

BOARD of SUPERVISORS



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September 26, 2018

File No. 180914

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On September 18, 2018, Supervisor Kim submitted the proposed legislation:

File No. 180914

Ordinance amending the Planning Code to add new items to the list of standard required streetscape improvements under the Better Streets Plan; modifying the triggers that would require project sponsors to construct streetscape improvements in the public right-of-way; clarifying the recommended sidewalk width for street types; expanding curb cut restrictions for off-street parking and loading to most zoning districts and certain designated streets, including those on the Citywide Transit Network and any officially adopted Class II Bikeways (bicycle lanes and buffered bike lanes) or Class IV Bikeways (protected bicycle lanes), and requiring a Conditional Use authorization or a Section 309 or 329 exception for new or expanded curb cuts in the applicable area; adding criteria for the Planning Commission to consider when granting a Conditional Use authorization or an exception as part of a Downtown C-3-O(SD) (Downtown, Office (Special Development)) or large project authorization in mixed-use districts for such curb cuts; prohibiting new curb cuts in bus stops and on Folsom Street between Essex and Second Street; eliminating minimum off-street parking requirements for projects subject to the curb cut restrictions or prohibitions; and making findings under the California Environmental Quality Act, findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience and welfare under Planning Code, Section 302.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in black ink, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Laura Lynch, Environmental Planning

1 [Planning Code - Modifying Better Streets Plan Requirements and Curb Cut Restrictions]

2
3 **Ordinance amending the Planning Code to add new items to the list of standard**
4 **required streetscape improvements under the Better Streets Plan; modifying the**
5 **triggers that would require project sponsors to construct streetscape improvements in**
6 **the public right-of-way; clarifying the recommended sidewalk width for street types;**
7 **expanding curb cut restrictions for off-street parking and loading to most zoning**
8 **districts and certain designated streets, including those on the Citywide Transit**
9 **Network and any officially adopted Class II Bikeways (bicycle lanes and buffered bike**
10 **lanes) or Class IV Bikeways (protected bicycle lanes), and requiring a Conditional Use**
11 **authorization or a Section 309 or 329 exception for new or expanded curb cuts in the**
12 **applicable area; adding criteria for the Planning Commission to consider when**
13 **granting a Conditional Use authorization or an exception as part of a Downtown C-3-**
14 **O(SD) (Downtown, Office (Special Development)) or large project authorization in**
15 **mixed-use districts for such curb cuts; prohibiting new curb cuts in bus stops and on**
16 **Folsom Street between Essex and Second Street; eliminating minimum off-street**
17 **parking requirements for projects subject to the curb cut restrictions or prohibitions;**
18 **and making findings under the California Environmental Quality Act, findings of**
19 **consistency with the General Plan, and the eight priority policies of Planning Code,**
20 **Section 101.1, and findings of public necessity, convenience and welfare under**
21 **Planning Code, Section 302.**

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

1 Be it ordained by the People of the City and County of San Francisco:
2

3 Section 1. CEQA Findings and General Plan Consistency Findings.
4

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

10 (b) On _____, the Planning Commission, in Resolution No. _____,
11 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
12 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The
13 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
14 the Board of Supervisors in File No. _____, and is incorporated herein by reference.

15 (c) Pursuant to Planning Code Section 302, this Board finds that this Planning Code
16 Amendment will serve the public necessity, convenience, and welfare for the reasons set forth
17 in Planning Commission Resolution No. _____ and the Board incorporates such reasons
18 herein by reference.

19 Section 2. The San Francisco Planning Code is hereby amended by revising Sections
20 138.1, 155, 161, 303, to read as follows:
21

22 **SEC.138.1. STREETScape AND PEDESTRIAN IMPROVEMENTS.**
23

24 (a) **Purpose.** The purpose of this section is to establish requirements for the
25 improvement of the public right-of-way associated with development projects, such that the

1 public right-of-way may be safe, accessible, convenient and attractive to pedestrian use and
2 travel by all modes of transportation consistent with the San Francisco General Plan, achieve
3 best practices in ecological stormwater management, and provide space for public life and
4 social interaction, in accordance with the City's "Better Streets Policy" (Administrative Code
5 Section 98.1).

6 (b) **Better Streets Plan.**

7 (1) The Better Streets Plan, as defined in Administrative Code Section 98.1_(e),
8 shall govern the design, location, and dimensions of all pedestrian and streetscape items in
9 the public right-of-way, including but not limited to those items shown in Table 1. Development
10 projects that propose or are required through this Section to make pedestrian and streetscape
11 improvements to the public right-of-way shall conform with the principles and guidelines for
12 those elements as set forth in the Better Streets Plan to the maximum extent feasible.

13 (2) Proposed improvements also shall be subject to approval by other City
14 bodies with permitting jurisdiction over such streetscape improvements.

15 (3) The Department and other City bodies shall take into account a project's scale when
16 determining the appropriate scope of improvements.

17
18 **Table 1: Pedestrian and Streetscape Elements per the Better Streets Plan**

19

#	PHYSICAL ELEMENT (1)	BETTER STREETS PLAN SECTION
1	Curb ramps*	5.1
2	Marked crosswalks*	5.1

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3	Pedestrian countdown devices priority signal devices and timings	5.1
4	High-visibility crosswalks	5.1
5	Special crosswalk treatments	5.1
6	Restrictions on vehicle turning movements at crosswalks	5.1
7	Removal or reduction of permanent crosswalk closures	5.1
8	Mid-block crosswalks	5.1
9	Raised crosswalks* (2)	5.1
10	10 <i>Parking restrictions at crosswalks (intersection daylighting)*</i>	5.1
11	1011 Curb radius guidelines	5.2
12	1112 Corner curb extensions or bulb-outs*	5.3
13	1213 Extended bulb-outs*	5.3
14	1314 Mid-block bulb-outs*	5.3
15	1415 Center or side medians	5.4
16	1516 Pedestrian refuge islands	5.4
17	1617 Transit bulb-outs	5.5
18	1718 Transit boarding islands	5.5
19	1819 Flexible use of the parking lane	5.6
20	1920 Parking lane planters	5.6
21	2021 Chicanes	5.7
22	2122 Traffic calming circles	5.7
23	2223 Modern roundabouts	5.7
24	2324 Sidewalk or median pocket parks	5.8

1	24 <u>25</u>	Reuse of 'pork chops' and excess right-of-way	5.8
2	25 <u>26</u>	Multi-way boulevard treatments	5.8
3	26 <u>27</u>	Shared public ways	5.8
4	27 <u>28</u>	Pedestrian-only streets	5.8
5	28 <u>29</u>	Public stairs	5.8
6	29 <u>30</u>	Street trees*	6.1
7	30 <u>31</u>	Tree basin furnishings*	6.1
8	31 <u>32</u>	Sidewalk planters*	6.1
9	32 <u>33</u>	Above-ground landscaping	6.1
10	33 <u>34</u>	Stormwater management tools*	6.2
11	34 <u>35</u>	Street and pedestrian lighting*	6.3
12	35 <u>36</u>	Special paving*	6.4
13	36 <u>37</u>	Site furnishings*	6.5
14	37 <u>38</u>	Driveways	6.6
15	Standard streetscape elements marked with a *. (Requirement varies by street type: see the Better Streets Plan)		
16	<i><u>(1) The City shall not require physical elements beyond the subject frontage with the exception of raised crosswalks and curb ramps.</u></i>		
17	<i><u>(2) The City shall require raised crosswalks only when the subject right-of-way is 40-feet or less and the crosswalk is installed at a street corner.</u></i>		

(c) **Required streetscape and pedestrian improvements.** Development projects shall include streetscape and pedestrian improvements on all publicly accessible rights-of-way_s directly fronting the property as follows.

1 (1) **Street trees.** Project Sponsors shall plant and ~~maintain~~establish street trees
2 as set forth in Article 16, Sections 805(a)~~and (d)~~ and 806(d) of the Public Works Code.

3 (2) **Other streetscape and pedestrian elements for large projects.**

4 (A) **Application.**

5 (i) In any district, streetscape and pedestrian elements in
6 conformance with the Better Streets Plan shall be required, if ~~all~~ the following conditions are
7 present: ~~(1) the project is on a lot that (a) is greater than one-half acre in total area, (b) contains 250~~
8 ~~feet of total lot frontage on one or more publicly-accessible rights-of-way, or (c) the frontage~~
9 ~~encompasses the entire block face between the nearest two intersections with any other publicly-~~
10 ~~accessible rights-of-way, and (2) the project includes (a) new construction or (b) addition of 20% or~~
11 ~~more of gross floor area to an existing building.~~

12 a. The project is on a lot that is greater than one-half acre in
13 total area; or contains 150 feet of total lot frontage on one or more publicly-accessible right-of-ways;
14 or its frontage encompasses the entire block face between the nearest two intersections with any other
15 publicly-accessible right-of-way; and

16 b. The project includes more than 50,000 gross square feet of
17 new construction; or new construction of 10 or more Dwelling Units; or new construction of 10,000
18 gross square feet or greater of non-residential space; or an addition of 20% or more of Gross Floor
19 Area to an existing building; or a Change of Use of 10,000 gross square feet or greater of a PDR use to
20 a non-PDR use.

21 (ii) Project sponsors that meet the thresholds of this Subsection
22 shall submit a streetscape plan to the Planning Department showing the location, design, and
23 dimensions of all existing and proposed streetscape elements in the public right-of-way
24 directly adjacent to the fronting property, including street trees, sidewalk landscaping, street
25

1 lighting, site furnishings, utilities, driveways, and curb lines, and the relation of such elements
2 to proposed new construction and site work on the subject property.

3 (B) **Standards.**

4 (i) **Required streetscape elements.** A continuous soil-filled
5 trench parallel to the curb shall connect all street tree basins for those street trees required
6 under the Public Works Code. The trench may be covered only by Permeable Surfaces as
7 defined in Section 102 of the Planning Code, except at required tree basins, where the soil
8 must remain uncovered. The Director of Planning, or his or her designee, may modify or
9 waive this requirement where a continuous trench is not possible due to the location of
10 existing utilities, driveways, sub-sidewalk basements, or other pre-existing surface or sub-
11 surface features.

12 (ii) **Additional streetscape elements.** The Department *shall*
13 *consider, but need not require, additional streetscape elements for the appropriate street type per Table*
14 *1 and the Better Streets Plan, may require a project to construct any Standard Streetscape Element*
15 *listed in Table 1, above,* including benches, bicycle racks, curb ramps, corner curb extensions,
16 *specified bulb-outs,* stormwater facilities, lighting, sidewalk landscaping, special sidewalk
17 paving, and other site furnishings, ~~excepting crosswalks and pedestrian signals.~~

18 a. Streetscape elements shall be selected from a City-
19 approved palette of materials and furnishings, where applicable, and shall be subject to
20 approval by all applicable City agencies.

21 b. Additionally, streetscape elements shall be consistent
22 with the overall character and materials of the district, and shall have a logical transition or
23 termination to the sidewalk and/or roadway adjacent to the fronting property.

24 (iii) **Sidewalk widening.** The Planning Department, in
25 consultation with other agencies, shall evaluate whether sufficient roadway space is available

for sidewalk widening for the entirety or a portion of the fronting public right-of-way in order to meet or exceed the recommended sidewalk widths for the appropriate street type per Table 2 and the Better Streets Plan and/or to provide additional space for pedestrian and streetscape amenities. If it is found that sidewalk widening is feasible and desirable, the Planning Department shall require the owner or developer to install such sidewalk widening as a condition of approval, including all associated utility re-location, drainage, and street and sidewalk paving.

(iv) **Minimum sidewalk width.** New publicly-accessible rights-of-way proposed as part of development projects shall meet or exceed the recommended sidewalk widths for the appropriate street type per Table 2. Where a consistent front building setback of 3 feet or greater extending for at least an entire block face is provided, the recommended sidewalk width may be reduced by up to 2 feet. Where a Board of Supervisors adopted streetscape plan or community-based plan recommends a sidewalk width greater than the recommended sidewalk width in Table 2 below, the City may require development projects to meet the greater of the two widths.

Table 2. Recommended Sidewalk Widths by Street Type

	Street Type (per Better Streets Plan)	Recommended Sidewalk Width (Minimum required for new streets)
Commercial	Downtown commercial	<u>See For Downtown Commercial Streets that are sited within the Downtown Streetscape Plan Area, the recommended sidewalk width shall be the width recommended in the Downtown Streetscape Plan. For Downtown Commercial Streets that are sited outside of the Downtown Streetscape Plan Area, the recommended sidewalk with shall be 15 feet.</u>
-	Commercial throughway	15' feet

-	Neighborhood commercial	15' <i>feet</i>
Residential	Downtown residential	15' <i>feet</i>
-	Residential throughway	15' <i>feet</i>
-	Neighborhood residential	12' <i>feet</i>
Industrial/Mixed-Use	Industrial	10' <i>feet</i>
-	Mixed-use	15' <i>feet</i>
Special	Parkway	17' <i>feet</i>
-	Park edge (multi-use path)	25' <i>feet</i>
-	Multi-way boulevard	15' <i>feet</i>
-	Ceremonial	Varies
Small	Alley	9' <i>feet</i>
-	Shared public way	n/a
-	Paseo	Varies

(C) **Review and approvals.**

(i) The *project sponsor shall submit to the Planning Department the streetscape plan required by this section shall be submitted to the Planning Department with the project's first Development Application as defined in Section 401 no later than 60 days prior to any Department or Planning Commission approval action, and the Planning Department or Commission shall be considered it for approval at the time of other project approval actions. The Planning Department may require any or all standard streetscape elements for the appropriate street type per Table 1 and the Better Streets Plan, if it finds that these improvements are necessary to meet the goals and objectives of the General Plan of the City and County of San Francisco. In Prior to making its determination about required streetscape and pedestrian elements, the Planning Department shall consult with other City agencies tasked with the design, permitting, use, and*

1 maintenance of the public right-of-way. If, after this consultation, any of the affected agencies find
2 that the project sponsor cannot install one or more of the Standard Streetscape Elements due to
3 physical constraints of or other complications related to the site or the public right-of-way surrounding
4 or in the vicinity of the project, then the Department may impose alternative streetscape improvement
5 requirements that provide equivalent or better protection to pedestrians, bicyclists, or transit
6 movement, and/or reduce conflicts among transportation modes. However, such alternative
7 improvements shall cost no more than Standard Streetscape Elements that would have been required
8 and shall be approved only after consultation with the affected agencies.

9 (ii) Final approval by the affected agencies and construction of
10 such streetscape improvements shall be completed prior to the issuance of the first Certificate
11 of Occupancy or temporary Certificate of Occupancy for the project, unless otherwise
12 extended by the Zoning Administrator. Should conditions, policies, or determinations by other
13 City agencies require a change to the streetscape plan after approval of the streetscape plan
14 but prior to commencement of construction of the streetscape improvements the Planning
15 Department shall have the authority to require revision to such streetscape plan. In such case,
16 the Zoning Administrator shall extend the timeframe for completion of such improvements by
17 an appropriate duration as necessary.

18 (iii) Should the construction timeline for a development project be
19 shorter than the construction timeline for the associated streetscape improvement, such as for a
20 change-of-use project, the Zoning Administrator may extend the timeframe for completion of such
21 improvements by an appropriate duration as necessary. As a condition of any such extension, the
22 Zoning Administrator can require the project sponsor to post a bond in the amount of such
23 improvement and subject to the terms that the Zoning Administrator deems appropriate.

24 (iv) **Waiver.** Any City agency tasked with the design, permitting,
25 use, and maintenance of the public right-of-way, may waive any or all Department required

1 improvements of the streetscape plan as described in this Subsection under that agency's
2 jurisdiction if said agency determines that such improvement or improvements is
3 inappropriate, interferes with utilities to an extent that makes installation financially infeasible,
4 or would negatively affect the public welfare. Any such waiver shall be from the Director or
5 General Manager of the affected agency, shall be in writing to the applicant and the
6 Department, and shall specify the basis for the waiver. Waivers, if any, shall be obtained prior
7 to commencement of construction of the streetscape improvements unless extenuating
8 circumstances arise during the construction of said improvements. If such a waiver is granted,
9 the Department reserves the right to impose alternative streetscape improvement requirements
10 that ~~are the same as or similar to the elements~~ provide equivalent or better protection to pedestrians,
11 bicyclists, or transit movement, and/or reduce conflicts among transportation modes. However, such
12 alternative requirements shall cost no more than element or elements that have been waived in the
13 adopted streetscape plan and shall be approved only after consultation with the affected
14 agencyies. This Subsection shall not apply to the waiver of the street tree requirement set forth
15 in Section 138.1(c)(1).

16 (d) **Neighborhood Streetscape Plans.** In addition to the requirements listed in
17 Subsection 138.1 (c), the Planning Department in coordination with other city agencies, and
18 after a public hearing, may adopt streetscape plans for particular streets, neighborhoods, and
19 districts, containing standards and guidelines to supplement the Better Streets Plan.
20 Development projects in areas listed in this subsection that propose or are required through
21 this section to make pedestrian and streetscape improvements to the public right-of-way shall
22 conform with the standards and guidelines in the applicable neighborhood streetscape plan in
23 addition to those found in the Better Streets Plan.

24 (1) **Downtown Streetscape Plan.**
25

1 (A) In any C-3 District sidewalk paving as set forth in the Downtown
2 Streetscape Plan shall be installed by the applicant under the following conditions:

3 (i) Any new construction;
4 (ii) The addition of Gross Floor Area equal to 20 percent or more
5 of an existing building; or

6 (iii) A Change of Use of 10,000 or more gross square feet of PDR use to
7 a non-PDR use.

8 (B) In accordance with the provisions of Section 309 of the Planning
9 Code governing C-3 Districts, when a permit is granted for any project abutting a public
10 sidewalk in a C-3 District, the Planning Commission may impose additional requirements that
11 the applicant install sidewalk improvements such as benches, bicycle racks, lighting, special
12 paving, seating, landscaping, and sidewalk widening in accordance with the guidelines of the
13 Downtown Streetscape Plan if it finds that these improvements are necessary to meet the
14 goals and objectives of the General Plan of the City and County of San Francisco. In making
15 this determination, the Planning Commission shall consider the level of street as defined in
16 the Downtown Streetscape Plan.

17 (C) If a sidewalk widening or a pedestrian street improvement is used to
18 meet the open space requirement, it shall conform to the guidelines of Section 138.

19 (D) The Planning Commission shall determine whether the streetscape
20 improvements required by this Section may be on the same site as the building for which the
21 permit is being sought, or within 900 feet, provided that all streetscape improvements are
22 located entirely within the C-3 District.

23 (2) **Rincon Hill Streetscape Plan.** In the Rincon Hill Downtown Residential
24 Mixed Use (RH-DTR) and Folsom and Main Residential/Commercial Special Use Districts, the
25 boundaries of which are shown in Section Map No. 1 of the Zoning Map, for all frontages

1 abutting a public sidewalk, the project sponsor is required to install sidewalk widening, street
2 trees, lighting, decorative paving, seating and landscaping in accordance with the approved
3 Streetscape Master Plan of the Rincon Hill Area Plan for: (A) any new construction; or (B) the
4 addition of Gross Floor Area equal to 20 percent or more of an existing building, or (C) a
5 Change of Use of 10,000 or more square feet from a PDR use to a non-PDR use.

6 (e) **Additional provisions.**

7 (1) **Maintenance.** Unless otherwise determined, fronting property owners shall
8 maintain all streetscape improvements required by this section, including ~~street trees,~~
9 landscaping, bicycle racks, benches, special paving, and other site furnishings at no public
10 expense per the requirements of ~~the~~ Public Works Code ~~Section 706 (and the Better Streets Plan~~
11 ~~for sidewalks and site-street furnishings) and 805 (street trees),~~ except for street trees and
12 standard street lighting from a City-approved palette of street lights and any improvements
13 within the roadway. Conditions intended to assure continued maintenance of the
14 improvements for the actual lifetime of the building giving rise to the streetscape improvement
15 requirement may be imposed as a condition of approval by the Planning Department.

16 (2) For any streetscape and/or pedestrian improvements installed pursuant to
17 this section, the abutting property owner or owners shall hold harmless the City and County of
18 San Francisco, its officers, agents, and employees, from any damage or injury caused by
19 reason of the design, construction or maintenance of the improvements, and shall require the
20 owner or owners or subsequent owner or owners of the respective property to be solely liable
21 for any damage or loss occasioned by any act. This requirement shall be deemed satisfied if
22 City permits for the improvements include indemnification and hold harmless provisions.

23 (3) Notwithstanding the provisions of this Section, an applicant shall apply for
24 and obtain all required permits and approvals for changes to the legislated sidewalk widths
25 and street improvements.

1 (f) **Removal and modification of private encroachments on public rights-of-way.**

2 (1) **Applicability.** This section shall apply to developments ~~which~~that:

3 (A) construct new buildings;

4 (B) include building alterations which increase the gross square footage
5 of a structure by 20 percent or more;

6 (C) add off-street parking or loading; or

7 (D) remove off-street parking or loading.

8 (2) **Requirements.** As a condition of approval for the applicable developments
9 in subsection (b), the Planning Department may require the project sponsor to:

10 (A) reduce the number or width of driveway entrances to a lot, to comply
11 with the streetscape requirements of this Code and the protected street frontages of
12 Section 155(r);

13 (B) remove encroachments onto or over sidewalks and streets that
14 reduce the pedestrian path of travel, or reduce the sidewalk area available for streetscape
15 amenities such as landscaping, street trees and outdoor seating;

16 (C) remove or reduce in size basements which extend under public
17 rights-of-way.

18 (3) **Standards.** In instances where such encroachments are removed, the
19 Planning Department shall require that the replacement curbs, sidewalks, street trees, and
20 landscaping shall meet the standards of the Better Streets Plan and of any applicable
21 neighborhood streetscape plans.

22
23 **SEC. 155. GENERAL STANDARDS AS TO LOCATION AND ARRANGEMENT OF OFF-**
24 **STREET PARKING, FREIGHT LOADING AND SERVICE VEHICLE FACILITIES.**

25 * * * *

1 (r) **Protected Pedestrian-, Cycling-, and Transit-Oriented Street Frontages.** In
2 order to preserve the pedestrian character of certain *downtown and neighborhood commercial*
3 districts and to minimize delays to transit service, regulation of garage entries, driveways, or
4 other vehicular access to off-street parking or loading *via curb cuts (except for the creation of new*
5 *publicly-accessible Streets and Alleys)* on development lots, *as defined in Section 145*, shall *be as*
6 *follows occur* on the *following* Street frontages: *listed below. These limitations do not apply to the*
7 *creation of new publicly-accessible Streets and Alleys. Any lot whose sole feasible vehicular access is*
8 *via a protected street frontage described in this subsection (r) shall be exempted from any off-street*
9 *parking or loading requirement found elsewhere in this Code.*

10 (1) Folsom Street, from ~~Essex~~ Second Street to ~~the~~ Embarcadero, not permitted
11 except as set forth in Section 827.

12 (2) Not permitted:

13 (A) The entire portion of Market Street from The Embarcadero to Castro
14 Street,

15 (B) Hayes Street from Franklin Street to Laguna Street, and Church
16 Street in the NCT-3 and Upper Market NCT Districts,

17 (C) Van Ness Avenue from Hayes Street to Mission Street,

18 (D) Mission Street from The Embarcadero to Annie Street and from 10th
19 Street to Division Street,

20 (E) Octavia Street from Hayes Street to Fell Street,

21 (F) Embarcadero in the DTR Districts,

22 (G) 22nd Street between 3rd Street and Minnesota Streets within the
23 NCT-2 District,

24 (H) Valencia Street between 15th and 23rd Streets in the Valencia Street
25 NCT District,

- 1 (I) Mission Street for the entirety of the Mission Street NCT District,
- 2 (J) 24th Street for the entirety of the 24th Street-Mission NCT,
- 3 (K) 16th Street between Guerrero and Capp Streets within the Valencia
- 4 Street NCT and Mission Street NCT Districts,
- 5 (L) 16th Street between Kansas and Mississippi Streets in the UMU and
- 6 PDR-1-D Districts,
- 7 (M) 6th Street for its entirety within the SoMa NCT District,
- 8 (N) 3rd Street, in the UMU districts for 100 feet north and south of
- 9 Mariposa and 100 feet north and south of 20th Streets, and 4th Street between Bryant and
- 10 Townsend in the SLI and MUO District,
- 11 (O) Ocean Avenue within the Ocean Avenue NCT District,
- 12 (P) Geneva Avenue from I-280 to San Jose Avenue within the NCT-2
- 13 District,
- 14 (Q) Columbus Avenue between Washington and North Point Streets,
- 15 (R) Broadway from the Embarcadero on the east to Polk Street on the
- 16 west, *and*
- 17 (S) All alleyways in the Chinatown Mixed Use Districts,
- 18 (T) Diamond Street within the Glen Park NCT District,
- 19 (U) Chenery Street within the Glen Park NCT District,
- 20 (V) Natoma Street from 300 feet westerly of 1st Street to 2nd Street,
- 21 (W) Ecker Alley in its entirety,
- 22 (X) Shaw Alley in its entirety,
- 23 (Y) 2nd Street from Market to Folsom Streets,
- 24 (Z) Destination Alleyways, as designated in the Downtown Streetscape
- 25 Plan,

1 (AA) The western (inland) side of the Embarcadero between Townsend
2 and Jefferson Streets,

3 (BB) Post Street, on the north side from Webster Street to Laguna Street
4 and on the south side from Fillmore Street to Webster Street,

5 (CC) Buchanan Street from Post Street to Sutter Street,

6 (DD) Grant Avenue between Columbus Avenue and Filbert Street,

7 (EE) Green Street between Grant Avenue and Columbus/Stockton,

8 (FF) All Alleys within the North Beach NCD and the Telegraph Hill-North
9 Beach Residential SUD,

10 (GG) Polk Street between Filbert Street and Golden Gate Avenue,

11 (HH) California Street between Van Ness Avenue and Hyde Street,

12 (II) Hyde Street between California Street and Pine Street,

13 (JJ) Broadway between Van Ness Avenue and Larkin Street,

14 (KK) Bush Street between Van Ness Avenue and Larkin Street, ~~and~~

15 (LL) Pine Street between Van Ness Avenue and Larkin Street, ~~and~~

16 (MM) No curb cut shall be permitted that directly fronts an adjacent on-street
17 striped bus stop (e.g., bus stop zones with striping or red curb) that has been approved by the San
18 Francisco Municipal Transportation Agency (SFMTA) Board of Directors, transit bulb-out as defined
19 in the Better Streets Plan, or on street frontage directly adjacent to a transit boarding island as defined
20 in the Better Streets Plan if vehicles accessing the curb cut would be required to cross over the
21 boarding island.

22 (3) Not permitted without Conditional Use authorization or Sections 309 or 329
23 exception. Not permitted except with a Conditional Use authorization, except that in In the C-3-
24 O(SD) District, the Planning Commission may grant such permission for a new curb cut or an
25 expansion of an existing one as an exception pursuant to Section 309 in lieu of a Conditional

1 Use authorization as long as the Commission makes the findings required under Section 303(y) and
2 where the amount of parking proposed does not exceed the amounts permitted as accessory
3 according to Section 151.1. In addition, in the MUG, WMUG, MUR, MUO, RED, RED-MX, and
4 SPD Districts, the Planning Commission may grant permission for a new curb cut or an expansion of
5 an existing one as an exception pursuant to Section 329 in lieu of a Conditional Use authorization as
6 long as the Commission makes the findings required under Section 303(y). The Planning Commission
7 shall issue a Conditional Use authorization to allow a new curb cut or expansion of an existing one on
8 any other restricted street identified in this subsection 155(r)(3).

9 (A) Except as provided in Section 155(r), in all zoning districts except M, P,
10 PDR, and SALL, no curb cuts accessing off-street parking or loading shall be created or expanded on
11 street frontages identified along any Transit Preferential Street as designated in the Transportation
12 Element of the General Plan, or Neighborhood Commercial Street as defined in the Better Streets Plan,
13 or any SFMTA Board of Directors adopted Class II Bikeways (bicycle lanes and buffered bike lanes) or
14 Class IV Bikeways (protected bicycle lanes), where an alternative frontage is available. On Class II
15 and IV Bikeways where the bike facility is only on one side of the street, the curb cut restriction shall
16 apply to the side of the street with the bike facility, and shall not apply to the opposite side of the street.

17 _____ (B) The entire portion of California Street,

18 (B-C) Folsom Street, Geary Street, Mission Street, Powell Street and
19 Stockton Street in the C-3 Districts,

20 (C-D) Grant Avenue from Market Street to ~~Bush~~ Sacramento Street,

21 (D-E) Montgomery Street from Market Street to Columbus Avenue,

22 ~~(E) Haight Street from Market Street to Webster Street,~~

23 (F) Church Street and 16th Street in the RTO District,

24 (G) Duboce Street from Noe Street to Market Street,

25 (H) Octavia Street from Fell Street to Market Street,

- (I) 1st, Fremont and Beale Streets from Market to Folsom Street, ~~and~~
- (J) The eastern (water) side of The Embarcadero between Townsend and Taylor Streets;
- (K) Fillmore Street from Hermann Street to Duboce Avenue,
- (L) Noe Street from Duboce Avenue to Market Street, and
- (M) Dolores Street from Market Street to 16th Street.

(4) ~~In C-3, NCT and RTO Districts, no curb cuts accessing off-street parking or loading shall be created or utilized on street frontages identified along any Transit Preferential, Citywide Pedestrian Network or Neighborhood Commercial Streets as designated in the Transportation Element of the General Plan or official City bicycle routes or bicycle lanes, where an alternative frontage is available. For bicycle lanes, the prohibition on curb cuts applies to the side or sides of the street where bicycle lanes are located; for one-way bicycle routes or lanes, the prohibition on curb cuts shall apply to the right side of the street only, unless the officially adopted alignment is along the left side of the street.~~ Where an alternative frontage is not available, parking or loading access along any Transit Preferential, ~~Citywide Pedestrian Network or Neighborhood Commercial Streets~~ as designated in the Transportation Element of the General Plan, or Neighborhood Commercial Street defined in the Better Streets Plan, or ~~official City bicycle lane or bicycle route~~ any SFMTA Board of Directors adopted Class II Bikeways (bicycle lanes and buffered bike lanes) or Class IV Bikeways (protected bicycle lanes), may be allowed on streets not listed in subsection (r)(2) above as an exception in the manner provided in Section 309 for C-3-O(SD) Districts, Section 329 for Mixed-Use Districts, and in Section 303 for ~~NCT and RTO~~ all other Districts in cases where ~~it can be clearly demonstrated~~ the Planning Commission can determine that the final design of the parking access minimizes negative impacts to transit movement and to the safety of pedestrians and bicyclists to the fullest extent feasible.

1 (5) Corner lots in the SALI District. For corner lots in the SALI District, no new
2 curb cut shall be permitted, nor any existing curb cut expanded, on any Street or Alley
3 identified as an alley in the Western SoMa Area Plan of the General Plan if any property on
4 the same block with frontage along that Street or Alley is designated as a RED or RED-MX
5 District.

6 ~~(6) A "development lot" shall mean any lot containing a proposal for new construction,~~
7 ~~building alterations which would increase the gross square footage of a structure by 20 percent or~~
8 ~~more, or change of use of more than 50 percent of the gross floor area of a structure containing~~
9 ~~parking. Pre-existing access to off-street parking and loading on development lots that violates the~~
10 ~~restrictions of this Section 155(r) may not be maintained.~~

11 * * * *

12
13 **SEC. 161. EXEMPTIONS AND EXCEPTIONS FROM OFF-STREET PARKING, FREIGHT**
14 **LOADING AND SERVICE VEHICLE REQUIREMENTS.**

15 * * * *

16 **(j) Protected Street Frontages and Transit Stops.** ~~The Planning Commission may~~
17 ~~reduce or waive required parking or loading for a project if it finds that:~~

18 ~~—— (1) the only feasible street frontage for a driveway or entrance to off-street parking or~~
19 ~~loading is located on a protected pedestrian-, cycling-, and transit-oriented street frontage, as defined~~
20 ~~in Section 155(r) of this Code, or~~

21 ~~—— (2) the only feasible street frontage for a driveway or entrance to off-street parking or~~
22 ~~loading is located at a transit stop; and~~

23 ~~—— (3) the reduced or waived parking and loading can meet the reasonably anticipated~~
24 ~~mobility needs of residents of, workers in, and visitors to the project.~~

1 ———No off-street parking or loading is required on any lot whose sole feasible automobile access is
2 across a protected street frontage identified in Section 155(r).

3 * * * *

4
5 **SEC. 303. CONDITIONAL USES.**

6 * * * *

7 (x) **Medical Cannabis Dispensaries.** With respect to any application for the
8 establishment of a new Medical Cannabis Dispensary Use, in addition to the criteria set forth
9 in subsections (c) and (d) above, the Commission shall consider the concentration of
10 Cannabis Retail and Medical Cannabis Dispensary Uses within the general proximity the
11 proposed Medical Cannabis Dispensary Use.

12 (y) Curb Cuts on Restricted Streets. With respect to an application for a new or expanded
13 curb cut on street frontages subject to Section 155(r), the Planning Commission shall affirmatively find,
14 in addition to those findings in subsections 303(c) and (d) above, that the project meets one or more of
15 the following criteria:

16 (1) That the restriction on curb cuts at this location would substantially affect access to
17 or operations of emergency services;

18 (2) That the proposed land use(s) requires off-street parking or loading for disability
19 access under a local, State, or federal law or has an extraordinary need to provide off-street parking or
20 loading for a General Grocery Use, Institutional Use, or PDR Use; and/or

21 (3) The proposed use necessitates on-site loading spaces in order to prevent a significant
22 negative impact on Muni operations, the safety of pedestrian, cyclists, or traffic hazards.

1 Section 3. Application. The terms of this ordinance shall not apply to any project
2 sponsor that submitted either an Environmental Evaluation Application or Development
3 Application prior to its effective date.
4

5 Section 4. Effective Date. This ordinance shall become effective 30 days after
6 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
7 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
8 of Supervisors overrides the Mayor's veto of the ordinance.
9

10 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
11 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
12 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
13 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
14 additions, and Board amendment deletions in accordance with the "Note" that appears under
15 the official title of the ordinance.
16

17 APPROVED AS TO FORM:
18 DENNIS J. HERRERA, City Attorney

19 By:


20 _____
21 JOHN D. MALAMUT
22 Deputy City Attorney
23
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LEGISLATIVE DIGEST

[Planning Code - Modifying Better Streets Plan Requirements and Curb Cut Restrictions]

Ordinance amending the Planning Code to add new items to the list of standard required streetscape improvements under the Better Streets Plan; modifying the triggers that would require project sponsors to construct streetscape improvements in the public right-of-way; clarifying the recommended sidewalk width for street types; expanding curb cut restrictions for off-street parking and loading to most zoning districts and certain designated streets, including those on the Citywide Transit Network and any officially adopted Class II Bikeways (bicycle lanes and buffered bike lanes) or Class IV Bikeways (protected bicycle lanes), and requiring a Conditional Use authorization or a Section 309 or 329 exception for new or expanded curb cuts in the applicable area; adding criteria for the Planning Commission to consider when granting a Conditional Use authorization or an exception as part of a Downtown C-3-O(SD) (Downtown, Office (Special Development)) or large project authorization in mixed-use districts for such curb cuts; prohibiting new curb cuts in bus stops and on Folsom Street between Essex and Second Street; eliminating minimum off-street parking requirements for projects subject to the curb cut restrictions or prohibitions; and making findings under the California Environmental Quality Act, findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience and welfare under Planning Code, Section 302.

Existing Law

Planning Code Section 138.1 contains public right-of-way streetscape improvement requirements derived from the Better Streets Plan. This Section also adopts specified sidewalk width recommendations. Planning Code Section 155 sets forth restrictions and outright prohibitions for curb cuts for off-street parking and loading in various zoning districts and locations in San Francisco. Where restrictions exist (as opposed to a prohibition), the Planning Commission may grant a curb cut through a Conditional Use authorization or a Planning Code Section 309 exception for projects in the Downtown C-3-O(SD) zoning. The Planning Code does not contain any particular findings necessary for the Planning Commission to grant such a Conditional Use authorization or exception.

Amendments to Current Law

This legislation would add new items to the list of standard required streetscape improvements under the Better Streets Plan and modify the triggers that would require project sponsors to construct streetscape improvements in the public right-of-way. The ordinance would clarify the recommended sidewalk width for street types. The legislation would expand

curb cut restrictions for off-street parking and loading to most zoning districts and certain designated streets, including those on the Citywide Transit Network and any officially adopted Class II Bikeways (bicycle lanes and buffered bike lanes) or Class IV Bikeways (protected bicycle lanes). In addition to the existing requirements for a Conditional Use authorization or Section 309 exception to allow curb cuts in restricted areas, the ordinance also would allow a Section 329 (large project authorization) exception for curb cuts in mixed-use districts. The legislation would adopt criteria that the Planning Commission would consider in granting a Conditional Use authorization or exception for a new curb cut. The ordinance would prohibit new curb cuts in bus stops and on Folsom Street between Essex and Second Street. In addition, it would eliminate minimum off-street parking requirements for projects subject to the curb cut restrictions or prohibitions. The legislation also would adopt various findings, including environmental, General Plan, and Planning Code Section 101.1 (priority policies) and Section 302 (public necessity).

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