



SAN FRANCISCO PLANNING DEPARTMENT

January 25, 2011

Ms. Angela Calvillo, Clerk
Board of Supervisors
City and County of San Francisco
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San Francisco, CA 94102

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Re: Transmittal of Planning Case Number 2010.0756T to the Board of Supervisors File No. 10-1053: Consistent Street Frontages II

Recommendation: Approval with Modifications

Dear Ms. Calvillo,

On January 13, 2011, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearings at a regularly scheduled meeting to consider the proposed Ordinance.

At the January 13th Hearing, the Commission voted 7-0 to recommend approval with modifications of a proposed ordinance that will amend the Planning Code to further enhance comprehensive and consistent street frontage controls for residential districts, industrial districts, small corner commercial uses, and associated amendments and recommended that Planning Staff shall continue to work with the legislative sponsor to further articulate these modifications. Please find attached resolution and exhibit for more detail about the Commission's action. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "AM-Rodgers".

AnMarie Rodgers
Manager of Legislative Affairs

Cc:
Attachments (one copy of the following):

Supervisor Ross Mirkarimi
Planning Commission Resolution No. 18250 and
Exhibit A Recommended Modifications



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 18250

HEARING DATE: JANUARY 13, 2011

CONTINUED FROM HEARING ON: DECEMBER 9, 2010

Project Name: **Street Frontages II**
Case Number: 2010.07561 [Board File No. 10-10503]
Initiated by: Supervisor Mirkarimi
Introduced: August 3, 2010
Staff Contact: AnMarie Rodgers, Manager of Legislative Affairs
anmarie.rodgers@sfgov.org, 415-558-6395
Reviewed By: Scott Sanchez, Zoning Administrator
Kelley Amdur, Director of Neighborhood Planning

Recommendation: **Recommend Approval with Modifications**

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RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE WITH MODIFICATIONS THAT WILL AMEND THE PLANNING CODE TO FURTHER ENHANCE COMPREHENSIVE AND CONSISTENT STREET FRONTAGE CONTROLS FOR RESIDENTIAL DISTRICTS, INDUSTRIAL DISTRICTS, SMALL CORNER COMMERCIAL USES, AND ASSOCIATED AMENDMENTS AND RECOMMENDING THAT PLANNING STAFF SHALL CONTINUE TO WORK WITH THE LEGISLATIVE SPONSOR TO FURTHER ARTICULATE THESE MODIFICATIONS.

PREAMBLE

Whereas, on August 3, 2010, Supervisor Mirkarimi introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 10-1053 which would clarify several aspects of the street frontage controls that was passed in Board File No. 09-1271/ adopted Ordinance No. 85-10, to extend these controls to all residential, industrial, and small corner commercial use districts, as well as add additional requirements that will more comprehensively create a consistent set of street frontage controls in San Francisco; and

Whereas, on December 9, 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, on December 9, 2010, the San Francisco Planning Commission (hereinafter "Commission") acted only on a portion of the proposed Ordinance and continued consideration of the proposed Ordinance to January 13, 2011; and

Whereas, on January 13, 2011 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

- 1) *approval of the proposed Ordinance with modifications outlined in Exhibit A and*
 - 2) *that Planning Department Staff shall continue to work with the legislative sponsor to further articulate these modifications;*
- and adopts this Resolution to that effect.

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 is a companion to legislation that went into effect earlier this year in BOS File No. 09-1271/ adopted Ordinance No. 85-10 (Street Frontage Legislation No. 1). That legislation established the necessary framework for street frontage requirements in San Francisco. This legislation, BOS File No. 10-10503 (Street Frontage Legislation No. 2), amends Code sections to further achieve a consistent ground-floor and pedestrian friendly environment in San Francisco;
2. The proposed Ordinance seeks to achieve more consistency in how the City controls for street frontages. It takes certain provisions that have been tested and approved for recent plan areas and extends these controls to additional NC, RC, and C-3 Districts. Among other things, this legislation would create consistent ground floor controls for industrial districts; permit certain small corner commercial uses in RM-3 and RM-4 districts; create comprehensive and consistent street frontage controls for residential districts; permit certain small corner commercial uses in RM-3 and RM-4 districts; modify floor area ratio controls in the Van Ness Special Use District; modify conditional use requirements for buildings over 40 feet in RM and RC districts; amend the procedure for certain exceptions from off-street parking and loading requirement; permit parking and loading exceptions to preserve historic buildings and landmark trees; and make certain Planning Code controls consistent across C-3 Districts;

3. If the proposed modifications listed in Exhibit A are incorporated into the final legislation, the Commission believes that it would be an important step forward to achieving consistent design at the street level in San Francisco;
4. **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.

III. RINCON HILL AREA PLAN

OBJECTIVE 1.1

ENCOURAGE THE DEVELOPMENT OF A UNIQUE DYNAMIC, MIXED-USE RESIDENTIAL NEIGHBORHOOD CLOSE TO DOWNTOWN, WHICH WILL CONTRIBUTE SIGNIFICANTLY TO THE CITY'S HOUSING SUPPLY.

IV. NORTHEASTERN WATERFRONT AREA PLAN

OBJECTIVE 1

TO DEVELOP AND MAINTAIN ACTIVITIES THAT WILL CONTRIBUTE SIGNIFICANTLY TO THE CITY'S ECONOMIC VITALITY AND PROVIDE ADDITIONAL ACTIVITIES WHICH STRENGTHEN THE PREDOMINANT USES IN EACH SUBAREA OF THE NORTHEASTERN WATERFRONT, WHILE LIMITING THEIR CONCENTRATION TO PRESERVE THE ENVIRONMENTAL QUALITY OF THE AREA.

V. SOUTH OF MARKET AREA PLAN

OBJECTIVE 5

MINIMIZE THE IMPACT ON THE LIVABILITY OF THE AREA OF AUTO TRAFFIC THROUGH AND TO/FROM THE SOUTH OF MARKET.

5. 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.

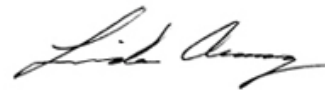
- G) That landmark and historic buildings will be preserved:

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 January 13, 2011.



Linda Avery
Commission Secretary

AYES: Miguel, Olague, Antonini, Borden, Fong, Moore, and Sugaya

NAYS:

ABSENT:

ADOPTED: January 13, 2011

Attachments: Exhibit A Planning Commission Proposed Modifications to BOS File No. 10-1053

**Exhibit A: Planning Commission Proposed Modifications to BoS
File No. 10-1053**

Section Title	Way it is Now	Way it Would Be Under the Proposed Ordinance
Section No. Recommendation	Page and line of recommended modification, when applicable, or alternatively statement to recommend approval as is. <i>Italics indicate rationale for Commission recommendation.</i>	
124(b) Basic FAR Limits	NC Districts- FAR limits do not apply to nonaccessory off-street parking	NC FAR limits will apply to nonaccessory off-street parking Approve
124(b) Recommendation	Approve as is. <i>By including parking in FAR controls, this Ordinance will improve regulation of building bulk.</i>	
132.2 (c) Setbacks in North of Market Residential Special Use District	Setbacks may be required for buildings over 40' in height	<ol style="list-style-type: none"> 1. Raises potential setback requirement height to 50' 2. Adds alleys to list of street frontages that must comply with setback and ground floor design standards
132.2(c) Recommendation	Pg. 10, L8-9: Strike the last clause of this sentence. <i>This clause is redundant with the amendment proposed – the new setback requirement will only apply over 50 feet; this clause simply restates that new control.</i>	
144 Treatment of Ground Stories on Street Frontages in RH-2, RH-3, RTO, RTO-M, RM-1, and RM-2 Districts	<ol style="list-style-type: none"> 1. Applies to RH-2, RH-3, RM-1, and RM-2 districts 2. Entrances to off-street parking cannot be more than 30% of lot width, except as specified in (3), below. 3. The requirement in (3), above, cannot limit a single entrance to less than 16' 	<ol style="list-style-type: none"> 1. Expanded to apply to RH-1, RM-1, and RM-2 Districts 2. Entrances to off-street parking cannot be more than 1/3 of lot width 3. The requirement in (3), above, cannot limit a single entrance to less than 8' 4. Street facing garage structures cannot extend beyond front façade 3. Curb cuts cannot be less than 6' from corner

**Exhibit A: Planning Commission Proposed Modifications to BoS
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Section Title	Way it is Now	Way it Would Be Under the Proposed Ordinance
144(b)(1) Recommendation	<p>pg. 11, L11: Increase the minimum Code-mandated width of garage entrances to 10 feet (current Code language is 16 feet; proposed is 8 feet) and retain the eight foot requirement for RTO Districts.</p>	
144(b)(1) Recommendation Continued	<p><i>This modification would affect off-street parking throughout San Francisco. Given that a standard lot size in San Francisco is 25' wide by 100' deep, other changes to this Section (namely the shift from garage width maximums from 30% of lot width to 1/3 of lot width) would generally result in a maximum garage entrance of 8.33'. Because garage doors are almost exclusively procured in standard sizes, this will result in actual garage door widths of 8'. This width is often argued as too constricting, especially on narrow streets or for upsloping lots with shallow garages, and is compounded by the fact that in the geographic majority of the City, users must provide a minimum number of off-street parking spaces. However, the current Code language in this Section sets minimum widths for garage doors to address precisely these situations and would automatically increase the permissible garage door width to 16'. To be clear, this minimum width applies only to garage door widths established by the proposed 1/3 formula.</i></p> <p><i>While the Commission supports the legislation's goal in reducing the 16' figure, the 8' door that this would result in may not be an appropriate garage door width for neighborhoods – especially in the western half of the City – which have an overwhelming pattern of larger garage doors or those situations described above. The Commission proposes using a minimum figure under this Section of 10 feet. A ten-foot wide garage door is a reasonable width and can accommodate the majority of vehicles and access issues. Of course, this does not preclude the Department or Commission from further modifying individual proposals based on Residential Design Guidelines or other policies.</i></p> <p><i>Additionally, the Commission suggests retaining the 8' width in RTO Districts, as they are typically located on commercial corridors with increased foot and vehicle traffic and seldom demonstrate a pattern of garage doors larger than 8'.</i></p> <p>pg. 11, L15-17: Strike the proposed requirement that street-facing garage structures not extend further out than the front façade of the building.</p> <p><i>The Commission requests that staff continue to work with the legislative sponsor on preferred text to regulate "snout garages".</i></p> <p>pg. 11, L17-19: Relocate the sentence stating that parking entrances should minimize interference with street-fronting active uses to section (a): Purpose.</p> <p><i>This sentence does not state a control but encourages minimizing interference with the</i></p>	

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	<p><i>pedestrian realm. It is a goal, not a requirement and is better suited in the Purpose clause in 144(a).</i></p> <p>pg. 11, L22-25 and pg 12, L1-2: Strike the newly inserted language.</p> <p><i>Currently controls strike the requirements for garage entries in unusual circumstances, allowing for a tailored response to shallow buildings and/or steep slopes. As drafted, the Ordinance would require a waiver of the off-street parking requirements through an undetermined process. Unusual lots should be granted the exception automatically with out added costs of additional processes.</i></p>	
<p>145 (proposed to become 144.1)</p> <p>Moderation of building fronts in RM-1 & RM-2 Districts</p>	<p>1. §145 currently addresses the frontages of buildings in residential mixed districts whereas other residential district frontage controls are contained in §144.</p>	<p>1. Changes Section number and header language to consolidate residential building frontage controls in §144.</p>
<p>145 (proposed to become 144.1) Recommendation</p>	<p>pg. 12, L22: Approve text changes as is. Ensure existing diagrams are kept. Add new §145 as an introduction to §145.1-145.5.</p> <p><i>Making this change would consolidate building frontage controls for residential districts into §144 and §144.1. Staff has checked for cross-references and did not find any conforming changes that should be associated with this renumbering. The existing diagrams for §145 are not currently visible in proposed §144.1, ensure that these diagrams remain in new location.</i></p> <p><i>Keep §145 as an introduction to §145.1-145.5. The new §145 would introduce controls for frontages, outdoor activity areas, walkup facilities, and ground floor uses and standards in neighborhood commercial and mixed use districts. The Commission proposes the following text for the new §145: "The purpose of this Section is 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 in neighborhood commercial or production, distribution and repair districts."</i></p>	
<p>145.1</p> <p>Street Frontages in Neighborhood Commercial, Downtown,</p>	<p>1. Section title lists both "commercial" and CM districts.</p>	<p>1. Removes separate listing of C-M Districts</p> <p>2. C-3 Districts: All parking above ground level shall have 9' ceiling height or a height equal to adjacent ceiling heights so</p>

**Exhibit A: Planning Commission Proposed Modifications to BoS
File No. 10-1053**

Section Title	Way it is Now	Way it Would Be Under the Proposed Ordinance
Residential, RC, C, M, Chinatown, Soma, and Eastern Neighborhoods Districts		<p>as to facilitate conversion to other uses</p> <p>3. C-3 Districts: Ground level parking shall have min 14' ceiling height and no sloping floors so as to allow future conversion of this parking to other uses.</p> <p>4. Street facing garage structures cannot extend past the building frontage</p> <p>5. Curb cuts cannot be less than 6' from corner</p>
145.1 Recommendation	<p>Pg. 14, L2: Approve changes to remove "C-M".</p> <p><i>Current placement of "C-M" in title and throughout because it is duplicative as "C " districts are a subset of "commercial" districts as defined in §201.</i></p> <p>Pg.15, L11: Fix existing error in the Code by renumbering "Ground Floor Ceiling Height" as number 4 not 3.</p> <p><i>This sentence describes which of the subsequently listed features apply to new vs. existing lots. It lists "Ground Floor Ceiling Heights" as number 3 when it is listed as number 4.</i></p> <p>Pg. 15, L21-23: Clarify that this requirement would exclude removable parking ramps from the control.</p> <p><i>This requirement should allow for parking ramps to be sloped if the ramps can be removed in the future without compromising the structural integrity of the building.</i></p> <p>Pg. 16, L3-4: Strike the proposed language that prohibits garage structures from extending further than the front façade aka "snout garages".</p> <p><i>The Commission requests that staff continue to work with the legislative sponsor on preferred text to regulate "snout garages".</i></p> <p>Pg. 16, L13: Clarify that this requirement would exclude removable parking ramps from</p>	

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		<p>the control. In addition, remove the “s” on the word “floors” from line 13.</p> <p><i>This requirement should allow for parking ramps to be sloped if the ramps can be removed in the future without compromising the structural integrity of the building. As the control requiring a 14’ ceiling height, as written in this proposed Ordinance, would only apply to the ground floor of C-3 districts, the word “floors” should be in the singular as “floor”.</i></p> <p>Placement to be Determined. The Commission recommends incorporating the below Zoning Administrator Interpretation from May 2009 into the Planning Code for the reasons described within the interpretation. In addition to applicability with Eastern Neighborhoods districts, this control should apply to all districts with requirements for active street frontages not just districts regulated in 151.19(c).</p> <p><i>Code Section: 145.1(c)(3)(A) Required above grade parking setback Effective Date: 5/09 Interpretation: In order to promote an active and attractive streetscape, the Eastern Neighborhoods Plan requires that ground floor off -street parking be set back 25 feet from a building facade. However, Section 151.1(c) establishes that all parking spaces, including those in tandem arrangements, count toward parking maximums and that the Zoning Administrator may count any garage area of adequate size as an off -street parking space if it could practically be used as a parking space. It is reasonably foreseeable that, in a circumstance where only one or two parking spaces are permitted and are proposed, the required parking setback would lead to an empty drive-aisle within the first 25 feet of the building. This area, in turn, could be considered an additional tandem parking space in excess of the permitted number of spaces. As such, the literal application of these two Code standards would conflict with off -street parking maximums and require the devotion of additional ground level space for off -street parking. Therefore, the following shall apply to projects subject to this Section:</i></p> <ol style="list-style-type: none"> <i>1. When only one parking space is permitted, should a space be proposed it must be within the first 25 feet of the building.</i> <i>2. When two or more parking spaces are proposed, one space may be within the first 25 feet of the building.</i> <i>3. When three or more parking spaces are proposed, all parking spaces must be set back at least 25 feet from the front of the development.</i>

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File No. 10-1053**

Section Title	Way it is Now	Way it Would Be Under the Proposed Ordinance
145.5 Ground floor Standards in PDR districts	1. Applies only to PDR districts	1. Expands applicability beyond PDR districts to all "Industrial Districts" 2. Existing buildings must retain min ceiling height of 15'
145.5 Recommendation	<p>Pg 18, L18-19: Rewrite the second half of this sentence.</p> <p><i>The Commission is supportive of retaining a minimum of fifteen feet in existing buildings, where possible. However, the remainder of the proposed sentence has several undefined terms, such as 'major renovation' and 'practically feasible'. As proposed, this clause creates too many uncertainties for consistent application by Department Staff or the Planning Commission. Instead, the Commission recommends, "In existing buildings, a minimum clear ceiling height of 15 feet shall be retained where currently existing. Any building permit which seeks to reduce the clear ceiling height to less than 15 feet shall require a variance as set forth in Sections 305 of this Code."</i></p>	
150 Off-street Parking and loading requirements	1. Balances the provision of parking with transit 2. Explicitly states that the Planning Commission may require additional off-street parking and loading with any CU application	1. Incorporates walking, cycling and the movement of goods into the balance of transportation 2. Removes this explicit statement but would not undermine the Commission's ability to require additional off-street parking and loading with any CU application
150 Recommendation	<p>Approve as proposed.</p> <p><i>Generally, the Commission has not required additional parking and loading spaces beyond the existing requirements. However, removing this explicit statement would not prevent the Planning Commission from requiring this in certain circumstances. While in some cases, additional parking/loading may be needed and therefore required, it is not necessary to make this explicit statement.</i></p>	
151.1 Off-street parking in specific districts	1. Establishes parking standards for hospitals at 1 space per 16 guest	1. Performs a partial fix of this Code error. Should read 1 for 8 <u>beds</u> 2. Adds RM to residential districts which prohibit nonresidential parking. 3. Corrects standards for large grocery stores per Eastern Neighborhoods Plan

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File No. 10-1053**

Section Title	Way it is Now	Way it Would Be Under the Proposed Ordinance
151.1 Recommendation	Pg 23, L11: Fix requirement at 1 parking space per 8 beds. <i>This returns the Code requirement to the standard that existing prior to the publisher's error.</i>	
155 Standards and location of off-street parking, loading	<ol style="list-style-type: none"> OSP/L applies to C-3-O, C-3-R, C-3-G districts Ground level OSP/L shall be lined with active uses; cannot be sloped 	<ol style="list-style-type: none"> Changes these particular OSP/L requirements to apply to all C districts OSP/L above ground level must conform to Sec. 145.1; removes prohibition on slope <p>Approve with Modifications</p>
155 Recommendation	Pg. 34, L6: Add the language "at or [above ground level]" to the first line. <i>The existing Code language regulates ground level parking. The proposed amendment removes this requirement and instead the controls apply to parking above the ground level. The Commission would like these requirements to apply to parking at the ground level and above.</i>	
161 Exemptions from OSP/L	<ol style="list-style-type: none"> OSP/L in North of Market SUD can be reduced via CU Provides Commission with ability to reduce off-street requirements in NC districts. Exemption from OSP/L requirements for historic buildings applies to SoMa Mixed Use Districts 	<ol style="list-style-type: none"> OSP/L reduction in North of Market SUD continues to be by PC but references to CU are removed. Adds RC districts to those which the Commission may reduce off-street requirements Exemption from OSP/L broadened from historic SoMa Mixed Use Districts to apply to historic buildings citywide ZA authorized to reduce OSP/L requirements if negative impact to significant or landmark trees <p>3. Adds headers</p>
161 Recommendation	Subsection (f) Waterfront SUDs Pg 39, L1-14: Replace the existing procedure to reduce parking requirements through a Conditional Use authorization by the Commission with a less burdensome 307(h) procedure for reducing this requirement by Zoning Administrator exception. In addition, the Commission recommends instead of repeating similar findings for each area, the findings should be consolidated for all of the §307(h) parking reductions into	

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		<p>one section. Recommended findings for a parking reduction include the following:</p> <ol style="list-style-type: none"> (1) The reduction in the parking requirement is justified by the reasonably anticipated auto usage by residents of and visitors to the project; and (2) The reduction in the parking requirement will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity; and (3) The minimization of conflict of vehicular and pedestrian movements; and (4) The availability of transportation modes other than the automobile; and (5) The pattern of land use and character of development in the vicinity; and (6) Such other criteria as may be deemed appropriate in the circumstances of the particular case. <p><i>The Commission recommends that the existing procedure for Conditional Use authorization to reduce the parking requirement is overly burdensome and inconsistent with Commission policy. Further, the Commission has generally approved requests to reduce parking and is unlikely to disapprove such a request. Therefore, a less burdensome procedure for reducing the parking requirement is recommended. If the Commission agrees with this recommendation, conforming amendments would need to be made to §307(h).</i></p> <p>Subsection (g) North of Market SUD</p> <p>Pg 39, L24-25: Add language removing the parking minimum requirement for this SUD.</p> <p><i>The Commission recommends that this dense, transit-oriented district be relieved of parking minimum requirements. Planning Code Section 249.5 describes this SUD defined as one with "important housing resources in an area near downtown" where the City ought to "conserve and upgrade existing low and moderate income housing stock, preserve buildings of architectural and historic importance and preserve the existing scale of development, maintain sunlight in public spaces, encourage new infill housing at a compatible density."</i></p> <p>Pg 40, L1-8: Remove the procedure whereby parking would be reduced by the Planning Commission by Conditional Use authorization and remove the findings for a parking reduction as this would no longer be relevant.</p> <p><i>If the Commission agrees that this dense district need not contain a parking minimum requirement then there is no need to define a procedure for relief from that minimum requirement.</i></p>

**Exhibit A: Planning Commission Proposed Modifications to BoS
File No. 10-1053**

Section Title	Way it is Now	Way it Would Be Under the Proposed Ordinance
	<p>Subsection (j) NC and RC Districts.</p> <p>Pg. 41, L5-18: Replace the existing procedure to reduce parking requirements through a Conditional Use authorization by the Commission with a less burdensome 307(h) procedure for reducing this requirement by Zoning Administrator exception. Again, the Commission recommends instead of repeating similar findings for each area, the findings should be consolidated for all of the 307(h) parking reductions into one section as described above in the recommendations for Subsection (f) Waterfront SUDs.</p> <p><i>Again, the Commission recommends that the existing procedure for Conditional Use authorization to reduce the parking requirement is overly burdensome and inconsistent with Commission policy. Further, the Commission has generally approved requests to reduce parking and is unlikely to disapprove such a request. Therefore, a less burdensome procedure for reducing the parking requirement is recommended. If the Commission agrees with this recommendation, conforming amendments would need to be made to §307(h).</i></p> <p>Subsection (m) Historic Buildings.</p> <p>Pg. 43, L7-16: Replace the existing procedure to reduce parking with a less burdensome 307(h) procedure for reducing this requirement by Zoning Administrator exception. Allow this reduction upon the recommendation that Preservation Staff that the provision of parking or loading would adversely affect the resource. Apply this reduction to the following buildings: (a) a landmark building located outside a designated historic district, (b) a contributory building within a designated historic district, or (c) a building designated as significant or contributory pursuant to Article 11 of this Code. The Commission further recommends deleting “that reduction or waiver would enhance the economic feasibility of the preservation of the landmark or structure” from all processes under 161(m).</p> <p><i>This proposed Section would expand a parking waiver available in the South of Market Mixed Use Districts and apply it Citywide. Concern has repeatedly been raised by the Planning Commission and the historic preservation Commission about the impact of providing new parking in existing historic resources. In such instances where the impact was determined to be adverse, it makes sense to remove the minimum parking requirement.</i></p>	

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File No. 10-1053**

Section Title	Way it is Now	Way it Would Be Under the Proposed Ordinance
	<p>Subsection (q) Landmark or Significant Trees.</p> <p>Pg. 44, L24: Change title of this paragraph to “Protected Trees: Street Trees, Significant Trees and Landmark Trees”. Add language that allows the Zoning Administrator to modify or waive the parking requirement upon either recommendation of the Bureau of Urban Forestry or that of a certified arborist as documented in the required tree protection plan regarding the tree in question. Establish this waiver process in §307(h).</p> <p><i>Existing Department policy already requires that no permit that would require the removal of Protected Trees can be approved by the Department unless the Department of Public Works’ Bureau of Urban Forestry has approved the removal of the tree. Planning Director Bulletin Number 1 reprinted in October 2009 states that all protected trees (street trees, significant trees, and landmark trees) may only be removed with an approved permit from the Bureau of Urban Forestry. All permit applications that could potentially damage a tree should be accompanied by a “Tree Disclosure Statement”. And finally, any construction within the dripline of Protected Trees (street trees, significant trees, and landmark trees) must provide a “Tree Protection Plan” from a certified arborist describing either how that the proposed construction will not damage the tree or describing potential damage that warrants a change to the proposal. Threats to protected trees should be documented by either the Bureau of Urban Forestry or a certified arborist in the tree protection plan. This documentation of the potential tree damage off-street parking be proposed would provide the basis for the Zoning Administrator to make a fully-informed decision on waiving or modifying the parking requirement. If the Commission agrees with this recommendation, conforming amendments would be needed to §307(h).</i></p>	
175.1 Transition of interim controls prior to Downtown Plan	1. Controls to deal with downtown prior to passage of Downtown Plan	1. Removes section
175.1 Recommendation	Approve as proposed. <i>This section is obsolete.</i>	
175.2 Exemption of amendments of Downtown Plan	1. Controls to deal with onset of Downtown Plan	1. Removes section
175.2 Recommendation	Approve as proposed. <i>This section is obsolete.</i>	

**Exhibit A: Planning Commission Proposed Modifications to BoS
File No. 10-1053**

Section Title	Way it is Now	Way it Would Be Under the Proposed Ordinance
175.3 Exemption of Yerba Buena Center RDA	1. Exempts area because of Redevelopment Agency control	1. Removes section – YBC comes into City jurisdiction 1/2011
175.3 Recommendation	Approve as proposed. <i>This section is obsolete.</i>	
175.4 Exemption of Rincon Point Subarea of the Rincon Point South Beach Redevelopment Area	1. Exempts area because of RDA control and due the timing of the approval of the Rincon Point South Beach Redevelopment Area (1981) and the Downtown Plan (1985).	1. Removes this section
175.4 Recommendation	Approve as proposed. <i>This section is obsolete and both plans have been adopted for over 20 years.</i>	
175.5 Transitional controls pending NC/Article 7	1. Controls to deal with onset of Neighborhood Commercial Controls	1. Removes section
175.5 Recommendation	Approve as proposed. <i>This section is obsolete.</i>	
186 Exemption of Limited Commercial & Industrial Uses (LCU's)	1. Applies to LCU's city-wide	1. Restricts applicability to R and RED districts 2. Applies Street Frontage controls to LCU's
186 Recommendation	Pg. 49, L23: Change the title to refer to all Residential Districts (RH and RM), Residential Transit-Oriented Neighborhood Districts (RTO and RTO-M) and RED Districts. <i>"Residential Districts" and "R Districts" are not duplicative. Section 102.5, "District", says "The term "R District" shall mean any RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-1, RM-2,</i>	

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File No. 10-1053**

Section Title	Way it is Now	Way it Would Be Under the Proposed Ordinance
	<p>RM-3, RM-4, RTO, RTO-M, RC-1, RC-2, RC-3, RC-4 or RED District.”, yet Section 201, “Classes of Use Districts”, Defines “Residential District” as including all RH and RM Districts, but not RC or RTO Districts, nor RED Districts, which are defined as South of Market Mixed-Use Districts.</p> <p>Pg. 51, L23: Alter proposed clause (b)(7) to not only apply Street Frontage Controls (§145.1) to LCUs but to also allow Awnings for Limited Commercial Uses that comply with the Awning Controls used for cluster neighborhood areas (NC-1 Districts) (§136.1(a)(1)). This would require a conforming amendment to 136(c)(12). The Commission also recommends requiring a Conditional Use authorization for Formula Retail Controls per §703.3(b) so these uses would be regulated in the same manner as currently used for NC districts. Finally, these changes should include the minimum ceiling heights that should be used for RTO, RH and RM districts as 14’ except in height districts of 40 or 50’ where the minimum shall be 10’.</p> <p><i>The Commission supports applying updated street frontage controls to LCUs in residentially oriented districts. In combination with this change, awning controls and formula retail controls should also be added.</i></p>	
209.8 Commercial Establishments	1. Commercial uses in RC Districts subject to nearest NC controls	1. Commercial uses in RC Districts subject to NCT-3 controls
209.8 Recommendation	<p>Approve as proposed. <i>On December 9, 2010, the Planning Commission considered this subject and recommended to apply either NTC-3 or NCD-3 (which have similar use controls) to the RC districts.</i></p>	
210.3 C-3 Districts	1. Sets forth findings regarding Downtown Districts.	1. Amends findings to remove language about parking being major land use; incorporates references to Yerba Buena Center
210.3 Recommendation	<p>Approve as proposed. <i>New language updates the Section consistent with recent Commission policy.</i></p>	
212 Additional Requirements for C & M Districts	1. Prohibits drive-in uses in C-1, C-3-O, C-3-R, and C-3-G Districts	<p>1. Expands prohibition on drive-in uses to all C-3 districts</p> <p>2. C-3-R & C-3-O districts: street frontage rules apply</p>

**Exhibit A: Planning Commission Proposed Modifications to BoS
File No. 10-1053**

Section Title	Way it is Now	Way it Would Be Under the Proposed Ordinance
212 Recommendation	<p>Pg. 59, L13-14: Strike the last clause of this sentence. <i>This clause does not make grammatical sense with the proposed amendments.</i></p> <p>Pg. 59, L20: Remove the inclusion of art spaces. <i>This section references uses located in 218 and 227. Art spaces are defined within Section 227. The inclusion of art spaces is therefore redundant.</i></p> <p>Pg. 59, L24: Remove the proposed sentence. <i>This clause establishes a requirement that the street frontage requirements must apply to certain commercial and manufacturing uses. There is nothing in this clause that indicates when these uses have to comply with the street frontage controls. Do these uses have to proactively comply? When is this triggered? Due to the lack of clarity or intent this clause should be removed.</i></p>	
231 Limited Commercial Uses in RTO Districts	<ol style="list-style-type: none"> 1. Allows limited commercial uses (LCU) in otherwise residential districts 	<ol style="list-style-type: none"> 1. allows such LCU uses in RM Districts 2. applies street frontage requirements
231 Recommendation	<p>Pg. 63, L 7-8: Should also apply awning controls equivalent to NC-1 districts (§136.1(a)(1)) to these LCU uses. <i>The Commission supports allowing limited commercial uses in dense residential districts. This change should not only apply applying updated street frontage but also to updating awning controls for these LUCs to be equivalent with awning controls for NC-1 Districts. If the Commission agrees with this recommendation, conforming amendments would be needed to §136.1(a)(1).</i></p>	
243 Van Ness SUD	<ol style="list-style-type: none"> 1. FAR 4.5:1 2. FAR does not apply to nonaccessory OSP/L 3. Small self-service restaurants permitted via CU 	<ol style="list-style-type: none"> 1. FAR 4.8:1 2. FAR does apply to nonaccessory OSP/L 2. Permits small self-service restaurants as of right
243 Recommendation	<p>Approve as proposed. <i>Applying FAR to parking will allow for better regulation of parking. Increasing the FAR controls to 4.8.1 should accommodate the additional space needed for parking. Changes to permitting procedures for small self-service restaurants is consistent with recent Planning Commission decisions.</i></p>	

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File No. 10-1053**

Section Title	Way it is Now	Way it Would Be Under the Proposed Ordinance
249.26 Downtown housing demonstration SUD	1. Provides certain exceptions for housing in the Downtown Districts	1. Removes section because it has expired
249.26 Recommendation	Approve as proposed. <i>This section is obsolete.</i>	
253 Review of Proposed buildings exceeding 40' height in R districts	1. Applies to R districts and requires that any building over 40' obtain a CU	1. Extends applicability to buildings of 50' or more in RM and RC districts 2. Along narrow streets and alleys, buildings over 50' may be subject to further massing adjustments to conform to street character and maximize sunlight to sidewalks
253 Recommendation	Pgs. 74-75 Require CU for any building over 50' in height AND require CU for any building over 40' in height and with more than 50' of street frontage on the front façade in RC and RM districts. <i>The Commission believes that while generally 50' buildings in a 50' height district would not need Conditional Use authorization review, this review should be limited to buildings with substantial bulk.</i>	
253.2 Review of building in Van Ness SUD	1. Any building over 40' must obtain a CU	1. Any building over 50' in height must obtain CU 3. Along narrow streets and alleys, buildings over 50' may be subject to further massing adjustments to conform to street character and maximize sunlight to sidewalks
253.2 Recommendation	Approve as proposed. <i>The Van Ness SUD is of sufficient intensity that the CU threshold can be raised to allow 50' buildings without Conditional Use authorization.</i>	