

File No. 090319

Committee Item No. 1

Board Item No. 01

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date December 14, 2009

Board of Supervisors Meeting

Date 01/12/10

Cmte Board

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Completed by: Alisa Somera

Date December 10, 2009

Completed by: Alisa Somera

Date December 20, 2009

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.

11

1 ~~[Zoning – Providing for a Five Feet Special Height Exception for Active Ground Floor~~
2 ~~Commercial Uses in NC-1 Designated Parcels Along Randolph and Broad Streets, from 19th~~
3 ~~Avenue to San Jose Avenue within the boundaries of Sargent Street to Orizaba Avenue to~~
4 ~~Lobos Street to Plymouth Avenue to Farellones Street to San Jose Avenue to Alemany~~
5 ~~Boulevard to 19th Avenue to Randolph Street to Monticello Street and back to Sargent Street.]~~

6 **Ordinance amending the San Francisco Planning Code by amending Section 263.20 to**
7 **provide for a special height exception for commercial ground floor uses in NC-1**
8 **designated parcels along Randolph and Broad Streets, from 19th Avenue to San Jose**
9 **Avenue within the boundaries of Sargent Street to Orizaba Avenue to Lobos Street to**
10 **Plymouth Avenue to Farellones Street to San Jose Avenue to Alemany Boulevard to**
11 **19th Avenue to Randolph Street to Monticello Street and back to Sargent Street;**
12 **amending Section 710.1, to refer to this special height exception; adopting findings,**
13 **including environmental findings and findings of consistency with the priority policies**
14 **of Planning Code Section 101.1 and the General Plan.**

14 NOTE: Additions are single-underline italics Times New Roman;
15 deletions are ~~strike-through italics Times New Roman~~.
16 Board amendment additions are double-underlined;
17 Board amendment deletions are ~~strikethrough-normal~~.

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

18 Section 1. Findings. The Board of Supervisors of the City and County of San
19 Francisco hereby find and determine that:

20 (a) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this
21 ordinance will serve the public necessity, convenience and welfare, for the reasons set forth in
22 Planning Commission Resolution No. 17974, and incorporates such reasons by this
23 reference thereto. A copy of said resolution is on file with the Clerk of the Board of
24 Supervisors in File No. 090319.

25
Supervisor Avalos
BOARD OF SUPERVISORS

1 (b) Pursuant to Planning Code Section 101.1, the Board of Supervisors finds that the
2 ordinance is consistent with the Priority Policies of Section 101.1(b) of the Planning Code and
3 with the General Plan and hereby incorporates a report containing those findings as if fully set
4 forth herein. A copy of said report is on file with the Clerk of the Board of Supervisors in File
5 No. 090319.

6 (c) The Planning Department concluded environmental review of this ordinance
7 pursuant to the California Environmental Quality Act, Public Resources Code Section 2100 et
8 seq. Documentation of that review is on file with the Clerk of the Board of Supervisors in File
9 No. 090319.

10
11 Section 2. The San Francisco Planning Code is hereby amended by amending Section
12 263.20, to read as follows:

13 **SEC. 263.20. SPECIAL HEIGHT EXCEPTION: ADDITIONAL FIVE FEET HEIGHT**
14 **FOR GROUND FLOOR USES IN NCT 40-X AND 50-X HEIGHT AND BULK DISTRICTS,**
15 **AND IN NC-2 AND NC-3 DESIGNATED PARCELS FRONTING MISSION STREET, FROM**
16 **SILVER AVENUE TO THE DALY CITY BORDER, AND IN SPECIFIED NC-1 DESIGNATED**
17 **PARCELS ALONG RANDOLPH AND BROAD STREETS, FROM 19TH AVENUE TO SAN**
18 **JOSE AVENUE.**

19 (a) Intent. In order to encourage generous ground floor ceiling heights for commercial
20 and other active uses, encourage additional light and air into ground floor spaces, allow for
21 walk-up ground floor residential uses to be raised slightly from sidewalk level for privacy and
22 usability of front stoops, and create better building frontage on the public street, up to an
23 additional 5' of height is allowed along major streets in NCT districts, or in specific NC-3, NC-2,
24 or NC-1 districts listed below, for buildings that feature either higher ground floor ceilings for
25

1 non-residential uses or ground floor residential units (that have direct walk-up access from the
2 sidewalk) raised up from sidewalk level.

3 (b) Applicability. The special height exception described in this section shall only apply
4 to projects that meet all of the following criteria:

5 (1) project is located in a 40-X or 50-X Height and Bulk District as designated on the
6 Zoning Map;

7 (2) project is located in an NCT district as designated on the Zoning Map; or in a NC-2
8 or NC-3 designated parcel fronting Mission Street, from Silver Avenue to the Daly City border,
9 or on a NC-1 designated parcel with a commercial use on the ground floor along Randolph and
10 Broad Streets, from 19th Avenue to San Jose Avenue within the boundaries of Sargent Street
11 to Orizaba Avenue to Lobos Street to Plymouth Avenue to Farellones Street to San Jose
12 Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street and
13 back to Sargent Street.

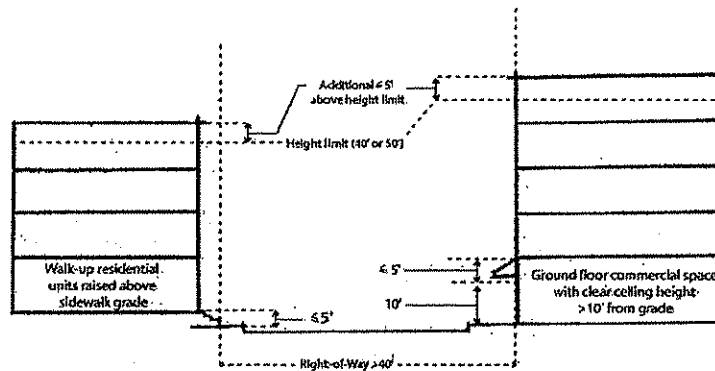
14 (3) project features ground floor commercial space or other active use as defined by
15 Section 145.1(e)(b)(2) with clear ceiling heights in excess of ten feet from sidewalk grade, or
16 in the case of residential uses, such walk-up residential units are raised up from sidewalk
17 level;

18 (4) said ground floor commercial space, active use, or walk-up residential use is
19 primarily oriented along a right-of-way wider than 40 feet;

20 (5) said ground floor commercial space or active use occupies at least 50% of the
21 project's ground floor area; and

22 (6) except for projects located in NCT districts, the project sponsor has conclusively
23 demonstrated that the additional 5' increment allowed through Section 263.20 would not add
24 new shadow to any public open spaces.

1 (c) One additional foot of height, up to a total of five feet, shall be permitted above the
2 designated height limit for each additional foot of ground floor clear ceiling height in excess of
3 10 feet from sidewalk grade, or in the case of residential units, for each foot the unit is raised
4 above sidewalk grade.



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13 Section 3. The San Francisco Planning Code is hereby amended by amending Section
14 710.1, to read as follows:

15 **SEC. 710.1. NC-1 -- NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT.**

16
17 NC-1 Districts are intended to serve as local neighborhood shopping districts, providing
18 convenience retail goods and services for the immediately surrounding neighborhoods
19 primarily during daytime hours.

20 These NC-1 Districts are characterized by their location in residential neighborhoods,
21 often in outlying areas of the City. The commercial intensity of these districts varies. Many of
22 these districts have the lowest intensity of commercial development in the City, generally
23 consisting of small clusters with three or more commercial establishments, commonly grouped
24
25

1 around a corner; and in some cases short linear commercial strips with low-scale,
2 interspersed mixed-use (residential-commercial) development.

3 Building controls for the NC-1 District promote low-intensity development which is
4 compatible with the existing scale and character of these neighborhood areas. Commercial
5 development is limited to one story. Rear yard requirements at all levels preserve existing
6 backyard space.

7 NC-1 commercial use provisions encourage the full range of neighborhood-serving
8 convenience retail sales and services at the first story provided that the use size generally is
9 limited to 3,000 square feet. However, commercial uses and features which could impact
10 residential livability are prohibited, such as auto uses, financial services, general advertising
11 signs, drive-up facilities, hotels, and late-night activity; eating and drinking establishments are
12 restricted, depending upon the intensity of such uses in nearby commercial districts.
13

14 Housing development in new buildings is encouraged above the ground story in most
15 districts. Existing residential units are protected by prohibitions of conversions above the
16 ground story and limitations on demolitions.
17

18 SEC. 710. NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT NC-1
19 ZONING CONTROL TABLE
20 TABLE INSET:

21

			NC-1
No.	Zoning Category	§ References	Controls

22
23
24
25

BUILDING STANDARDS

710.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250-252, 260, <u>263.20</u> , 270, 271	Varies See Zoning Map <u>Additional 5 feet for NC-1 parcels with active uses along Randolph and Broad Streets, from 19th Avenue to San Jose Avenue, with a commercial use on the ground floor within the boundaries of Sargent Street to Orizaba Avenue to Lobos Street to Plymouth Avenue to Farellones Street to San Jose Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street and back to Sargent Street. see § 263.20.</u>
710.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1
710.12	Rear Yard	§§ 130, 134, 136	Required at grade level and above § 134(a) (e)
710.13	Street Frontage		Required § 145.1
710.14	Awning	§ 790.20	P § 136.1(a)
710.15	Canopy	§ 790.26	
710.16	Marquee	§ 790.58	

1	710.17	Street Trees		Required § 143
2				
3	COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
4	710.20	Floor Area Ratio	§§ 102.9, 102.11, 123	1.8 to 1 § 124(a) (b)
5	710.21	Use Size [Non- Residential]	§ 790.130	P up to 2,999 sq. ft.; C 3,000 sq. ft. & above § 121.2
6	710.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153-- 157, 159-- 160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
7	710.23	Off-Street Freight Loading	§§ 150, 153-- 155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
8	710.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
9	710.25	Drive-Up Facility	§ 790.30	
10	710.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
11	710.27	Hours of Operation	§ 790.48	P 6 a.m.--11 p.m.; C 11 p.m.--2 a.m.
12	710.30	General Advertising Sign	§§ 262, 602-- 604, 608,	
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		609	
710.31	Business Sign	§§ 262, 602-- 604, 608, 609	P § 607.1(f)1
710.32	Other Signs	§§ 262, 602-- 604, 608, 609	P § 607.1(c) (d) (g)

TABLE INSET:

No.	Zoning Category	§ References	NC-1		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
710.38	Residential Conversion	§ 790.84	P		
710.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
710.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P #		
710.41	Bar	§ 790.22	P #		
710.42	Full-Service Restaurant	§ 790.92	P #		

1					
2	710.43	Large Fast Food Restaurant	§ 790.90		
3					
4	710.44	Small Self-Service Restaurant	§ 790.91	C #	
5					
6	710.45	Liquor Store	§ 790.55	P	
7					
8	710.46	Movie Theater	§ 790.64		
9					
10	710.47	Adult Entertainment	§ 790.36		
11					
12	710.48	Other Entertainment	§ 790.38	C	
13					
14	710.49	Financial Service	§ 790.110		
15					
16	710.50	Limited Financial Service	§ 790.112	P	
17					
18	710.51	Medical Service	§ 790.114	P	
19					
20	710.52	Personal Service	§ 790.116	P	
21					
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23 TABLE INSET:

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No.	Zoning Category	§ References	NC-1		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
710.53	Business or Professional Service	§ 790.108	P		
710.54	Massage Establishment	§ 790.60, § 1900 Health Code			
710.55	Tourist Hotel	§ 790.46			
710.56	Automobile Parking	§§ 790.8, 156, 160	C		
710.57	Automotive Gas Station	§ 790.14			
710.58	Automotive Service Station	§ 790.17			
710.59	Automotive Repair	§ 790.15			
710.60	Automotive Wash	§ 790.18			
710.61	Automobile Sale or Rental	§ 790.12			
710.62	Animal Hospital	§ 790.6			

1	710.63	Ambulance Service	§ 790.2			
2						
3	710.64	Mortuary	§ 790.62			
4	710.65	Trade Shop	§ 790.124	P		
5						
6	710.66	Storage	§ 790.117			
7	710.67	Video Store	§ 790.135	C		
8						
9	710.68	Fringe Financial Service	§ 790.111			
10						
11	710.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
12						
13	710.69A	Self-Service Specialty Food	§ 790.93	C#		
14						
15	Institutions and Non-Retail Sales and Services					
16						
17	710.70	Administrative Service	§ 790.106			
18						
19	710.80	Hospital or Medical Center	§ 790.44			
20						
21	710.81	Other Institutions, Large	§ 790.50	P	C	
22						
23	710.82	Other Institutions, Small	§ 790.51	P	P	P
24						
25						

1	710.83	Public Use	§ 790.80	C	C	C
2	710.84	Medical Cannabis Dispensary	§ 790.141	P #		
3	RESIDENTIAL STANDARDS AND USES					
4	710.90	Residential Use	§ 790.88	P	P	P
5	710.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 800 sq. ft. lot area § 207.4		
6	710.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 275 sq. ft. lot area § 208		
7	710.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	Generally, either 100 sq. ft. if private, or 133 sq. ft. if common § 135(d)		
8	710.94	Off-Street Parking, Residential	§§ 150, 153--157, 159--160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
9	710.95	Community Residential Parking	§ 790.10	C	C	C

**SPECIFIC PROVISIONS FOR NC-1 DISTRICTS
TABLE INSET:**

Article 7 Code Section	Other Code Section	Zoning Controls

<p>1 § 710.40 § 2 710.41 § 3 710.42</p>		<p>Boundaries: All NC-1 Districts Controls: P if located more than 1/4 mile from any NC District or Restricted Use Subdistrict with more restrictive controls; otherwise, same as more restrictive control</p>
<p>4 § 710.44 § 5 710.69A</p>		<p>Boundaries: All NC-1 Districts Controls: C if located more than 1/4 mile from any NC District or Restricted Use Subdistrict with more restrictive controls; otherwise, same as more restrictive control</p>
<p>6 § 710.42 § 7 710.43 § 8 710.44 § 9 710.69A</p>	<p>§ 781.1</p>	<p>TARAVAL STREET RESTAURANT AND FAST-FOOD SUBDISTRICT Boundaries: Applicable only for the two Taraval Street NC-1 Districts between 40th and 41st Avenues and 45th and 47th Avenues as mapped on Sectional Map 5 SU Controls: Full-service restaurants, small self-service restaurants and self-service specialty food are C; large fast-food restaurants are NP</p>
<p>10 § 710.84 § 11 790.141</p>		<p>12 Only those medical cannabis dispensaries that can demonstrate to the Planning Department they were in operation as of April 1, 2005 and have remained in continuous operation or that were not in continuous operation since April 1, 2005, but can demonstrate to the Planning Department that the reason for their lack of continuous operation was not closure due to an actual violation of federal, state or local law, may apply for a medical cannabis dispensary permit in an NC-1 District.</p>

19
20
21 APPROVED AS TO FORM:
22 DENNIS J. HERRERA, City Attorney

23 By: 
24 ANDREA RUIZ-ESQUIDE
25 Deputy City Attorney

Supervisor Avalos
BOARD OF SUPERVISORS

LEGISLATIVE DIGEST

[Zoning – Providing for a Five Feet Special Height Exception for Active Ground Floor Commercial Uses in NC-1 Designated Parcels Along Randolph and Broad Streets, from 19th Avenue to San Jose Avenue within the boundaries of Sargent Street to Orizaba Avenue to Lobos Street to Plymouth Avenue to Farellones Street to San Jose Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street and back to Sargent Street.]

Ordinance amending the San Francisco Planning Code by amending Section 263.20 to provide for a special height exception for commercial ground floor uses in NC-1 designated parcels along Randolph and Broad Streets, from 19th Avenue to San Jose Avenue within the boundaries of Sargent Street to Orizaba Avenue to Lobos Street to Plymouth Avenue to Farellones Street to San Jose Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street and back to Sargent Street; amending Section 710.1, to refer to this special height exception; adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

Existing Law

The San Francisco Planning Code currently provides for an extra 5 feet for ground floor uses in Neighborhood Commercial Transit (NCT) 40-x and 50-x Height and Bulk districts, and in NC-2 and NC-3 designated parcels along Mission Street, from Silver Avenue to the Daly City border (See Planning Code Section 263.20.) This height exception is available only for projects with ground floor commercial space or other active uses, as defined by Section 145.1(b)(2), (e), i.e., ~~uses that are oriented to public access and primarily to walk-up pedestrian activities.~~

The purpose of this exception is "to encourage generous ground floor ceiling heights for commercial and other active uses, encourage additional light and air into ground floor spaces, allow for walk-up ground floor residential uses to be raised slightly from sidewalk level for privacy and usability of front stoops, and create better building frontage on the public street."

Amendments to Current Law

This Ordinance amends Section 263.20 to make the 5 feet height exception for ground floor uses applicable also to NC-1 designated parcels along ~~Randolph and Broad Streets, from 19th Avenue to San Jose Avenue~~ within the boundaries of Sargent Street to Orizaba Avenue to Lobos Street to Plymouth Avenue to Farellones Street to San Jose Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street and back to Sargent Street, with ground floor commercial space ~~or other active uses.~~

All of the requirements listed in Section 263.20 for the 5 feet height exception to apply remain the same, with the exception that the height increase is available in these NC-1 parcels only to parcels with commercial uses on the ground floor, as opposed to the more general applicability of the height increase, in other areas, to "active uses" as defined under 145.1(b)(2). The Ordinance preserves the requirements that, in order for the height exception to apply, projects need to (1) be located in a NC district; (2) be located in a 40-X or a 50-X Height and Bulk district; (3) need to feature floor commercial space ~~or other active use, as defined by Section 145.1(e) of the Planning Code;~~ (4) said ground floor commercial space, ~~active use, or walk-up residential use~~ needs to be primarily oriented along a right-of-way wider than 40 feet, and (5) the active ground floor uses need to occupy at least 50% of the project's ground floor area. In addition, for the height exception to apply to NC-1, NC-2 or NC-3 designated parcels, the project sponsor must conclusively demonstrate that the additional 5' increment allowed through Section 263.20 would not add new shadow to any public open spaces.

In addition to amending Section 263.20, the Ordinance amends Section 710.1, to refer to the availability of this height exception.

Background Information

The Ordinance intends to extend to the NC-1 designated parcels within the boundaries of Sargent Street to Orizaba Avenue to Lobos Street to Plymouth Avenue to Farellones Street to San Jose Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street and back to Sargent Street along Randolph and Broad Streets, from 19th Avenue to San Jose Avenue, the benefit of providing for generous ground floor heights for commercial and other active uses.



SAN FRANCISCO PLANNING DEPARTMENT

November 18, 2009

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

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Re: Transmittal of Planning Department Case Number 2009.0262T
[Board File No. 09-0319-2]:
Five Foot Height Bonus for Active Ground Floor
Uses in certain NC-1 Designated Parcels
Approval with Modifications

Dear Ms. Calvillo,

On November 12, 2009, 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 Avalos would amend Planning Code by amending Section 263.20 to provide for a special height exception for ground floor uses in certain NC-1 designated parcels along Randolph and Broad Streets, from 19th Avenue to San Jose Avenue; amending Sections 710.1, to refer to this special height exception.

The proposed changes have been determined to be categorically exempt from environmental review under the California Environmental Quality Act General Rule Exclusion (Sate CEQA Guidelines, Section 15061(b)(3).

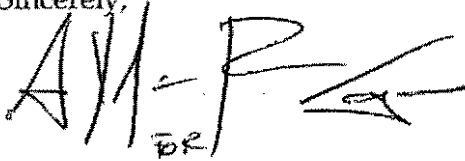
At the November 5th hearing, the Commission voted to recommend approval with modifications of the proposed Ordinance. Specifically, the Commission recommends the following changes:

1. to accept the Supervisor's proposed amendment to expand the influence of the proposed Ordinance to apply to all NC-1 designated parcels in the area, specifically to NC-1 designated parcels on blocks 7083, 7084, 7088, 7089, 7091, 7105, 7106, 7107, 7108, 7112, 7113, 7114, 7138, 7139, 7147, 7115, 7118, 7122, 7123, and 7081A; and
2. to limit the 5-foot height bonus to properties with ground-floor commercial use.

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2009 NOV 18 PM 1:18
BY *re*

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,

Handwritten signature of John Rahaim in black ink. The signature is stylized and includes the initials 'J.R.' below the main name.

John Rahaim
Director of Planning

cc: Supervisor Avalos

Attachments (one copy of the following):

Planning Commission Resolution No. 17974

Planning Commission Executive Summary for Case No. 2009.0262T



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 17974

HEARING DATE: NOVEMBER 5, 2009

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

Reception:
415.558.6378

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415.558.6409

Planning
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415.558.6377

Project Name: Five Foot Height Bonus for Active Ground Floor
Uses in certain NC-1 Designated Parcels

Case Number: 2009.0262I [Board File No. 09-0319-2]
Initiated by: Supervisor Avalos / Introduced August 4, 2009
Staff Contact: AnMarie Rodgers, Manager Legislative Affairs
anmarie.rodgers@sfgov.org, 415.558.6395

90-Day Deadline: November 4, 2009

Recommendation: Recommend Approval with Modifications

RECOMMENDING THAT THE BOARD OF SUPERVISORS PASS AN ORDINANCE WITH MODIFICATION THAT WOULD INITIATE AMENDMENTS TO THE SAN FRANCISCO PLANNING CODE BY AMENDING SECTION 263.20 TO PROVIDE FOR A SPECIAL HEIGHT EXCEPTION FOR GROUND FLOOR USES IN CERTAIN NC-1 DESIGNATED PARCELS WITHIN THE BOUNDARIES OF SARGENT STREET TO ORIZABA AVENUE TO LOBOS STREET TO PLYMOUTH AVENUE TO FARALLONES STREET TO SAN JOSE AVENUE TO ALEMANY BOULEVARD TO 19TH AVENUE TO RANDOLPH STREET TO MONTICELLO STREET AND BACK TO SARGENT STREET; AMENDING SECTIONS 710.1, TO REFER TO THIS SPECIAL HEIGHT EXCEPTION.

PREAMBLE

Whereas, on August 4, 2009, Supervisor Avalos introduced a proposed Ordinance under Board File Number 09-0319-2 that would amend Section 263.20 to provide for a special height exception for ground floor uses in certain NC-1 designated parcels along Randolph and Broad Streets, from 19th Avenue to San Jose Avenue; amending Sections 710.1, to refer to this special height exception; and

Whereas, since the introduction of the proposed Ordinance, the Supervisor has considered expanding the legislation to provide the same five feet special height exception for all NC-1 designated parcels within the boundaries of Sargent Street to Orizaba Avenue to Lobos Street to Plymouth Avenue to Farallones Street to San Jose Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street and back to Sargent Street; and

Whereas, on November 5, 2009, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance and the modification to expand the parcels under consideration by the Supervisor; and

Whereas, the both the proposed Ordinance and the proposed modification of the proposed Ordinance have been reviewed under the California Environmental Quality Act and have been determined exempt under a General Rule Exclusion (State CEQA Guidelines, Section 15061(b)(3)); 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 by 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 recommend *approval with modification* of the proposed Ordinance and adopts the attached Draft Resolution to that effect.

The recommended modifications include:

- 1) to accept the Supervisor's proposed amendment to expand the influence of the proposed Ordinance to apply to all NC-1 designated parcels in the area, specifically to NC-1 designated parcels on blocks 7083, 7084, 7088, 7089, 7091, 7105, 7106, 7107, 7108, 7112, 7113, 7114, 7138, 7139, 7147, 7115, 7118, 7122, 7123, and 7081A; and
- 2) to limit the 5-foot height bonus to properties with ground-floor commercial use.

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 design and use of a building's ground floor has a direct influence on the pedestrian experience of the City. Active uses that provide a visually interesting edge to the public life of the street are especially important on neighborhood commercial streets. Older buildings on commercial often contribute to this with spaces that are directly accessible from the street; have a minimum of 12' clear ceiling heights; and are interrupted with few curbcuts. Some recent buildings have moved away from facades that add such visual interest and human scale to a street. This proposed Ordinance will help return emphasis to these important design elements and ensure that these shopping streets provide a center for life in the neighborhood that is consistent with their historical successes.
2. Providing this nominal height bonus will encourage buildings with active facades on NC-1 designated parcels in the vicinity of Randolph and Broad Streets.

3. **General Plan Compliance.** The proposed Ordinance is, on balance, consistent with the following Objectives and Policies of the General Plan:

I. URBAN DESIGN

POLICY 2.6 Respect the character of older development nearby in the design of new buildings.

The proposed Ordinance will encourage both generous ground floor retail uses and residential units with stoops raised above eye-level—both of which are consistent with San Francisco's traditional development.

II. COMMERCE AND INDUSTRY ELEMENT

POLICY 1.1 Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

OBJECTIVE 6: MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

POLICY 6.1 Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

POLICY 6.2 Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to economic and technological innovation in the marketplace and society.

POLICY 6.3 Preserve and promote the mixed commercial-residential character in neighborhood commercial districts. Strike a balance between the preservation of existing affordable housing and needed expansion of commercial activity.

POLICY 6.7 Promote high quality urban design on commercial streets.

The active and attractive designs encouraged by the proposed Ordinance will enhance the commercial clusters and provide more interest and comfort to both visitors and residents.

4. The proposed replacement project is generally 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 have a positive effect on neighborhood serving retail uses. The proposed Ordinance supports existing and new commerce by encouraging ground floor retail with active and attractive uses.

- 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 Ordinance will protect and enhance the existing neighborhood character by encouraging commercial designs with higher groundfloor ceilings and encouraging residential designs that are elevated above the sidewalk by stoops—both of which are more consistent with the City's traditional character.

- C) The City's supply of affordable housing will be preserved and enhanced:

The proposed Ordinance will have no adverse effects 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.

Preparedness against injury and loss of life in an earthquake is unaffected by the proposed Ordinance.

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

The proposed Ordinance is would not adversely affect landmark and historic buildings.

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

Sunlight to the City's parks and open space would receive greater protection by the proposed Ordinance, as it requires each project sponsor to demonstrate that the project will not shadow any public open space. This expands the current protections offered by Section 249 of the Planning Code which currently only protects open spaces under the jurisdiction of the Recreation and Park Commission.

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on November 5, 2009.



Linda Avery
Commission Secretary

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

NAYS: Antonini and Lee

ABSENT:

ADOPTED: November 5, 2009.



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Text Change

HEARING DATE: NOVEMBER 5, 2009

Project Name: Five Foot Height Bonus for Active Ground Floor
Uses in certain NC-1 Designated Parcels

Case Number: 2009.0262T [Board File No. 09-0319-2]
Initiated by: Supervisor Avalos / Introduced August 4, 2009
Staff Contact: AnMarie Rodgers, Manager Legislative Affairs
anmarie.rodgers@sfgov.org, 415.558.6395

90-Day Deadline: November 4, 2009

Recommendation: Recommend Approval with Modification

1650 Mission St.
Suite 400
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PLANNING CODE AMENDMENTS

The proposed Ordinance would initiate amendments to the San Francisco Planning Code by amending Section 263.20 to provide for a special height exception for ground floor uses in certain NC-1 designated parcels along Randolph and Broad Streets, from 19th Avenue to San Jose Avenue; amending Sections 710.1, to refer to this special height exception. Since the introduction of the proposed Ordinance, the Supervisor has considered expanding the legislation to provide the same five feet special height exception for all NC-1 designated parcels within the boundaries of Sargent Street to Orizaba Avenue to Lobos Street to Plymouth Avenue to Farallones Street to San Jose Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street and back to Sargent Street.

The Way It Is Now:

San Francisco's commercial height districts tend to be base 10 numbers such as 40, 50, etc. These base ten districts may lead to buildings that are similar in height to the neighboring buildings but are lesser in human comfort than buildings of similar scale built prior to the City's height limits. Recent community planning efforts have highlighted some failings of these base 10 height districts. The recently adopted Market & Octavia Plan¹ and the Eastern Neighborhoods Plan² recognize that the base ten height limits in neighborhood commercial districts often encourage inferior architecture. For this reason, both of these plans sought to encourage more active and attractive ground floor space by giving a five-foot height bonus to buildings which meet the definition of "active ground floor" use. This five-foot increase must be used for adding space to the ground floor where the most public uses tend to locate.

¹ Ord. 72-08, File No. 071157, App. 4/3/2008.

² Ord. 297-08, 298-08, 299-08 and 300-08, App. 12/19/2008.

At the end of last year, Supervisor Sandoval sponsored a similar text amendment that extended this bonus outside of established plan areas to provide for a five feet special height exception for active ground floor uses in the NC-2 and NC-3 designated parcels fronting Mission Street, from Silver Avenue to the Daly City border³. This Ordinance became effective in early 2009.

The Way It Would Be:

Like the Ordinance adopted last year, this proposed Ordinance would extend this incentive for active and attractive ground floor uses to additional parcels within District 11. The proposed Ordinance would initiate amendments to the San Francisco Planning Code by amending Section 263.20 to provide for a special height exception for ground floor uses in certain the NC-1 designated parcels along Randolph and amending Sections 710.1 to refer to this special height exception.

This proposed increase, like the current NCT and Mission Street height bonus, is predicated on the provision of active ground floor use as defined by Planning Code Section 145.1(e). Section 145.1(e) generally defines active uses as those that are oriented to public access and walk-up pedestrian activity. While active uses are generally commercial uses, residential uses can be considered active if any above-grade parking is set back at least 25 feet from the street frontage and the majority of the street frontage at ground level features dwelling units with direct pedestrian access to the sidewalk or street.⁴

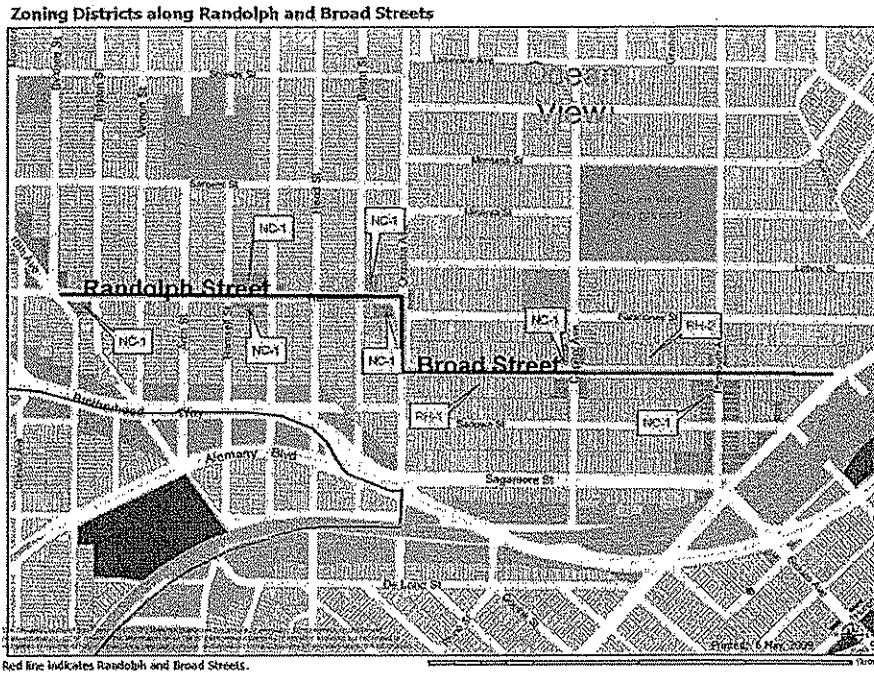
The proposed Ordinance as written would apply to only those NC-1 designated parcels which are along either Broad or Randolph Streets. The Supervisor is considering extending the Ordinance to apply to properties which are in the general area of Randolph and Broad Streets. For the purposes of this hearing, the Department provided public notice that this proposed Ordinance may be amended to apply to all NC-1 designated parcels within the boundaries of Sargent Street to Orizaba Avenue to Lobos Street to Plymouth Avenue to Farallones Street to San Jose Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street and back to Sargent Street.⁵

³ Ord. 321-08, File no. 081100, App. 12/19/2008.

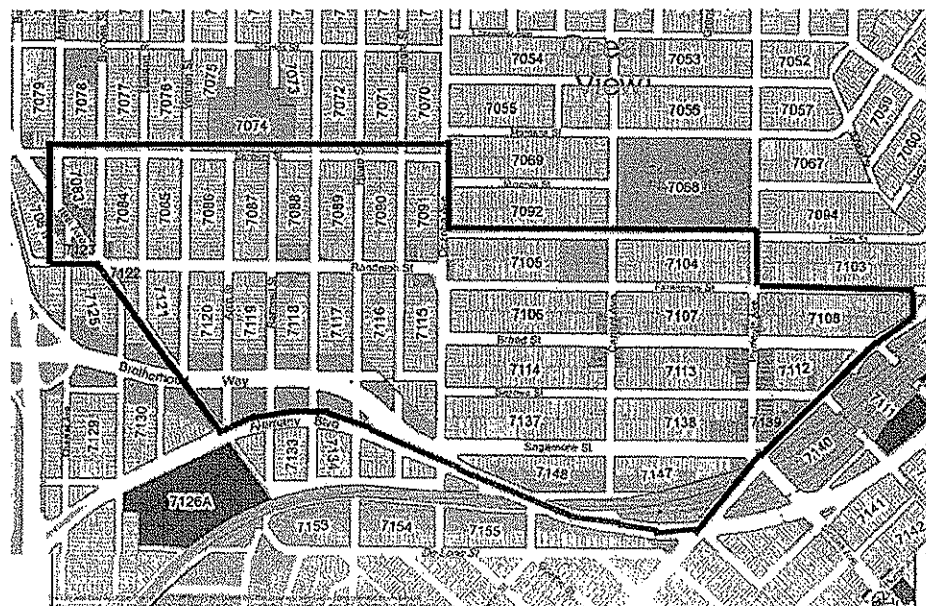
⁴ Section 145.1 regulates street frontages in neighborhood commercial districts. Subsection (e) defines active uses as those those "that are oriented to public access and primarily to walk-up pedestrian activity. Active uses shall not include any use whose primary function is the storage of goods or vehicles, utility installations, any office use, or any use or portion of a use which by its nature requires non-transparent walls facing a public street. Uses considered active uses shall include the uses listed in Table 145.1 and as defined by the referenced Code sections, and lobbies for any permitted or conditional use in that district. Uses noted with an asterisk in Table 145.1 are restricted. . ."

⁵ These boundaries would result in allowing this 5' height bonus to NC-1 designated parcels on the following blocks: 7083, 7084, 7088, 7089, 7091, 7105, 7106, 7107, 7108, 7112, 7113, 7114, 7138, 7139, 7147, 7115, 7118, 7122, 7123, and 7081A.

Proposed Ordinance as Introduced: This map shows application of height increase for NC-1 parcels (shown in purple) along Randolph or Broad Streets. As the Ordinance is currently drafted, clusters of NC-1 parcels may be side-by-side but only parcels that front Randolph or Broad Streets would be eligible for the height bonus.



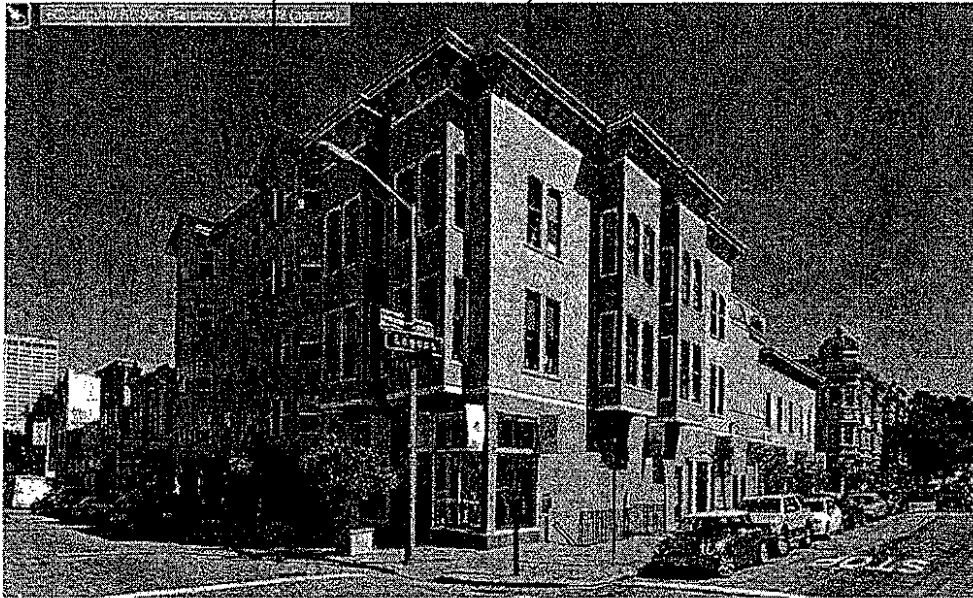
Proposed Ordinance with Modification to Expand Height Bonus Opportunity: The map below shows application of height increase for NC-1 Parcels within a specific area marked by a black boundary in the vicinity of Randolph and Broad Streets. To increase clarity, staff recommends designating all the NC-1 parcels that specifically are within this area by APN number.



Issues and Considerations:

Older 3-story building.

Newer 5-story building.



Study of Two Buildings: The corner building is a three-story building that was built pre-height limits. Next to it is a building of comparable height that fits within the existing height limit. The new building, however, is five stories. While the newer building conforms to the height limit it is not performing up to the livability and comfort standards of the older building stock.

Generous Ground Floor Retail: Most of San Francisco's building stock pre-dated height limits (first established in 1940's-50's in Pacific Heights and Telegraph Hill) and therefore focused on building enjoyable spaces. At times, more recent buildings seek to maximize floor space within height limits by squeezing in more floors within the height constraints. The photograph above illustrates how a building can be compatible in height to its neighbors while resulting in vastly inferior interior spaces.

Reevaluating Base 10 Height Limits: The community planning efforts ignited discussions regarding height limits based upon integrated considerations of not only existing development patterns but also good urban design principals and the economics of housing construction and building code requirements. While this legislation does not seek to reevaluate the City's entire neighborhood height district limits, it does seek to encourage "active and attractive" spaces through a 5 foot bonus.

Shading of Parks:

Sunlight to the City's parks and open space would be protected by the proposed Ordinance, as it requires each project sponsor to demonstrate that the project will not shadow any public open space. This expands the current protections offered by Section 249 of the Planning Code which currently only protects open spaces under the jurisdiction of the Recreation and Park Commission⁶.

REQUIRED COMMISSION ACTION

The proposed Resolution is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

RECOMMENDATIONS

The Department recommends that the Commission recommend *approval with modification* of the proposed Ordinances and adopt the attached Draft Resolution to that effect. The recommended modification is:

1. **Accept the Supervisor's proposed modification to apply the proposed Ordinance to all NC-1 designated parcels in the area, specifically to NC-1 designated parcels on blocks 7083, 7084, 7088, 7089, 7091, 7105, 7106, 7107, 7108, 7112, 7113, 7114, 7138, 7139, 7147, 7115, 7118, 7122, 7123, and 7081A.**

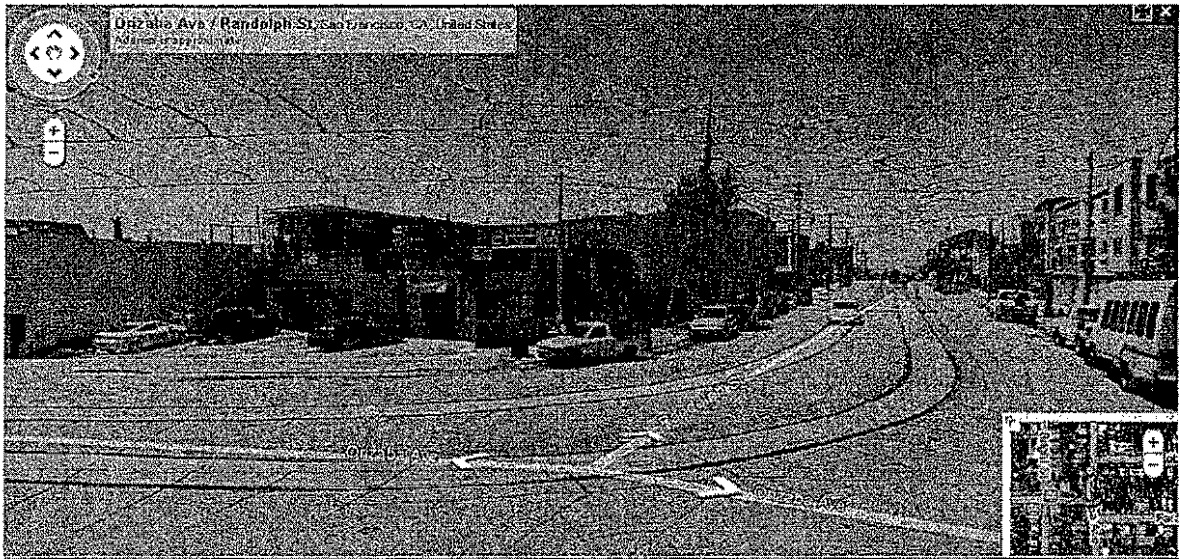
Basis for recommendation

The design and use of a building's ground floor has a direct influence on the pedestrian experience of the City. Active uses that provide a visually interesting edge to the public life of the street are especially important on neighborhood commercial streets. Older buildings on commercial often contribute to this with spaces that are directly accessible from the street; have a minimum of 12' clear ceiling heights; and are interrupted with few curbcuts. Some recent buildings have moved away from facades that add such visual interest and human scale to a street. This legislation will help return emphasis to these important design elements and ensure that these shopping streets provide a center for life in the neighborhood that is consistent with their historical successes.

1. **Accept the Supervisor's proposed modification to apply the proposed Ordinance to NC-1 designated parcels in the area, specifically to NC-1 designated parcels on blocks 7083, 7084, 7088, 7089, 7091, 7105, 7106, 7107, 7108, 7112, 7113, 7114, 7138, 7139, 7147, 7115, 7118, 7122, 7123, and 7081A.**

⁶ Section 249 states: "No building permit authorizing the construction of any structure that will cast any shade or shadow upon any property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission may be issued except upon prior action of the City Planning Commission pursuant to the provisions of this Section."

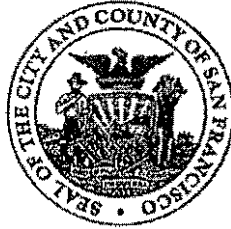
The area does not have a commercial corridor that runs consistently down just Randolph and Broad Streets. Instead the area has clusters of commercial uses on certain corners. At these corner locations, parcels may face side streets such as Orizaba Avenue instead of Randolph or Board Streets. If the five-foot height bonus is appropriate for the NC-1 parcels in this area, then this opportunity should be available to the all of the NC-1 parcels in the area. For instance, the parcel below fronts Orizaba Avenue not Randolph Street.



ENVIRONMENTAL REVIEW

The proposal is to amend the San Francisco Planning Code by amending Section 263.20 to provide for a special height exception for ground floor uses in certain NC-1 designated parcels along Randolph and Broad Streets, from 19th Avenue to San Jose Avenue; amending Sections 710.1, to refer to this special height exception. Since the introduction of the proposed Ordinance, the Supervisor has considered expanding the legislation to provide the same five feet special height exception for all NC-1 designated parcels within the boundaries of Sargent Street to Orizaba Avenue to Lobos Street to Plymouth Avenue to Farallones Street to San Jose Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street and back to Sargent Street. Both the original proposed Ordinance and the proposed modification of the proposed Ordinance have been reviewed under the California Environmental Quality Act and have been determined exempt under a General Rule Exclusion (State CEQA Guidelines, Section 15061(b)(3)).

BOARD of SUPERVISORS



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TDD/TTY No. 554-5227

March 24, 2009

File No. 090319

John Rahaim
Director of Planning
Planning Department
1660 Mission Street, 5th Floor
San Francisco, CA 94103

Dear Mr. Rahaim:

On March 17, 2009, Supervisor Avalos introduced the following proposed legislation:

File No. 090319 Ordinance amending the San Francisco Planning Code by amending Section 263.20 to provide for a special height exception for ground floor uses in the NC-2 and NC-3 designated parcels along Randolph and Broad Streets, from 19th Avenue to San Jose Avenue; amending Sections 711.1 and 712.1, to refer to this special height exception; adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

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

Angela Calvillo, Clerk of the Board

Handwritten signature of Angela Calvillo in cursive.

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

Attachment

cc: Bill Wycko, Major Environmental Analysis
Leigh Kienker, Major Environmental Analysis
Nannie Turrell, Major Environmental Analysis
Brett Bollinger, Major Environmental Analysis
Kate Stacy, Deputy City Attorney

*Non Physical per CEQA Guidelines
Section 15060(c)(2) 2009.02406*

Brett Bollinger 3/26/09
Approved Planning Dept. Brett Bollinger

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