

File No. 091271

Committee Item No. 7

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date March 29, 2010

Board of Supervisors Meeting Date _____

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OTHER

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Planning Commission Resolution NO. 10034</u> |
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Completed by: Alisa Somera Date March 25, 2010

Completed by: _____ Date _____

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

1 [Zoning – Street Frontages for Most Use Districts]

2
3 **Ordinance amending the San Francisco Planning Code by amending Sections 145.1,**
4 **201, 243, 261.1, and 270.2 to create a comprehensive and consistent set of street**
5 **frontage controls for most use districts that allow a mix of uses; adopting findings,**
6 **including environmental findings, Section 302 findings, and findings of consistency**
7 **with the General Plan and the Priority Policies of Planning Code Section 101.1.**

8 NOTE: Additions are single-underline italics Times New Roman;
9 deletions are ~~strike-through italics Times New Roman~~.
10 Board amendment additions are double-underlined;
Board amendment deletions are ~~strikethrough normal~~.

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

12 Section 1. Findings.

13 (a) The Planning Department has determined that the actions contemplated in this
14 ordinance comply with the California Environmental Quality Act (California Public Resources
15 Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of
16 Supervisors in File No. 091271 and is incorporated herein by reference.

17 (b) Pursuant to Planning Code Section 302, this Board finds that these Planning
18 Code amendments will serve the public necessity, convenience, and welfare for the reasons
19 set forth in Planning Commission Resolution No. 18034 and the Board incorporates such
20 reasons herein by reference. A copy of Planning Commission Resolution No. 18034 is on file
21 with the Board of Supervisors in File No. 091271.

22 (c) This Board finds that these Planning Code amendments are consistent with the
23 General Plan and with the priority policies of Planning Code Section 101.1 for the reasons set
24 forth in Planning Commission Resolution No. 18034, and the Board hereby incorporates such
25 reasons herein by reference.

Supervisor Mirkarimi
BOARD OF SUPERVISORS

1 Section 2. The San Francisco Planning Code is hereby amended by amending Section
2 145.1, to read as follows:

3 Sec. SEC. 145.1. STREET FRONTAGES, NEIGHBORHOOD COMMERCIAL,
4 DOWNTOWN RESIDENTIAL, RESIDENTIAL-COMMERCIAL, COMMERCIAL, C-M,
5 CHINATOWN MIXED USE, SOUTH OF MARKET MIXED USE, AND EASTERN
6 NEIGHBORHOOD MIXED USE DISTRICTS.

7 (a) Purpose. The purpose of this Section is to preserve, enhance and promote
8 attractive, clearly defined street frontages that are pedestrian-oriented, fine-grained, and
9 which are appropriate and compatible with the buildings and uses in Neighborhood
10 Commercial Districts, Commercial Districts, Downtown Residential Districts, Residential-
11 Commercial Districts, C-M, Districts, Chinatown Mixed Use Districts, South of Market Mixed Use
12 Districts, and Eastern Neighborhoods Mixed Use Districts.

13 (b) Definitions.

14 (1) Development lot. A "development lot" shall mean:

15 (A) Any lot containing a proposal for new construction, or

16 (B) Building alterations which would increase the gross square footage of a
17 structure by 20 percent or more, or

18 (C) In a building containing parking, a change of more than 50 percent of the
19 building's gross floor area to or from residential uses, excluding residential accessory off-
20 street parking.

21 (2) Active use. An "active use", shall mean any principal, conditional, or accessory
22 use which by its nature does not require non-transparent walls facing a public street or
23 involves the storage of goods or vehicles.

24 A. Residential uses are considered active uses above the ground floor; on the
25 ground floor, residential uses are considered active uses only if more than 50 percent of the

1 linear residential street frontage at the ground level features walk-up dwelling units which
2 provide direct, individual pedestrian access to a public sidewalk, and are consistent with the
3 Ground Floor Residential Design Guidelines, as adopted and periodically amended by the
4 Planning Commission.

5 ~~(A) Public Uses described in 790.80 and 890.80 are considered active uses except utility~~
6 ~~installations.~~

7 (B) Spaces accessory to residential uses, such as fitness or community rooms, are
8 considered active uses only if they meet the intent of this section and have access directly to
9 the public sidewalk or street.

10 C. Building lobbies are considered active uses, so long as they do not exceed 40 feet or 25
11 % of building frontage, whichever is larger.

12 D. Public Uses described in 790.80 and 890.80 are considered active uses except utility
13 installations.

14 (c) Controls. the following requirements shall generally apply, except as specified
15 below, to new structures or alterations to existing structures involving a change in the level of the first
16 story or a change in the facade at the street frontage at the first story and below, where such structure
17 is located along any block frontage that is entirely within District subject to this Section for those
18 controls listed in subsections (1) Above Grade Parking Setback and (3) Ground Floor Ceiling Height,
19 which only apply to a "development lot" as defined above.

20 In NC-S Districts, the applicable frontage shall be the primary facade(s) which contain
21 customer entrances to commercial spaces.

22 ~~(1) Standards Applicable in all Districts. Other than as set forth in this Subsection (c) for~~
23 ~~NC S Districts, no more than 1/3 of the width of a new or altered structure, parallel to and facing such~~
24 ~~street, shall be devoted to ingress/egress to parking, provided that in no case shall such ingress/egress~~
25 ~~exceed 20 feet in width per frontage or be less in width than eight feet for garages containing up to~~

1 ~~three cars, nine feet for garages containing up to ten cars, and ten feet for garages containing up to 50~~
 2 ~~cars. In NC-S Districts, no more than 1/3 or 50 feet, whichever is less, of each lot frontage shall be~~
 3 ~~devoted to ingress/egress of parking, provided that each such ingress/egress shall not be less than 10~~
 4 ~~feet in width for single directional movement or 20 feet in width for bidirectional movement.~~

5 ~~(2) — Additional Standards Applicable in all NC Districts other than NCT Districts. If such~~
 6 ~~structures contain any of the permitted uses in the Zoning Control Categories listed below, at least 1/2~~
 7 ~~the total width of such new or altered structures at the commercial street frontage shall be devoted to~~
 8 ~~entrances to commercially used space, windows or display space at the pedestrian eye level. Such~~
 9 ~~windows shall use clear, untinted glass, except for decorative or architectural accent. Any decorative~~
 10 ~~railings or decorative grille work, other than wire mesh, which is placed in front of or behind such~~
 11 ~~windows, shall be at least 75 percent open to perpendicular view and no more than six feet in height~~
 12 ~~above grade.~~

No.	Zoning Control Category
.40	Other Retail Sales and Services
.41	Bar
.42	Full Service Restaurant
.43	Small Fast Food Restaurant
.44	Large Fast Food Restaurant
.45	Take Out Food
.46	Movie Theater
.49	Financial Service
.50	Limited Financial Service

1	.51	Medical Service
2	.52	Personal Service
3	.53	Business or Professional Service
4	.55	Tourist Hotel
5	.61	Automobile Sale or Rental
6	.62	Animal Hospital
7	.65	Trade Shop
8	.70	Administrative Service

9
10 (3) ~~Additional Standards Applicable in NCT Districts, Downtown Residential Districts, and~~
11 ~~Eastern Neighborhoods Mixed Use Districts.~~

12 (1) ~~(A)~~ Above-Grade Parking Setback. Off-street parking at street grade on a
13 development lot must be set back at least 25 feet on the ground floor and at least 15 feet on
14 floors above, from any facade facing a street at least 30 feet in width. Parking above the
15 ground level shall be entirely screened from all public rights-of-way in a manner that
16 accentuates ground floor uses, minimizes mechanical features and is in keeping with the
17 overall massing and architectural vocabulary of the building.

18 (2) Parking and Loading Entrances. No more than one-third of the width or 20 feet,
19 whichever is less, of any given street frontage of a new or altered structure parallel to and facing a
20 street shall be devoted to parking and loading ingress or egress. In NC-S Districts, no more than 1/3 or
21 50 feet, whichever is less, of each lot frontage shall be devoted to ingress/egress of parking; provided
22 that each such ingress/egress shall not be less than 10 feet in width for single directional movement or
23 20 feet in width for bidirectional movement. The total street frontage dedicated to parking and loading
24 access should be minimized, and combining entrances for off-street parking with those for off-street
25

1 loading is encouraged. The placement of parking and loading entrances should minimize interference
2 with street-fronting active uses and with the movement of pedestrians, cyclists, public transit, and
3 autos. Off-street parking and loading entrances should minimize the loss of on-street parking and
4 loading spaces. Off-street parking and loading are also subject to the provisions of Section 155 of this
5 Code.

6 (3) ~~(B)~~ Active Uses Required. With the exception of space allowed for parking and
7 loading access, building egress, and access to mechanical systems, space for active uses as
8 defined in Subsection (b)(2) and permitted by the specific district in which it is located shall be
9 provided within the first 25 feet of building depth on the ground floor and 15 feet on floors
10 above from any facade facing a street at least 30 feet in width. Building systems including
11 mechanical, electrical, and plumbing features may be exempted from this requirement by the
12 Zoning Administrator only in instances where those features are provided in such a fashion as
13 to not negatively impact the quality of the ground floor space.

14 (4) ~~(C)~~ Ground Floor Ceiling Height. Unless otherwise established elsewhere in this
15 Code:

16 (A) ~~g~~ Ground floor non-residential uses in UMU Districts shall have a minimum floor-
17 to-floor height of 17 feet, as measured from grade.

18 (B) Ground floor non-residential uses in all C-3, C-M, NCT, DTR, Chinatown Mixed
19 Use, RSD, SLR, SLI, SSO, MUG, MUR, and MUO Districts shall have a minimum floor-to-floor
20 height of 14 feet, as measured from grade.

21 (C) Ground floor non-residential uses in all RC districts, C-2 districts, RED districts, and
22 NC districts other than NCT, shall have a minimum floor-to-floor height of 14 feet, as measured from
23 grade except in 40-foot and 50-foot height districts, where buildings shall have a minimum floor-to-
24 floor height of 10 feet.

1 (5) ~~(D)~~ Street-facing Ground-level Spaces. The floors of street-fronting interior spaces housing
2 non-residential active uses and lobbies shall be as close as possible to the level of the adjacent
3 sidewalk at the principal entrance to these spaces. Street-facing ground-level spaces housing non-
4 residential active uses in hotels, office buildings, shopping centers, and other large buildings shall open
5 directly onto the street, rather than solely into lobbies and interior spaces of the buildings. Such
6 required street-facing entrances shall remain open to the public during business hours.

7 (6) Transparency and Fenestration. Frontages with active uses that are not
8 residential or PDR must be fenestrated with transparent windows and doorways for no less
9 than 60 percent of the street frontage at the ground level and allow visibility to the inside of the
10 building. The use of dark or mirrored glass shall not count towards the required transparent
11 area.

12 (7) ~~(E)~~ Gates, Railings, and Grillwork. Any decorative railings or grillwork, other than
13 wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75
14 percent open to perpendicular view. Rolling or sliding security gates shall consist of open
15 grillwork rather than solid material, so as to provide visual interest to pedestrians when the
16 gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both
17 open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid
18 flush with, the building facade.

19 (d) Exceptions for Historic Buildings. Specific street frontage requirements in this Section
20 may be modified or waived by the Planning Commission for structures designated as landmarks,
21 significant or contributory buildings within a historic district, or buildings of merit when the Historic
22 Preservation Commission advises that complying with specific street frontage requirements would
23 adversely affect the landmark, significant, contributory, or meritorious character of the structure, or
24 that modification or waiver would enhance the economic feasibility of preservation of the landmark or
25 structure.

1 Section 3. The San Francisco Planning Code is hereby amended by amending Section
 2 201, to read as follows:

3 SEC. 201. CLASSES OF USE DISTRICTS.

4 In order to carry out the purposes and provisions of this Code, the City is hereby
 5 divided into the following classes of use districts:

Public Use Districts <i>(P)</i>	
<u>Residential Districts</u>	
RH-1(D)	Residential, House Districts, One-Family (Detached Dwellings)
RH-1	Residential, House Districts, One-Family
RH-1(S)	Residential, House Districts, One-Family with Minor Second Unit
RH-2	Residential, House Districts, Two-Family
RH-3	Residential, House Districts, Three-Family
RM-1	Residential, Mixed Districts, Low Density
RM-2	Residential, Mixed Districts, Moderate Density
RM-3	Residential, Mixed Districts, Medium Density
RM-4	Residential, Mixed Districts, High Density
<u>Residential-Commercial Districts</u>	
RC-1	Residential-Commercial Combined Districts, Low Density
RC-2	Residential-Commercial Combined Districts, Moderate Density
RC-3	Residential-Commercial Combined Districts, Medium Density
RC-4	Residential-Commercial Combined Districts, High Density
<u>Residential Transit-Oriented Neighborhood Districts</u>	

Supervisor Mirkarimi
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RTO	Residential, Transit-Oriented Neighborhood Districts
RTO-M	Residential Transit-Oriented -- Mission Neighborhood Districts
Neighborhood Commercial Districts (Also see Article 7) General Area Districts	
NC-1	Neighborhood Commercial Cluster District
NC-2	Small-Scale Neighborhood Commercial District
NC-3	Moderate-Scale Neighborhood Commercial District
NC-S	Neighborhood Commercial Shopping Center District
Individual Area Districts	
Broadway Neighborhood Commercial District	
Castro Street Neighborhood Commercial District	
Inner Clement Street Neighborhood Commercial District	
Outer Clement Street Neighborhood Commercial District	
Upper Fillmore Street Neighborhood Commercial District	
Haight Street Neighborhood Commercial District	
Hayes-Gough Neighborhood Commercial District	
Inner Sunset Neighborhood Commercial District	
Upper Market Street Neighborhood Commercial District	

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North Beach Neighborhood Commercial District	
Polk Street Neighborhood Commercial District	
Sacramento Street Neighborhood Commercial District	
Union Street Neighborhood Commercial District	
24th Street-Noe Valley Neighborhood Commercial District	
West Portal Avenue Neighborhood Commercial District	
Neighborhood Commercial Transit Districts (NCT)	
NCT-1	Neighborhood Commercial Transit Cluster District
NCT-2	Small-Scale Neighborhood Commercial Transit District
NCT-3	Moderate Scale Neighborhood Commercial Transit District
Individual Area Neighborhood Commercial Transit (NCT) Districts	
Hayes-Gough NCT	
Upper Market Street NCT	
Valencia Street NCT	
24th Street -- Mission NCT	
Mission Street NCT	
SoMa NCT	
Ocean Avenue NCT	
Commercial Districts	
C-1	Neighborhood Shopping Districts

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C-2	Community Business Districts
C-M	Heavy Commercial Districts
C-3-O	Downtown Office District
C-3-R	Downtown Retail District
C-3-G	Downtown General Commercial District
C-3-S	Downtown Support District
Industrial Districts	
M-1	Light Industrial Districts
M-2	Heavy Industrial Districts
PDR-1-B	Production Distribution and Repair -- Light Industrial Buffer
PDR-1-D	Production Distribution and Repair -- Design
PDR-1-G	Production Distribution and Repair - General
PDR-2	Core Production Distribution and Repair -- Bayview
Chinatown Mixed Use Districts (Also see Article 8)	
CCB	Chinatown Community Business District
CR/NC	Chinatown Residential/Neighborhood Commercial District
CVR	Chinatown Visitor Retail District
South of Market <i>Use</i> Mixed Use Districts (Also see Article 8)	
RED	Residential Enclave Districts
RSD	Residential Service District
SLR	Service/Light Industrial/Residential District
SLI	Service/Light Industrial District

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SSO	Service/Secondary Office District
Eastern Neighborhoods Mixed Use Districts (Also see Article 8)	
SPD	South Park District
MUG	Mixed Use -- General
MUO	Mixed Use -- Office
MUR	Mixed Use -- Residential
UMU	Urban Mixed Use
Downtown Residential Districts (Also see Article 8)	
RH-DTR	Rincon Hill Downtown Residential
SB-DTR	South Beach Downtown Residential
Mission Bay Districts (Also see Article 9)	
MB-R-1	Mission Bay Lower Density Residential District
MB-R-2	Mission Bay Moderate Density Residential District
MB-R-3	Mission Bay High Density Residential District
MB-NC-2	Mission Bay Small Scale Neighborhood Commercial District
MB-NC-3	Mission Bay Moderate Scale Neighborhood Commercial District
MB-NC-S	Mission Bay Neighborhood Commercial Shopping Center District
MB-O	Mission Bay Office District
MB-CI	Mission Bay Commercial-Industrial District
MB-H	Mission Bay Hotel District
MB-CF	Mission Bay Community Facilities District

2 Section 4. The San Francisco Planning Code is hereby amended by amending Section
3 243, to read as follows:

4 SEC. 243. VAN NESS SPECIAL USE DISTRICT.

5 (a) General. A Special Use District entitled the Van Ness Special Use District, the
6 boundaries of which are shown on Sectional Map No. 2SU of the Zoning Map, is hereby
7 established for the purposes set forth below.

8 (b) Purposes. In order to implement the objectives and policies of the Van Ness
9 Avenue Plan, a part of the Master Plan, which includes (i) creation of a mix of residential and
10 commercial uses on the boulevard, (ii) preservation and enhancement of the pedestrian
11 environment, (iii) encouragement of the retention and appropriate alteration of architecturally
12 and historically significant and contributory buildings, (iv) conservation of the existing housing
13 stock, and (v) enhancement of the visual and urban design quality of the street, the following
14 controls are imposed in the Van Ness Special Use District.

15 (c) Controls. All provisions of the City Planning Code applicable to an RC-4 District
16 shall apply except as otherwise provided in this Section.

17 (1) Basic Floor Area Ratio. The basic floor area ratio limit shall be 7.0 to 1 in the
18 130-foot height district and 4.5:1 in the 80-foot height district. These limits shall apply to
19 dwellings notwithstanding Section 124(b) of this Code, but shall not apply to floor space used
20 for nonaccessory off-street parking and driveways and maneuvering areas incidental thereto
21 provided such parking is located entirely below curb level at the centerline of the building
22 containing such parking and replaces parking spaces displaced by the building or buildings.
23 For definitions of floor area ratio and gross floor area, see Sections 102.11 and 102.9,
24 respectively. The provisions allowing a floor area premium set forth in Section 125(a) shall not
25 apply in the Van Ness Special Use District.

1 (2) Housing Density. The restrictions on density set forth in Sections 207, 207.1,
2 208, 209.1 and 209.2 of this Code shall not apply.

3 (3) Height and Bulk Restrictions. See Height and Bulk Map No. 2H. See Section
4 270 of this Code for bulk limits.

5 (4) Awnings, canopies and marquees, as defined in Sections 790.20, 790.26 and
6 790.58 of this Code, and further regulated by the Building Code and Sections 243(c)(5), 136.2
7 and 607.3 of this Code, are permitted.

8 (5) Signs.

9 (A) Signs located within the Van Ness Special Use District, with the exception of the
10 Civic Center Special Sign District as described in Section 608.3 of this Code and as shown in
11 Sectional Map SSD, shall be regulated as provided in Article 6, including Section 607.3 which
12 governs signs located in the Van Ness Special Sign District.

13 (B) Signs on structures designated as landmarks under the provisions of Section
14 1004 shall be regulated as provided in Section 607.3(d).

15 (6) Rear Yards. The requirements of this Code applicable to rear yards may be
16 modified or waived by the Zoning Administrator pursuant to Section 307(g) if all of the
17 following conditions are met:

18 (A) The interior block open space formed by the rear yards of abutting properties will
19 not be adversely affected; and

20 (B) A comparable amount of usable open space is provided elsewhere on the lot or
21 within the development where it is more accessible to residents; and

22 (C) The access of light and air to abutting properties will not be significantly
23 impeded.

24 This provision shall be administered pursuant to the procedures which are applicable to
25 variances, as set forth in Sections 306.1 through 306.5 and 308.2 of this Code.

1 (7) Required Setbacks. Setbacks for buildings exceeding a height of 40 feet shall be
2 regulated as provided in Section 253.2 of this Code.

3 (8) Limitation of Nonresidential Uses.

4 (A) Residential Uses; Ratio Established. In newly constructed structures,
5 nonresidential uses shall only be permitted if the ratio between the amount of net additional
6 occupied floor area for residential uses, as defined in this paragraph below, to the amount of
7 occupied floor area for nonresidential uses in excess of the occupied floor area of structures
8 existing on the site at the time the project is approved is 3 to 1 or greater. In additions to
9 existing structures which exceed 20 percent of the gross floor area of the existing structure,
10 nonresidential uses shall be permitted in the addition in excess of 20 percent only if the ratio
11 between the amount of occupied floor area for residential use, as defined in this paragraph
12 below, to the area of occupied floor area for nonresidential use is 3 to 1 or greater. This
13 residential use ratio shall not apply to development sites in the Van Ness Special Use District
14 which have less than 60 feet of street frontage on Van Ness Avenue and have no street
15 frontage other than the Van Ness Avenue frontage. For purposes of this Section,
16 "nonresidential uses" shall mean those uses described in Sections 209.2(d) and (e) (hotel,
17 inn, hostel), 209.3(a) (hospital, medical center or other medical institution with in-patient care
18 facilities), 209.4 (community facilities), 209.6 (public facilities and utilities), 209.7 (vehicle
19 storage and access) and 209.8 (commercial establishments); in the Automotive Special Use
20 District nonresidential uses include automotive uses as described in Section 237; "residential
21 use" shall mean those uses described in Sections 209.1 and 209.2(a), (b) and (c) (dwelling
22 units and group housing).

23 (B) Reduction of Ratio of Residential Uses for Affordable Housing. The City
24 Planning Commission may modify the Van Ness Special Use District residential to
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1 nonresidential use ratio between Golden Gate Avenue and California Street as a conditional
2 use in one of the following ways:

3 (i) In-Lieu Fee. By conditional use, the developer may elect to fulfill the obligation to
4 build housing by paying an in-lieu fee to the Affordable Housing Fund as provided in Section
5 313 of this Code. No more than a 50 percent reduction of the required housing for a specific
6 project can be fulfilled by paying an in-lieu fee. Use of these funds shall provide affordable
7 housing within 2,000 feet of the Van Ness Special Use District. The in-lieu fee shall be
8 determined by the following formula:

9 (1)

(Lot Area × FAR) / 4 × 3 =	Residential SQ. FT. Requirement
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12 (2)

Residential SQ. FT. Requirement	--	Residential SQ. FT. Developed	=	LOSS
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15 (3)

$$\text{LOSS} \times \$15 = \text{In-Lieu Fee}$$

17 (ii) Providing Affordable Housing. By conditional use, the developer may reduce up
18 to 50 percent of the required amount of on-site housing by maintaining a portion of that
19 housing as permanently affordable for the life of the project. Affordable units shall be
20 managed by a nonprofit housing agency through a duly executed agreement between the
21 project sponsor, the nonprofit agency and the Planning Department. The mix of affordable
22 units retained in the project shall conform to the overall dwelling unit size mix of the project.
23 The portion of retained residential which shall be affordable will be determined by calculating
24 the number of market rate units which could be subsidized by the amount of "in-lieu fee"
25

1 calculated in Paragraph (i) above. The number of square feet of affordable housing shall be
2 calculated in the following manner:

3 (1)

4 In-Lieu Fee 5 \$30/square foot subsidy	=	Square Feet of Affordable Housing Retained in the Project
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6
7 (iii) Annual Reporting, Evaluation and Adjustments to Affordability and Fee
8 Calculations. The Department shall report annually to the Planning Commission on the activity
9 and utilization of Section 243(c)(8)(B). Based on an evaluation of this report, the Planning
10 Commission may initiate a modification or deletion of Section 243(c)(8)(B).

11 The dollar amounts used in the calculation for Paragraphs (i) and (ii) of this Subsection shall
12 be subject to annual adjustments in accord with Section 313.6(1) of this Code. Affordability
13 shall be defined by rents or sale prices affordable by households with no more than 80
14 percent of median income standards developed by HUD.

15 (iv) If the Commission finds that taking into consideration projects constructed since
16 the effective date of the Van Ness Special Use District and the housing development potential
17 remaining in the District the overall objective of adding a substantial increment of new housing
18 on Van Ness Avenue will not be significantly compromised, the Commission may by
19 conditional use modify the 3:1 housing ratio or may modify the rules regarding the timing and
20 location of linked projects if in addition to Section 303(c) standards of this Code it finds that:

21 (1) The project is to provide space for expansion of an established business from an
22 adjacent site (for this purpose two sites separated by an alley shall be deemed to be adjacent)
23 or,

1 (2) The project is to provide space for an institutional, hotel, medical, cultural or
2 social service use meeting an important public need which cannot reasonably be met
3 elsewhere in the area, and

4 (3) Housing cannot reasonably be included in the project referred to in (1) and (2)
5 above.

6 The Commission shall consider the feasibility of requiring the project to be constructed
7 in such a manner that it can support the addition of housing at some later time.

8 (C) Off-Site Provision of Required Residential Space. For the purpose of calculating
9 the 3 to 1 ratio between residential and nonresidential use, two or more projects for new
10 construction within the Van Ness Special Use District may be considered and approved
11 together as linked projects. The requirements of Paragraph (A) above may be satisfied if the
12 aggregate amount of occupied floor area for residential use in two or more linked projects is at
13 least three times greater than the aggregate amount of occupied floor area for nonresidential
14 use.

15 (i) Those building permit applicants who wish to link two or more projects for the
16 purpose of meeting the 3 to 1 residential to nonresidential ratio shall file with the Department
17 of City Planning a statement of intent identifying the applications covering the projects that are
18 to be considered and approved together;

19 (ii) When the Department of City Planning approves an application for a project
20 containing only nonresidential use and the project is linked to one or more other projects
21 pursuant to the statement of intent filed with the Department, it shall include as a condition of
22 approval a requirement prohibiting the project sponsor from commencing any work on the site
23 until the Zoning Administrator issues a written determination that such work may proceed. The
24 Zoning Administrator shall not issue such a determination until those permits authorizing the
25

1 projects containing residential use have been issued and foundations have been completed at
2 each such site;

3 (iii) If a permit for a project containing nonresidential use expires because of delays
4 in the completion of foundations for linked projects containing residential uses, new permits
5 may be approved for the nonresidential project within three years of such expiration without
6 regard to the 3 to 1 residential ratio requirement if a Temporary Certificate of Occupancy or a
7 Permit of Occupancy has been issued for each project containing residential use;

8 (iv) No building or portion of a building approved as a linked project that contains
9 residential use required to meet the 3 to 1 residential to nonresidential ratio requirement shall
10 be used for any nonresidential purposes; provided, however, that this restriction shall no
11 longer apply if 50 percent or more of the non-residential occupied floor area in the linked
12 projects has been converted to residential use, or has been demolished, or has been
13 destroyed by fire or other act of God;

14 (v) The Zoning Administrator shall impose as a condition of approval of a permit
15 authorizing the residential uses of linked projects the requirement that the owner record in the
16 land records of the property a notice of restrictions, approved as to form by the Zoning
17 Administrator, placed on the use of the property by this Section.

18 (D) Nonconforming Uses. A use which existed lawfully at the effective date of this
19 Section and which fails to conform to the use limitation of Section 243(c)(8)(A) above, shall be
20 considered a nonconforming use and subject to the provisions of Sections 180 through 188 of
21 this Code, including the provisions of Section 182 regarding change of use, except as follows:

22 (i) In calculating the cost of structural alterations pursuant to Section 181(b)(4), the
23 cost of reinforcing the building to meet the standards for seismic loads and forces of the 1975
24 Building Code shall not be included; and
25

1 (ii) Notwithstanding the provisions of Section 181(b), the structure occupied by the
2 nonconforming use may be enlarged by an amount equal to 20 percent of the gross floor area
3 of the existing structure.

4 (E) ~~Ground Story Uses. Street Frontages. Street frontages and parking setbacks shall~~
5 ~~conform to Section 145.1 of this Code. Ground floor non-residential uses shall have a minimum floor-~~
6 ~~to-floor height of 14 feet. Parking shall not be permitted on the ground story of lots abutting Van Ness~~
7 ~~Avenue to a depth of 25 feet from Van Ness Avenue. At least 1/2 the total width of structures at the~~
8 ~~ground story on lots abutting Van Ness Avenue shall be devoted to entrances, windows or display~~
9 ~~space. Every window located at the ground story shall use clear, untinted glass, except for decorative~~
10 ~~or architectural accent. Any decorative railings or grillwork, other than wire mesh, shall be at least 75~~
11 ~~percent open to view and no more than six feet in height above grade. For the purposes of this Section,~~
12 ~~"ground story" shall be defined as the portion of a building included between the upper surface of the~~
13 ~~lowest floor and the upper surface of the floor next above, provided such floor level is not more than~~
14 ~~four feet below grade for more than 50 percent of the total perimeter, or more than eight feet below~~
15 ~~grade at any point.~~

16 (F) Fast Food Uses. A large fast food restaurant as defined in Section 790.90 of this
17 Code shall be permitted only as a conditional use.

18 A small self-service restaurant, as defined in Section 790.91 of this Code, shall be
19 permitted only as a conditional use unless such restaurant is a related minor use which is
20 either necessary to the operation or enjoyment of a lawful principal use or conditional use, or
21 is appropriate, incidental and subordinate to any such use, in which case it shall be permitted
22 as an accessory use.

23 (G) Drive-Up Facilities. Drive-up facilities are not permitted. For the purposes of this
24 Section, "drive-up facilities" shall be defined as structures designed primarily for drive-to or
25 drive-through trade which provides service to patrons while in private motor vehicles.

1 (H) Demolitions. All demolitions of buildings containing residential use and all
2 conversions from residential uses to nonresidential uses above the ground floor shall be
3 permitted only if authorized as a conditional use under Section 303 of this Code, unless the
4 Superintendent of the Bureau of Building Inspection or the Chief of the Bureau of Fire
5 Prevention and Public Safety determines that the building is unsafe or dangerous and that
6 demolition is the only feasible means to secure the public safety. When considering whether
7 to grant a conditional use permit for the demolition or conversion, in lieu of the criteria set forth
8 in Planning Code Section 303, consideration shall be given to the adverse impact on the
9 public health, safety and general welfare of the loss of housing stock in the district and to any
10 unreasonable hardship to the applicant if the permit is denied. The definition of residential use
11 shall be as set forth in Section 243(c)(8)(A), but shall not include any guest room in a building
12 classified as a residential hotel subject to the Residential Hotel Unit Conversion and
13 Demolition Ordinance.

14 A conditional use permit shall not be required if the demolition permit is sought in order
15 to comply with a court order directing or permitting the owner to demolish a building because it
16 is unsafe. No person shall be permitted to construct anything on the site of a demolished
17 building subject to such an order for a period of two years unless (a) the proposal is for at
18 least the same number and size of dwelling units and guest rooms and the same amount of
19 nonresidential floor area as that which was demolished or (b) the applicant requests and is
20 granted an exemption from this requirement on the ground that the applicant has
21 demonstrated that (1) the need for demolition did not arise because of the deliberate or
22 unreasonable neglect of the maintenance of the building, or that (2) the restrictions would
23 cause undue hardship to the property owner or that (3) the restrictions would leave the
24 property without any substantial remaining market value or reasonable use.
25

1 (I) Parking. Pursuant to Table 151 in Article 1.5 of this Code, the residential parking
2 requirement shall be one space for each dwelling unit; provided, however, that the parking
3 requirement may be reduced to not less than one space for each four dwelling units, if the
4 Zoning Administrator determines that the reduced parking requirement is sufficient to serve
5 the reasonably anticipated auto usage by residents and visitors to the project. The procedures
6 and fee for such review shall be the same as those which are applicable to variances, as set
7 forth in Sections 306.1 through 306.5 and 308.2.

8 (J) Adult Entertainment Enterprises. The uses described in Section 221(k) of this
9 Code are not permitted.

10 (9) Reduction of Ground Level Wind Currents.

11 (A) New buildings and additions to existing buildings shall be shaped, or other wind
12 baffling measures shall be adopted, so that the development will not cause year-round ground
13 level wind currents to exceed, more than 10 percent of the time, between 7:00 a.m. and 6:00
14 p.m., the comfort level of 11 m.p.h. equivalent wind speed in areas of pedestrian use and
15 seven m.p.h. equivalent wind speed in public seating areas. When pre-existing ambient wind
16 speeds exceed the comfort levels specified above, the building shall be designed to reduce
17 the ambient wind speeds in efforts to meet the goals of this requirement.

18 (B) An exception to this requirement may be permitted but only if and to the extent
19 that the project sponsor demonstrates that the building or addition cannot be shaped or wind
20 baffling measures cannot be adopted without unduly restricting the development potential of
21 the building site in question.

22 (i) The exception may permit the building or addition to increase the time that the
23 comfort level is exceeded, but only to the extent necessary to avoid undue restriction of the
24 development potential of the site.

1 (ii) Notwithstanding the above, no exception shall be allowed and no building or
2 addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard
3 level of 26 m.p.h. for a single hour of the year.

4 (C) For the purposes of this Section, the term "equivalent wind speed" shall mean
5 an hourly wind speed adjusted to incorporate the effects of gustiness or turbulence on
6 pedestrians.

7 Section 5. The San Francisco Planning Code is hereby amended by amending Section
8 261.1, to read as follows:

9 SEC. 261.1. ADDITIONAL HEIGHT LIMITS FOR NARROW STREETS AND ALLEYS
10 IN, RTO, NC, NCT, ~~AND~~ EASTERN NEIGHBORHOODS MIXED USE, AND SOUTH OF
11 MARKET MIXED USE DISTRICTS.

12 (a) Purpose. The intimate character of narrow streets (right-of-ways 40 feet in width
13 or narrower) and alleys is an important and unique component of the City and certain
14 neighborhoods in particular. The scale of these streets should be preserved to ensure they do
15 not become overshadowed or overcrowded. Heights along alleys and narrow streets are
16 hereby limited to provide ample sunlight and air, as follows:

17 (b) Definitions.

18 (1) "Narrow Street" shall be defined as a public right of way less than or equal to 40
19 feet in width, or any mid-block passage or alley that is less than 40 feet in width created under
20 the requirements of Section 270.2.

21 (2) "Subject Frontage" shall mean any building frontage in an RTO, NC, NCT or
22 Eastern Neighborhood Mixed Use District that abuts a Narrow Street and that is more than 60
23 feet from an intersection with a street wider than 40 feet.

24 (3) "East-West Narrow Streets" shall mean all Narrow Streets, except those created
25 pursuant to Section 270.2, that are oriented at 45 degrees or less from a true east-west

1 orientation or are otherwise named herein: Elm, Redwood, Ash, Birch, Ivy, Linden, Hickory,
2 Lily, Rose, Laussat, Germania, Clinton Park, Brosnan, Hidalgo, and Alert Streets.

3 (c) Applicability. The controls in this Section shall apply in all RTO, NC, NCT, Eastern
4 Neighborhoods Mixed Use, and South of Market Mixed Use Districts, except in the Western SoMa
5 Planning Area Special Use District.

6 (d) Controls.

7 (1) General Requirement. Except as described below, all subject frontages shall
8 have upper stories set back at least 10 feet at the property line above a height equivalent to
9 1.25 times the width of the abutting narrow street.

10 (2) Southern Side of East-West Streets. All subject frontages on the southerly side
11 of an East-West Narrow Street shall have upper stories which are set back at the property line
12 such that they avoid penetration of a sun access plane defined by an angle of 45 degrees
13 extending from the most directly opposite northerly property line (as illustrated in Figure
14 261.1A.) No part or feature of a building, including but not limited to any feature listed in
15 Sections 260(b), may penetrate the required setback plane.

16 (3) Mid-block Passages. Subject frontages abutting a mid-block passage provided
17 per the requirements of Section 270.2 shall have upper story setbacks as follows:

18 (A) for mid-block passages between 20 and 30 feet in width, a setback of not less
19 than 10 feet above a height of 25 feet.

20 (B) for mid-block passages between 30 and 40 feet in width, a setback of not less
21 than 5 feet above a height of 35 feet.

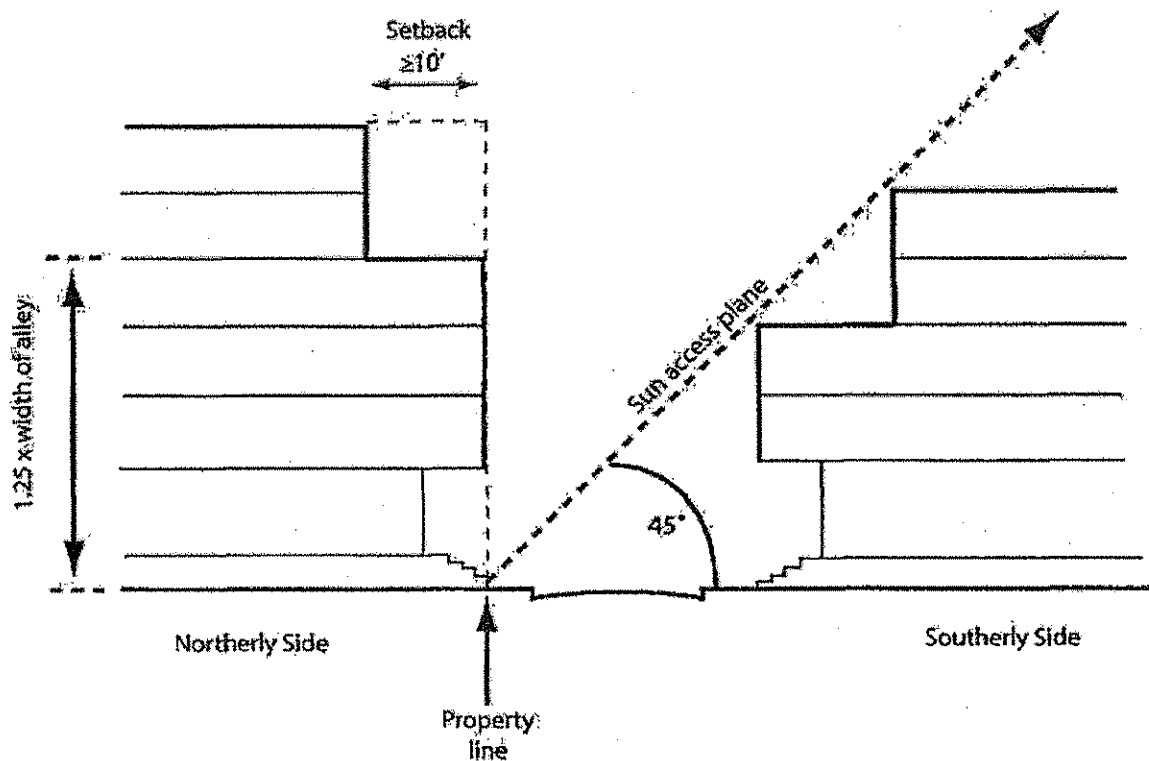


Figure 261.1A

Section 6. The San Francisco Planning Code is hereby amended by amending Section 270.2, to read as follows:

SEC. 270.2. SPECIAL BULK AND OPEN SPACE REQUIREMENT: MID-BLOCK ALLEYS IN LARGE LOT DEVELOPMENT IN THE EASTERN NEIGHBORHOODS MIXED USE, EASTERN NEIGHBORHOODS, SOUTH OF MARKET MIXED USE, C-3, C-M, AND DTR DISTRICTS.

(a) Findings. The historically industrial parts of the City, including the South of Market, Showplace Square, Central Waterfront, and Mission, typically have very large blocks. In the South of Market, a typical block is 825 feet in length and 550 feet in width; in Showplace

1 Square and the Central Waterfront blocks extend up to 800 feet in length and greater; and in
2 the Mission many blocks are over 500 feet in length. In areas of the City historically developed
3 as moderate and high-density residential and commercial environments, the block pattern is
4 much smaller, with many alternate and redundant paths of travels, service alleys, and public
5 mid-block pedestrian walkways and stairways: the typical North of Market block is 275 feet in
6 width and not more than 412.5 feet in length, often with minor alleys bisecting these blocks
7 further into smaller increments.

8 Large blocks inhibit pedestrian movement and convenience by significantly lengthening
9 walking distances between points, thereby reducing the ability and likelihood of people to walk
10 between destinations, including reducing access to and likelihood of using transit. Academic
11 studies have shown that the likelihood of people to walk for trips of all purposes, including
12 walking to transit stops, declines substantially above distances as low as 1/5th of a mile, and
13 that the propensity to walk is very elastic for distances of one mile or less and heavily
14 dependent on distance and route barriers (Berman, Journal of American Planning Literature,
15 May 1996). People are generally willing to walk not more than 1/3-mile to access rail transit,
16 and less to access bus transit. In the Eastern Neighborhoods Mixed Use, South of Market
17 Mixed Use, C-M, and DTR Districts, and South-of-Market portion of the C-3 Districts, longer
18 walking distances due to large blocks generally lengthens walking distances by up to 1,000
19 feet or more for even the shortest trips, a major factor in reduced use of transit in these areas.
20 In areas with large blocks, walking distances between destinations can be between 50% and
21 300% longer than for areas with smaller blocks and more route choices (Hess, Places,
22 Summer 1997). In the South of Market area, for example, the distance between destinations
23 for walking trips can be as much as 2.5 times longer than a trip between destinations similarly
24 situated apart north of Market Street. Given equivalent densities and distributions of
25 development, where walking distances are greater due to longer and larger blocks, residents

1 have access to up to 50% fewer destinations (e.g. shops, services, transit) for equal walking
2 distances (Id.). Greater walking distances and fewer route choices also severely degrade
3 accessibility to transit, services, and shops for people with disabilities and the elderly (Kulash,
4 Development, July/August 1990). Because there are fewer pedestrian route choices and
5 people must walk on fewer, more-highly trafficked and busier streets for longer distances, the
6 quality of the pedestrian experience is severely diminished and there are more conflicts with
7 motor vehicles, with corresponding heightened concerns for pedestrian safety on major
8 streets.

9 Large blocks also increase vehicular and service demand on streets. Where there are
10 no secondary streets or service alleys, all vehicular functions (including service loading as
11 well as private vehicular access to off-street parking) are concentrated onto fewer streets,
12 increasing traffic volumes on these streets and creating significant and frequent conflicts with
13 automobile traffic, transit, bicycles, and pedestrian activity.

14 Where industrial uses with low densities of workers and residents remain in place, the
15 condition of large blocks is not a problem. However, where land use changes occur with new
16 development and the intensity and density of residential and employment population are
17 increased by new development, there is thus a significant new need created to improve
18 pedestrian and vehicular circulation by mitigating the size the blocks, providing alternate and
19 redundant paths of travel, and creating a more pedestrian-accessible environment.

20 (b) Purpose. The mid-block alley requirements of this Section are intended to
21 ameliorate the conditions and impacts described in the Findings of subsection (a) above and
22 make the subject areas appropriate for a higher density of activity and population in areas
23 being targeted for more intense development.

24 (c) Applicability. This Section applies to all new construction on parcels that have
25 one or more street frontage_s of over 200 linear feet on a block face longer than 400 feet

1 between intersections, and are in the C-3 Districts, C-M Districts, in South of Market Mixed Use
2 Districts, except in the Western SoMa Planning Area Special Use District, Eastern Neighborhoods
3 Mixed Use Districts, or DTR Districts, except for parcels in the RH DTR District, which are
4 subject to Section 827.

5 (d) Requirements.

6 (1) New construction on lots with greater than 300 linear feet of street frontage shall
7 provide a publicly-accessible mid-block alley for the entire depth of the property, generally
8 located toward the middle of the subject block face, perpendicular to the subject frontage and
9 connecting to any existing streets and alleys. For development lots with frontage on more than
10 one street that exceeds the above dimensions, one such mid-block alley will be required per
11 frontage.

12 (2) For new construction on lots with frontage greater than 200 linear feet but less
13 than 300 feet the project shall provide a publicly-accessible mid-block alley for the entire
14 depth of the property where any of the following criteria are met:

15 (A) There is an opportunity to establish a through-block connection between two
16 existing alleys or streets, or

17 (B) A portion of the subject frontage extends over the central half of the block face,
18 or

19 (C) Where it is deemed necessary by the Planning Department and Commission to
20 introduce alleys to reduce the scale of large development, particularly in areas with a
21 surrounding pattern of alleys.

22 (e) Design and Performance Standards. The alleys provided per subsections (a)
23 and (b) above shall meet the following standards:

1 (1) Generally be located as close to the middle portion of the subject block face as
2 possible, perpendicular to the subject frontage and connect to existing adjacent streets and
3 alleys;

4 (2) Provide pedestrian access;

5 (3) Provide no, limited or full vehicular access, as specific conditions warrant;

6 (4) Have a minimum width of 20 feet from building face to building face, exclusive of
7 those obstructions allowed pursuant to Section 136, and a minimum clearance height from
8 grade of 15 feet at all points;

9 (5) Have a minimum clear walking width of 10 feet free of any obstructions in the
10 case of a pedestrian-only right-of-way, and dual sidewalks each of not less than 6 feet in width
11 with not less than 4 feet minimum clear walking width in the case of an alley with vehicular
12 access;

13 (6) In the Eastern Neighborhoods Mixed Use Districts, be at least 60% open to the
14 sky, including those encroachments permitted in front setbacks by Section 136 of this Code;

15 (7) Provide such ingress and egress as will make the area easily accessible to the
16 general public;

17 (8) Be protected from uncomfortable wind, as called for elsewhere in this Code;

18 (9) Be ungated and publicly accessible 24 hours per day, as defined elsewhere in
19 this Section;

20 (10) Be provided with appropriate paving, furniture, and other amenities that
21 encourage pedestrian use, and be landscaped to greatest extent feasible;

22 (11) Be provided with ample pedestrian lighting to ensure pedestrian comfort and
23 safety;

24 (12) Be free of any changes in grade or steps not required by the underlying natural
25 topography and average grade; and

1 (13) Be fronted by active ground floor uses, as defined in Section 145.1, to the extent
2 feasible.

3 (14) New buildings abutting mid-block alleys provided pursuant to this Section 270.2
4 shall feature upper story setbacks according to the provisions of Section 261.1.

5 (f) Maintenance. Mid-block paths and alleys required under this Section shall be
6 maintained at no public expense. The owner of the property on which the alley is located shall
7 maintain it by keeping the area clean and free of litter and by keeping it in an acceptable state
8 of repair. Conditions intended to assure continued maintenance of the right-of-way for the
9 actual lifetime of the building giving rise to the open space requirement may be imposed in
10 accordance with the provisions of Section 309.1 for DTR or 329 for Eastern Neighborhoods
11 Mixed Use Districts.

12 (g) Informational Plaque. Prior to issuance of a permit of occupancy, a plaque shall
13 be placed in a publicly conspicuous location for pedestrian viewing. The plaque shall state the
14 right of the public to pass through the alley and stating the name and address of the owner or
15 owner's agent responsible for maintenance. The plaque shall be of no less than 24 inches by
16 36 inches in size.

17 (h) Property owners providing a pathway or alley under this section will hold
18 harmless the City and County of San Francisco, its officers, agents and employees, from any
19 damage or injury caused by the design, construction or maintenance of the right-of-way, and
20 are solely liable for any damage or loss occasioned by any act or neglect in respect to the
21 design, construction or maintenance of the right-of-way.

22 (i) Any non-vehicular portions of such a pathway or alley, including sidewalks or
23 other walking areas, seating areas, or landscaping, may count toward any open space
24 requirements of this Code which permit publicly-accessible open space, provided that such
25 space meets the standards of Section 135. *In C-3 Districts, the non-vehicular portions of such a*

1 pathway or alley may count towards the open space requirements of Section 138 of this Code, so long
2 as the pathway or alley is located at street grade and meets the requirements of Section 138 and of this
3 Section.

4
5 APPROVED AS TO FORM:
6 DENNIS J. HERRERA, City Attorney

7 By: Judith A. Boyajian
8 JUDITH A. BOYAJIAN
9 Deputy City Attorney

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Supervisor Mirkarimi
BOARD OF SUPERVISORS

LEGISLATIVE DIGEST

[Zoning – Street Frontages]

Ordinance amending the San Francisco Planning Code by amending 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; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1

Existing Law

Planning Code Section 145.1 establishes controls that are intended to "preserve, enhance and promote attractive, clearly defined street frontages that are pedestrian-oriented, fine-grained, and which are appropriate and compatible with the buildings and uses in Neighborhood Commercial (NC), Downtown Residential (DTR), and Eastern Neighborhoods Mixed use Districts.

Section 201 sets forth the classes of use districts into which the City is divided. Section 243 establishes the Van Ness Special Use District. Section 253 requires Planning Commission review for proposed buildings and structures in any Residential (R) district, except for Residential Transit-Oriented Neighborhood (RTO) districts. Section 261.1 establishes additional height limits for narrow streets and alleys in RTO, Neighborhood Commercial Transit (NCT) districts, and Eastern Neighborhoods Mixed Use Districts. Section 270.2 establishes special bulk and open space requirements for mid-block alleys in large lot development in the Eastern Neighborhoods Mixed Use and DTR districts.

Amendments to Current Law

This legislation amends Section 145.1 to require parking to be set back from building frontages, require active street fronting uses, require minimum ground-floor floor to ceiling heights, require transparent ground-floor windows and doors, and require that gates, railing, and grillwork be mostly open to view in all C, NC, and RC zoning districts.

Section 201 is amended to distinguish R from RC zoning districts. It also removes the Hayes-Gough NCD from the list of Individual Area Districts because Hayes-Gough has been rezoned to an NCT.

Section 243 is amended so that ground-floor street frontages and parking setbacks in the Van Ness Special Use District to establish a minimum ground-floor floor to ceiling floor height for non-residential uses and to conform to the proposed amendments to Section 145.1. Section

FILE NO.

253 is amended to eliminate the requirement for conditional use for housing over 40 feet in height in RC zoning districts.

Section 261 is amended to apply additional alleyway height controls in all RC and NC zoning districts. Section 270.2 is amended to require mid-block alleyways on certain large-lot developments in Downtown Commercial (C-3) zoning districts, and to allow the non-vehicular portions of such alleyways to meet the open space requirements of Section 138 of the Code in C-3 districts so long as the alleyways meet the requirements of both Sections 138 and 270.2.

Background Information

Most of San Francisco developed before the widespread use of the automobile, and before the existence of Planning Codes that geographically segregated land uses. San Francisco's first Planning Code was created in the 1940s and the first parking requirements were imposed in 1956. As a result, many San Francisco neighborhoods still have a dense, walkable character, with a mix of primary uses – housing, shops, offices, and light production, distribution and repair (PDR) businesses.

The San Francisco Planning Code includes a number of use districts that allow a mix of uses, and these use districts have changed and multiplied over time. A mix of residential and non-residential uses is permitted in Commercial, Residential-Commercial, Neighborhood Commercial, South of Market Mixed Use, Chinatown Mixed Use, Residential Transit-Oriented, Downtown Residential, and Eastern Neighborhoods Mixed Use districts.

The General Plan, in its Urban Design and Transportation elements, strongly emphasizes the importance of active, human-scaled, and pedestrian-oriented building fronts, and of maintaining neighborhood character. Over the past few decades, street frontage controls have been introduced into a number of zoning districts. These controls are elements of "form-based" codes, which pay greater attention to physical form and character of new buildings, emphasize walkable, mixed-use and compact neighborhoods, and include a number of prescriptive controls such as built-to lines and required building features rather than just proscriptive ones. Form-based codes are in increasing use in the United States.

The San Francisco Planning Code has developed into a hybrid, with strong form-based controls in some districts and virtually none in others. The goal of this legislation is to create a comprehensive and consistent set of street frontage controls for most districts that allow a mix of uses. It will provide more consistency in the Planning Code by extending controls across use districts of a similar type, and will simplify the Code by consolidating and harmonizing varying Code requirements governing certain building features.



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

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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.

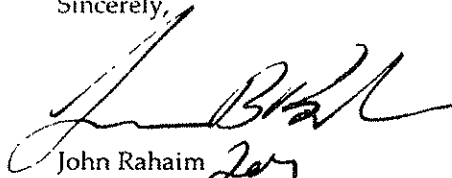
1. Livable City suggested providing an exemption from active use requirements described in these Sections for historic buildings. The Commission recommends this modification if the appropriate references are made to existing procedures for Historic Preservation Commission review as articulated in Articles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

Transmittal Materials
Hearing Date: February 18, 2010

CASE NO. 2009.1172T
Green Landscaping Ordinance

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: 2009.1119 [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**

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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.

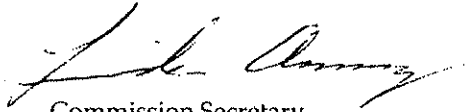
- H) Parks and open space and their access to sunlight and vistas will be protected from development:

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: MIGUEL, OLAGUE, ANTONINI, BORN, & LEE

NAYS: MOORE & SUKATA

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**

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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 ½ 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 Uses"¹ 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**

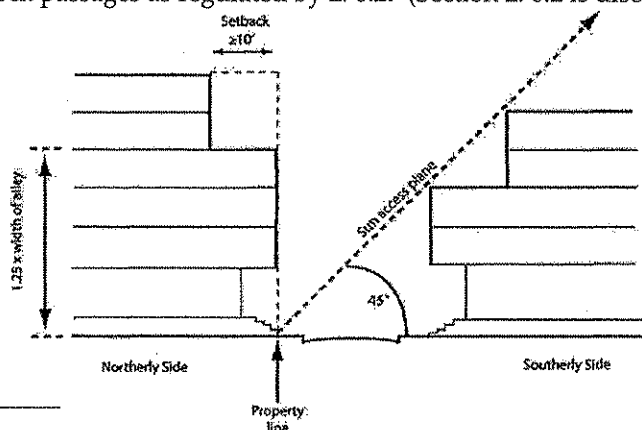
This Section of the Code establishes a special use district that creates i) a mix of residential and commercial uses along Van Ness; ii) preserves and enhances the pedestrian environment; iii) encourages the retention of historically significant buildings; iv) conserves the existing housing stock; and 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
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BOARD of SUPERVISORS



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TDD/TTY No. 554-5227

November 18, 2009

File No. 091271

Bill Wycko
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Mr. Wycko:

On November 3, 2009, Supervisor Mirkarimi introduced the following proposed legislation:

File No. 091271 Ordinance amending the San Francisco Planning Code by amending 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; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

The legislation is being transmitted to you for environmental review, pursuant to Planning Code Section 306.7(c).

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Linda Laws".

By: Linda Laws, Committee Clerk
Land Use & Economic Development Committee

Attachment

cc: Nannie Turrell, Major Environmental Analysis
Brett Bollinger, Major Environmental Analysis

*Not a project per
CEQA Guidelines
Section 15060(c)(2).
Nannie T. Turrell
December 7, 2009*