proposed legislation could be up to 5 feet taller. This increase in activities and intensity of use would not be considered significant. Thus, cumulative impacts would be less than significant.

Neighborhood Concerns. A "Notification of Project Receiving Environmental Review" was mailed on August 27, 2012, to potentially interested parties. No comment has been submitted regarding this application.

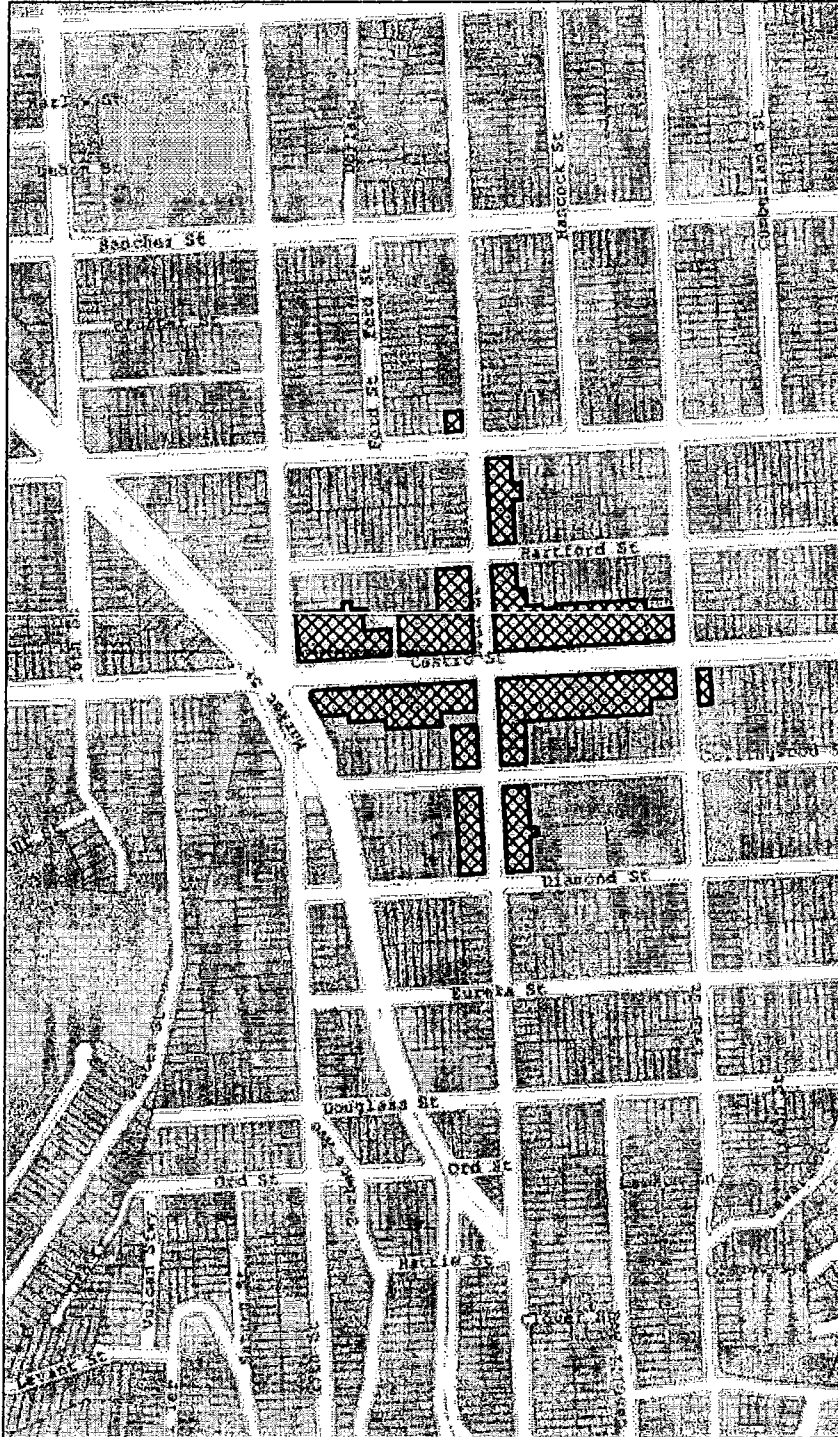
Conclusion. CEQA Guidelines Section 15061(b)(3) provides an exemption from environmental review where it can be seen with certainty that the proposed project would not have a significant impact on the environment. As noted above, there are no unusual circumstances surrounding the current proposal that would suggest a reasonable possibility of a significant effect. Since the proposed project would have no significant environmental effects, it is appropriately exempt from environmental review under the General Rule Exclusion (CEQA Guidelines Section 15061(b)(3)).


Figure 1

Affected Properties within Castro NCD
Case No. 2012.1088E
BOS File No. 120774



Printed: 30 August 2012



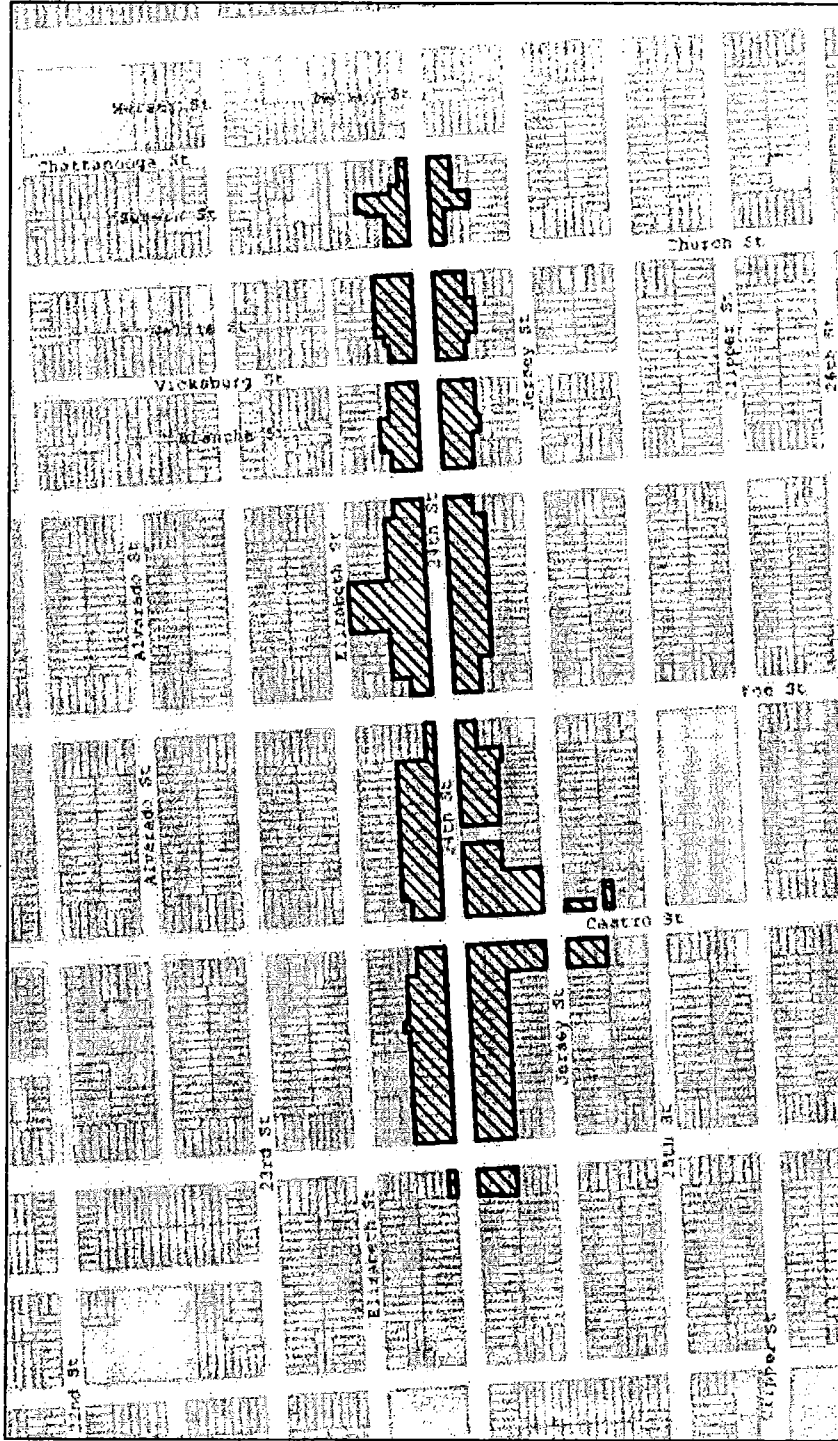
 Affected Properties within Castro NCD


The City and County of San Francisco (CCSF) does not guarantee the accuracy, adequacy, completeness or usefulness of any information. CCSF shall not be liable for any errors or omissions in this information, and its use is at the user's own risk.

Figure 2
Affected Properties within 24th Street - Noe Valley NCD
Case No. 2012.1088E
BOS File No. 120774

SAN FRANCISCO
PLANNING DEPARTMENT

Printed: 27 August, 2012



 Affected Properties within 24th Street - Noe Valley NCD

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SAN FRANCISCO PLANNING DEPARTMENT

September 27th, 2012

Supervisor Wiener and
Ms. Angella Calvillo, Clerk
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

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**Re: Transmittal of Planning Case Number 2012.2440T
BF No. 12-0774- Five Foot Height Increase for Active Ground Floor
Uses in Castro Street and 24th Street Noe Valley Neighborhood
Commercial Districts**

Recommendation: Approval

Dear Supervisor Wiener and Ms. Calvillo,

On September 27th, 2012 the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance under Board of Supervisors File Number 12-0774.

At the September 27th Hearing, the Commission voted 7-0 to recommend approval with modifications of the proposed Ordinance which would offer a maximum five foot height increase for the ground floor of some NC zoned parcels in the Castro Street and 24th Street Neighborhood Commercial Districts, when active uses are provided.

The attached resolution and case report provides the Commission's action. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "AnMarie Rodgers", with a long horizontal line extending to the right.

AnMarie Rodgers
Manager of Legislative Affairs

Cc: City Attorneys Jon Givner and Andrea Ruiz-Esquide

Attachments (one copy of the following): Planning Commission Resolution No. 18712
Department Executive Summary



SAN FRANCISCO PLANNING DEPARTMENT

Commission Resolution No. 18712

HEARING DATE: SEPTEMBER 27, 2012

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CA 94103-2479

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Project Name: Five Foot Height Increase for Active Ground Floor
Uses in Castro Street and 24th Street-Noe Valley
Neighborhood Commercial Districts

Case Number: 2012.2440T [Board File No. 12-0774]
Initiated by: Supervisor Weiner / Introduced July 17, 2012
Staff Contact: Kimia Haddadan, 415.575.9068
kimia.haddadan@sfgov.org

Reviewed by: AnMarie Rodgers, Manager Legislative Affairs
anmarie.rodgers@sfgov.org, 415.558.6395

90-Day Deadline: October 17, 2012

Recommendation: Recommend Approval

RECOMMENDING THAT THE BOARD OF SUPERVISORS PASS AN ORDINANCE THAT WOULD INITIATE AMENDMENTS TO THE SAN FRANCISCO PLANNING CODE BY 1) AMENDING SECTION 263.20 TO PROVIDE FOR A SPECIAL HEIGHT EXCEPTION FOR GROUND FLOOR USES WHEN ACTIVE GROUND FLOOR USES ARE PROVIDED, FOR PARCELS THAT FALL UNDER THE CASTRO STREET AND 24TH STREET NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICTS (NCD), AND 2) REPLACING THE FIGURE IN SECTION 263.20; 3) AMENDING SECTIONS 715.1 AND 728.1 TO MAKE REFERENCE TO THIS HEIGHT EXCEPTION; AND 4) MAKING FINDINGS INCLUDING ENVIRONMENTAL FINDINGS AND FINDINGS OF CONSISTENCY WITH PLANNING CODE SECTION 101.1 AND THE GENERAL PLAN.

PREAMBLE

Whereas, on July 18th, 2012 Supervisor Weiner introduced a proposed Ordinance under Board File Number 12-0774 that would amend Section 263.20 to provide for a special height exception for ground floor uses in Castro Street and 24th Street-Noe Valley Neighborhood Commercial Districts (NCDs); and

Whereas, on September 27th, 2012 the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance and the modification to expand the parcels under consideration by the Planning Department; and

Whereas, both the proposed Ordinance and the proposed modification of the proposed Ordinance have been reviewed under the California Environmental Quality Act and found exempt under the General Rule Exclusion (State CEQA Guidelines, Section 15061 (b) (3) on September 17th, 2012.

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 by 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; and

MOVED, that the Commission hereby recommends that the Board of Supervisors recommend *approval* of the proposed Ordinance and adopts the attached Draft Resolution to that effect.

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. The design and use of a building's ground floor has a direct influence on the pedestrian experience of the city. Active uses provide a visually interesting edge to the street and a lively setting for pedestrian experience. Older buildings on commercial streets often contribute to this with spaces that are directly accessible from the street; have a minimum of 12' clear ceiling heights; and are interrupted with few curbcuts. For residential buildings, stoops and elevated access to the units define active use. Some recent buildings have moved away from facades that add such visual interest and human scale to a street. This proposed Ordinance will help return an emphasis to these important design elements and ensure that these shopping streets provide a center for life in the neighborhood that is consistent with their historical successes.
2. The proposed maximum five foot height bonus would increase the maximum height of future new developments but would NOT allow an additional story in these projects.
3. **General Plan Compliance.** The proposed Ordinance is, on balance, consistent with the following Objectives and Policies of the General Plan:

I. URBAN DESIGN

POLICY 2.6 Respect the character of older development nearby in the design of new buildings.

The proposed Ordinance will encourage both generous ground floor retail uses and residential units with stoops raised above eye-level—both of which are consistent with San Francisco's traditional development.

POLICY 3.1 Promote harmony in the visual relationships and transitions between new and older buildings.

The proposed Ordinance will encourage design features in ground floors of new buildings that are more consistent with ground floors of older buildings. This will create a visual harmony on the ground floor level between new and older buildings.

II. COMMERCE AND INDUSTRY ELEMENT

POLICY 1.1 Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

OBJECTIVE 6: MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

POLICY 6.1 Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

POLICY 6.2 Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to economic and technological innovation in the marketplace and society.

POLICY 6.3 Preserve and promote the mixed commercial-residential character in neighborhood commercial districts. Strike a balance between the preservation of existing affordable housing and needed expansion of commercial activity.

POLICY 6.7 Promote high quality urban design on commercial streets.

The active and attractive designs encouraged by the proposed Ordinance will enhance the commercial corridors and provide more interest and comfort to pedestrian experience.

4. **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.
5. **Planning Code Sections 101.1 Findings.** The proposed replacement project is generally consistent with the eight General Plan priority policies set forth in Section 101.1 in that:

- A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

The proposed Ordinance will have a positive impact on neighborhood serving retail uses. The proposed Ordinance supports existing and new commerce by encouraging ground floor retail with active and attractive uses.

- B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

The proposed Ordinance will protect and enhance the existing neighborhood character by encouraging commercial designs with higher ground floor ceilings and encouraging residential designs that are elevated above the sidewalk by stoops—both of which are more consistent with the City's traditional character.

- C) The City's supply of affordable housing will be preserved and enhanced:

The proposed Ordinance will have no adverse effects on the City's supply of affordable housing.

- D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

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

- E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

The proposed Ordinance would not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.

- F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The proposed Ordinance would not affect the preparedness against injury and loss of life in an earthquake is unaffected.

- G) That landmark and historic buildings will be preserved:

The proposed Ordinance would not adversely affect landmark and historic buildings.

Resolution No.18712
Hearing Date: September 27, 2012
BF 12-0774

CASE NO. 2012.2440T
5-Foot Ground Floor Height Increase
for Active Uses In Castro Street and 24th Street
Neighborhood Commercial Districts (NCDs)

- H) Parks and open space and their access to sunlight and vistas will be protected from development:

The proposed Ordinance provides greater protection for sunlight to the City's parks and open space, as it requires each project sponsor to demonstrate that the project will not shadow any public open space. This expands the current protections offered by Section 249 of the Planning Code which currently only protects open spaces under the jurisdiction of the Recreation and Park Department.

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on September 27, 2012.

Linda Avery
Commission Secretary

AYES: Antonini, Borden, Fong, Hillis, Moore, Sugaya, Wu

NAYS: None

ABSENT: None

ADOPTED: September 27th, 2012



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Text Change HEARING DATE: SEPTEMBER 27 , 2012

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Suite 400
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Project Name: **Five Foot Height Increase for Active Ground Floor
Uses in Castro Street and 24th Street Noe Valley
Neighborhood Commercial Districts**

Case Number: 2012.2440T [Board File No. 12-0774]
Initiated by: Supervisor Weiner / Introduced July 17, 2012
Staff Contact: Kimia Haddadan, 415.575.9068
kimia.haddadan@sfgov.org

Reviewed by: AnMarie Rodgers, Manager Legislative Affairs
anmarie.rodgers@sfgov.org, 415.558.6395

90-Day Deadline: October 17, 2012

Recommendation: **Recommend Approval**

PLANNING CODE AMENDMENTS

The proposed Ordinance would initiate amendments to the San Francisco Planning Code by 1) amending Section 263.20 to provide for a special height exception for ground floor uses when active ground floor uses are provided, for parcels that fall under the Castro Street and 24th Street Noe Valley Neighborhood Commercial Districts (NCD), and 2) replacing the figure in Section 263.20; 3) amending Sections 715.1 and 728.1 to make reference to this height exception; and 4) making findings including environmental findings and findings of consistency with Planning Code Section 101.1 and the General Plan

The Way It Is Now:

Castro Street in the Castro Neighborhood and 24th Street in Noe Valley both host active neighborhood commercial corridors. These corridors are zoned as Castro Street and 24th Street Noe Valley NCD respectively (See Exhibit B- Figure 1 & 2). They also both fall under the 40 ft. height limit districts. New projects within these corridors, similar to the trend in other parts of the city, tend to maximize the number of floors by providing a low ceiling ground floor. Such low ceilings in ground floor commercial uses reduce human comfort and would not offer an attractive setting for the pedestrian experience.

The Way It Would Be:

The proposed Ordinance provides a 5 foot height increase for the ground floor in the Castro Street and 24th Street-Noe Valley NCDs, when active and attractive uses are provided. Such increase is not sufficient to result in an additional floor in new buildings.

Background

Most of San Francisco's building stock pre-dated height limits (first established in 1940's-50's in Pacific Heights and Telegraph Hill). These old buildings focused on creating desirable spaces, including generous ground floor heights. Once the height limits became effective in the City, new buildings were generally under limits of 40, 50, or other base ten height districts. Such new buildings often seek to maximize number of stories within these height limits which would require providing lower ground floor ceilings. The 2008 Market & Octavia¹ and Eastern Neighborhoods² Plans recognize that the base ten height limits in neighborhood commercial districts often encourage inferior architecture. Such conclusion was based upon integrated considerations of not only existing development patterns but also good urban design principles, economics of housing construction, and building code requirements. For this reason, both of these plans sought to encourage more active and attractive ground floor space by giving a five foot height bonus to buildings which meet the definition of "active ground floor" use. This five foot increase must be used for adding more space to the ground floor.

Since then other commercial corridors in the City sought similar changes in their height limits:

- In 2008, Supervisor Sandoval sponsored a legislation to provide for a maximum five foot special height exception for active ground floor uses in the NC-2 and NC-3 designated parcels fronting Mission Street, from Silver Avenue to the Daly City border³. This Ordinance became effective in early 2009.
- In 2009, Supervisor Avalos sponsored a similar legislation that allowed a maximum five foot height increase NC-1 parcels with a commercial use on the ground floor within the boundaries of Sargent Street to Orizaba Avenue to Lobos Street to Plymouth Avenue to Farellones Street to San Jose Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street and back to Sargent Street⁴.
- Most recently, in 2012, two similar ordinances have become effective. The first, sponsored by Supervisor Mar allowed a five foot high increase in certain commercial corridors in the Inner and Outer Richmond Neighborhood⁵. The second, sponsored by Supervisor Chu allowed the height increase for the new commercial corridors in the sunset, along portions of Noriega, Irving, Taraval, and Judah Streets⁶. Two more ordinances, sponsored by Supervisor Olague, are pending that would provide the same height bonus for portions of Divisadero and Fillmore Streets⁷.

Issues and Considerations:

Impacts of Ground Floor Design on Pedestrian Experience

¹ Ord. 72-08, File No. 071157, App. 4/3/2008.

² Ord. 297-08, 298-08, 299-08 and 300-08, App. 12/19/2008.

³ Ord. 321-08, File no. 081100, App. 12/19/2008.

⁴ Ord. 5-10, File No. 090319, App. 1/22/2010

⁵ Ord. 092-12 File No. 111247, App. 5/21/2012

⁶ Ord. 175-12 File No. 120241, App. 8/7/2012

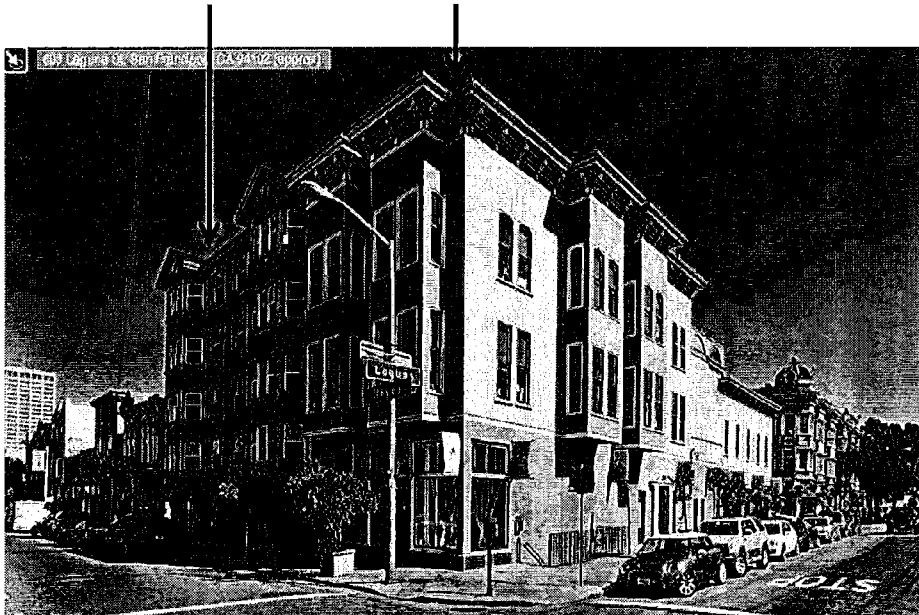
⁷ File No. 120814 and 120796, tentatively pending hearing before the Planning Commission on October 25, 2012.

Ground floor design and use bears a significant impact on pedestrian experience. Ground floor spaces with high ceilings provide a generous space contributing into human comfort. It provides a flexible space that can house a variety of viable uses in the long term. In addition, ground floor facades that are visually permeable welcome pedestrians to the interior space. Permeable street frontages also provide a warm connection and transition between the public and private domains.

There are several examples of high ground floor ceilings both on Castro and 24th Street commercial corridors that signify such desirable quality (See Exhibit A- Figure 1 to 4). These are the old building stock visually and functionally attractive ground floors. Newer buildings however, do not always follow these precedents. The photograph below illustrates a clear contradiction of high and low ceiling ground floors within the same building height limit. It signifies how a building can be compatible in height and scale to its neighbors while resulting in vastly inferior interior spaces.

Newer 5-story building

Older 3-story building



Study of Two Buildings: The corner building is a three-story building that was built pre-height limits. Next to it is a building of comparable height that fits within the existing height limit (50-X). The new building, however, is five stories. While the newer building conforms to the height limit it is not performing up to the livability and comfort standards of the older building stock.

Active and Attractive Ground Floor

The proposed height increase predicated on the provision of active ground floor use as defined by Planning Code Section 145.1(e). This section generally defines active uses as those that are oriented to public access and walk-up pedestrian activity. While active uses are generally commercial uses, residential uses can be considered active if any above-grade parking is set back at least 25 feet from the

street frontage and the majority of the street frontage at ground level features dwelling units with direct pedestrian access to the sidewalk or street, including stoops and elevated front access⁸.

Number of floors

The proposed Ordinance would not allow an additional floor to new projects. A 40-X height limit can accommodate a maximum of four floors. Since the additional five foot height can only be used on the ground floor, the height limit still can only accommodate four floors.

Shading of Parks

The proposed Ordinance would not cause any additional shadow on park properties, as it requires each project sponsor to demonstrate that the project will not shadow any public open space. This follows the protocol of earlier pieces of legislation which have expanded the protections offered by Section 295 of the Planning Code which prior to 2009, only applied open spaces under the jurisdiction of the Recreation and Park Commission⁹.

REQUIRED COMMISSION ACTION

The proposed Resolution is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

RECOMMENDATIONS

The Department recommends that the Commission recommend *approval* of the proposed Ordinances and adopt the attached Draft Resolution to that effect.

Basis for Recommendation of Support

The design and use of a building's ground floor has a direct influence on the pedestrian experience of the City. Active uses that provide a visually interesting edge to the public life of the street are especially

⁸ Section 145.1 regulates street frontages in neighborhood commercial districts. Subsection (e) defines active uses as those "that are oriented to public access and primarily to walk-up pedestrian activity. Active uses shall not include any use whose primary function is the storage of goods or vehicles, utility installations, any office use, or any use or portion of a use which by its nature requires non-transparent walls facing a public street. Uses considered active uses shall include the uses listed in Table 145.1 and as defined by the referenced Code sections, and lobbies for any permitted or conditional use in that district. Uses noted with an asterisk in Table 145.1 are restricted. . ."

⁹ Section 295 states: "No building permit authorizing the construction of any structure that will cast any shade or shadow upon any property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission may be issued except upon prior action of the City Planning Commission pursuant to the provisions of this Section; provided, however, that the provisions of this Section shall not apply to building permits authorizing..."

important on neighborhood commercial streets. Older buildings on commercial corridors often contribute to this with spaces that are directly accessible from the street, have a minimum of 12' clear ceiling heights, and are interrupted with few curb cuts. For residential buildings, design elements such as stoops and elevated front access accommodate a more interesting public life on the sidewalk. Some recent buildings have moved away from facades that add such visual interest and human scale to a street. This legislation will help return emphasis to these important design elements. It would also help ensure that these commercial corridors provide a lively stretch in the neighborhood, consistent with their historical successes, and would enhance the pedestrian experience. The proposed Ordinance would allow projects to both have a generous high ceiling ground floor and have up to 9 foot high floors above.

ENVIRONMENTAL REVIEW

The proposed project was reviewed regarding its environmental impacts and found exempt per General Rule Exclusion (State CEQA Guidelines, Section 15061(b)(3)).

PUBLIC COMMENT

RECOMMENDATION: Recommendation of Approval

Attachments:

- Exhibit A: Existing active ground floor uses on Castro Street and 24th Street
- Exhibit B: Certificate of Determination: General Rules Exclusion
- Exhibit C: Draft Planning Commission Resolution
- Exhibit D: Draft Board of Supervisors Ordinance [Board File No. 12-0774]

Exhibit A- Existing Active Ground Floor Uses on Castro Street and 24th Street

Figure 1 &2- Active and High Ceiling Ground Floors in the Existing Buildings in Castro NCD

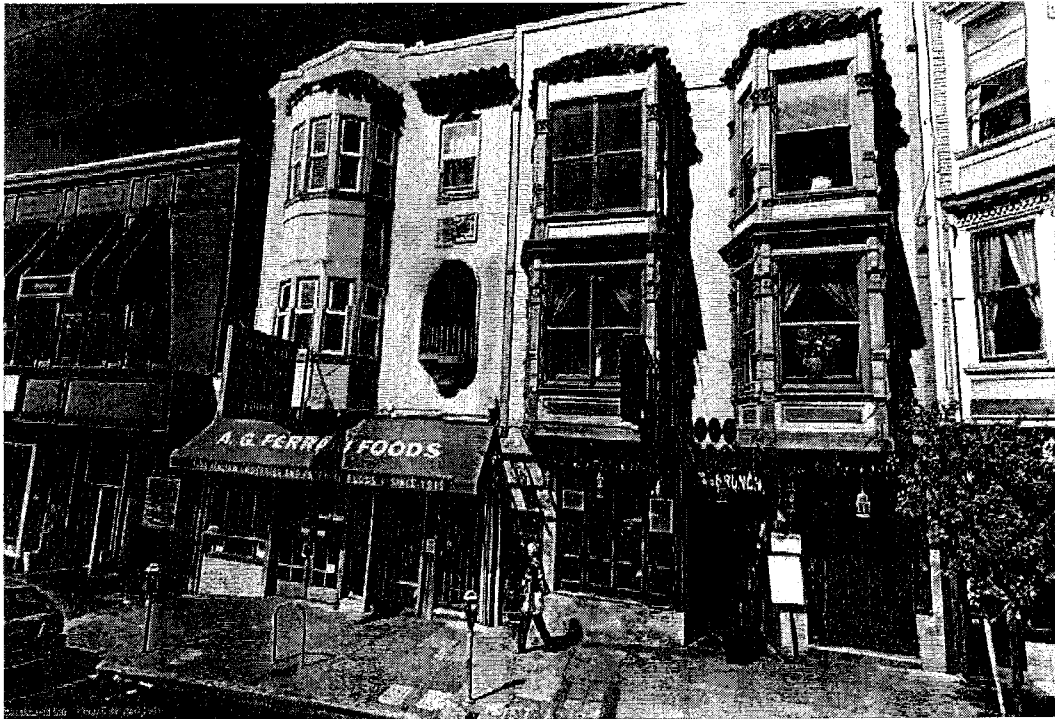


Exhibit A- Existing Active Ground Floor Uses on Castro Street and 24th Street

Figure A- Active and High Ceiling Ground Floors in the 24th Street-Noe Valley NCD





SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination EXCLUSION/EXEMPTION FROM ENVIRONMENTAL REVIEW

Date: September 17, 2012
Case No.: 2012.1088E
Project Name: BOS File No. 120774 – 5' Ground Floor Height Increase for Active Ground-Floor Uses within the Castro Street and the 24th Street - Noe Valley Neighborhood Commercial Districts (NCDs)
Zoning: Castro Street and 24th Street - Noe Valley NCDs
 40-X Height and Bulk District
Block/Lot: Various
Lot Size: Various
Project Sponsor: Supervisor Scott Wiener, District 8, San Francisco Board of Supervisors
Staff Contact: Kei Zushi – (415) 575-9036
 kei.zushi@sfgov.org

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 415.558.6377

PROJECT DESCRIPTION:

The proposed project is an ordinance that would amend San Francisco Planning Code Sections 263.20, 715.1, and 728.1 to permit a maximum 5-foot ground-floor height increase when ground-floor commercial space or other active use is provided in the 40-X Height and Bulk District within the Castro Street and the 24th Street – Noe Valley Neighborhood Commercial Districts (NCDs). The maximum building height that can be allowed under the proposed legislation would be 45 feet. [Continued on following page.]

EXEMPT STATUS:

General Rule Exclusion (State CEQA Guidelines, Section 15061(b)(3))

REMARKS:

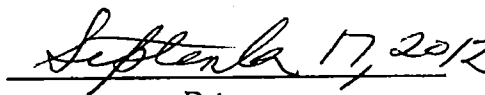
Please see next page.

DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and Local requirements.



Bill Wycko
 Environmental Review Officer



Date

cc: Kimia Haddadan, San Francisco Planning Dept.
 District 8 Supervisor Scott Wiener

Distribution List
 Virna Byrd, M.D.F

PROJECT DESCRIPTION (CONTINUED):

Planning Code Section 263.20 provides a 5-foot height exception when ground-floor commercial space or other active use is provided in the following areas: 1) Neighborhood Commercial Transit (NCT) districts; 2) the Upper Market Street, Inner Clement Street, and Outer Clement Street NCDs; 3) NC-2 and NC-3 parcels fronting Mission Street, from Silver Avenue to the Daly City border; 4) NC-2 parcels on Balboa Street between 2nd and 8th Avenues, and between 32nd and 39th Avenues; 5) NC-1 parcels within the boundaries of Sargent Street to Orizaba Avenue to Lobos Street to Plymouth Avenue to Farallones Street to San Jose Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street and back to Sargent Street; and 6) NC-3 parcels fronting on Geary Boulevard from Masonic Avenue to 28th Avenue, except for parcels on the north side of Geary Boulevard between Palm and Parker Avenues. Concurrently with this application, the 5-foot height exception has also been proposed by District 5 Supervisor Christina Olague for the proposed Divisadero and Filmore NCDs.¹

The 5-foot special height exception can be permitted on properties that contain: 1) ground-floor commercial or other active use, as defined by Planning Code Section 145.1(b)(2), with clear ceiling heights in excess of 10 feet from sidewalk grade; or 2) walk-up residential units raised up from sidewalk level. Planning Code Section 263.20 requires that: 1) such ground-floor commercial spaces, active uses, or walk-up residential uses be primarily oriented along a right-of-way wider than 40 feet; 2) such ground-floor commercial spaces or active uses occupy at least 50 percent of the project's ground-floor area; and 3) the project sponsor conclusively demonstrate that the additional 5-foot increment would not add new shadow to any public open spaces, except for projects located in NCT districts. Furthermore, Planning Code Section 263.20 provides that 1 additional foot of height, up to a total of 5 feet, is permitted above the designated height limit for each additional foot of ground-floor clear ceiling height in excess of 10 feet from sidewalk grade, or in the case of residential units, for each foot the unit is raised above sidewalk grade.

The 5-foot exception provided by Planning Code Section 263.20 is insufficient to add another story, but provides an incentive for developers to create lively ground-floor commercial spaces along NCD corridors. Older buildings along commercial streets in the 40-X Height and Bulk District are generally three or four stories with each story having a minimum of 12-foot clear ceiling heights, with spaces that are directly accessed from the street. The older residential buildings in the 40-X Height and Bulk District often have ground-floor units that are elevated several feet above the sidewalk level and include stoops to provide direct access to individual units. Newer buildings along commercial streets in the 40-X Height and Bulk District, however, tend to have four or five 10-foot stories, and the residential buildings often contain a single ground-floor entrance lobby providing access to multiple dwelling units. These buildings generally lack visual interest and human scale. The primary intention of the 5-foot height exception is to encourage developers to incorporate the design elements of the older types of buildings into new commercial and residential development projects to offer more attractive uses that will better activate the public realm, without allowing for an increase in building area.

Figures 1 and 2 identify: (1) the parcels proposed for the 5-foot height exception within the Castro NCD; and (2) the parcels proposed for the 5-foot height exception within the 24th Street – Noe Valley NCD, respectively.

¹ See Board File No. 120796-2 concerning the proposed Divisadero NCD and Board File No. 120814 concerning the proposed Filmore NCD.

REMARKS:

California Environmental Quality Act (CEQA) State Guidelines Section 15061(b)(3) establishes the general rule that CEQA applies only to projects that have the potential to cause a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Land Use. The proposed project would allow future development projects in the subject NCDs to be up to 5 feet taller, with taller ground-floor commercial space or active use. The land uses covered by this legislation are located exclusively in the Castro Street and 24th Street – Noe Valley NCDs, in which many of the existing ground-floor uses are commercial, with residential use above. All parcels affected by this legislation are within the 40-X Height and Bulk District.

The Castro Street NCD contains various commercial, services, and residential uses, and generally consists of one-story retail or two- and three-story residential-over-retail buildings. The commercial businesses are active both in the daytime and late into the evening and include a number of bars and restaurants, as well as several specialty clothing and gift stores. The Castro Street NCD also supports a number of offices in converted residential buildings.

The 24th Street – Noe Valley NCD generally contains single-story commercial buildings and two- and three-story residential-over-commercial buildings. This daytime-oriented, multi-purpose commercial district provides a mixture of convenience and comparison shopping goods and services to a predominantly local market area. It contains primarily retail sales and personal services at the street level, some office uses on the second story, and residential use almost exclusively on the third and upper stories.

Housing development is encouraged in new buildings above the ground story in both of the subject NCDs. Future commercial growth is directed to the ground story in order to promote more continuous and commercial/active frontage.

A project could have a significant effect on land use if it would physically divide an established community; conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect; or have a substantial adverse impact on the existing character of the vicinity.

The proposed project would allow for slightly taller buildings to be constructed, but would not be considered to cause a substantial adverse impact on the existing character of the subject NCDs. Furthermore, the proposed project would not physically disrupt or divide an established community, or conflict with any land use plan, policy, or regulation that has been adopted for the purpose of avoiding or mitigating an environmental effect. For these reasons, the proposed project would not result in a significant effect on land use.

Visual Quality and Urban Design. The proposed project would increase maximum permitted building heights in the NCDs identified in Figures 1 and 2. The proposed height exception would be minor, up to 5 feet, and would occur within a highly developed urban environment. The 5-foot height exception is insufficient to allow another story to be added to an existing building. The parcels that are subject to the proposed height increase are mostly adjacent to residential districts, zoned RH-2 and -3 (Residential

House, Two- and Three-Family) and RM-1 (Low-Density Mixed Residential). Regardless of the zoning of the adjacent parcels, the development of individual NCD parcels to a height 5 feet above existing height allowances might be noticeable to immediate neighbors; however, in the dense urban character of development within and surrounding the NCDs, this minor increase in height would have correspondingly minor visual impacts.

In reviewing visual quality and urban design under CEQA generally, consideration of the existing context in which a project is proposed is required, and evaluation must be based on the impact on the existing environment. That some people may not find a given development project attractive does not mean that it creates a significant aesthetic environmental impact; projects must be judged in the context of the existing conditions. For the proposed height exception, the context is urban right-of-way that is already developed. Given the context and the minor allowable increase of up to 5 feet and the incremental nature of such development along the subject NCDs, the proposed height exception would be consistent with the existing, developed environment, and its visual effects would not be unusual and would not create adverse aesthetic impacts on the environment. Furthermore, it would not be likely to result in a substantial, demonstrable negative aesthetic effect, or obstruct or degrade scenic views or vistas now observed from public areas. Thus, the proposed project would result in less-than-significant impacts on visual quality and urban design.

In addition, the increased height allowed by the proposed legislation would not directly or indirectly contribute to the generation of any obtrusive light or glare that is unusual in the subject NCDs. For all the above reasons, proposed legislation would not result in a significant adverse effect on public views or aesthetics.

Historic Resources. There are no designated historic districts within or adjacent to the subject NCDs. The proposed special height exception could result in increased building heights within a potential historical district or affect known historical resources. The allowable increase in height, however, would be minor (up to 5 feet) and in and of itself would not have the potential to result in a material impairment to a potential historic district or potential/known historic building. Projects taking advantage of the height exception could involve the re-use and remodeling of existing historical buildings, but such a minor height increase could be accomplished maintaining the general scale, design, and materials of the historical resources, thereby maintaining their historic context. Any development proposal taking advantage of the height exception would be subject to further review for a determination of whether the project would result in potential impacts to the environment, including historic resources. The proposed legislation therefore would not result in a significant effect on historical resources.

Noise and Air Quality. The proposed special height exception of up to 5 feet would potentially result in an incremental increase in construction activities or greater intensity of use at future development project sites, in that such development projects that would occur regardless of the proposed legislation could be up to 5 feet taller. Thus, the resulting increase in operational or construction noise would be minimal, and noise and air quality impacts would be less than significant.

Shadow. Planning Code Section 263.20(b)(6) provides that the 5-foot special height exception can be permitted only when the project sponsor has conclusively demonstrated that the additional 5-foot increment would not add new shadow to any public open space. For this reason, the proposed legislation would not result in a significant impact with regard to shadow.

Light and Air. The 5-foot special height exception could result in slightly taller development projects that could potentially change or reduce that amount of light and air available to adjacent buildings. Any such changes could be undesirable for those individuals affected. Given the minor increase in height that would be permitted, it is anticipated that any changes in light and air would also be minor and would not have substantial effects. Thus, the potential impact of the proposed legislation on light and air would not be significant.

Wind. The proposed legislation would allow a minor 5-foot increase in height for future development projects at the NCD parcels identified in Figures 1 and 2. All of the parcels affected by this legislation are within the 40-foot height district; thus, the maximum resulting building height would be 45 feet. In general, buildings up to 55 feet in height do not result in significant impacts on wind. For this reason, the proposed legislation would not result in a significant adverse impact with regard to wind.

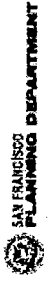
Cumulative Impacts. The proposed 5-foot height exception could potentially result in a minimal increase in construction activities and greater intensity of use at individual future development project sites, in that such development projects that would occur regardless of the proposed legislation could be up to 5 feet taller. This increase in activities and intensity of use would not be considered significant. Thus, cumulative impacts would be less than significant.

Neighborhood Concerns. A "Notification of Project Receiving Environmental Review" was mailed on August 27, 2012, to potentially interested parties. No comment has been submitted regarding this application.

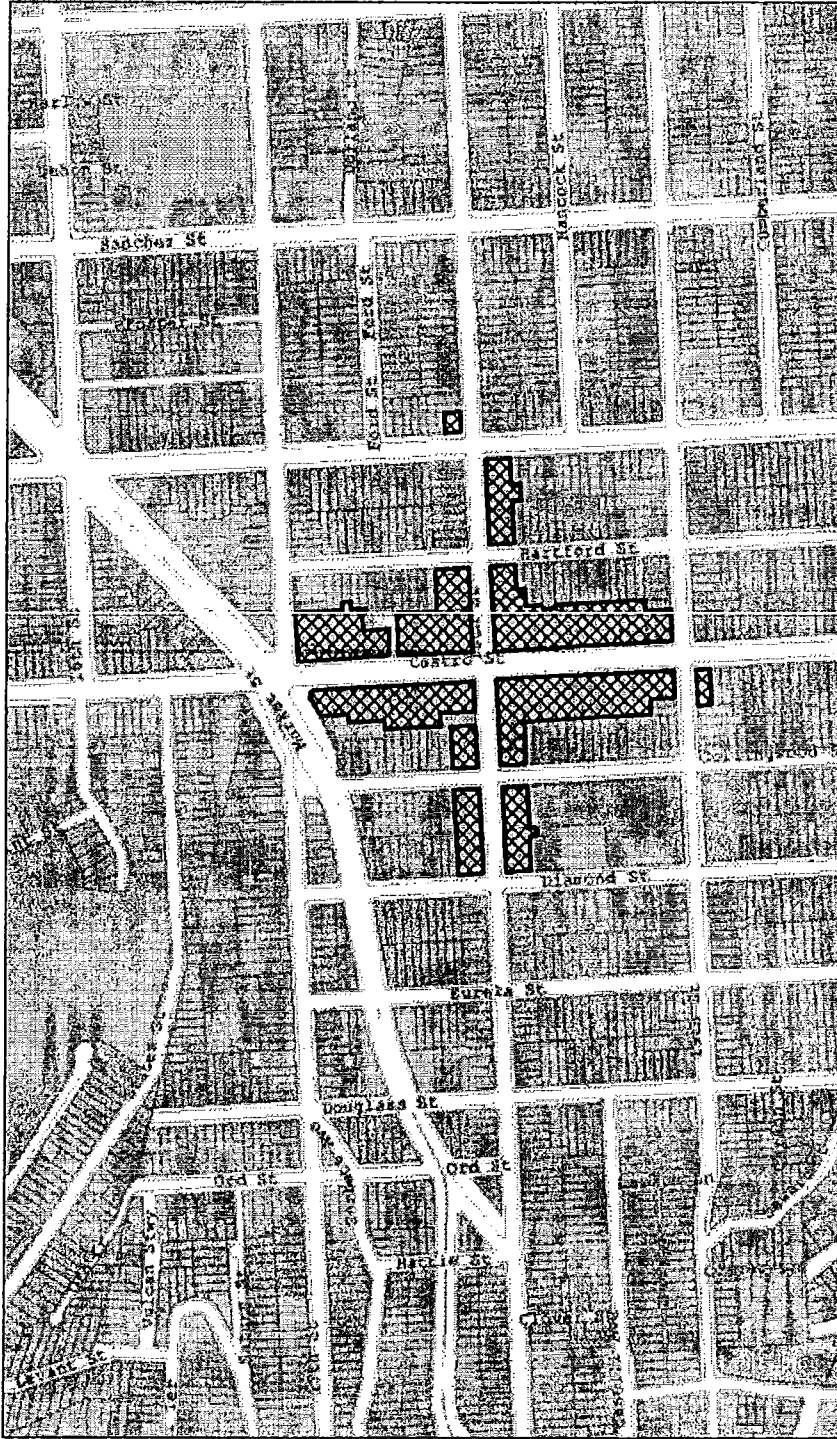
Conclusion. CEQA Guidelines Section 15061(b)(3) provides an exemption from environmental review where it can be seen with certainty that the proposed project would not have a significant impact on the environment. As noted above, there are no unusual circumstances surrounding the current proposal that would suggest a reasonable possibility of a significant effect. Since the proposed project would have no significant environmental effects, it is appropriately exempt from environmental review under the General Rule Exclusion (CEQA Guidelines Section 15061(b)(3)).


Figure 1

Affected Properties within Castro NCD
Case No. 2012.1088E
BOS File No. 120774



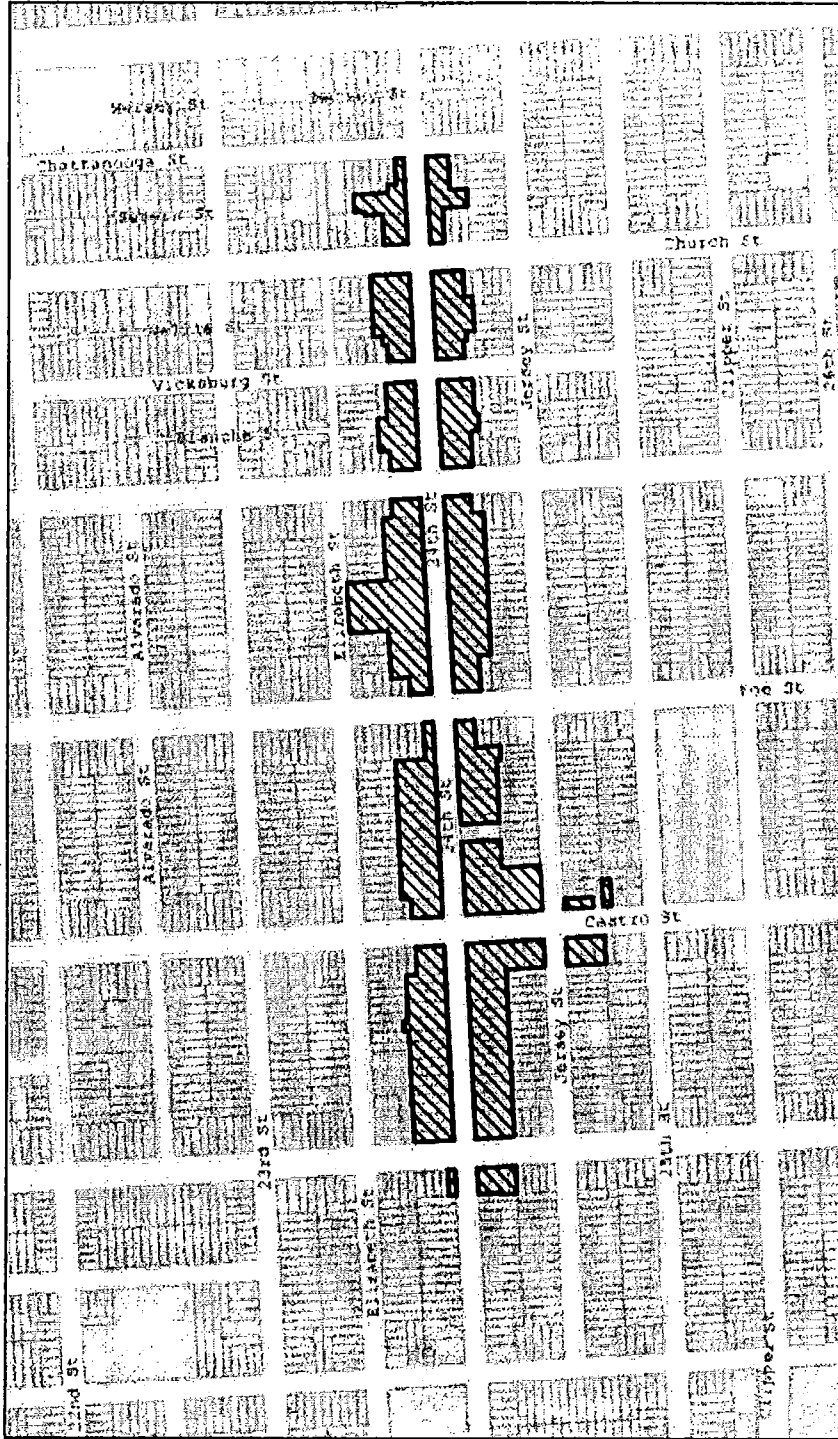
Printed: 30 August 2012



 Affected Properties within Castro NCD

The City and County of San Francisco (CCSF) does not warrant the accuracy, adequacy, completeness or usefulness of any information, CCCF does not assume any liability for any inaccuracies, omissions, or delays in providing the information, and assumes no responsibility for any use of the information.

Figure 2
Affected Properties within 24th Street - Noe Valley NCD
Case No. 2012.1088E
BOS File No. 120774



The City and County of San Francisco (CCSF) does not guarantee the accuracy, reliability, completeness or timeliness of any information, data or materials provided in this map. The City and County of San Francisco (CCSF) does not assume any liability for any errors, omissions or inaccuracies in this map. The City and County of San Francisco (CCSF) does not assume any liability for any errors, omissions or inaccuracies in this map.



SMALL BUSINESS COMMISSION
OFFICE OF SMALL BUSINESS



CITY AND COUNTY OF SAN FRANCISCO
EDWIN M. LEE, MAYOR

September 12, 2012

Ms. Angela Calvillo, Clerk of the Board
Board of Supervisors
City Hall room 244
1 Carlton B. Goodlett Place
San Francisco, CA 94102-4694

File No. 120774 [Planning Code - Permitting a Five Feet Ground Floor Height Increase for Active Ground Floor Uses in the Castro Street and the 24th Street - Noe Valley Neighborhood Commercial Districts]

Small Business Commission Recommendation: Approval with Recommendations

Dear Ms. Calvillo:

On August 13, 2012 the Small Business Commission held a hearing on Board of Supervisors File No. 120774 and voted 5-0 to recommend approval of the ordinance with recommendations.

The Commission has continually supported the policy of allowing a five foot height increase on buildings in NC Districts when that space is dedicated to increasing the height of an active ground floor commercial use and strongly supports the proposal to extend this policy to the 24th Street-Noe Valley and Castro Street NCD's. In making the recommendation to approve this ordinance, Commissioners cited several key points outlined in the Planning Departments NC@20 report:

- *The majority of NC districts are zoned for 40 or 50 foot height limits, leading to development which typically features a ground level commercial space below three or four residential levels, respectively. The resulting 10 foot floor-to-floor geometry, along with market and financial pressure to maximize residential ceiling heights, leads to ground level commercial spaces with finished ceiling heights of between 8 and 9 feet.*
- *This commercial space looks and feels crowded and cramped, and does not afford an experience which is enjoyable for the patron or attractive to businesses. The commercial spaces in question leads to ground floor retail environments of poor quality, has spill-over economic effects, and robs the streetscape environment of active, vital uses which should help to define the City's various NC Districts*
- *In order to encourage more appropriate ground floor ceiling heights in projects which must contend with the economic realities of development in dense urban environments, further study of policies which would establish a modest height bonus – perhaps no greater than 5 additional feet to be used only to increase the ceiling height of ground level commercial spaces – should be performed.*



SMALL BUSINESS COMMISSION
OFFICE OF SMALL BUSINESS



CITY AND COUNTY OF SAN FRANCISCO
EDWIN M. LEE, MAYOR

In addition to recommending this policy for approval in the 24th Street-Noe Valley and Castro Street NCD's the Commission recommends this policy be applied to all applicable NCD's throughout the City and that this be accomplished through trailing legislation or an amendment to this file should the sponsor be inclined to amend the ordinance. In just the past year alone, 5 individual ordinances have been brought forward to extend these policies to additional parts of the City. This piecemeal approach is inefficient and leads to confusion over which parts of the City this policy applies to. Applying this policy City-wide will both achieve a key recommendation in the NC@20 and will reduce the volume of legislation coming before the Board of Supervisors and applicable Commissions.

Additionally, recognizing the benefits of this policy, the Commission recommends that consideration be taken to extend this to the City's RC districts and selected C districts where 40x or 50x height limits exist. These districts will also benefit from this height allowance as they also see increasing pressure to maximize heights of the residential floors, often at the expense of the commercial portion of the building.

Sincerely,

Regina Dick-Endrizzi
Director, Office of Small Business

Cc: Supervisor Wiener
Jason Elliott, Mayor's Office
Aaron Starr, Planning Department

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee:
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee:
- 4. Request for letter beginning "Supervisor inquires"
- 5. City Attorney request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No.
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a different form.

Sponsor(s):

Subject:

The text is listed below or attached:

Signature of Sponsoring Supervisor: _____

For Clerk's Use Only: