



SAN FRANCISCO PLANNING DEPARTMENT

October 19, 2018

Ms. Angela Calvillo, Clerk
Honorable Supervisor Kim
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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Planning
Information:
415.558.6377

**Re: Transmittal of Planning Department Case Number 2018-008862PCA:
Better Streets Plan and Curb Cut Restrictions
Board File No. 180914
Planning Commission Recommendation: Approval with Modifications**

Dear Ms. Calvillo and Supervisor Kim,

On October 18, 2018, the Planning Commission conducted duly noticed public hearings at regularly scheduled meetings to consider the proposed Ordinance, introduced by Supervisor Kim that would amend Planning Code Sections 138.1, 155(r), 161, 303(y). At the hearing the Planning Commission recommended approval with modifications.

The Commission's proposed modifications were as follows:

Section 138.1

1. **Relocate the 50,000 GSF Trigger in Section 138.1.** The proposed trigger to 138.1: The project includes more than 50,000 gross square feet of new construction should be relocated from Planning Code Section 138.1(c)(2)(A)(i)(b) to Planning Code Section 138.1(c)(2)(A)(i)(a).
2. **Change Use Size Trigger from 10,000 sq. ft. to 25,000 sq. ft.** Change the threshold in the new proposed trigger for Section 138.1 related to PDR uses. The ordinance proposes that a 10,000 sq. ft. conversion of PDR to non-PDR space would trigger 138.1. The Department recommends the threshold be set at 25,000 sq. ft.

Section 155(r)

3. **Exempt RH and NC-S Districts from 155(r)(3)(A).** Exempt projects sited in RH and NC-S Districts from the requirement that they seek a CUA to establish a new curb cut on the Transit Priority Network or a Class II or Class IV Bike or Neighborhood Commercial Street.
4. **Expand Definition of Protected Streets on Bike Network.** Amend 155(r)(3)(A) to include streets with Class III Bike Facilities protected frontages requiring a CUA on the bike network.
5. **Reestablish the last sentence in 155(r)(6) which was proposed to be removed from the code.**

6. Eliminate Minimum Parking Requirements Citywide

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

Supervisor, please advise the City Attorney at your earliest convenience if you wish to incorporate the changes recommended by the Commission.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Aaron Starr", with a long horizontal line extending to the right.

Aaron D. Starr
Manager of Legislative Affairs

cc:
John Malamut, Deputy City Attorney
Noelle Duong, Aide to Supervisor Kim
Erica Major, Office of the Clerk of the Board

Attachments:
Planning Commission Resolution
Planning Department Executive Summary



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 20319 HEARING DATE OCTOBER 18, 2018

1650 Mission St.
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San Francisco,
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Reception:
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Project Name: Amendments Planning Code Sections 138.1 Streetscape and Pedestrian Improvements; and 155: General Standards as to Location and Arrangement of Off-Street Parking, Freight Loading and Service Vehicle Facilities Planning Information: 415.558.6377

Case Number: 2018-008862PCA [Board File No. 180914]

Initiated by: Supervisor Kim / Reintroduced October 22, 2013

Staff Contact: Paul Chasan, Citywide Policy Planning
paul.chasan@sfgov.org, 415-575-9065

Reviewed by: Aaron Starr, Manager Legislative Affairs
aaron.starr@sfgov.org, 415-558-6257

RESOLUTION APPROVING WITH MODIFICATIONS A PROPOSED ORDINANCE THAT WOULD AMEND PLANNING CODE TO ADD NEW ITEMS TO THE LIST OF STANDARD REQUIRED STREETScape IMPROVEMENTS UNDER THE BETTER STREETS PLAN; MODIFYING THE TRIGGERS THAT WOULD REQUIRE PROJECT SPONSORS TO CONSTRUCT STREETScape IMPROVEMENTS IN THE PUBLIC RIGHT-OF-WAY; CLARIFYING THE RECOMMENDED SIDEWALK WIDTH FOR STREET TYPES; EXPANDING CURB CUT RESTRICTIONS FOR OFF-STREET PARKING AND LOADING TO MOST ZONING DISTRICTS AND CERTAIN DESIGNATED STREETS, INCLUDING THOSE ON THE CITYWIDE TRANSIT NETWORK AND ANY OFFICIALLY ADOPTED CLASS II BIKEWAYS (BICYCLE LANES AND BUFFERED BIKE LANES) OR CLASS IV BIKEWAYS (PROTECTED BICYCLE LANES), AND REQUIRING A CONDITIONAL USE AUTHORIZATION OR A SECTION 309 OR 329 EXCEPTION FOR NEW OR EXPANDED CURB CUTS IN THE APPLICABLE AREA; ADDING CRITERIA FOR THE PLANNING COMMISSION TO CONSIDER WHEN GRANTING A CONDITIONAL USE AUTHORIZATION OR AN EXCEPTION AS PART OF A DOWNTOWN C-3-O(SD) (DOWNTOWN, OFFICE (SPECIAL DEVELOPMENT)) OR LARGE PROJECT AUTHORIZATION IN MIXED-USE DISTRICTS FOR SUCH CURB CUTS; PROHIBITING NEW CURB CUTS IN BUS STOPS AND ON FOLSOM STREET BETWEEN ESSEX AND SECOND STREET; ELIMINATING MINIMUM OFF-STREET PARKING REQUIREMENTS FOR PROJECTS SUBJECT TO THE CURB CUT RESTRICTIONS OR PROHIBITIONS; AND MAKING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN. AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1, AND FINDINGS OF PUBLIC NECESSITY, CONVENIENCE AND WELFARE UNDER PLANNING CODE, SECTION 302.

WHEREAS, on September 18, 2018, Supervisors Kim introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 180914, which would add new items to the list of standard required streetscape improvements under the Better Streets Plan; modifying the triggers that would require project sponsors to construct streetscape improvements in the public right-of-way; clarifying the recommended sidewalk width for street types; expanding curb cut restrictions for off-street parking and loading to most zoning districts and certain designated streets, including those on the citywide transit network and any officially adopted class ii bikeways (bicycle lanes and buffered bike lanes) or class iv bikeways (protected bicycle lanes), and requiring a Conditional Use Authorization or a Section 309 or 329 exception for new or expanded curb cuts in the applicable area; adding criteria for the Planning Commission to consider when granting a Conditional Use Authorization or an exception as part of a downtown C-3-O(SD) (Downtown, Office (Special Development)) or Large Project Authorization in Mixed-Use Districts for such curb cuts; prohibiting new curb cuts in bus stops and on Folsom Street between Essex and Second Street; eliminating minimum off-street parking requirements for projects subject to the curb cut restrictions or prohibitions;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on October 18, 2018; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c) and 15378; and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, 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 Planning Commission has reviewed the proposed Ordinance; and

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

Those modifications include:

Section 138.1

1. **Relocate the 50,000 GSF Trigger in Section 138.1.** The proposed trigger to 138.1: The project includes more than 50,000 gross square feet of new construction should be relocated from Planning Code Section 138.1(c)(2)(A)(i)(b) to Planning Code Section 138.1(c)(2)(A)(i)(a).
2. **Change Use Size Trigger from 10,000 sq. ft. to 25,000 sq. ft.** Change the threshold in the new proposed trigger for Section 138.1 related to PDR uses. The ordinance proposes that a 10,000 sq. ft. conversion of PDR to non-PDR space would trigger 138.1. The Department recommends the threshold be set at 25,000 sq. ft.

Section 155(r)

3. **Exempt RH and NC-S Districts from 155(r)(3)(A).** Exempt projects sited in RH and NC-S Districts from the requirement that they seek a CUA to establish a new curb cut on the Transit Priority Network or a Class II or Class IV Bike or Neighborhood Commercial Street.
4. **Expand Definition of Protected Streets on Bike Network.** Amend 155(r)(3)(A) to include streets with Class III Bike Facilities protected frontages requiring a CUA on the bike network.
5. **Reestablish the last sentence in 155(r)(6) which was proposed to be removed from the code.**
6. **Eliminate Minimum Parking Requirements Citywide**

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 will support numerous existing City Policies including the Better Streets Policy, the Vision Zero Policy, the Transit First Policy and the Complete Streets Policy.
2. The ordinance will enable staff to more effectively implement the Better Streets Plan
3. The ordinance will enable staff to more effectively prevent the installation of new curb cuts on key walking, biking and transit corridors, thus increasing the safety and comfort of people walking and biking and using transit.
4. **General Plan Compliance.** The proposed amendments to the Planning Code are not addressed in the General Plan; the Commission finds that the proposed Ordinance is not inconsistent with the Objectives and Policies of the General Plan.

TRANSPORTATION ELEMENT

OBJECTIVE 21 – Give first priority to improving transit service throughout the City, providing a convenient and efficient system as a preferable alternative to automobile use.

POLICY 21.2 – Reduce, relocate or prohibit automobile facility features on transit preferential streets, such as driveways and loading docks, to avoid traffic conflicts and automobile congestion.

The ordinance will reduce or prohibit automobile facilities features on Transit Preferential Streets by expanding the list of zoning districts where a CUA is required to install new curbs cut on a Transit Preferential Streets and establishing criteria for the Commission to consider when deciding on CUAs for these curb cuts.

OBJECTIVE 24 – Design every street in San Francisco for safe and convenient walking.

POLICY 24.1 – Every surface street in San Francisco should be designed consistent with the Better Streets Plan for safe and convenient walking, including sufficient and continuous sidewalks and safe pedestrian crossings at reasonable distances to encourage access and mobility for seniors, people with disabilities and children.

The ordinance will support staff's efforts to implement the Better Streets Plan (BSP). Planning Code Section 138.1 is staff's primary policy tool for implementing the BSP. The ordinance proposes numerous

amendments to 138.1 that will collectively improve the design review process and ensure streetscape improvements built by project sponsors are better aligned with the intent of the BSP.

OBJECTIVE 29 – Ensure that bicycles can be used safely and conveniently as a primary means of transportation, as well as for recreational purposes.

POLICY 29.1 – Expand and improve access for bicycles on City streets and develop a well-marked, comprehensive system of bike routes in San Francisco.

The ordinance will expand and improve access for bicycles on City Streets. It will result in improved safety for people on bicycles by making it harder to get a curb cut on the bike network in certain zoning districts.

URBAN DESIGN ELEMENT

OBJECTIVE 1 – Emphasis of the characteristic pattern which gives to the city and its neighborhoods an image, a sense of purpose, and a means of orientation.

POLICY 1.10 – Indicate the purposes of streets by adopting and implementing the Better Streets Plan, which identifies a hierarchy of street types and appropriate streetscape elements for each street type.

The ordinance will support staff's efforts to implement the Better Streets Plan (BSP). Planning Code Section 138.1 is staff's primary policy tool for implementing the BSP. The ordinance proposes numerous amendments to 138.1 that will collectively improve the design review process and ensure streetscape improvements built by project sponsors are better aligned with the intent of the BSP.

OBJECTIVE 4 – Improvement of the neighborhood environment to increase personal safety, comfort, pride and opportunity

POLICY 4.4 – Design walkways and parking facilities to minimize danger to pedestrians.

The ordinance will make it harder to get a new curb cut on Neighborhood Commercial Streets which are places where pedestrians are most likely to gather. In doing so, improve the safety of people walking by reducing conflicts between pedestrians and private vehicles in.

POLICY 4.11 – Make use of street space and other unused public areas for recreation, particularly in dense neighborhoods, such as those close to downtown, where land for traditional open spaces is more difficult to assemble.

The ordinance will grant City staff the ability to require projects construct sidewalk features such as extended bulbouts that function as usable open space within the public right-of-way. Much of the development that will construct these streetscape features is taking place in neighborhoods that are already dense or are quickly densifying.

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

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

The proposed Ordinance would not have a negative impact on neighborhood serving retail uses and will not impact opportunities for resident employment in and ownership of neighborhood-serving retail.

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

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

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

The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.

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

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

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

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

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

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

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not have an impact on the City's Landmarks and historic buildings.

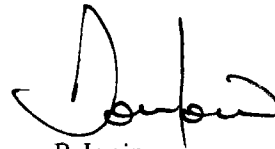
8. That our parks and open space and their access to sunlight and vistas be protected from development;

The proposed Ordinance would not have an impact on the City's parks and open space and their access to sunlight and vistas.

6. **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.

NOW THEREFORE BE IT RESOLVED that the Commission hereby approves with modifications the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on October 18, 2018.



Jonas P. Ionin
Commission Secretary

AYES: Hillis, Johnson, Koppel, Melgar, Moore

NOES: None

ABSENT: Fong, Richards

ADOPTED: October 18, 2018



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Text Amendment HEARING DATE: OCTOBER 18, 2018 EXPIRATION DATE: DECEMBER 25, 2018

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Project Name: Amendments Planning Code Sections 138.1 Streetscape and Pedestrian Improvements; and 155: General Standards as to Location and Arrangement of Off-Street Parking, Freight Loading and Service Vehicle Facilities
Case Number: 2018-008862PCA [Board File No. 180914]
Initiated by: Supervisor Kim / Introduced September 18, 2018
Staff Contact: Paul Chasan, Citywide Policy Planning
paul.chasan@sfgov.org, 415-575-9065
Reviewed by: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362
Recommendation: **Recommend Approval with Modifications**

PLANNING CODE AMENDMENT

The proposed Ordinance would amend Planning Code sections 138.1 and 155 and 303.

Section 138.1 would be amended to clarify language regarding required streetscape improvements; modify the triggers requiring project sponsors to construct streetscape improvements in the public right-of-way; modify the recommended sidewalk width for Downtown Commercial street types.

Section 155 would be amended to, eliminate off-street parking requirements for projects who’s only viable frontage is on a protected street, prohibit new curb cuts along Folsom Street between 2nd and Essex Streets, prohibit new curb cuts in transit stops, expand the areas where a Conditional Use Authorization is required to install a new curb cut on the bike network and transit priority networks.

Section 303 would be amended to establish criteria the Commission should use to determine if a new curb cut should be allowed on a protected corridor.

The new controls proposed in this ordinance would not apply to any active projects. Projects that submit their first entitlement or environmental application to the Department after the ordinance is approved will be subject to the new ordinance.

SUMMARY OF PROPOSED AMMENDMENTS TO THE PLANNING CODE

Planning Code Section 138.1

Recommended and Required Streetscape Features – 138.1(b)(2) Table 1

Under the Better Streets Plan, the City can require projects to construct “standard streetscape improvements” and request that projects construct “non-standard streetscape improvements.”

The Way It Is Now	The Way It Would Be
1. The City may <i>request</i> a project that triggers Section 138.1 to construct extended bulb-outs, mid-block bulb-outs and raised crosswalks, adjacent to their project.	The City may <i>require</i> a project that triggers Section 138.1 to construct extended bulb-outs, mid-block bulb-outs and raised crosswalks adjacent to their project provided any raised crosswalk spans a ROW that is 40 feet or less and is installed at a street corner.
2. The Planning Code <i>does not authorize</i> the City to require projects to remove on-street parking at crosswalks adjacent to their property (also known as “intersection delighting”).	The City may <i>require</i> a project that triggers Section 138.1 to remove on-street parking at crosswalks adjacent to their property (also known as “intersection daylighting”).

Triggers – 138.1(c)(2)(A)

To trigger Section 138.1, projects must meet at least one of three conditions related to site geometry and one or three conditions related to the project’s scope.

The Way It Is Now	The Way It Would Be
3. Projects that contain 250’ or greater of street frontages on one or more public rights-of-ways meet the geometric triggers for Section 138.1.	Projects that contain 150’ or greater of street frontages on one or more public rights-of-ways meet the geometric triggers for Section 138.1.
4. <i>All new construction projects</i> (including residential projects) meet one of the project scope triggers for Section 138.1.	New construction projects with <i>residential</i> components must include <i>at least 10 or more units of housing</i> in the project scope to meet one of the project scope triggers for Section 138.1.
5. <i>All new construction projects</i> (including non-residential projects) meet one of the project scope triggers for Section 138.1.	New construction projects with <i>non-residential</i> components must include <i>10,000 gross square feet of non-residential space</i> to meet one of the project scope triggers for Section 138.1.
6. All change-of-use projects are currently <i>exempt</i> from Section 138.1	<i>Change-of-use projects involving the conversion of 10,000 gross square feet or greater of PDR use to residential or office use</i> PDR use would trigger Section 138.1. Other types of change-of-use projects would remain exempt.

Sidewalk Widths 138.1(c)(2)(b)

The Better Streets Plan established a system of street types for all streets in San Francisco. Street types are based on a street segment's contextual zoning. For most street types, the Better Streets Plan establishes a recommended sidewalk width. These widths are codified in Section 138.1.

The Way It Is Now

The Way It Would Be

7. In some instances, City policy indicates a preference for a sidewalk width greater than the sidewalk width established in Section 138.1. The Planning code *makes no provisions* for the City to require a project sponsor to build a sidewalk to the wider dimension. Examples of such policies include:
- Streetscape plans or community-based plans adopted by the Board of Supervisors which specify sidewalk widths greater than the Sidewalk width established in the Better Streets Plan
 - Legislated sidewalk widths previously approved by the Board of Supervisors that exceed the recommended sidewalk width in the Better Streets Plan

- Section 138.1 would be amended to allow the City to require a project sponsor to widen sidewalks by dimensions that exceed the recommended sidewalk widths in the Better Streets Plan where existing policies justify such a widening. Instances where this provision may apply include:
- Streetscape plans or community-based plans adopted by the Board of Supervisors which specify sidewalk widths greater than the Sidewalk width established in the Better Streets Plan
 - Legislated sidewalk widths previously approved by the Board of Supervisors that exceed the recommended sidewalk width in the Better Streets Plan

8. Section 138.1, allocates recommended sidewalk widths for all street types except for Downtown Commercial Streets (streets within the C-3, C-2, and CCB zoning districts). The Code defers to the City's Downtown Streetscape Plan to determine sidewalk widths on Downtown Commercial Streets. However, some Downtown Commercial Streets are sited outside of the Downtown Streetscape Plan Area and thus have no recommended sidewalk width.

- The proposed legislation amends the code to state that the recommended sidewalk width for Downtown Commercial Streets that are sited outside of the Downtown Streetscape Plan Area is 15 feet.

Review and Approvals 138.1(c)(2)(C)

The Way It Is Now

The Way It Would Be

9. Section 138.1 requires project sponsors to submit a required streetscape plan 60 days prior to any

- Under the proposed legislation, a project sponsor is required to submit a streetscape plan

	Department or Planning Commission Approval Action.	with the project's first Development Application.
10.	Under the existing code, a project's public realm improvements must be installed prior to the City's issuance of a project's final Certificate of Occupancy or Temporary Certificate of Occupancy unless otherwise extended by the Zoning Administrator.	The proposed Ordinance would allow the Zoning Administrator to extend the timeframe for a completion of required streetscape improvements for change-of-use projects after a project has been constructed.

Planning Code Section 155

Restrictions on new Curb Cuts – 155 (r)

	The Way It Is Now	The Way It Would Be
11.	Project's whose only available frontage is on a street where a cur cut is prohibited or is only allowed via a Conditional Use Authorization are not explicitly exempted from their off-street parking requirements.	Project's whose only available frontage is on a street where a cur cut is prohibited or is only allowed via a Conditional Use Authorization would be exempted from their off-street parking requirements.
12.	Vehicular access to off-street parking is prohibited on Folsom Street between The Embarcadero and Essex Street.	Vehicular access to off-street parking would be prohibited on Folsom Street between The Embarcadero and 2 nd Street.
13.	Projects may seek a Conditional Use Authorization to install a curb cut in a bus stop.	Projects would be prohibited from Installing a curb cut in a bus stop.
14.	Projects in C-3, NCT or RTO Districts are required to seek a Conditional Use Authorization to be granted a curb on any Transit Preferential Street, the Citywide Pedestrian Network or Neighborhood Commercial Streets or on a street fronting a bike lane if no other frontage is available.	Projects in all zoning districts except for M, P, PDR, all RH1, RH2, RH3 and SALI Districts are required to seek a Conditional Use Authorization to be granted a curb on any Transit Preferential Street, the or Neighborhood Commercial Streets or on a street fronting a bike lane or protected bikeway if no other frontage is available.

15. Projects in Neighborhood Commercial Transit Districts have no minimum parking requirement and be required to seek a Conditional Use Authorization to install a new curb cut on a Neighborhood Commercial Street.	Projects in all Neighborhood Commercial Districts Citywide would have no minimum parking requirement and be required to seek a Conditional Use Authorization to install a new curb cut on a Neighborhood Commercial Street.
<hr/>	
16. The Planning Code currently prohibits curb cuts on the Citywide Pedestrian Network as defined in the City's General Plan where other frontages are available.	The Planning Code would no longer reference the Citywide Pedestrian Network, which was recently removed from the City's General Plan.
<hr/>	
17. Projects that trigger both Section 155(r) and either Section 309 or 329 must schedule two separate items at the Planning Commission.	Projects that trigger both Section 155(r) and either Section 309 or 329 would be able to schedule one item at the Planning Commission resulting in more efficient use of staff time.

Planning Code Section 303

Conditional Uses – 303 (x)

<u>The Way It Is Now</u>	<u>The Way It Would Be</u>
18. The Planning Code currently includes no additional criteria the Commission should consider when determining whether a CUA for a curb cut on a protected corridor should be granted.	The Planning Code would be amended to include additional criteria for the Commission to Consider when determining whether a CUA for a curb cut on a protected corridor should be granted

Planning Code Section 161 -

Exemptions and Exceptions from Off-street Parking, Freight Loading and Service Vehicle Requirements –

BACKGROUND

The initial impetus for undertaking this legislative effort grew out of the 340 Bryant project. 340 Bryant is a four-story, 61,300 square foot building located adjacent to a freeway onramp in South Beach. In 2015 the Planning Commission approved a change of use to convert the existing industrial space to office space at the site. Because the project did not involve new construction, it did not trigger required streetscape improvements under Section 138.2 of the Planning Code. However, the building is sited adjacent to a

freeway onramp where pedestrian comfort is less than ideal. Community members who were dismayed about the lack of pedestrian improvements contacted Supervisor Kim. She in turn contacted the Planning Department asking how similar situations might be avoided in the future.

The Department responded with a letter dated April 16, 2015 that outlined steps the Department is taking to support Vision Zero and pedestrian safety. The letter suggested partnering with Supervisor Kim's office on a legislative amendment to section 138.1 that would authorize the City to require future PDR to non-PDR change of use projects to install streetscape improvements. This legislative package grew from that process. The ordinance has grown to include proposed recommendations from Walk SF and Livable Cities as well as changes identified by city staff who have had several years of experience implementing Section 138.2.

ISSUES AND CONSIDERATIONS

Street Design Advisory Team (SDAT)

In 2010, the Board of Supervisors adopted the City's Better Streets Plan (BSP), establishing standards for the design of sidewalks and pedestrian amenities in San Francisco. At that time, section 138.1 of the Planning Code was adopted. Section 138.1 authorizes the Planning Department to require projects that meet certain scale and scope thresholds to install pedestrian improvements in the public ROW adjacent to their frontages. In 2014, the Planning Department created the Street Design Advisory Team (SDAT), a staff advisory body that provides guidance to project sponsors on their required streetscape improvements under Section 138.1. SDAT is staffed by the Planning Department and is composed of staff from the Fire Department, the Municipal Transportation Agency, Public Works, and the Public Utilities Commission.

Recommended and Required Streetscape Features

Section 138.1 of the Planning Code defines Standard Improvements and Non-Standard Improvements. While the Department can require projects that trigger Section 138.1 to construct Standard Improvements, it can only request that they construct non-standard streetscape improvements. This ordinance creates one new Standard improvement, intersection daylighting¹, and reclassifies several Non-Standard Improvements as Standard Improvements, raised crosswalks², extended bulbouts, and mid-block bulbouts.

These features were chosen because they:

1. Are similar in scale, scope, location and function as standard improvements such as sidewalk widenings and bulbouts.
2. Frequently surface during the Department's internal design review process as streetscape features the City would like project sponsors to build to increase pedestrian safety and enhance the public realm.

¹ *i.e.* removing parking at corners to increase safety by improving sightlines for people walking and driving

² *i.e.* extending the crosswalk across the ROW at intersections

3. Do not trigger broader circulation changes within the street right-of-way such as vehicle travel lane removal) which would require project sponsors to undergo extra environmental analysis
4. Can be installed immediately adjacent to the project sponsor's building frontage (as opposed to the frontage of a neighboring property owner) thus limiting liability for the project sponsor.

Triggers for Required Streetscape Improvement Modifications

The existing code defines the following triggers for projects to meet Section 138.1. To meet this section of the code, projects must trigger at least one **scope** factor *and* one **geometric** factor listed below.

Project Scope Factors

The project scope includes:

- (a) new construction
- (b) **or** addition of 20% or more of gross floor area to an existing building.

Geometric Factors

The project is on a lot that:

- (a) **is** greater than one-half acre (21780 square feet) in total area,
- (b) **or** contains 250 feet of total lot frontage on one or more publicly-accessible rights-of-way,
- (c) **or** the frontage encompasses the entire block face between the nearest two intersections with any other publicly-accessible rights-of-way,

The legislation would modify several of the triggers listed above to better harmonize required streetscape improvements with the scale of development project. The revised triggers would filter out smaller projects by exempting developments with fewer than 10 housing units or 10,000 sq. ft. of commercial space and capture mid-sized developments by reducing the frontage requirements to 150 feet (from 250'). These larger projects which have the resources to design and fund improvements in the City's public right-of-way do so. Examples of recent and active projects that would trigger the new frontage criteria include:

New Change-of-Use Triggers

The ordinance creates a new trigger for changes of use projects that convert over 10,000 square feet of PDR space to a housing or office use. The intent of this change is to capture sites in former PDR districts where sidewalks are often lacking and compel these projects to build needed pedestrian improvements. The significant increase in property value and rental income that PDR to residential or office conversions generate implies that PDR conversions can afford to shoulder the additional cost and time associated with implementing required streetscape improvements. Moreover, there is a clear nexus between the PDR conversions and increased demands for pedestrian infrastructure. Many PDR districts lack basic pedestrian amenities and, due to their increased density, office and residential uses generate more foot traffic than the PDR uses. Thus, the change from PDR to Residential or Office increases the demand for localized pedestrian improvements.

Extended Timelines for Change-of-Use Projects

Currently, projects triggering Section 138.1 must complete any required streetscape improvements prior to the issuance of the certificate of occupancy. Impacts will likely fall disproportionately on PDR to non-

PDR change-of-use projects, due their faster entitlement, permitting and construction timelines compared to projects involving new construction. The compressed permitting and construction timeline for change-of-use projects may not provide enough time for these projects to design, permit and construct required streetscape improvements along their frontages. The legislation recognizes this constraint by granting the Zoning Administrator the power to extend the timeframe for completion of required streetscape improvements after tenants have moved into the building.

Earlier Submission of Required Streetscape Plan

The Code currently states that project sponsors are required to submit streetscape plans at least 60 days before a Planning Department or Planning Commission approval action. The proposed legislation moves this submission earlier in the entitlement process to provide adequate time for interagency coordination (as required under the Planning Code) on streetscape improvements. Requiring a project sponsor to submit streetscape plans with their first entitlement or environmental application will help ensure that streetscape plans approved by the Planning Commission have been adequately vetted by city agencies when the project is entitled and will require fewer modifications post Planning Commission approval. In other words, it will help ensure that the designs presented to the public and approved by the Planning Commission are more likely to be built as shown.

City-Mandated Sidewalk Widths

The San Francisco Better Streets Plan establishes a set of street types for the city’s street system. Street types are define by land use context and transportation characteristics. Other special conditions are called out individually. The Better Streets Plan defines characteristics for each for each street type such as sidewalk width. These features are codified in Planning Code Section 138.1.

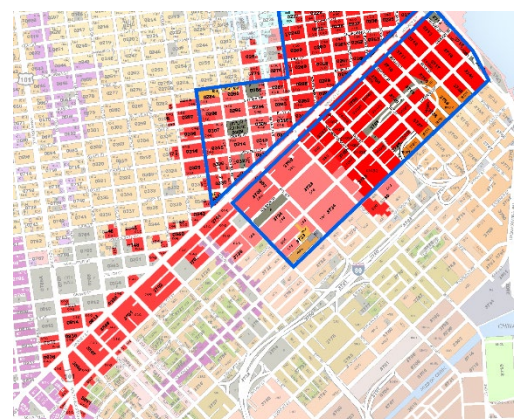
In some instances, policies conflict about the City’s preference for a sidewalk width on a given block. These include instances where the Board of Supervisors has previously legislated sidewalk widths that exceed the sidewalk width recommended in the Better Streets Plan, and instances where an adopted area plan or public realm adopted by the Board of Supervisors recommends a sidewalk width more than the width recommended in the Better Streets Plan. In these scenarios where policies conflict, the proposed Ordinance would authorize the City to require projects to build their sidewalks to the wider dimension.

Downtown Commercial Streets

Under the Better Streets Plan, street types are defined by the contextual zoning on a given block. The plan recommends 15-foot sidewalk widths for high-intensity street types like Downtown Residential Streets and Neighborhood Commercial Streets.



Street Type Map from the Better Streets Plan



However, the Better Streets Plan defaults to the Downtown Streetscape Plan Area (see blue box on adjacent map) to determine recommended sidewalk width for Downtown Commercial Streets (located within C-3 Zoning Districts). Alas, there are some Downtown Commercial streets that are zoned C-3, that fall outside of the Downtown Streetscape Plan area boundary. These orphaned blocks currently have no recommended sidewalk width under the Code and include numerous streets in Mid-Market and The Hub, both areas with active development sites. The legislation proposes to rectify this by establishing a recommended sidewalk width of 15' for Downtown Commercial Streets that fall outside of the Downtown Streetscape Plan Area bringing orphaned Downtown Commercial Street blocks into alignment with similar high-intensity street types within the BSP.

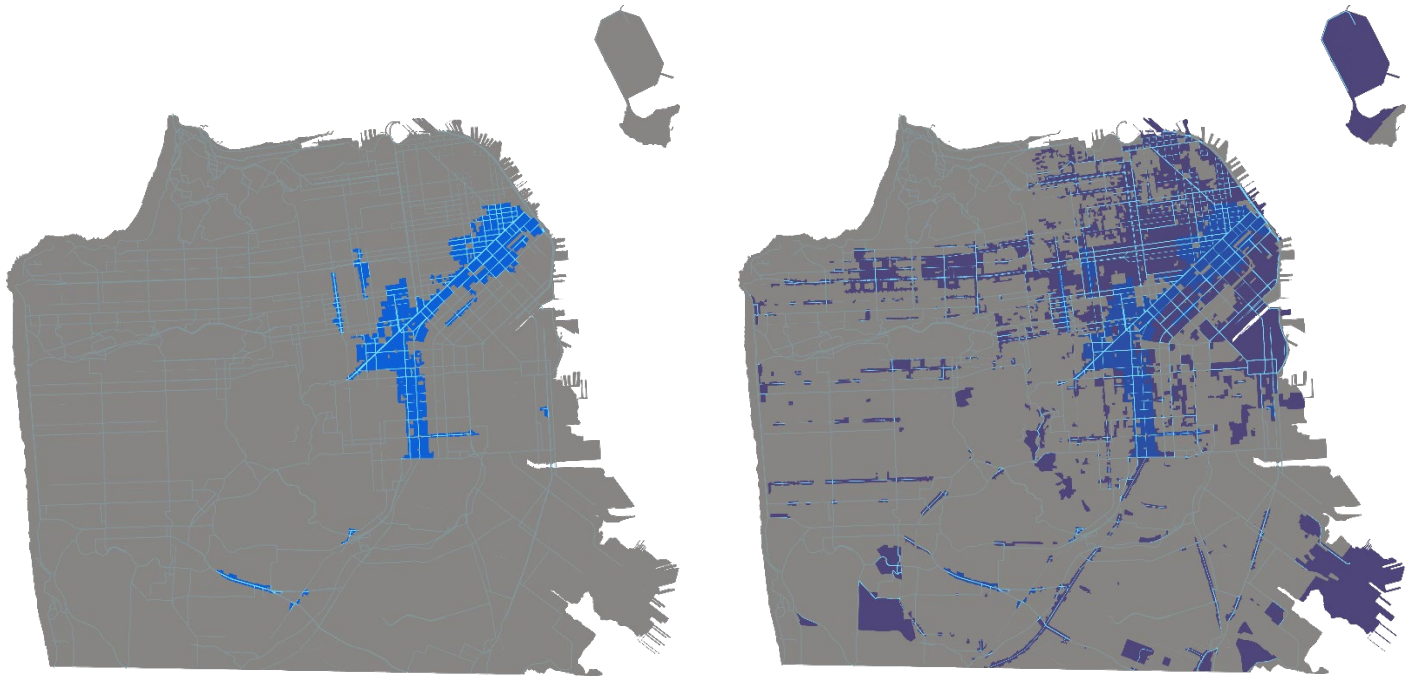
Restrictions on new Curb Cuts

Section 155 of the Planning Code restricts new curb cuts on street frontages where the City has prioritized sustainable transportation modes like walking, biking or transit, but only within the C-3, NCT and RTO zoning districts. On some streets curb cuts are banned outright, whereas on others, applicants need to pursue Conditional Use Authorization (CUA) to obtain a curb cut on protected frontage. These restrictions are in place because siting new curb cuts on the transit priority network, bike network, and pedestrian-oriented street network degrades these networks over time.

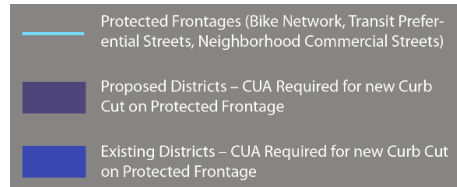
The ordinance would expand the list of zoning districts where projects seeking to install a new curb cut fronting the Transit Priority and Bike Networks are required to seek a CUA from three zoning districts (C-3, NCT and RTO) to all zoning districts except for the following districts:

- **P Districts** – These districts include all publicly owned land that is not public right-of-way (streets and sidewalks). These districts were exempted because they often house essential services where curb cuts are necessary such as fire stations, Muni bus yards and hospitals.
- **M, PDR and SALI Districts** – The districts are characterized by industrial land uses. They were exempted because off-street loading and freight logistics are essential to their operation.

Zoning districts where the new controls would apply include dense residential districts like RM and RC districts, Mixed-use districts like UMU and MUR Districts and commercial districts like C-2, C-1 and NC Districts. The expanded area where these controls would apply roughly affect the more urbanized, the northeast quadrant of the City, eastern neighborhoods not zoned as PDR or industrial areas and pedestrian-oriented shopping streets in the western half of the City.



The map on the left shows the area where projects are currently required to seek a CUA to install a new curb cut on a protected frontage. The map on the right shows the expanded area, where the ordinance proposes requiring a CUA on protected frontages. Larger versions of both maps are included as attachments at the end of this document.



Removing Off-Street Parking Minimums

None of the three zoning districts currently identified in 155(r) have minimum parking requirements. However, the ordinance proposes adding additional zoning districts some of which, such as Neighborhood Commercial Districts, are required to provide off-street parking. This could hypothetically create a situation where a project that does not wish to provide off-street parking but both fronts a protected street and is sited in a zoning district with minimum parking requirements is required to seek a CUA to not build the required parking. Essentially the City would be requiring the project to spend additional time, and expense getting permission to not build parking that neither the sponsor nor the City wants.

To rectify this, the ordinance proposes eliminating off-street parking for any site that fronts a protected street. Projects that don't seek to include parking access along a protected frontage would be rewarded with a faster entitlement process. Projects that wished to include off-street parking would still be able to peruse a CUA should they choose to do so.

Consolidating Commission Actions

Planning Code Section 309 (Downtown Exemptions, also referred to as a DNX) and 329 (Large Project Authorizations also referred to as an LPA) recognize the complexity of large sites in the Downtown and Eastern Neighborhoods warrants a more flexible review process. These code sections, empower the Commission to conduct building design review and grant certain exemptions to Planning Code requirements such as bulk and off-street parking access on restricted streets. Under the current system, projects both seeking a DNX or a LPA *and* a CUA for a new curb cut on a protected frontage need to schedule two separate Commission items. Planning Department staff are thus required to draft two separate case reports one for the DNX or LPA and another for the CUA related to the curb cut on the protected frontage.

The draft legislation proposes to streamline this process by consolidating the Commission calendar items and associated case reports. For projects that are required to seek a CUA for a new curb cut on a protected street *that* qualify for a DNX or an LPA, the Commission will consider the curb cut during *those entitlement* hearings *for the* DNX/LPA. However, the Commission will be required to base its decision on the new the curb cut on the same findings used in the Conditional Use process (described below). This will allow Planning Department staff to draft one case report covering both processes which in turn will result in increased staff productivity and faster approvals for these projects.

New Conditional Use Requirements

Other than the standard CUA findings in Planning Code Section 303, the existing code includes no additional criteria the Commission should consider when determining whether a CUA for a curb cut on a protected corridor should be granted. This leaves the Commission no clear policy guidance on how to make the decision and increasing the likelihood that the CUA will be granted. The legislation proposes to rectify this by establishing new criteria for the commission to consider when deciding on a new curb cut on a protected frontage. These include:

- **Criteria 1** is intended to protect emergency services such as hospitals fire stations, etc. which would be able to get a CUA for a new curb cut
- **Criteria 2** would allow accessible loading and protect certain land uses – Large grocery stores, PDR uses (including car repair shops), and institutional uses, and allow for disabled parking access when required under the ADA
- **Criteria 3:** would allow a curb cut to access off-street loading (but not off-street parking) if the environmental analysis shows that not providing off-street loading would cause people to load in the street, thus endangering people on bikes and slowing transit.

GENERAL PLAN COMPLIANCE

TRANSPORTATION ELEMENT

OBJECTIVE 21 – Give first priority to improving transit service throughout the City, providing a convenient and efficient system as a preferable alternative to automobile use.

POLICY 21.2 – Reduce, relocate or prohibit automobile facility features on transit preferential streets, such as driveways and loading docks, to avoid traffic conflicts and automobile congestion.

The ordinance will reduce or prohibit automobile facilities features on Transit Preferential Streets by expanding the list of zoning districts where a CUA is required to install new curbs cut on a Transit Preferential Streets and establishing criteria for the Commission to consider when deciding on CUAs for these curb cuts.

OBJECTIVE 24 – Design every street in San Francisco for safe and convenient walking.

POLICY 24.1 – Every surface street in San Francisco should be designed consistent with the Better Streets Plan for safe and convenient walking, including sufficient and continuous sidewalks and safe pedestrian crossings at reasonable distances to encourage access and mobility for seniors, people with disabilities and children.

The ordinance will support staff's efforts to implement the Better Streets Plan (BSP). Planning Code Section 138.1 is staff's primary policy tool for implementing the BSP. The ordinance proposes numerous amendments to 138.1 that will collectively improve the design review process and ensure streetscape improvements built by project sponsors are better aligned with the intent of the BSP.

OBJECTIVE 29 – Ensure that bicycles can be used safely and conveniently as a primary means of transportation, as well as for recreational purposes.

POLICY 29.1 – Expand and improve access for bicycles on City streets and develop a well-marked, comprehensive system of bike routes in San Francisco.

The ordinance will expand and improve access for bicycles on City Streets. It will result in improved safety for people on bicycles by making it harder to get a curb cut on the bike network in certain zoning districts.

URBAN DESIGN ELEMENT

OBJECTIVE 1 – Emphasis of the characteristic pattern which gives to the city and its neighborhoods an image, a sense of purpose, and a means of orientation.

POLICY 1.10 – Indicate the purposes of streets by adopting and implementing the Better Streets Plan, which identifies a hierarchy of street types and appropriate streetscape elements for each street type.
The ordinance will support staff's efforts to implement the Better Streets Plan (BSP). Planning Code Section 138.1 is staff's primary policy tool for implementing the BSP. The ordinance proposes numerous amendments to 138.1 that will collectively improve the design review process and ensure streetscape improvements built by project sponsors are better aligned with the intent of the BSP.

OBJECTIVE 4 – Improvement of the neighborhood environment to increase personal safety, comfort, pride and opportunity

POLICY 4.4 – Design walkways and parking facilities to minimize danger to pedestrians.
The ordinance will make it harder to get a new curb cut on Neighborhood Commercial Streets which are places where pedestrians are most likely to gather. In doing so, improve the safety of people walking by reducing conflicts between pedestrians and private vehicles in.

POLICY 4.11 – Make use of street space and other unused public areas for recreation, particularly in dense neighborhoods, such as those close to downtown, where land for traditional open spaces is more difficult to assemble.

The ordinance will grant City staff the ability to require projects construct sidewalk features such as extended bulbouts that function as usable open space within the public right-of-way. Much of the development that will construct these streetscape features is taking place in neighborhoods that are already dense or are quickly densifying.

RECOMMENDATION

The Department recommends that the Commission recommend approval with modifications of the proposed Ordinance and adopt the attached Draft Resolution to that effect. The Department’s proposed recommendations are as follows:

Section 138.1

1. **Change Use Size Trigger form 10,000 sq. ft. to 25,000 sq. ft.** Change the threshold in the new proposed trigger for Section 138.1 related to PDR uses. The ordinance proposes that a 10,000 sq. ft. conversion of PDR to non-PDR space would trigger 138.1. The Department recommends the threshold be set at 25,000 sq. ft.
2. **Relocate the 50,000 GSF Trigger in Section 138.1.** The proposed trigger to 138.1: “The project includes more than 50,000 gross square feet of new construction” should be relocated from Planning Code Section 138.1(c)(2)(A)(i)(b) to Planning Code Section 138.1(c)(2)(A)(i)(a).

Section 155(r)

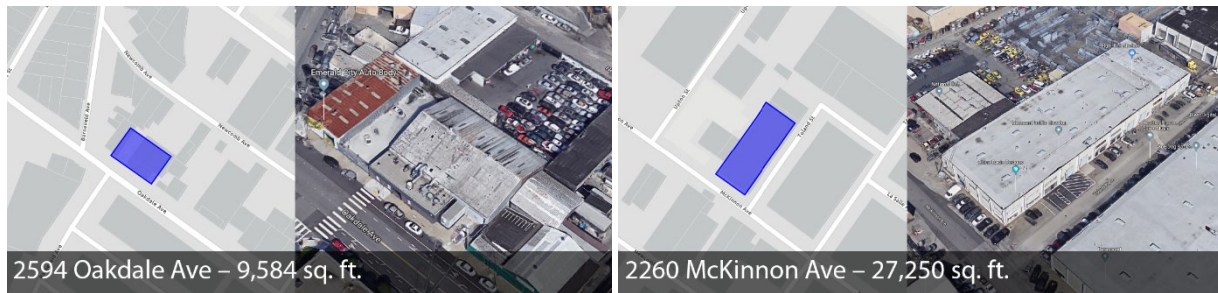
3. **Exempt RH and NC-S Districts from 155(r)(3)(A).** Exempt projects sited in RH and NC-S Districts from the requirement that they seek a CUA to establish a new curb cut on the Transit Priority Network or a Class II or Class IV Bike or Neighborhood Commercial Street.
4. **Expand Definition of Protected Streets on Bike Network.** Amend 155(r)(3)(A) to include streets with Class III Bike Facilities protected frontages requiring a CUA on the bike network.
5. **Provide Clarity on Minimum Parking Requirements.** Clarify in the code that minimum parking requirements are waived if a project is sited on a protected frontage in places where the Code discusses minimum parking requirements.

BASIS FOR RECOMMENDATION

The Department supports the overall goals of this Ordinance and recommends it be approved with modifications because it supports numerous City Policies including the Better Streets Policy, the Vision Zero Policy, the Transit First Policy and the Complete Streets Policy. The legislation will enable staff to more effectively implement the Better Streets Plan and prevent the installation of new curb cuts on key walking, biking and transit corridors. These efforts will result in the beautification of the City’s public realm and increase the safety and comfort of people walking and biking and using transit.

Conversations with Supervisor Kim’s Office indicate that, Supervisor Kim supports most of the proposed amendments outlined below. While she does not support *Recommendation 1* (changing use size triggers for PDR conversions from 10,000 to 25,000 sq. ft.), she does support the remaining proposed amendments: *Recommendations 2-5*. We understand that Supervisor Kim will be soon be introducing substitute legislation that will include *Recommendations 2-5* outlined below.

Recommendation 1: Change Use Size Trigger from 10,000 sq. ft. to 25,000 sq. ft. Staff is concerned that the 10,000 sq. ft. trigger proposed in the legislation is too low and would place an undue burden projects that will be unable to finance capital improvements in the ROW should the City require them. Rather staff recommends the threshold be set at 25,000 sq. ft. to ensure projects are more able to finance any required streetscape improvements. The images below of two industrial buildings in the Bayview provide scale and context for an approximately 10,000 sq. ft. and a 25,000 sq. ft. industrial building.



Recommendation 2: Relocate the 50,000 GSF Trigger. This recommendation is intended to fix a drafting error. The intent of the 50,000 GSF trigger was to capture very large buildings on small sites. The way it’s currently worded would make it ineffectual.

Recommendation 3: Exempt RH and NC-S Districts from 155(r)(3)(A). Staff recommends exempting low-density residential uses from being required to seek a CUA if they are sited on a key protected street identified along the City’s transit network, bike network or along a Neighborhood Commercial corridor. The Supervisor’s Office and the Planning Department initially intended these zoning districts to be exempted while the legislation was being drafted, but they were accidentally stricken from the code during the legislative review process with the City Attorney’s office. Because these districts are solely composed of one, two or three-unit dwellings, they few off-street parking spaces and thus pose a negligible impact to these transportation networks.

Staff also recommends exempting NC-S Districts from the from the CU requirement that they seek a CUA to establish a new curb cut on the Transit Priority Network or a Class II or Class IV Bike or Neighborhood Commercial Street. These districts are essentially large-scale big box retail. (think Home Depot, or Best Buy). The off-street parking is essential to their commercial viability and operations.

Recommendation 4: Expand Definition of Protected Streets on Bike Network. Staff recommends expanding the definition of protected streets on the bike network from any Class II or Class IV facility approved by the Municipal Transportation Agency Board (MTAB). To any Class II, Class III or Class IV Facility approved by the Municipal Transportation Agency Board (MTAB). Class III Facilities are bike routes typically marked with street stencils and signage instead of bike lanes or protected bike lanes. Including requiring new curb cuts on Class III Facilities in certain zoning districts will better protect people biking on these facilities from vehicular traffic. Moreover, SFMTA regularly seeks to upgrade

Class III Facilities to Class II or Class IV Facilities. Reducing curb cuts on Class III Facilities today will help preserve the integrity of these corridors over time.

Recommendation 5: Provide Clarity on Minimum Parking Requirements. Staff recommends the ordinance be amended to clarify that minimum parking requirements are waived for projects sited along protected frontages identified in Section 155(r). While proposed language at the top of 155(r) clearly states that any lot whose sole feasible vehicular access is via a protected street frontage is exempted from any off-street parking or loading requirement found elsewhere in the Planning Code, the Code makes no reference to the potential waiver of off-street parking requirements in affected zoning districts. Staff is concerned that this could lead to confusion among the public and recommends the following amendments:

1. Planning Code Section 151 (Schedule of Permitted Off-Street Parking Spaces in Specified Districts) summarizes all the zones where minimum parking requirements apply. Staff recommends adding a small note the top section 155 stating that off-street parking requirements are waived for project's whose sole frontage is on a protected block identified in Section 155(r).
2. Neighborhood Commercial Zoning Districts and Residential Mixed Zoning Districts are currently subject to minimum parking requirements, which, if this ordinance is approved, may be waived for projects under protected frontages. Staff recommends either:
 - a. Adding notes in the summary tables of these zoning districts explaining that minimum parking requirements do not apply if the project's only available frontage is on a protected street, or
 - b. Eliminate minimum off-street parking requirements in NC and RM Districts altogether. There is ample literature documenting that minimum off-street parking requirements lead to excess off-street parking supply. Eliminating off-street parking requirements in urban areas is considered a best practice within the Planning Profession. Furthermore Section 150(e) of the Planning Code already allows any project subject to minimum parking requirements elsewhere in the code to replace required off-street parking with bicycle parking. Since the Code already allows projects to waive off-street parking requirements, we may as well make it explicit.

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.

IMPLEMENTATION

The Department has determined that this Ordinance will not impact our current implementation procedures.

ENVIRONMENTAL REVIEW

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

PUBLIC COMMENT

As of the date of this report, the Planning Department has not received any public comment regarding the proposed Ordinance.

RECOMMENDATION: Recommendation of Approval with Modifications

Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Maps Articulating Existing and Proposed Restrictions on New Curb Cuts
- Exhibit C: Board of Supervisors File No. 180914