

BOARD of SUPERVISORS



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MEMORANDUM

Date: July 15
To: Planning Department/Planning Commission
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 260771
Planning Code - Commercial to Residential Adaptive Reuse

- ☒ California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
 - ☒ Ordinance / Resolution
 - ☐ Ballot Measure
- ☒ Amendment to the Planning Code, including the following Findings:
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
 - ☒ General Plan ☒ Planning Code, Section 101.1 ☒ Planning Code, Section 302
- ☐ Amendment to the Administrative Code, involving Land Use/Planning
(*Board Rule 3.23: 30 days for possible Planning Department review*)
- ☐ General Plan Referral for Non-Planning Code Amendments
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)
- ☐ Historic Preservation Commission
 - ☐ Landmark (*Planning Code, Section 1004.3*)
 - ☐ Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
 - ☐ Mills Act Contract (*Government Code, Section 50280*)
 - ☐ Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to John Carroll at john.carroll@sfgov.org.

[Planning Code - Commercial to Residential Adaptive Reuse]

Ordinance amending the Planning Code to exempt Commercial to Residential Adaptive Reuse Projects from certain parking limits, car share obligations, loading requirements, and other development controls; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making public necessity, convenience, and welfare findings under Planning Code, Section 302.

NOTE: **Unchanged Code text and uncoded text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. Land Use and Environmental Findings

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. ____ and is incorporated herein by reference. The Board affirms this determination.

(b) On _____, the Planning Commission, in Resolution No. _____, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The

1 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
2 the Board of Supervisors in File No. _____, and is incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, this Board finds that these Planning Code
4 amendments will serve the public necessity, convenience, and welfare for the reasons set
5 forth in Planning Commission Resolution No. _____, and the Board adopts such reasons
6 as its own. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File
7 No. _____ and is incorporated herein by reference.

8
9 Section 2. Articles 1 and 2 of the Planning Code are hereby amended by revising
10 Sections 151.1, 166, 204.5, and 210.5, to read as follows:

11
12 **SEC. 151.1. SCHEDULE OF PERMITTED ACCESSORY OFF-STREET PARKING**
13 **SPACES.**

14 (a) **Applicability.** Unless otherwise specified in a Special Use District, this Section
15 151.1 shall apply.

16 * * * *

17 (f) **Excess Residential Parking.** Any request for accessory residential parking, in
18 excess of what is principally permitted in Tables 151.1-1 and 151.1-2, shall be reviewed by
19 the Planning Commission as a Conditional Use, provided that the request does not exceed
20 the maximum amount stated in Tables 151.1-1 and 151.1-2. In MUG, WMUG, MUR, MUO,
21 RED, RED-MX, and SPD Districts, any project subject to Section 329 and that requests
22 residential accessory parking in excess of that which is principally permitted in Tables 151.1-1
23 and 151.1-2, but which does not exceed the maximum amount stated in Tables 151.1-1 and
24 151.1-2, shall be reviewed by the Planning Commission according to the procedures of
25

1 Section 329. Projects that are not subject to Section 329 shall be reviewed under the
2 procedures detailed in subsection (fg) below.

3 (g) **Small Residential Projects in MUG, WMUG, MUR, MUO, CMUO, WMUO, RED,**
4 **RED-MX, and SPD Districts.** Any project that is not subject to the requirements of Section
5 329 and that requests residential accessory parking in excess of what is principally permitted
6 in Tables 151.1-1 and 151.1-2 shall be reviewed by the Zoning Administrator subject to
7 Section 307(i). The Zoning Administrator may grant parking in excess of what is principally
8 permitted in Tables 151.1-1 and 151.1-2, not to exceed the maximum amount stated in Tables
9 151.1-1 and 151.1-2, only if the Zoning Administrator determines that:

10 (1) all the following conditions have been met:

11 * * * *

12 (D) Excess accessory parking does not diminish the quality and viability
13 of existing or planned streetscape enhancements.÷

14 * * * *

15 (i) **Commercial to Residential Adaptive Reuse Projects.** This Section 151.1 shall not apply to
16 any existing off-street parking that is retained to serve new Residential uses established pursuant to the
17 Commercial to Residential Adaptive Reuse Program in Section 210.5, so long as the parking is within
18 or on the same lot as the existing structure containing the new Residential use.

19
20 **SEC. 166. CAR SHARING.**

21 * * * *

22 (d) **Requirements for Provision of Car-Share Parking Spaces.**

23 (1) **Amount of Required Spaces.** In newly constructed buildings containing
24 residential uses or existing buildings being converted to residential uses, excluding Commercial
25 to Residential Adaptive Reuse Projects pursuant to Section 210.5, if parking is provided, car-share

1 parking spaces shall be provided in the amount specified in Table 166. In newly constructed
2 buildings containing parking for non-residential uses, including non-accessory parking in a
3 garage or lot, car-share parking spaces shall be provided in the amount specified in Table
4 166.

5 * * * *

6
7 **SEC. 204.5. PARKING AND LOADING AS ACCESSORY USES.**

8 * * * *

9 (d) **Parking Exceeding Accessory Amounts.** Accessory parking facilities shall
10 include only those facilities that do not exceed the amounts permitted by Section 151.1(c) or
11 Table 151.1-1. Off-street parking facilities that exceed the accessory amounts shall be
12 classified as a separate use, and may be principally or conditionally permitted as indicated in
13 the Zoning Control Table for the district in which such facilities are located. The preceding
14 sentences shall not apply to parking retained for new Residential uses in Commercial to Residential
15 Adaptive Reuse Projects established pursuant to Section 210.5, and in no event shall the existing off-
16 street parking retained for the new residential uses for such projects require a Conditional Use
17 authorization. Such parking retained to serve new Residential uses in Commercial to Residential
18 Adaptive Reuse Projects shall be classified as a Principally Permitted Accessory Use for the
19 Residential use.

20
21 **SEC. 210.5. COMMERCIAL TO RESIDENTIAL ADAPTIVE REUSE PROGRAM.**

22 * * * *

23 (d) **Controls.** Applicable provisions of the Planning Code shall control except as
24 otherwise provided in this Section 210.5. If there is a conflict between other provisions of the
25 Planning Code and this Section 210.5, this Section shall prevail; provided that this Section

1 does not alter, amend, or modify Section 249.93 (Group Housing Special Use District). For
2 Commercial to Residential Adaptive Reuse projects, the following zoning controls shall be
3 waived or modified, as described:

4 * * * *

5 **(14) Excess Residential Parking.** The maximum parking requirements in Section 151.1 shall
6 not apply to any existing off-street parking that is retained to serve new Residential uses so long as the
7 parking is within or on the same lot as the existing structure containing the new Residential use.

8 **(15) Accessory Parking and Loading.** Any existing off-street parking or loading within or on
9 the same lot as the existing structure that is retained to serve new Residential uses shall be classified as
10 a Principally Permitted Accessory Use for the new Residential Use, and shall not require a Conditional
11 Use authorization per Section 204.5.

12 **(16) Off-Street Loading Requirements.** Off-street loading requirements per Section 150(c)
13 shall not apply.

14 **(17) Street Frontages.** The requirements of Section 145.1(c)(1)-(7) shall not apply

15 **(18) Floor Area Ratio.** FAR limits in Sections 123 through 128.1 shall not apply.

16 **(19) Car Share.** The requirements of Section 166 shall not apply.

17
18 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
19 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
20 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
21 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
22 additions, and Board amendment deletions in accordance with the “Note” that appears under
23 the official title of the ordinance.

1 Section 4. Effective Date. This ordinance shall become effective on the 31st day after
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
4 of Supervisors overrides the Mayor's veto of the ordinance.

5
6 APPROVED AS TO FORM:
7 DAVID CHIU, City Attorney

8 By: /s/ Austin Yang
9 AUSTIN M. YANG
 Deputy City Attorney

10 4923-0277-5479, v. 2
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LEGISLATIVE DIGEST

[Planning Code - Commercial to Residential Adaptive Reuse]

Ordinance amending the Planning Code to exempt Commercial to Residential Adaptive Reuse Projects from certain parking limits, car share obligations, loading requirements, and other development controls; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1; and making public necessity, convenience, and welfare findings under Planning Code, Section 302.

Existing Law

The Commercial to Residential Adaptive Reuse Program, codified in Planning Code Section 210.5, relaxes certain development standards for projects proposing to convert existing commercial space to residential units. The program does not create any exceptions for parking.

Planning Code Section 151.1 characterizes most off-street street parking as an accessory use. That section also sets limits to the amount of off-street parking available to specific types of uses. Planning Code Section 204.5 provides that any parking that exceeds the limits in Section 151.1 constitutes a separate use that may be conditionally or principally permitted.

Various zoning controls such as car share requirements, floor area ratio limits, and street frontage requirements for above-grade parking setbacks, parking and loading entrances, active uses, ground floor height, street-facing ground-level spaces, transparency and fenestration, and gates, railings, and grillwork for historic buildings, apply to Commercial to Residential Adaptive Reuse projects.

Amendments to Current Law

This ordinance would add exceptions for parking retained as part of a Commercial to Residential Adaptive Reuse project, so long as the parking is retained for the new Residential use and the parking is within or on the same lot as the existing structure containing the new Residential use. This ordinance would create additional exceptions for Commercial to Residential Adaptive Reuse projects, including: off-street loading requirements in Planning Code 150(c), street frontage requirements in Planning Code 151.1(c)(1)-(7), Floor Area Ratios in Planning Code Sections 123 through 128.1, and the requirements for Car Share in Planning Code Section 166.

Introduction Form

(by a Member of the Board of Supervisors or the Mayor)

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

- ☐ 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- ☐ 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- ☐ 3. Request for Hearing on a subject matter at Committee
- ☐ 4. Request for Letter beginning with "Supervisor inquires..."
- ☐ 5. City Attorney Request
- ☐ 6. Call File No. from Committee.
- ☐ 7. Budget and Legislative Analyst Request (attached written Motion)
- ☐ 8. Substitute Legislation File No.
- ☐ 9. Reactivate File No.
- ☐ 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- ☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission
- ☐ Planning Commission ☐ Building Inspection Commission ☐ Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- ☐ Yes ☐ No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Subject:

Long Title or text listed:

Signature of Sponsoring Supervisor: