

1 [Zoning – Amending Planning Code to Create a Comprehensive and Consistent Set of Street  
2 Frontage Controls]

3 **Ordinance amending the San Francisco Planning Code by amending Sections 145.1,**  
4 **201, 243, 253, 261.1, and 270.2 to create a comprehensive and consistent set of street**  
5 **frontage controls for most use districts that allow a mix of uses; adopting findings,**  
6 **including environmental findings, Section 302 findings, and findings of consistency**  
7 **with the General Plan and the Priority Policies of Planning Code Section 101.1.**

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

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

12 Section 1. Findings.

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

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

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

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

3 Sec. SEC. 145.1. STREET FRONTAGES, NEIGHBORHOOD COMMERCIAL,  
4 DOWNTOWN RESIDENTIAL, RESIDENTIAL-COMMERCIAL, COMMERCIAL, AND EASTERN  
5 NEIGHBORHOOD MIXED USE DISTRICTS.

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

11 (b) Definitions.

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

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

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

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

19 (2) Active use. An "active use", shall mean any principal, conditional, or accessory  
20 use which by its nature does not require non-transparent walls facing a public street or  
21 involves the storage of goods or vehicles. Residential uses are considered active uses above  
22 the ground floor; on the ground floor, residential uses are considered active uses only if more  
23 than 50 percent of the linear residential street frontage at the ground level features walk-up  
24 dwelling units which provide direct, individual pedestrian access to a public sidewalk, and are  
25

1 consistent with the Ground Floor Residential Design Guidelines, as adopted and periodically  
2 amended by the Planning Commission.

3 (A) Public Uses described in 790.80 and 890.80 are considered active uses except  
4 utility installations.

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

8 (c) Controls. the following requirements shall apply, except as specified below, to new  
9 structures or alterations to existing structures involving a change in the level of the first story  
10 or a change in the facade at the street frontage at the first story and below, where such  
11 structure is located along any block frontage that is entirely within District subject to this  
12 Section.

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

15 ~~(1) Standards Applicable in all Districts. Other than as set forth in this Subsection (c) for NC-S~~  
16 ~~Districts, no more than 1/3 of the width of a new or altered structure, parallel to and facing such~~  
17 ~~street, shall be devoted to ingress/egress to parking, provided that in no case shall such ingress/egress~~  
18 ~~exceed 20 feet in width per frontage or be less in width than eight feet for garages containing up to~~  
19 ~~three cars, nine feet for garages containing up to ten cars, and ten feet for garages containing up to 50~~  
20 ~~cars. In NC-S Districts, no more than 1/3 or 50 feet, whichever is less, of each lot frontage shall be~~  
21 ~~devoted to ingress/egress of parking, provided that each such ingress/egress shall not be less than 10~~  
22 ~~feet in width for single directional movement or 20 feet in width for bidirectional movement.~~

23 ~~(2) Additional Standards Applicable in all NC Districts other than NCT Districts. If such~~  
24 ~~structures contain any of the permitted uses in the Zoning Control Categories listed below, at least 1/2~~  
25 ~~the total width of such new or altered structures at the commercial street frontage shall be devoted to~~

entrances to commercially used space, windows or display space at the pedestrian eye level. Such windows shall use clear, untinted glass, except for decorative or architectural accent. Any decorative railings or decorative grille work, other than wire mesh, which is placed in front of or behind such windows, shall be at least 75 percent open to perpendicular view and no more than six feet in height above grade.

<del>No.</del>	<del>Zoning Control Category</del>
<del>.40</del>	<del>Other Retail Sales and Services</del>
<del>.41</del>	<del>Bar</del>
<del>.42</del>	<del>Full Service Restaurant</del>
<del>.43</del>	<del>Small Fast Food Restaurant</del>
<del>.44</del>	<del>Large Fast Food Restaurant</del>
<del>.45</del>	<del>Take Out Food</del>
<del>.46</del>	<del>Movie Theater</del>
<del>.49</del>	<del>Financial Service</del>
<del>.50</del>	<del>Limited Financial Service</del>
<del>.51</del>	<del>Medical Service</del>
<del>.52</del>	<del>Personal Service</del>
<del>.53</del>	<del>Business or Professional Service</del>
<del>.55</del>	<del>Tourist Hotel</del>
<del>.61</del>	<del>Automobile Sale or Rental</del>
<del>.62</del>	<del>Animal Hospital</del>

.65—	<i>Trade Shop—</i>
.70—	<i>Administrative Service—</i>

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

~~(1) (A) Above-Grade Parking Setback. Off-street parking at street grade on a development lot must be set back at least 25 feet on the ground floor and at least 15 feet on floors above, from any facade facing a street at least 30 feet in width. Parking above the ground level shall be entirely screened from all public rights-of-way in a manner that accentuates ground floor uses, minimizes mechanical features and is in keeping with the overall massing and architectural vocabulary of the building. In NC-S Districts, no more than 1/3 or 50 feet, whichever is less, of each lot frontage shall be devoted to ingress/egress of parking; provided that each such ingress/egress shall not be less than 10 feet in width for single directional movement or 20 feet in width for bidirectional movement. Off-street parking and loading are also subject to the provisions of Section 155 of this Code.~~

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

~~(3) (C) Ground Floor Ceiling Height. Unless otherwise established elsewhere in this Code. ground floor non-residential uses in UMU Districts shall have a minimum floor-to-floor height of 17 feet, as measured from grade. Ground floor non-residential uses in all C-3, NCT,~~

1 DTR, MUG, MUR, and MUO Districts shall have a minimum floor-to-floor height of 14 feet, as  
 2 measured from grade. For ground floor non-residential uses in all RC districts, C-2 districts, and  
 3 NC districts other than NCT, buildings shall have a minimum floor-to-floor height of 14 feet, as  
 4 measured from grade, in 28, 35 and 45 foot height districts as well as all height districts of 55 feet or  
 5 greater, and a minimum floor-to-floor height of 10 feet in all other height districts.

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

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

18 Section 3. The San Francisco Planning Code is hereby amended by amending Section  
 19 201, to read as follows:

20 SEC. 201. CLASSES OF USE DISTRICTS.

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

Public Use Districts <u>(P)</u>	
<u>Residential Districts</u>	
RH-1(D)	Residential, House Districts, One-Family

1		(Detached Dwellings)
2	RH-1	Residential, House Districts, One-Family
3	RH-1(S)	Residential, House Districts, One-Family with Minor Second Unit
4	RH-2	Residential, House Districts, Two-Family
5	RH-3	Residential, House Districts, Three-Family
6	RM-1	Residential, Mixed Districts, Low Density
7	RM-2	Residential, Mixed Districts, Moderate Density
8	RM-3	Residential, Mixed Districts, Medium Density
9	RM-4	Residential, Mixed Districts, High Density
10	<i>Residential-Commercial Districts</i>	
11	RC-1	Residential-Commercial Combined Districts, Low Density
12	RC-2	Residential-Commercial Combined Districts, Moderate Density
13	RC-3	Residential-Commercial Combined Districts, Medium Density
14	RC-4	Residential-Commercial Combined Districts, High Density
15	<i>Residential Transit-Oriented Neighborhood Districts</i>	
16	RTO	Residential, Transit-Oriented Neighborhood Districts
17	RTO-M	Residential Transit-Oriented -- Mission Neighborhood Districts
18		
19	Neighborhood Commercial Districts (Also see Article 7) General Area Districts	
20	NC-1	Neighborhood Commercial Cluster District
21	NC-2	Small-Scale Neighborhood Commercial District
22	NC-3	Moderate-Scale Neighborhood Commercial District

1	NC-S	Neighborhood Commercial Shopping Center District
2		
3	Individual Area Districts	
4	Broadway Neighborhood Commercial District	
5	Castro Street Neighborhood Commercial District	
6	Castro Street Neighborhood Commercial District	
7	Inner Clement Street Neighborhood Commercial District	
8	Outer Clement Street Neighborhood Commercial District	
9	Outer Clement Street Neighborhood Commercial District	
10	Upper Fillmore Street Neighborhood Commercial District	
11	Haight Street Neighborhood Commercial District	
12	<del>Hayes-Gough Neighborhood Commercial District</del>	
13	<del>Hayes-Gough Neighborhood Commercial District</del>	
14	Inner Sunset Neighborhood Commercial District	
15	Inner Sunset Neighborhood Commercial District	
16	Upper Market Street Neighborhood Commercial District	
17	North Beach Neighborhood Commercial District	
18	North Beach Neighborhood Commercial District	
19	Polk Street Neighborhood Commercial District	
20	Sacramento Street Neighborhood Commercial District	
21	Sacramento Street Neighborhood Commercial District	
22	Union Street Neighborhood Commercial District	
23	24th Street-Noe Valley Neighborhood Commercial District	
24	West Portal Avenue Neighborhood Commercial District	
25	West Portal Avenue Neighborhood Commercial District	



1	Neighborhood Commercial Transit Districts (NCT)	
2	NCT-1	Neighborhood Commercial Transit Cluster District
3	NCT-2	Small-Scale Neighborhood Commercial Transit District
4	NCT-3	Moderate Scale Neighborhood Commercial Transit District
5		
6	Individual Area Neighborhood Commercial Transit (NCT) Districts	
7	Hayes-Gough NCT	
8	Upper Market Street NCT	
9	Valencia Street NCT	
10	24th Street -- Mission NCT	
11	Mission Street NCT	
12	SoMa NCT	
13	Ocean Avenue NCT	
14		
15	Commercial Districts	
16	C-1	Neighborhood Shopping Districts
17	C-2	Community Business Districts
18	C-M	Heavy Commercial Districts
19	C-3-O	Downtown Office District
20	C-3-R	Downtown Retail District
21	C-3-G	Downtown General Commercial District
22	C-3-S	Downtown Support District
23		
24	Industrial Districts	
25	M-1	Light Industrial Districts
26	M-2	Heavy Industrial Districts
27	PDR-1-B	Production Distribution and Repair -- Light

1		Industrial Buffer
2	PDR-1-D	Production Distribution and Repair -- Design
3	PDR-1-G	Production Distribution and Repair - General
4	PDR-2	Core Production Distribution and Repair -- Bayview
5		
6	Chinatown Mixed Use Districts (Also see Article 8)	
7	CCB	Chinatown Community Business District
8	CR/NC	Chinatown Residential/Neighborhood Commercial District
9	CVR	Chinatown Visitor Retail District
10		
11	South of Market <del>Use</del> Mixed Use Districts (Also see Article 8)	
12	RED	Residential Enclave Districts
13	RSD	Residential Service District
14	SLR	Service/Light Industrial/Residential District
15	SLI	Service/Light Industrial District
16	SSO	Service/Secondary Office District
17		
18	Eastern Neighborhoods Mixed Use Districts (Also see Article 8)	
19	SPD	South Park District
20	MUG	Mixed Use -- General
21	MUO	Mixed Use -- Office
22	MUR	Mixed Use -- Residential
23	UMU	Urban Mixed Use
24		
25	Downtown Residential Districts (Also see Article 8)	

1	RH-DTR	Rincon Hill Downtown Residential
2	SB-DTR	South Beach Downtown Residential
3		
4	Mission Bay Districts (Also see Article 9)	
5	MB-R-1	Mission Bay Lower Density Residential District
6	MB-R-2	Mission Bay Moderate Density Residential District
7	MB-R-3	Mission Bay High Density Residential District
8	MB-NC-2	Mission Bay Small Scale Neighborhood Commercial District
9		
10	MB-NC-3	Mission Bay Moderate Scale Neighborhood Commercial District
11	MB-NC-S	Mission Bay Neighborhood Commercial Shopping Center District
12	MB-O	Mission Bay Office District
13	MB-CI	Mission Bay Commercial-Industrial District
14	MB-H	Mission Bay Hotel District
15	MB-CF	Mission Bay Community Facilities District
16	MB-OS	Mission Bay Open Space District

17 Section 4. The San Francisco Planning Code is hereby amended by amending Section  
18 243, to read as follows:

19 SEC. 243. VAN NESS SPECIAL USE DISTRICT.

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

23 (b) Purposes. In order to implement the objectives and policies of the Van Ness  
24 Avenue Plan, a part of the Master Plan, which includes (i) creation of a mix of residential and  
25 commercial uses on the boulevard, (ii) preservation and enhancement of the pedestrian

1 environment, (iii) encouragement of the retention and appropriate alteration of architecturally  
2 and historically significant and contributory buildings, (iv) conservation of the existing housing  
3 stock, and (v) enhancement of the visual and urban design quality of the street, the following  
4 controls are imposed in the Van Ness Special Use District.

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

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

16 (2) Housing Density. The restrictions on density set forth in Sections 207, 207.1, 208,  
17 209.1 and 209.2 of this Code shall not apply.

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

20 (4) Awnings, canopies and marquees, as defined in Sections 790.20, 790.26 and  
21 790.58 of this Code, and further regulated by the Building Code and Sections 243(c)(5), 136.2  
22 and 607.3 of this Code, are permitted.

23 (5) Signs.

24 (A) Signs located within the Van Ness Special Use District, with the exception of the  
25 Civic Center Special Sign District as described in Section 608.3 of this Code and as shown in

1 Sectional Map SSD, shall be regulated as provided in Article 6, including Section 607.3 which  
2 governs signs located in the Van Ness Special Sign District.

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

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

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

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

12 (C) The access of light and air to abutting properties will not be significantly impeded.  
13 This provision shall be administered pursuant to the procedures which are applicable to  
14 variances, as set forth in Sections 306.1 through 306.5 and 308.2 of this Code.

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

17 (8) Limitation of Nonresidential Uses.

18 (A) Residential Uses; Ratio Established. In newly constructed structures,  
19 nonresidential uses shall only be permitted if the ratio between the amount of net additional  
20 occupied floor area for residential uses, as defined in this paragraph below, to the amount of  
21 occupied floor area for nonresidential uses in excess of the occupied floor area of structures  
22 existing on the site at the time the project is approved is 3 to 1 or greater. In additions to  
23 existing structures which exceed 20 percent of the gross floor area of the existing structure,  
24 nonresidential uses shall be permitted in the addition in excess of 20 percent only if the ratio  
25 between the amount of occupied floor area for residential use, as defined in this paragraph

1 below, to the area of occupied floor area for nonresidential use is 3 to 1 or greater. This  
2 residential use ratio shall not apply to development sites in the Van Ness Special Use District  
3 which have less than 60 feet of street frontage on Van Ness Avenue and have no street  
4 frontage other than the Van Ness Avenue frontage. For purposes of this Section,  
5 "nonresidential uses" shall mean those uses described in Sections 209.2(d) and (e) (hotel,  
6 inn, hostel), 209.3(a) (hospital, medical center or other medical institution with in-patient care  
7 facilities), 209.4 (community facilities), 209.6 (public facilities and utilities), 209.7 (vehicle  
8 storage and access) and 209.8 (commercial establishments); in the Automotive Special Use  
9 District nonresidential uses include automotive uses as described in Section 237; "residential  
10 use" shall mean those uses described in Sections 209.1 and 209.2(a), (b) and (c) (dwelling  
11 units and group housing).

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

16 (i) In-Lieu Fee. By conditional use, the developer may elect to fulfill the obligation to  
17 build housing by paying an in-lieu fee to the Affordable Housing Fund as provided in Section  
18 313 of this Code. No more than a 50 percent reduction of the required housing for a specific  
19 project can be fulfilled by paying an in-lieu fee. Use of these funds shall provide affordable  
20 housing within 2,000 feet of the Van Ness Special Use District. The in-lieu fee shall be  
21 determined by the following formula:

22  
23  
24  
25

1 (1)

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

Residential SQ. FT. Requirement	--	Residential SQ. FT. Developed	=	LOSS
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7 (3)

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

9 (ii) Providing Affordable Housing. By conditional use, the developer may reduce up to  
 10 50 percent of the required amount of on-site housing by maintaining a portion of that housing  
 11 as permanently affordable for the life of the project. Affordable units shall be managed by a  
 12 nonprofit housing agency through a duly executed agreement between the project sponsor,  
 13 the nonprofit agency and the Planning Department. The mix of affordable units retained in the  
 14 project shall conform to the overall dwelling unit size mix of the project. The portion of retained  
 15 residential which shall be affordable will be determined by calculating the number of market  
 16 rate units which could be subsidized by the amount of "in-lieu fee" calculated in Paragraph (i)  
 17 above. The number of square feet of affordable housing shall be calculated in the following  
 18 manner:

19 (1)

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

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

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

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

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

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

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

21 (C) Off-Site Provision of Required Residential Space. For the purpose of calculating  
22 the 3 to 1 ratio between residential and nonresidential use, two or more projects for new  
23 construction within the Van Ness Special Use District may be considered and approved  
24 together as linked projects. The requirements of Paragraph (A) above may be satisfied if the  
25 aggregate amount of occupied floor area for residential use in two or more linked projects is at



1 least three times greater than the aggregate amount of occupied floor area for nonresidential  
2 use.

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

7 (ii) When the Department of City Planning approves an application for a project  
8 containing only nonresidential use and the project is linked to one or more other projects  
9 pursuant to the statement of intent filed with the Department, it shall include as a condition of  
10 approval a requirement prohibiting the project sponsor from commencing any work on the site  
11 until the Zoning Administrator issues a written determination that such work may proceed. The  
12 Zoning Administrator shall not issue such a determination until those permits authorizing the  
13 projects containing residential use have been issued and foundations have been completed at  
14 each such site;

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

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

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

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

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

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

15 (E) Ground Story Uses. Ground-floor street frontages and parking setbacks shall conform  
16 to Section 145.1 of this Code. Ground floor non-residential uses shall have a minimum floor-to-floor  
17 height of 14 feet. Parking shall not be permitted on the ground story of lots abutting Van Ness Avenue  
18 to a depth of 25 feet from Van Ness Avenue. At least 1/2 the total width of structures at the ground  
19 story on lots abutting Van Ness Avenue shall be devoted to entrances, windows or display space. Every  
20 window located at the ground story shall use clear, untinted glass, except for decorative or  
21 architectural accent. Any decorative railings or grillwork, other than wire mesh, shall be at least 75  
22 percent open to view and no more than six feet in height above grade. For the purposes of this Section,  
23 "ground story" shall be defined as the portion of a building included between the upper surface of the  
24 lowest floor and the upper surface of the floor next above, provided such floor level is not more than  
25

1 ~~four feet below grade for more than 50 percent of the total perimeter, or more than eight feet below~~  
2 ~~grade at any point.~~

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

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

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

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

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

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

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

21 (9) Reduction of Ground Level Wind Currents.

22 (A) New buildings and additions to existing buildings shall be shaped, or other wind  
23 baffling measures shall be adopted, so that the development will not cause year-round ground  
24 level wind currents to exceed, more than 10 percent of the time, between 7:00 a.m. and 6:00  
25 p.m., the comfort level of 11 m.p.h. equivalent wind speed in areas of pedestrian use and

1 seven m.p.h. equivalent wind speed in public seating areas. When pre-existing ambient wind  
2 speeds exceed the comfort levels specified above, the building shall be designed to reduce  
3 the ambient wind speeds in efforts to meet the goals of this requirement.

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

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

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

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

16 Section 5. The San Francisco Planning Code is hereby amended by amending Section  
17 253, to read as follows:

18 SEC. 253. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES EXCEEDING  
19 A HEIGHT OF 40 FEET IN R DISTRICTS.

20 (a) Notwithstanding any other provision of this Code to the contrary, in any R District,  
21 except in RC and RTO Districts, established by the use district provisions of Article 2 of this  
22 Code, wherever a height limit of more than 40 feet is prescribed by the height and bulk district  
23 in which the property is located, any building or structure exceeding 40 feet in height shall be  
24 permitted only upon approval by the City Planning Commission according to the procedures  
25 for conditional use approval in Section 303 of this Code.

1 (b) In reviewing any such proposal for a building or structure exceeding 40 feet in  
2 height, the City Planning Commission shall consider the expressed purposes of this Code, of  
3 the R Districts, and of the height and bulk districts, set forth in Sections 101, 206 through  
4 206.3 and 251 hereof, as well as the criteria stated in Section 303(c) of this Code and the  
5 objectives, policies and principles of the Master Plan, and may permit a height of such  
6 building or structure up to but not exceeding the height limit prescribed by the height and bulk  
7 district in which the property is located.

8 Section 6. The San Francisco Planning Code is hereby amended by amending Section  
9 261.1, to read as follows:

10 SEC. 261.1. ADDITIONAL HEIGHT LIMITS FOR NARROW STREETS AND ALLEYS  
11 IN RC, RTO, NC, NCT, AND EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.

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

17 (b) Definitions.

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

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

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

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

3 (c) Controls.

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

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

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

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

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

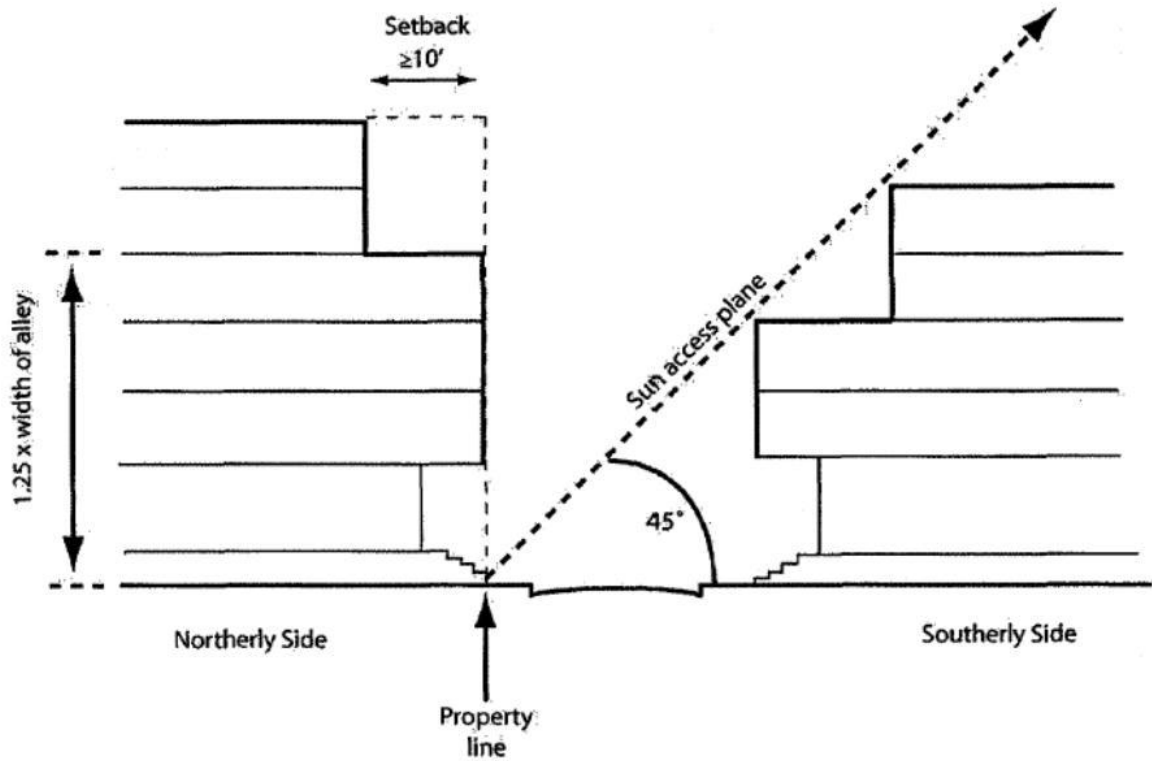


Figure 261.1A

Section 7. The San Francisco Planning Code is hereby amended by amending Section 270.2, to read as follows:

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

(a) Findings. The historically industrial parts of the City, including the South of Market, Showplace Square, Central Waterfront, and Mission, typically have very large blocks. In the South of Market, a typical block is 825 feet in length and 550 feet in width; in Showplace Square and the Central Waterfront blocks extend up to 800 feet in length and greater; and in the Mission many blocks are over 500 feet in length. In areas of the City historically developed



1 as moderate and high-density residential and commercial environments, the block pattern is  
2 much smaller, with many alternate and redundant paths of travels, service alleys, and public  
3 mid-block pedestrian walkways and stairways: the typical North of Market block is 275 feet in  
4 width and not more than 412.5 feet in length, often with minor alleys bisecting these blocks  
5 further into smaller increments.

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

1 shops for people with disabilities and the elderly (Kulash, Development, July/August 1990).  
2 Because there are fewer pedestrian route choices and people must walk on fewer, more-  
3 highly trafficked and busier streets for longer distances, the quality of the pedestrian  
4 experience is severely diminished and there are more conflicts with motor vehicles, with  
5 corresponding heightened concerns for pedestrian safety on major streets.

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

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

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

21 (c) Applicability. This Section applies to all new construction on parcels that have one  
22 or more street frontage<sub>s</sub> of over 200 linear feet on a block face longer than 400 feet between  
23 intersections, and are in the C-3 Districts, Eastern Neighborhoods Mixed Use Districts or DTR  
24 Districts, except for parcels in the RH DTR District, which are subject to Section 827.

25 (d) Requirements.

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

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

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

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

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

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

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

21 (2) Provide pedestrian access;

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

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

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

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

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

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

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

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

13 (11) Be provided with ample pedestrian lighting to ensure pedestrian comfort and  
14 safety;

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

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

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

21 (f) Maintenance. Mid-block paths and alleys required under this Section shall be  
22 maintained at no public expense. The owner of the property on which the alley is located shall  
23 maintain it by keeping the area clean and free of litter and by keeping it in an acceptable state  
24 of repair. Conditions intended to assure continued maintenance of the right-of-way for the  
25 actual lifetime of the building giving rise to the open space requirement may be imposed in

1 accordance with the provisions of Section 309.1 for DTR or 329 for Eastern Neighborhoods  
2 Mixed Use Districts.

3 (g) Informational Plaque. Prior to issuance of a permit of occupancy, a plaque shall be  
4 placed in a publicly conspicuous location for pedestrian viewing. The plaque shall state the  
5 right of the public to pass through the alley and stating the name and address of the owner or  
6 owner's agent responsible for maintenance. The plaque shall be of no less than 24 inches by  
7 36 inches in size.

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

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

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

3  
4 APPROVED AS TO FORM:  
5 DENNIS J. HERRERA, City Attorney

6 By: JUDITH A. BOYAJIAN  
7 Deputy City Attorney