



SAN FRANCISCO PLANNING DEPARTMENT

March 3, 2010

Ms. Angela 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

**Re: Transmittal of Planning Department Case Number 2009.1119T:
Street Frontages Ordinance**

BOS File No: 09-1271

Planning Commission Recommendation: Approval with Modifications

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Dear Ms. Calvillo,

On February 18, 2010 the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance;

The proposed Ordinance introduced by Supervisor Mirkarimi would amend six sections of the Planning Code to extend controls created in previous planning efforts to additional zoning districts in order to create a comprehensive and consistent set of street frontage controls for most use districts that allow a mix of uses.

The proposed changes have been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c)(2).

At the February 18th hearing, the Commission voted to recommend **approval with modifications** of the proposed Ordinance. Specifically, the Commission recommends the following modifications:

Recommended Modifications

1. **Section 145.1 - Technical Clarifications.** Replace the period with a comma where the period is in the middle of the first sentence in subsection 145.1(c)(3). In this same sentence it is not clear that the controls apply to all height districts except the 40 and 50' districts. Rewriting this sentence to explicitly allow lower ceiling heights for 40 and 50' would clarify the intent.

2. **Section 145.1 - Content Change.**

1. In talking with the project sponsor, it appears the Ordinance was not intended to delete controls limiting ingress/egress to 1/3 of the width of a structure and in no instance more than 20 feet. Instead it was only their intent to eliminate the requirement that in no circumstances should ingress/egress be less than 8 – 10 feet. The Commission supports amending the proposed legislation to reintroduce limits on the ingress/egress dimensions. The Commission further does not believe it is necessary to dictate that entrances not be less than 8 – 10 feet, and recommends removing this minimum requirement.
2. Livable City recommended expanding Section 145.1 (active street-fronting uses) to South of Market Mixed-Use Districts, Chinatown Districts, and C-M districts. The Commission recommends this modification.

3. **Section 261.1 - Content Change.** As written the Ordinance would apply alley controls to high-density areas in the Van Ness SUD and Tenderloin area, both of which may have alleys that are narrower than the residential enclaves in SoMa and the Hayes Valley alleys where this control currently applies. Without further testing and vetting, this control should not be extended to the RC district. The Commission recommendation is to remove the RC district from 261.1 but the Commission supports adding NC districts to this control.

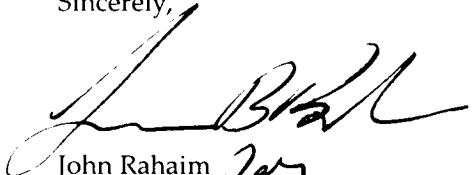
4. **Section 270.2 - Content Change.** Livable City suggested expanding Section 270.2 (Mid-block alleys in large lot developments) into the South of Market Mixed-use districts and C-M districts. The Commission recommends this modification but only for parcels that are not part of the current rezoning effort led by the Western SoMa Citizen's Task Force.

5. **Sections 145.1 and 145.4- Content Change.**

1. Livable City suggested providing an exemption from active use requirements described in these Sections for historic buildings. The Commission recommends this modification if the appropriate references are made to existing procedures for Historic Preservation Commission review as articulated in Articles Ten and Eleven.
2. Livable City suggested providing further specifications concerning when various lobby types be considered "active" uses. The Commission recommends a similar modification. Section 145.1 used to explicitly say that lobbies for any use are considered active uses, but through the EN amendment process that language appears to have been lost. The Commission would propose that any lobby for any use be considered as an active use as long as it does not exceed 40' in width or 25% of the building frontage, whichever is larger. This is consistent with ongoing Downtown recommendations.

Please find attached documents relating to the Commission's action. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,



John Rahaim
Director of Planning

cc: Supervisor Ross Mirkarimi

Attachments (one copy of the following):

Planning Commission Resolution No. 18034

Planning Commission Executive Summary for Case No. 2009.11192T



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 18034

HEARING DATE: FEBRUARY 18, 2010

Project Name: Street Frontages
Case Number: 2009.1119T [Board File No. 09-1271]
Initiated by: Supervisor Mirkarimi
Introduced: November 3, 2009
Staff Contact: AnMarie Rodgers, Manager Legislative Affairs
anmarie.rodgers@sfgov.org, 415-558-6395

Recommendation: **Recommend Approval with Modifications**

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD EXTEND CONTROLS CREATED IN PVIOUS PLANNING EFFORTS TO ADDITIONAL ZONING DISTRICTS IN ORDER TO CREATE A COMPREHENSIVE AND CONSISTENT SET OF STREET FRONTAGE CONTROLS FOR MOST USE DISTRICTS THAT ALLOW A MIX OF USES.

PREAMBLE

Whereas, on November 3, 2009, Supervisor Mirkarimi introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 09-1271 which would amend Sections 145.1, 201, 243, 253, 261.1, and 270.2 to create a comprehensive and consistent set of street frontage controls for most use districts that allow a mix of uses; and

Whereas, on February 18, 2010, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance; and

Whereas, the proposed zoning changes have been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c)(2); and

Whereas, the Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, 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 recommends *approval with modifications of the proposed Ordinance* and adopts the Resolution to that effect. Specifically, the Commission recommends the following modifications:

Recommended Modifications

- **Section 145.1 - Technical Clarifications.** Replace the period with a comma where the period is in the middle of the first sentence in subsection 145.1(c)(3). In this same sentence it is not clear that the controls apply to all height districts except the 40 and 50' districts. Rewriting this sentence to explicitly allow lower ceiling heights for 40 and 50' would clarify the intent.

- **Section 145.1 - Content Change.**
 1. In talking with the project sponsor, it appears the Ordinance was not intended to delete controls limiting ingress/egress to 1/3 of the width of a structure and in no instance more than 20 feet. Instead it was only their intent to eliminate the requirement that in no circumstances should ingress/egress be less than 8 – 10 feet. The Commission supports amending the proposed legislation to reintroduce limits on the ingress/egress dimensions. The Commission further does not believe it is necessary to dictate that entrances not be less than 8 – 10 feet, and recommends removing this minimum requirement.
 2. Livable City recommended expanding Section 145.1 (active street-fronting uses) to South of Market Mixed-Use Districts, Chinatown Districts, and C-M districts. The Commission recommends this modification.

- **Section 261.1 - Content Change.** As written the Ordinance would apply alley controls to high-density areas in the Van Ness SUD and Tenderloin area, both of which may have alleys that are narrower than the residential enclaves in SoMa and the Hayes Valley alleys where this control currently applies. Without further testing and vetting, this control should not be extended to the RC district. The Commission recommendation is to remove the RC district from 261.1 but the Commission supports adding NC districts to this control.

- **Section 270.2 - Content Change.** Livable City suggested expanding Section 270.2 (Mid-block alleys in large lot developments) into the South of Market Mixed-use districts and C-M districts. The Commission recommends this modification but only for parcels that are not part of the current rezoning effort led by the Western SoMa Citizen's Task Force.

- **Sections 145.1 and 145.4- Content Change.**
 1. Livable City suggested providing an exemption from active use requirements described in these Sections for historic buildings. The Commission recommends this modification if the appropriate references are made to existing procedures for Historic Preservation Commission review as articulated in Articles Ten and Eleven.

2. Livable City suggested providing further specifications concerning when various lobby types be considered "active" uses. The Commission recommends a similar modification. Section 145.1 used to explicitly say that lobbies for any use are considered active uses, but through the EN amendment process that language appears to have been lost. The Commission would propose that any lobby for any use be considered as an active use as long as it does not exceed 40' in width or 25% of the building frontage, whichever is larger. This is consistent with ongoing Downtown recommendations.

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 proposed Ordinance seeks to achieve more consistency in how the City controls for street frontages. It takes provisions that have been tested and approved for recent plan areas and extends these controls to additional NC, RC, and C-3 Districts;
2. The primary result of this legislation would be not only controls that are easier for the public and staff to understand, but also controls that implement our current understanding of the characteristics of successful places;
3. The legislation primarily addresses building frontages, however, the proposed amendment to Section 253 addresses removing a requirement for Conditional Use authorization. The Commission believes this will add more certainty for developers and will balance the proposal by offering to remove some existing processes. Further, this additional review currently applies primarily to residential districts where very few parcels are zoned over 40' and it seems reasonable to afford more review to the exceptions that would allow more height. This is not the case in the RC district where the majority of the district is zoned for greater than 40';
4. The Commission agrees that the South of Market lots zoned C-3 have the large block structure that would benefit from the introduction of mid-block alleys as regulated by 270.2;
5. While the Commission wholeheartedly supports the goal of protecting sunlight to alleys and small streets. The Commission feels that the RC districts are significantly different from both the plan areas where this control currently applies as well as to the proposal to include NC districts in these alley controls. While the goal is appropriate, the Commission feels more work needs to be done to ensure the response is appropriate. NC Districts, like the areas where this control currently applies, tend to be of smaller scale and appropriate for small scale setbacks. The RC districts include some of the densest and most developed areas outside of the Downtown such as the Van Ness SUD and the Tenderloin areas. Conversely, the existing alley controls were developed for residential enclaves in SoMa and the lower intensity alleys in Hayes Valley. The alleys adjacent to the RC districts tend to be even narrower than in Hayes Valley and SoMa and therefore may result in significantly greater setbacks. Without a better understand of the implications to existing buildings and thus the potential compatibility of buildings proposed under this control, the Commission recommends removing RC districts from Section 261.

6. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

I. URBAN DESIGN ELEMENT

OBJECTIVE 3

MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

POLICY 3.7

Recognize the special urban design problems posed in development of large properties.

POLICY 4.13

Improve pedestrian areas by providing human scale and interest.

II. VAN NESS AVENUE AREA PLAN

OBJECTIVE 1

CONTINUE EXISTING OF THE AVENUE AND ADD A SIGNIFICANT INCREMENT OF NEW HOUSING.

POLICY 1.1

Encourage development of high density housing above a podium of commercial uses in new construction or substantial expansion of existing buildings.

POLICY 1.4

Maximize the number of housing units.

OBJECTIVE 6

ENCOURAGE DISTINGUISHED ARCHITECTURE WHOSE SCALE, COMPOSITION AND DETAILING ENHANCES THE OVERALL DESIGN STRUCTURE OF THE AVENUE AND RELATES TO HUMAN SCALE.

POLICY 6.3

Incorporate setbacks and/or stepping down of building form on new developments – and major renovations when necessary – to increase sun exposure on sidewalks.

7. The proposed replacement project is 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 encourage neighborhood-serving retail uses by requiring active uses more consistently.

- 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 legislation will not burden existing neighborhood character and housing.

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

The proposed Ordinance will have no adverse effect 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 adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.

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

Landmarks and historic buildings would be unaffected by the proposed amendments as the Historic Resource Commission could disapprove a "Certificate of Appropriateness" for harmful actions. In addition, should a proposed use be located within a landmark or historic building, such site would be evaluated under typical Planning Code provisions and comprehensive Planning Department policies.

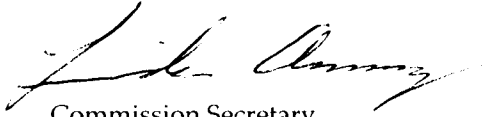
- H) Parks and open space and their access to sunlight and vistas will be protected from development:

The City's parks and open space and their access to sunlight and vistas would be unaffected by the proposed amendments. It is not anticipated that permits would be such that sunlight access, to

public or private property, would be adversely impacted.

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on February 18, 2010.

Linda Avery



Commission Secretary

AYES: MICHEL, OLAGUE, ANTONINI, FOREN, & LEE

NAYS: MOORE & SUCATA

ABSENT: _____

ADOPTED: February 18, 2010



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Text Change

HEARING DATE: FEBRUARY 18, 2010

Project Name: **Street Frontages**
Case Number: 2009.1119T [Board File No. 09-1271]
Initiated by: Supervisor Mirkarimi
Introduced: November 3, 2009
Staff Contact: AnMarie Rodgers, Manager Legislative Affairs
anmarie.rodgers@sfgov.org, 415-558-6395

Recommendation: **Recommend Approval with Modifications**

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PLANNING CODE AMENDMENT

The proposed Ordinance introduced by Supervisor Mirkarimi would extend controls created in previous planning efforts to additional zoning districts in order to create a comprehensive and consistent set of street frontage controls for most use districts that allow a mix of uses.

The Way It Is Now:

The Proposed Ordinance amends six existing Sections of the Planning Code (hereafter referred to as "Code"). Below is a concise summary of the pertinent components of the Sections proposed for amendment.

- **Section 145.1 – Street Frontages, NC, DTR and EN Mixed Use Districts**

Currently this Section of the Code regulates street frontages to ensure that they are attractive, pedestrian-oriented and compatible with existing buildings. The Section generally limits the amount of the façade devoted to ingress/egress of parking to no more than 1/3 the width of the structure, with an exception providing that within NC-S districts ingress/egress should be no more than 1/3 or 50' whichever is less. This Section further requires that while ingress/egress should be generally limited to no more than 1/3 of the façade, in no circumstances should it be required to less than 8 – 10 feet. It requires that in NC Districts (excluding NCT Districts) that selected ground floor permitted uses (such as bars, movie theaters, services, etc.) devote at least 1/2 of the street frontage to commercial, untinted window space. Off-street parking that is at grade is required to be setback at least 25'. "Active Uses¹" are required to be provided within the first 25' along the ground. Ground floor ceiling heights shall be 17' floor to ceiling in the UMU district and 14' in NCT, DTR, MUG, MUR, and MUO districts.

¹ "Active Uses" are defined as a use which by its nature does not require non-transparent walls facing the street. Residential uses are considered active uses above the ground floor or at the ground if more than 50% of the residential street frontage provides walk-up dwelling units with direct pedestrian access to the sidewalk.

- **Section 201 – Classes of Use Districts**

This Section of the Code merely lists the zoning use districts by abbreviation and by full name and is organized by general categories of uses.

- **Section 243 – Van Ness Special Use District**

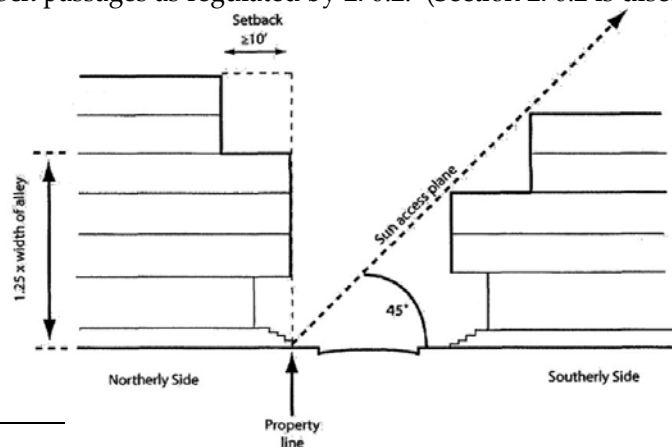
This Section of the Code establishes a special use district that creates i) a mix of residential and commercial uses along Van Ness; ii) preserves and enhances the pedestrian environment; iii) encourages the retention of historically significant buildings; iv) conserves the existing housing stock; and v) enhances the visual and urban design quality of the street. While this SUD establishes a number of controls, the proposed Ordinance would only amend controls related to ground story uses by deleting these controls and instead apply the controls in 145.1. Currently, the controls in this SUD require: 1) parking to be set back at least 25' from the frontage and 2) at least 50% of the total ground floor to be devoted to entrances, windows, or displays.

- **Section 253 – Review of Proposed Buildings Exceeding 40' height in R Districts**

This Section of the Code currently applies to all R districts except the RTO district. In these areas the Section requires that proposals for more than 40' be subject to Conditional Use authorization before the Planning Commission.

- **Section 261.1 – Additional Height Limits for Narrow Streets in RTO, NCT and EN Mixed Use Districts**

This Section of the Code applies to alleys in the Market & Octavia Area Plan and the Eastern Neighborhoods Plan Area that run east-west. It is intended to ensure the provision of sun to these small scale residential alleys. This Section requires that the upper stories be set back at least 10' when the building exceeds 1.25 times the width of the street². It also requires the buildings on the southern side of the alley setback from the property line at an angle of 45 degrees from the opposite side of the street. See illustration below. It further requires 5-10' setbacks for midblock passages as regulated by 270.2. (Section 270.2 is discussed in this report in the next bullet.)



² The setbacks do not apply to the first 60' of the alley from the intersection of a larger street to help maintain the streetwall facades along the larger intersection. Beyond 60 feet into the alley the setbacks apply.

- **Section 270.2 – Special Bulk and Open Space Requirement: Mid-block Alleys in Large Lot Development in the EN Mixed Use and DTR Districts**

This Section of the Code establishes provisions to mitigate the large blocks found in the “historically industrial parts of the City” as these areas transition from industrial uses to higher density uses. It applies parcels have over 200 linear feet of frontage, on blocks longer than 400’, and where the zoning is DTR or EN Mixed Use Districts. When applicable it requires that new construction with more than 300 linear feet of façade provide a midblock alley for the depth of the property. Parcels between 200-300 feet are required to provide a midblock alley when a) there is an opportunity to establish a through-block connection or b) a portion of the frontage extends over the central half of the block or c) where it is deemed necessary by the Planning Department and Commission to introduce alleys.

The Way It Would Be:

The proposed Ordinance would amend the following existing Sections within the Planning Code:

- **Section 145.1 – Street Frontages, NC, DTR and EN Mixed Use Districts**

The proposed Ordinance would amend this Section to include Commercial Districts (C-2 and C-3) and Residential-Commercial Districts (RC-1, RC-2, RC-3, and RC-4). The Ordinance proposes to remove the limitations on ingress/egress. This section would also be amended remove the NC District specific allowances that require at least 50% of the ground floor be devoted to entrances, windows or display cases. Instead, the “active use” provisions that apply to NC-T Districts would now apply also to NC Districts. This would require active uses along the ground floor³ for the first 25’ deep into the parcel.

- **Section 201 – Classes of Use Districts**

This Section of the Code would be amended to add further categorical titles (for instance, adding “residential-commercial districts” above the RC district list) and to remove the Hayes Gough Neighborhood Commercial District which has been superseded by the Hayes Gough NCT District.

- **Section 243 – Van Ness Special Use District**

While this SUD establishes a number of controls, the proposed Ordinance would only amend controls related to ground story uses by deleting these controls and instead apply the controls in 145.1. Currently, the controls in this SUD require: 1) parking to be set back at least 25’ from the frontage and 2) at least 50% of the total ground floor to be devoted to entrances, windows, or displays. These controls would be replaced with the Section 145.1 controls that generally would limit the amount of the façade devoted to ingress/egress of parking to no more than 1/3 the width

³ Allowed exceptions to this “active use” requirement include space for parking access, building egress, and access to mechanical systems. The Zoning Administrator may further exempt space for mechanical features if these are provided so as not to negatively impact the ground floor.

of the structure. Off-street parking that is at grade would be required to be setback at least 25'. "Active Uses"⁴ would be required to be provided within the first 25' along the ground throughout the SUD. Ceiling heights would be mandated to be at levels based upon the zoning district as described above in the summary for Section 145.1.

- **Section 253 – Review of Proposed Buildings Exceeding 40' height in R Districts**

This Section of the Code would be amended to exempt not only RTO zoned parcels from the mandatory Conditional Use authorization, but also to exempt RC Districts from mandatory CU for proposals for more than 40'.

- **Section 261.1—Additional Height Limits for Narrow Streets in RTO, NCT and EN Mixed Use Districts**

The proposed Ordinance would amend this Section to more broadly apply to all RC and NC Districts. See the attached maps for more information.

- **Section 270.2 – Special Bulk and Open Space Requirement: Mid-block Alleys in Large Lot Development in the EN Mixed Use and DTR Districts**

The proposed Ordinance would amend this Section to more broadly apply to C-3 zoned districts that are in the South of Market. It would also allow non-vehicular portions of such alleys associated with a C-3, South of Market property to count that space toward the open space requirements of Section 138.

REQUIRED COMMISSION ACTION

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

RECOMMENDATION

The Department recommends that the Commission recommend *approval with modifications* to the proposed Ordinance and adopt the attached Draft Resolution to that effect.

Recommended Modifications

⁴ "Active Uses" are defined as a use which by its nature does not require non-transparent walls facing the street. Residential uses are considered active uses above the ground floor or at the ground if more than 50% of the residential street frontage provides walk-up dwelling units with direct pedestrian access to the sidewalk.

- **Section 145.1- Technical Clarifications.** Replace the period with a comma where the period is in the middle of the first sentence in subsection 145.1(c)(3). In this same sentence it is not clear that the controls apply to all height districts except the 40 and 50' districts. Rewriting this sentence to explicitly allow lower ceiling heights for 40 and 50' would clarify the intent.
- **Section 145.1- Content Change.** In talking with the project sponsor, it appears the Ordinance was not intended to delete controls limiting ingress/egress to 1/3 of the width of a structure and in no instance more than 20 feet. Instead it was only their intent to eliminate the requirement that in no circumstances should ingress/egress be less than 8 – 10 feet. The Department supports amending the proposed legislation to reintroduce limits on the ingress/egress dimensions. The Department further does not believe it is necessary to dictate that entrances not be less than 8 – 10 feet, however, this may be a Building Code control⁵.
- **Section 261.1- Content Change.** As written the Ordinance would apply alley controls to high-density areas in the Van Ness SUD and Tenderloin area, both of which may have alleys that are narrower than the residential enclaves in SoMa and the Hayes Valley alleys where this control currently applies. Without further testing and vetting, this control should not be extended to the RC district. The Department recommendation is to remove the RC district from 261.1 but add NC districts to this control.

BASIS FOR RECOMMENDATION

The proposed Ordinance seeks to achieve more consistency in how the City controls for street frontages. It takes provisions that have been tested and approved for recent plan areas and extends these controls to additional NC, RC, and C-3 Districts. The primary result of this legislation would be not only controls that are easier for the public and staff to understand, but also controls that implement our current understanding of the characteristics of successful places. The legislation primarily addresses building frontages, however, the proposed amendment to Section 253 addresses removing a requirement for Conditional Use authorization. The Department believes this will add more certainty for developers and will balance the proposal by offering to remove some existing processes. Further, this additional review currently applies primarily to residential districts where very few parcels are zoned over 40' and it seems reasonable to afford more review to the exceptions that would allow more height. This is not the case in the RC district where the majority of the district is zoned for greater than 40'. Finally, the Department agrees that the South of Market lots zoned C-3 have the large block structure that would benefit from the introduction of mid-block alleys as regulated by 270.2

Discussion of Recommended Modification to 261.1

The Department wholeheartedly supports the goal of protecting sunlight to alleys and small streets. However, the Department feels that the RC districts are significantly different from both the plan areas where this control currently applies as well as to the proposal to include NC districts in these alley controls. While the goal is appropriate, we feel more work needs to be done to ensure the response is appropriate. NC Districts, like the areas where this control currently applies, tend to be of smaller scale

⁵ The Department is consulting with the Department of Building Inspections to see if this control is currently included in the Building Code. We intend to resolve this question by the hearing date.

and appropriate for small scale setbacks. The RC districts include some of the densest and most developed areas outside of the Downtown such as the Van Ness SUD and the Tenderloin areas. Conversely, the existing alley controls were developed for residential enclaves in SoMa and the lower intensity alleys in Hayes Valley. The alleys adjacent to the RC districts tend to be even narrower than in Hayes Valley and SoMa and therefore may result in significantly greater setbacks. Since the Department first conceived of this control, it was not intended to apply to areas with height limits greater than 85'. (See the attached brochure titled "San Francisco's Alleys", published by the Planning Department in 2003) Without a better understand of the implications to existing buildings and thus the potential compatibility of buildings proposed under this control, the Department recommends removing RC districts from Section 261.

ENVIRONMENTAL REVIEW

The proposed amendment is exempt from environmental review under Section 15060(c)(2) of the CEQA Guidelines.

PUBLIC COMMENT

As of the date of this report, the Planning Department received one letter with numerous recommended modifications to the Proposed Ordinance from Livable City. Livable City is a local nonprofit that according to their website seeks "to create a balanced transportation system and promote complementary land use that supports a safer, healthier and more accessible San Francisco for everyone." The Livable City letter is attached. While this letter was submitted largely after staff had provided analysis, the Department's preliminary responses are below. Since these requested modifications did not come from the sponsor, Supervisor Mirkarimi, if the Commission wishes to accept either the staff's or Livable City' recommendations below, an affirmative statement will need to be added to the motion before the Commission.

1. **Expand Section 145.1 (active street-fronting uses) to South of Market Mixed-Use Districts, Chinatown Districts, and C-M districts.** The Department recommends this modification.
2. **Expand Section 261.1 (additional height limits for narrow streets and alleyways) to the South of Market Mixed-Use Districts, Chinatown Districts, and CM districts.** The Department recommends against this modification until we've had time to study the potential impacts. SoMa districts that have been rezoned through EN or Market & Octavia do allow this height control. The remaining SoMa districts are undergoing a separate rezoning process that should not be preempted. While Chinatown may more closely resemble the other districts where the reduced alley heights have been successfully applied, we have not had time to give these districts or the CM districts appropriate analysis.
3. **Consider removing the Conditional Use requirement for buildings over 35' in Chinatown if alleyway height controls are adopted.** The Department recommends against this modification. Again, we need to study the potential impacts of limiting height in alleys before recommending approval.

4. **Consider permitting a 5' height bonus in 50' height districts in Chinatown under certain conditions.** The Department recommends against this modification. While the Department generally supports the evolution of 40 and 50 foot height districts to 45 and 55' respectively, anything that is tied to limiting alley heights needs more time for review.
5. **Expand Section 270.2 (Mid-block alleys in large lot developments) into the South of Market Mixed-use districts and C-M districts.** The Department recommends this modification but only for parcels that are not part of the current rezoning effort led by the Western SoMa Citizen's Task Force.
6. **Amend Section 145.5 to require active ground-floor commercial uses in all C3-R districts, and along Market Street in all C-3 districts and in the Upper Market NCD.** The Department recommends against this modification. Concerning Section 145.4 (Required Ground Floor Commercial), the Department generally agrees that all major frontages in C-3-R and on Market Street should have ground floor commercial. However, the Department doesn't agree that every building frontage on all streets should, as there are many small alleys, some that are just service alleys, that shouldn't have this requirement. In addition, Section 145.4 also has a maximum frontage width per use of 75 feet. This would be too small for downtown and perhaps for much of Market Street. The Department recommends further study so that proposed controls could be refined for those environments.
7. **Exemption from active use requirements (sections 245.1 and 245.4) for historic buildings:** The Department recommends this modification if the appropriate references are made to existing procedures for Historic Preservation Commission review as articulated in Articles Ten and Eleven. However, the Department believes that Livable City intended to reference 145.1 and 145.4 and not 245.1 and 245.4.
8. **Exemptions from 'active use' controls for certain buildings, including institutional uses.** The Department recommends against this modification as it is too broad and may present too many potential loopholes.
9. **Further specifications concerning when various lobby types be considered "active" uses.** The Department recommends a similar modification. Section 145.1 used to explicitly say that lobbies for any use are considered active uses, but through the EN amendment process that language appears to have been lost. The Department would propose that any lobby for any use be considered as an active use as long as it does not exceed 40' in width or 25% of the building frontage, whichever is larger. This is consistent with ongoing Downtown recommendations.
10. **Require ground-level commercial spaces open onto the street.** The Department largely agrees with the intent of this modification but would only recommend approval of this modification if a process were added to allow exemptions for certain projects where it is infeasible to provide entrances for each commercial space. This good planning policy and is used by the Department when reviewing projects.

RECOMMENDATION: Recommendation of Approval with Modifications
--