



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination EXCLUSION/EXEMPTION FROM ENVIRONMENTAL REVIEW

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

Date: September 17, 2012
Case No.: 2012.1088E
Project Name: BOS File No. 120774 – 5’ Ground Floor Height Increase for Active Ground-Floor Uses within the Castro Street and the 24th Street - Noe Valley Neighborhood Commercial Districts (NCDs)
Zoning: Castro Street and 24th Street - Noe Valley NCDs
40-X Height and Bulk District
Block/Lot: Various
Lot Size: Various
Project Sponsor: Supervisor Scott Wiener, District 8, San Francisco Board of Supervisors
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PROJECT DESCRIPTION:

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

EXEMPT STATUS:

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

REMARKS:

Please see next page.

DETERMINATION:

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

Bill Wycko
Environmental Review Officer

Date

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

Distribution List
Virna Byrd, M.D.F

PROJECT DESCRIPTION (CONTINUED):

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

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

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

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

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

REMARKS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

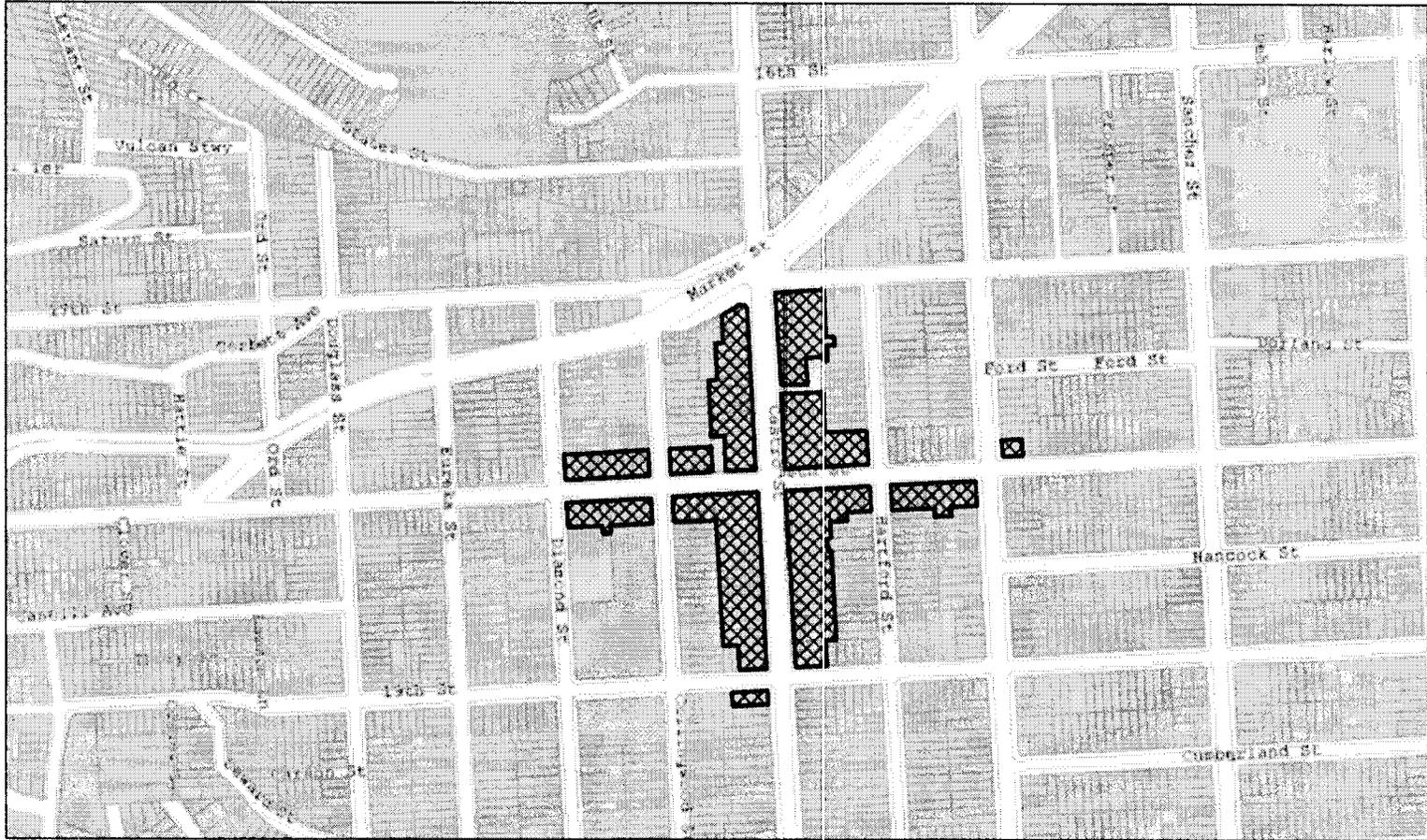
Conclusion. CEQA Guidelines Section 15061(b)(3) provides an exemption from environmental review where it can be seen with certainty that the proposed project would not have a significant impact on the environment. As noted above, there are no unusual circumstances surrounding the current proposal that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

Figure 1

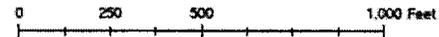
Affected Properties within Castro NCD
Case No. 2012.1088E
BOS File No. 120774



Printed: 30 August, 2012



 Affected Properties within Castro NCD



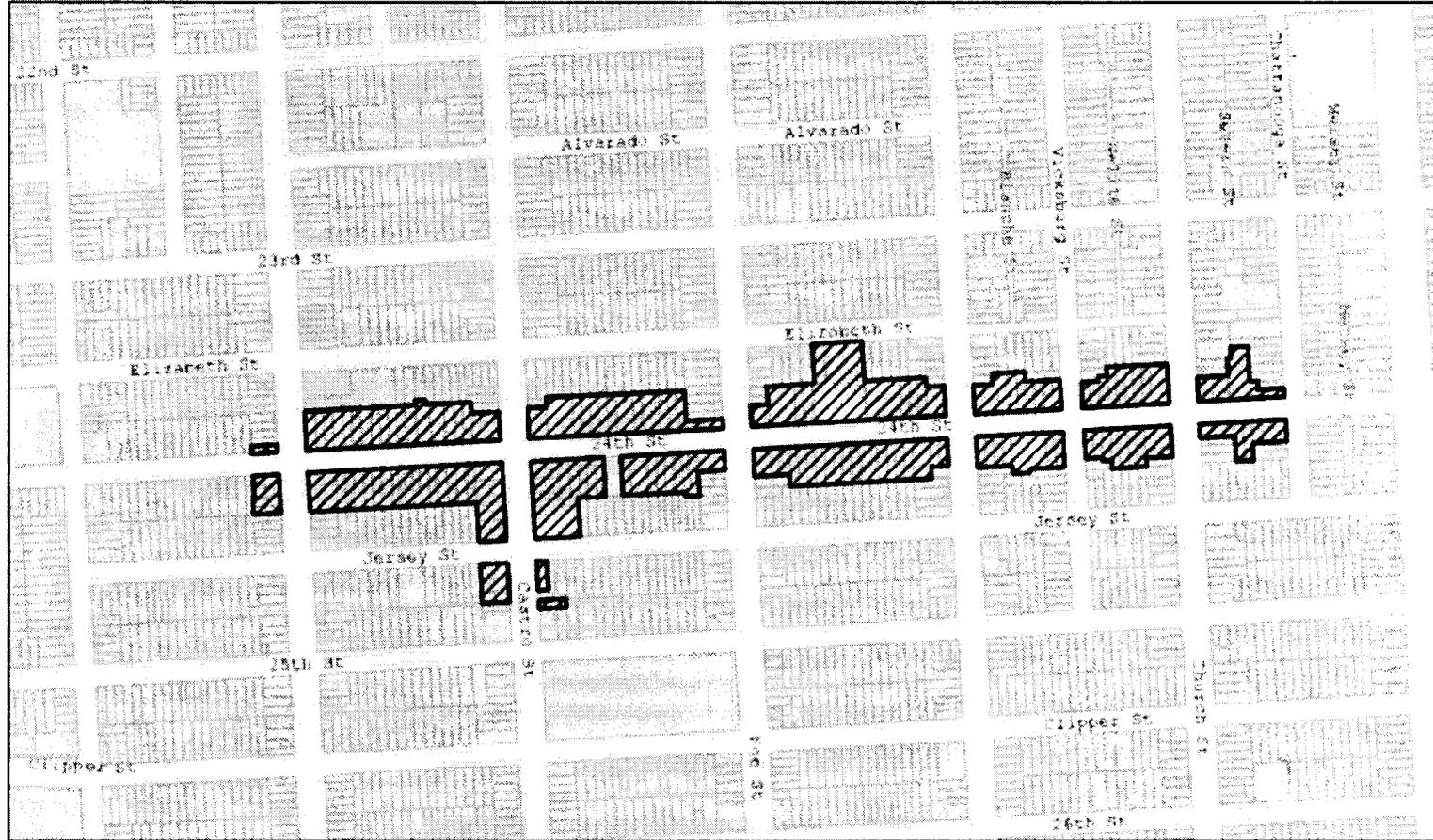
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Figure 2

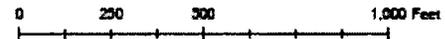
Affected Properties within 24th Street - Noe Valley NCD
Case No. 2012.1088E
BOS File No. 120774



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 Affected Properties within 24th Street - Noe Valley NCD



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