

File No. 110787

Committee Item No. 5

Board Item No. 24

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date September 12, 2011

Board of Supervisors Meeting

Date September 20, 2011

Cmte Board

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Completed by: Alisa Miller Date September 9, 2011

Completed by: Alisa Miller Date September 15, 2011

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

1 [Administrative Code - Eastern Neighborhoods Code Cleanup]

2
3 **Ordinance amending the San Francisco Administrative Code Section 10E.2 to: 1) clarify**
4 **the requirements for the Controller's Assessment in order to improve the City's ability**
5 **to implement the goals, objectives, and policies of the Eastern Neighborhoods Plan;**
6 **and 2) making environmental findings.**

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

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

11 Section 1. The Planning Department has determined that the actions contemplated in
12 this Ordinance are in compliance with the California Environmental Quality Act (California
13 Public Resources Code Sections 21000 et seq.) Said determination is on file with the Clerk of
14 the Board of Supervisors in File No. 110787 and is incorporated herein by reference.

15 Section 2. The San Francisco Administrative Code is hereby amended by amending
16 Section 10E, to read as follows:

17 **SEC. 10E.2. EASTERN NEIGHBORHOODS AREA PLANS MONITORING PROGRAM.**

18 (a) **FINDINGS.**

19 (1) The Board of Supervisors and the Planning Commission have adopted the Eastern
20 Neighborhoods Area Plans as part of the General Plan of the City and County of San
21 Francisco as further described in Ordinance Nos. 297-08, 298-08, 299-08, copies of which are
22 on file with the Clerk of the Board of Supervisors in File Nos. 081152, 081153, 081154 and
23 are incorporated herein by reference. The Area Plans outline specific goals that cumulatively
24 frame the community's vision for the management of growth and development in the Eastern
25

1 Neighborhoods (East SoMa, Mission, Showplace Square/Potrero Hill, and Central
2 Waterfront).

3 (2) The Eastern Neighborhoods Area Plans introduce innovative policies and land use
4 controls to achieve the Plan goals. Successful realization of the Plan's goals requires a
5 coordinated implementation of land use controls, community and public service delivery, key
6 policies, and community infrastructure improvements.

7 (3) The Eastern Neighborhoods Area Plans also establish general public
8 improvements and amenities needed to meet the needs of both existing residents, as well as
9 those needs generated by new development, and identified these in the Eastern
10 Neighborhoods Needs Assessment. A copy of this document is on file with the Clerk of the
11 Board of Supervisors in File No. 081155 and is incorporated herein by reference.

12 (4) In order to ensure a Citywide commitment to implementation of the Eastern
13 Neighborhoods Area Plans, the implementing agencies identified in each Plan's
14 Implementation Matrix, including the Arts Commission, Department of Building Inspection
15 (DBI), Department of Public Health (DPH), Division of Emergency Services (DEM), Capital
16 Planning Committee, City Administrator's Office, Controller's Office, Department of Public
17 Works (DPW), Human Services Agency (HSA), Mayor's Office on Community Investment
18 (MOCI), Mayor's Office of Education, Mayor's Office of Housing (MOH), Office of Economic
19 and Workforce Development (OEWD), or successor offices, Planning Department, Port of San
20 Francisco, Public Utilities Commission (PUC), Recreation and Park Department (RPD), San
21 Francisco County Transportation Authority (SFCTA), San Francisco Unified School District
22 (SFUSD), San Francisco Municipal Transportation Agency (SFMTA), and other necessary
23 agencies, shall be responsible for making progress towards the Plan's policies and
24 implementation measures; for budgeting revenue towards such implementation where
25 possible; and for cooperating with the Planning Department to report on such progress.

1 (5) In order to ensure a balanced implementation of the Eastern Neighborhoods Area
2 Plans, the Planning Department shall institute a formal monitoring program for the Area Plan
3 policies and implementation measures. This monitoring program shall provide basic statistics
4 on development activity, housing construction, and infrastructure improvements in the Eastern
5 Neighborhoods Plan Areas, and shall evaluate the effectiveness of the Plans' implementation
6 according to growth in the Plan Areas.

7 (6) The purpose of this Monitoring Program shall be to provide rigorous monitoring and
8 review of the effectiveness of the Eastern Neighborhoods Area Plans, to ensure rational
9 growth in these neighborhoods, and to ensure implementation of improvements to accompany
10 this growth. The program shall monitor progress towards the Eastern Neighborhoods Area
11 Plans' objectives and policies, by evaluating advancement according to each Plan's matrix of
12 implementation actions; and measure the balance of growth against needed improvements,
13 according to standards established in the Eastern Neighborhoods Needs Assessment.

14 (b) **REPORTING REQUIREMENTS.**

15 (1) **Report.** By July 1st two years after Plan adoption, and on July 1st every five years
16 thereafter, the Planning Department shall prepare a report detailing development activity,
17 housing construction, and infrastructure improvements in the Eastern Neighborhoods Plan
18 Area. The information shall be presented to the Board of Supervisors, Planning Commission,
19 the Citizens Advisory Committee, and Mayor, and shall also include recommendations for
20 measures deemed appropriate to deal with the impacts of neighborhood growth.

21 (2) **Time Period and Due Date.** Reporting shall be presented by July 1st two years
22 after Plan adoption to address the time period since Plan adoption; and by July 1st during
23 each required year thereafter to address the five calendar years immediately preceding.

24 (3) **Data Source.** The Planning Department shall assemble data for the purpose of
25 providing the reports. City records shall be used wherever possible. Outside sources shall be

1 used when data from such sources are reliable, readily available and necessary in order to
2 supplement City records. When data is not available for the exact boundaries of the Plan
3 Area, a similar geography will be used and noted.

4 (4) **Eastern Neighborhoods Implementation Matrix.** The report shall review
5 progress toward each implementation measure specified in each Plan's Implementation
6 Matrix. Copies of these matrices are on file with the Clerk of the Board of Supervisors in File
7 No. 081155 and are incorporated herein by reference. It shall evaluate the actions of each
8 responsible agency/ies according to the timeline specified in the Implementation Matrix, and
9 recommend amendments to implementation measures where relevant. All departments
10 responsible for implementation measures shall cooperate and furnish information relating to
11 their responsibilities as stated in the matrices.

12 (5) **Development Activity.** The report shall detail all development activity in the Plan
13 Area over the Monitoring Period, including additions and deletions of residential and
14 commercial space, and shall include unit size and bedroom count of units constructed, retail
15 space and employment generated, conversions and other development statistics. The
16 monitoring program shall include the following categories of information:

17 (A) **Office Space.** Amount of office space constructed in preceding years and related
18 employment.

19 (B) **Visitor and Hotel Space.** Amount of hotel rooms constructed in preceding years
20 and related employment.

21 (C) **Retail Space.** Amount of retail space constructed in preceding years and related
22 employment.

23 (D) **Business Formation and Relocation.** An estimate of the rate of the
24 establishment of new businesses and business and employment relocation trends and
25 patterns within the City and the Bay Area.

1 (E) **Housing.** An estimate of the number of housing units newly constructed,
2 demolished, or converted to other uses.

3 (6) **Public Benefit.** The report shall detail the construction of any improvements or
4 infrastructure as described in the Eastern Neighborhoods Public Benefits Program, a copy of
5 which is on file with the Clerk of the Board of Supervisors in File No. 081155 and is
6 incorporated herein by reference. The report shall include the following categories of
7 information:

8 (A) **Inclusionary Housing Program.** A summary of the number and income mix of
9 units constructed or assisted through this program, an analysis of units constructed within
10 each alternative, including new alternatives established for the Eastern Neighborhoods UMU
11 districts.

12 (B) **Jobs/Housing Linkage Program.** A summary of the operation of the
13 Jobs/Housing Linkage Program (formerly the Office Affordable Housing Production Program)
14 and the Housing Affordability Fund, identifying the number and income mix of units
15 constructed or assisted with these monies.

16 (C) **Streetscape, Transportation, and Public Realm.** A detailed description of any
17 transportation serving infrastructure completed in the preceding five years, including transit,
18 pedestrian, bike, traffic and other modes of transportation.

19 (D) **Open Space and Recreational Facilities.** A summary of new parks, trails, public
20 rights-of-way, recreational facilities or activity space completed to serve the purposes of
21 recreation in the preceding five years, as well as any improvements to parks or recreational
22 facilities.

23 (E) **Community fFacilities.** An assessment of the existing service capacity of
24 community services and facilities, and of any new services or facilities joining the
25 neighborhood in the past five years. This shall include a review of child care, library services

1 and any other categories deemed relevant, such as health care centers, human services, and
2 cultural centers.

3 (F) **Neighborhood Serving Businesses.** An assessment of neighborhood serving
4 businesses in the area, including their establishment, displacement, and economic health.

5 (7) **Fees and Revenues.** The report shall monitor expenditure of all implemented fees,
6 including the Eastern Neighborhoods Impact Fee and all Citywide fees, and tax revenue, as
7 listed below. It shall report on studies and implementation strategies for additional fees and
8 programming.

9 (A) **Impact Fee.** A summary of the collected funds from the Eastern Neighborhoods
10 Impact Fee collected from development, and a detailed accounting of its expenditure over that
11 same period.

12 (B) **Fiscal Revenues.** An estimate of the net increment of revenues by type (property
3 tax, business taxes, hotel and sales taxes) from all uses.

14 (C) **Fee Adjustments.**

15 (i) The Planning Department shall review the amount of the Eastern Neighborhoods
16 fee against any increases in construction costs, according to changes published in the
17 Construction Cost Index published by Engineering News Record, or according to another
18 similar cost index should there be improvements to be funded through the Eastern
19 Neighborhoods Impact Fee as listed in the Eastern Neighborhoods Program.

20 (ii) The Planning Department shall review the level of the Eastern Neighborhoods
21 housing requirements and fees to ensure they are not so high as to prevent needed housing
22 or commercial development.

23 (8) **Agency Responsibilities.** All implementing agencies identified in the Eastern
24 Neighborhoods Implementation Matrix shall be responsible for:
25

1 (A) Reporting to the Planning Department, for incorporation into the Monitoring report,
2 on action undertaken in the previous reporting period to complete the implementation actions
3 under their jurisdiction, as referenced in the Eastern Neighborhoods Implementation Matrix.

4 (B) Providing an analysis of the actions to be completed in the next reporting period,
5 for incorporation into the Monitoring report, including a description of the integrated approach
6 that will be used to complete those tasks.

7 (i) To the extent the Agencies identified in the Implementation Matrix are outside the
8 jurisdiction of this Board, this Board hereby urges such Agencies to participate in this process.

9 (9) **Budget Implications.** In cooperation with the Annual Progress reports required by
10 Administrative Code Chapter 36.4, and prior to the annual budget process, the Board shall
11 receive a presentation by the Interagency Planning and Implementation Committee and its
12 member agencies to describe how each agency's proposed annual budget advances the
13 Plans' objectives, including specific projects called for by this section. The Board of
14 Supervisors shall give particular consideration to proposed agency budgets that meet the
15 implementation responsibilities as assigned by the City's General Plan, including the Eastern
16 Neighborhoods Implementation Matrix. Budget proposals that do not include items to meet
17 these implementation responsibilities shall respond to Board inquiries as to why inclusion was
18 not possible.

19 (c) **EASTERN NEIGHBORHOODS CAPITAL EXPENDITURE EVALUATION.**

20 (1) **Purpose.** The Board of Supervisors and the Planning Commission have adopted
21 the Eastern Neighborhoods Area Plans in part to further the implementation of capital
22 improvements within the neighborhoods affected by new development, as described in the
23 Eastern Neighborhoods Public Benefits Program and incorporated herein by reference. A
24 Capital Expenditure Evaluation, in conjunction with the Plan's Monitoring Programs, will
25

1 provide a means to measure the balance of growth against these needed improvements, and
2 to evaluate the effectiveness of the Plans' implementation as growth occurs.

3 (2) **Controls.**

4 (A) **Reporting Requirements.** By July 1st five years after Plan adoption, and every
5 five years thereafter, the Planning Department shall submit to the Board of Supervisors and
6 the Office of the Controller an Eastern Neighborhoods Capital Expenditure Evaluation Report.
7 The Eastern Neighborhoods Capital Expenditure Evaluation Report shall specifically report
8 the amount of funds collected to date from the Eastern Neighborhoods Impact Fee. The
9 Capital Expenditure Evaluation Report shall also describe how these funds have been
10 allocated or spent for the purpose of developing capital projects as identified in the Eastern
11 Neighborhoods Priority Capital Project list. The Capital Expenditure Evaluation shall
12 specifically report on allocations of funds or expenditures, based on their percentages share
13 of the total fees collected to date, toward the following Eastern Neighborhoods Priority Capital
14 Project development activities: planning, design, environmental review, approval, and
15 implementation. For the purposes of this section, the "Eastern Neighborhoods Priority Capital
16 Project List" shall mean a list of capital projects which are a priority subset of the full Eastern
17 Neighborhoods Public Benefits Program as set forth in the Eastern Neighborhoods
18 Interdepartmental Memorandum of Understanding and amended from time to time by the
19 Planning Commission with advice from the Eastern Neighborhoods Citizens Advisory
20 Committee. A draft copy of said memorandum is on file with the Clerk of the Board of
21 Supervisors in File No. 081446 and is incorporated herein by reference,

22 (B) **Office of Controller Assessment.** Within 60 days of receiving the Eastern
23 Neighborhoods Capital Expenditure Evaluation Report, the Controller shall assess whether
24 funds collected from the Eastern Neighborhoods Impact Fee are being effectively utilized for
25 capital projects included on the Eastern Neighborhoods Priority Capital Project List, and

1 whether such projects are successfully advancing towards implementation. For the purposes
2 of this section, "effectively utilized" shall mean approximately eighty percent of total Eastern
3 Neighborhoods impact fees collected *in each Improvement Type category (as identified in Tables*
4 *423.5 and 423.5A)* upon issuance of the Eastern Neighborhoods Capital Expenditure
5 Evaluation Report have been allocated to one or more of the projects identified in the Eastern
6 Neighborhoods Priority Capital Projects list, whether or not such projects have been approved
7 or completed, *or that all projects in that Improvement Type category have been funded.* On or after
8 the ten-year anniversary of Plan Adoption the Controller shall also consider whether projects
9 that were initially funded by the issuance of the five year report, or any subsequent updated or
10 revised report, have been fully funded and/or completed, assuming sufficient funds are
11 available from the Eastern Neighborhoods impact fees collected to date.

12 (C) **Inclusion in Annual Capital Plan.** Each year the Planning Department shall submit
13 for inclusion into the City and County of San Francisco Proposed Capital Plan for the current
14 fiscal year, in accordance with Sections 3.20 et seq., a schedule of capital improvements to
15 be funded, developed and implemented within the Eastern Neighborhoods, by neighborhood.
16 That schedule shall illustrate costs and revenue streams, total projects costs and the
17 proposed timeline for implementation.

18 (d) **INTEGRATED PDR REPORTING.**

19 (1) The owner of any property subject to an Integrated PDR Notice of Special
20 Restrictions (NSR) recorded pursuant to Planning Code Section 328 is required to ensure that
21 any new tenants or new occupants of any space that is permitted as Integrated PDR contact
22 the Integrated PDR Program of the Office of Economic and Workforce Development (OEWD),
23 or its successor, to register their respective Integrated PDR business with OEWD's Integrated
24 PDR Program Database and that these same businesses continually update OEWD's PDR
25 Program Database on an annual basis.

1 (2) Upon successful registration of a new Integrated PDR business, OEWD will
2 provide each individual Integrated PDR business registrant with a dated receipt
3 acknowledging that the subject Integrated PDR business has newly registered or updated
4 their existing registration with OEWD. This receipt shall be referred to as an "Integrated PDR
5 Registration Record" for purposes of this Section and Planning Code Section 328. If an
6 Integrated PDR business failed to register for an Integrated PDR Registration Record as of
7 December 31st of the subject year, the OEWD is prohibited from issuing a receipt for that
8 year.

9 (3) It is the responsibility of the owner of any property subject to an Integrated PDR
10 NSR recorded pursuant to Planning Code Section 328 to collect and retain copies of any
11 Integrated PDR Registration Records obtained by any tenant or occupant in a property
12 subject to this Section.

13 (4) Property owners who cannot provide sufficient evidence in the form of Integrated
14 PDR Registration Records to demonstrate to the Planning Department that current and former
15 occupants of any Integrated PDR space have satisfied the initial registration and annual
16 reporting requirements outlined in this Section will not be eligible for any waivers or reductions
17 of Outstanding Discount-Program Fees as set forth in Planning Code Section 328.

18 (5) OEWD, or its successor, shall make available summary reports of any and all
19 Integrated PDR business data collected pursuant to this program at the request of the
20 Planning Department staff or the Planning Commission, as necessary for their enforcement of
21 any provisions of the Planning Code or for general information.

22 (6) OEWD, or its successor, shall provide a 5-year summary report on the status of
23 employment of disadvantaged workers, as defined in Planning Code Section 328(b)(2) and
24 the profile of all businesses registered under this program within 6 months of the 5-year
25 anniversary of the adoption of this Section. This summary report shall contain data on the total

1 number and types of businesses occupying Integrated PDR space, as well the total
2 percentage share of the total workforce employed by businesses occupying Integrated PDR
3 space that qualify as disadvantaged workers as of the 5-year anniversary of the effective date
4 of this Section.

5 (e) **EASTERN NEIGHBORHOODS CITIZENS ADVISORY COMMITTEE.**

6 (1) **Establishment and Purpose.** An Eastern Neighborhoods Citizens Advisory
7 Committee (CAC) is hereby established. Within 6 months of adoption of the Eastern
8 Neighborhoods Area Plan and related Planning Code changes, the Mayor and the Board of
9 Supervisors shall have appointed all members to the CAC. The CAC shall be the central
10 community advisory body charged with providing input to City agencies and decision makers
11 with regard to all activities related to implementation of the Eastern Neighborhoods Area
12 Plans. The CAC is established for the purposes of providing input on the prioritization of
13 Public Benefits, updating the Public Benefits program, relaying information to community
14 members in each of the four neighborhoods regarding the status of development proposals in
15 the Eastern Neighborhoods, and providing input to Plan Area monitoring efforts as
16 appropriate. The CAC shall be advisory, as appropriate, to the Planning Department, the
17 Interagency Planning & Implementation Committee (IPIC), the Planning Commission and the
18 Board of Supervisors. The CAC may perform the following functions as needed:

19 (A) Collaborate with the Planning Department and the Interagency Plan
20 Implementation Committee on prioritizing the community improvement projects and identifying
21 implementation details as part of annual expenditure program that is adopted by the Board of
22 Supervisors;

23 (B) Provide an advisory role in a report-back process from the Planning Department on
24 enforcement of individual projects' compliance with the Area Plans standards and on specific
25

1 conditions of project approvals so that those agreements will be more effectively
2 implemented;

3 (C) Collaborate with the Planning Department and relevant city agencies in the
4 monitoring of the Plans' implementation program at approximately every fifth year, in
5 coordination with the Monitoring Program required by the Administrative Code Section 10.E;
6 and provide input to Plan Area monitoring efforts for required time-series reporting.

7 **(2) Representation and Appointments.**

8 (A) The CAC shall consist 19 members representing the diversity of the Eastern
9 Neighborhoods; key stakeholders, including resident renters, resident homeowners, low-
10 income residents, local merchants, established neighborhood groups within the Plan Area;
11 and other groups identified through refinement of the CAC process. The 19 members of the
12 CAC shall be comprised of 15 voting members and 4 non-voting members as set forth below.

13 (B) All members shall live, work, own property or own a business in the Eastern
14 Neighborhoods Plan Area they are appointed to represent. For purposes of this Subsection,
15 the Eastern Neighborhoods Plan Area also shall include the Western SoMa Planning Area
16 Special Use District as set forth in Planning Code Section 823.

17 (C) The Board of Supervisors shall appoint a total of nine members to the CAC, with
18 two members representing each of the four Eastern Neighborhoods Plan Areas. Based on this
19 representational requirement and the Supervisorial District boundaries, the District 10
20 Supervisor shall nominate 4 four CAC members, the District 6 and District 9 Supervisors shall
21 nominate two CAC members, and the District 8 Supervisor shall nominate one CAC member.
22 The appointment of each of the Board's CAC nominees shall be confirmed by the full Board of
23 Supervisors.

1 (D) The Mayor shall appoint a total of six members, with one voting member
2 representing each of the four neighborhoods, and two voting at-large members. In addition,
3 the Mayor shall appoint two non-voting at-large members.

4 (E) The Western SoMa Planning Area Task Force shall appoint two non-voting
5 members representing the Western SoMa Planning Area Special Use District. Should the
6 Task Force be terminated or otherwise stop meeting for a period of 6 months or more, the
7 Board President shall appoint the members representing the Western SoMa Planning Area
8 Special Use District. In either case, these CAC members shall be confirmed by the full Board
9 of Supervisors.

10 (F) Members shall serve for two-year terms, but those terms shall be staggered such
11 that, of the initial membership, some members will be randomly selected to serve four year
12 terms and some will serve two year terms.

13 (G) At the first official meeting of the CAC, which shall not occur until at least 13 voting
14 members of the CAC have been appointed by the respective appointment process, a lottery
15 shall be conducted in order to randomly select four Board of Supervisors appointees and two
16 Mayoral appointees to serve four-year terms. At a subsequent meeting, when the final two
17 voting members of the CAC have been appointed by the respective appointment process, a
18 lottery shall be conducted in order to randomly select which member shall serve a four-year
19 term. At a subsequent meeting, when the four non-voting members of the CAC have been
20 appointed by the respective appointment process, a lottery shall be conducted in order to
21 randomly select one Western SoMa Planning Area Special Use District member and one
22 Mayoral appointee to serve a four-year term. The terms of the final two voting members and
23 all non-voting members shall be deemed to start on the date of the first official meeting of the
24 CAC.
25

1 (H) The Board of Supervisors, Mayor, or Western SoMa Planning Area Task Force
2 may renew a member's term by repeating the respective appointment process.

3 (I) If the Board of Supervisors approves legislation to establish an area-specific impact
4 fee for all or a portion of the Western SoMa Planning Area Special Use District and the fee is
5 integrated into the Eastern Neighborhoods Impact Fee, the four non-voting members of the
6 CAC shall automatically become voting members on the effective date of said legislation.

7 (3) **Committees or Working Groups of the CAC:** According to procedures set forth
8 in bylaws adopted by the CAC, the CAC may, at its discretion create subcommittees or
9 working groups based around geographic areas or functional issues. Each of these
10 subcommittees or working groups shall contain at least one CAC member who is eligible to
11 vote, but may also be comprised of individuals who are not members of the CAC. If a non-
12 voting member of the CAC serves on a subcommittee or working group that individual may act
13 as a voting member of the subcommittee or working group.

14 (4) **Staffing for Eastern Neighborhoods Citizens Advisory Committee:** The
15 Planning Department or Interagency Plan Implementation Committee shall designate
16 necessary staffing from relevant agencies to the CAC, as needed to complete the
17 responsibilities and functions of the CAC described in this code. To the extent permitted by
18 law, staffing and administrative costs for the CAC shall be funded through the Eastern
19 Neighborhoods Public Benefits Fund. Staff shall participate in the Interagency Planning and
20 Implementation Committee as set forth in Administrative Code Section 36.

21 (5) The Eastern Neighborhoods CAC will automatically terminate on December 31,
22 2020, unless the Board of Supervisors extends the CAC's term by Ordinance.

1 Section 3. Effective Date. This ordinance shall become effective 30 days from the
2 date of passage.

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

5
6 By:


7 JUDITH A. BOYAJIAN
8 Deputy City Attorney

LEGISLATIVE DIGEST

[Planning Code - Eastern Neighborhoods Code Cleanup]

Ordinance amending various sections of the San Francisco Planning Code to: 1) improve the City's ability to implement the goals, objectives, and policies of the Eastern Neighborhoods Plan; 2) make technical corrections to the Code; 3) update land use tables in the Eastern Neighborhoods; 4) clarify language for affordable housing tiers and the use of historic buildings in the UMU District; 5) clarify permitted modifications for large project authorizations in the Eastern Neighborhoods; and 6) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan, and the Priority Policies of Planning Code Section 101.1.

[Administrative Code - Eastern Neighborhoods Code Cleanup]

Ordinance amending the San Francisco Administrative Code Section 10E.2 to: 1) clarify the requirements for the Controller's assessment in order to improve the City's ability to implement the goals, objectives, and policies of the Eastern Neighborhoods Plan; and 2) making environmental findings.

[Zoning Map Amendments - Eastern Neighborhoods Code Cleanup]

Ordinance amending San Francisco Zoning Map Sheets ZN01, ZN07, ZN08, and SU08 to: 1) correct technical errors made in Ordinance No. 299-08; and 2) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Existing Law

There are three ordinances for the Eastern Neighborhoods Code Cleanup: (1) amendments to various sections of the Planning Code, (2) amendments to the City's Zoning Map to rezone a number of properties within the Eastern Neighborhoods, and (3) amendments to Section 10E.2 of the Administrative Code regarding the Controller's Assessment of the Eastern Neighborhoods Capital Expenditure Evaluation Report.

The following Planning Code Sections are amended: Section 102.5 (definition of "District"), Section 121.8 (Non-Residential Use Size Limits for PDR Districts), Section 134 (Rear Yards in R, NC, C, SPD, M, MUG, MUO, MUR, UMU, RSD, SLR, SLI and SSO Districts), Section 135 (Usable Open Space for Dwelling Units and Group Housing in R, NC, Mixed Use, C, and M Districts), Section 140 (All Dwelling Units in All Use Districts to Face on an Open Area), Section 145.1 (Street Frontages in Neighborhood Commercial, Residential-Commercial, Commercial, and Mixed Use Districts), Section 145.5 (Ground Floor Standards in Industrial

Districts), Section 151.1 (Schedule of Permitted Off-Street Parking Spaces in Specified Districts), Section 157.1 (Conditional Use Applications for Non-Accessory Parking Garages in Eastern Neighborhoods Mixed Use Districts and DTR Districts), Section 175.8 (Sunset for Integrated PDR Uses), Section 207.1 (Rules for Calculation of Dwelling Unit Densities), Sections 218 and 217 (Use District Tables for certain uses in Commercial, Industrial, and PDR Districts), Section 231A (Demolition of Industrial Buildings in PDR Districts, Replacement Requirements), Section 249.36 (Life Science and Medical Special Use District), Section 249.37 (Innovative Industries Special Use District), Section 249.38 (Transit-Oriented Retail Special Use District), Section 329 (Large Project Authorization in Eastern Neighborhoods Mixed Use Districts), Section 352 (Commission and Zoning Administrator Hearing Applications), Section 401 (Article 4 Definitions), Section 411.3 (Application of TIDF), Sections 419.2 and 419.5 (Additional Definitions and Alternatives to the Inclusionary Housing Component for Residential Development Housing Requirements in the Eastern Neighborhoods UMU Zoning Districts and the Land Dedication Alternative in the Mission NCT Districts), Section 423.5 (the Eastern Neighborhoods Public Benefits Fund), Section 607.2 (Signs in Mixed Use Districts), Section 726 (Zoning Control Table for the Valencia Street Neighborhood Commercial District), Section 734 (Zoning Control Table for NCT-2 Districts), Section 735 (Section Zoning Control Table for the SOMA Neighborhood Commercial District), Section 736 (Zoning Control Table for the Mission Street Neighborhood Commercial Transit District), Section 781.5 (Mission Street Neighborhood Commercial Transit District), Section 803.3 (Uses Permitted in Eastern Neighborhoods Mixed Use Districts and South of Market Mixed Use Districts), Section 803.8 (Housing in Mixed Use Districts), Section 803.9 (Commercial Uses in Mixed Use Districts), Section 814 (Zoning Control Table for the SPD – South Park District), Section 840 (MUG – Mixed Use General District), Section 841 (MUR – Mixed Use – Residential District), Section 842 (Zoning Control Table for the MUO – Mixed Used – Office District), Section 843 (Zoning Control Table for the UMU – Urban Mixed Use District), Section 890.49 (Definition of Integrated PDR), and Section 890.54 (Definition of Light Manufacturing, Whole Sales, Storage).

Amendments to Current Law

Zoning Map. The majority of the proposed Zoning Map amendments ensure that all individual condominiums have the same zoning as the property on which they are located; these rezonings do not affect the allowed use or height of the building or the individual condominiums. Other amendments correct the zoning of parcels that were incorrectly rezoned in the original Eastern Neighborhoods Zoning Map amendments.

Administrative Code. The proposed amendments update the language so that 80 percent of Eastern Neighborhood development impact fees will be allocated to priority projects within each improvement category, or until all the priority projects are funded.

Planning Code. The majority of the proposed amendments involve technical corrections and nonsubstantive clarifications of Code language. However, the following substantive policy changes are proposed: (1) amending and clarifying the Zoning Administrator's criteria for

administrative rear yard modifications for Eastern Neighborhoods projects; (2) amending land use tables in the Mixed Use, Neighborhood Commercial, and PDR Districts that fall in the Eastern Neighborhoods plan area to provide controls for Internet Service Exchange, Tobacco Paraphernalia, Specialty Food – Self Service, and Amusement Arcades; (3) amending Large Project Authorizations in Eastern Neighborhoods to allow and provide criteria for the Planning Commission's modification of accessory use provisions for certain dwelling units in Eastern Neighborhood Mixed Use Districts; (4) amending the affordable housing Tier language in the UMU District so that any change of use in an existing space from non-residential to residential is subject only to the lowest affordability tier for the adaptive reuse of existing buildings; and (5) amending the office controls in the UMU District so that office uses greater than 25,000 square feet in historic buildings do not require a Conditional Use Authorization.

Background Information

The proposed Zoning Map amendments will correct the following oversights contained in the original Eastern Neighborhoods Zoning Map amendments: (1) Condominium conversions that occurred near the time of the Eastern Neighborhood's adoption were not included in the reclassification to the new zoning, height, and Special Use Districts (SUDs). (2) The new Innovative Industries SUD was only intended for the parcels that include the American Industrial Center on 3rd Street. However, the map ordinance for the SUD unintentionally included much of the property in the Eastern Neighborhoods zoned for PDR. (3) Due to technical errors, several individual properties were incorrectly zoned and thus stand out from the properties that surround them.

The Administrative Code currently requires that 80 percent of all Eastern Neighborhood development impact fees be allocated to one or more of the projects identified in the Eastern Neighborhoods Priority Capital Projects list. However, this is in conflict with Planning Code Section 423.5, which requires specific percentages of those fees to be allocated toward certain improvement types (affordable housing, open space, etc.). The proposed amendments to the Administrative Code update the language to avoid the conflict between the Planning and Administrative Codes while still allowing priority projects to be funded.

The amendments to the Planning Code's land use tables will provide controls for Internet Services Exchange, Tobacco Paraphernalia, Specialty Food – Self Service, and Amusement Arcades for certain zoning districts that fall in the Eastern Neighborhood plan area that were either inadvertently excluded in the original Eastern Neighborhoods code language or inadvertently removed by subsequent legislation. Amending Large Project Authorizations in Eastern Neighborhoods to allow the Planning Commission to modify accessory use provisions for certain dwelling units will provide greater flexibility of uses on the ground floors of new projects. The amendments to the affordable housing Tier language in the UMU District are consistent with recently updated development impact fee policy. Amending the office controls in the UMU District will make them consistent with the intent to help preserve historic buildings by permitting a larger range of uses as of right.



SAN FRANCISCO
PLANNING DEPARTMENT

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2011 JUL 22 AM 11:59

BY AK

July 22, 2011

Ms. Angela Calvillo, Clerk
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

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Suite 400
San Francisco,
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Planning
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Re: Transmittal of Planning Case Number 2011.0559TZ:
Eastern Neighborhoods Code Cleanup
Board File Nos. ~~110706~~ (Pending)

110707
110708

Recommendation: Approval

Dear Ms. Calvillo,

On June 23, 2011, the San Francisco Planning Commission (hereinafter "Commission") initiated the proposed Ordinance. On July 21, 2011, the Commission conducted a duly noticed public hearings at a regularly scheduled meeting to consider the proposed Ordinance.

At the July 21st Hearing, the Commission voted 4-0 to recommend approval of the proposed Ordinance which would 1) improve Code readability and ease of application with regard to Eastern Neighborhoods; 2) correct technical errors such as incorrect section references, punctuation errors, and similar typos; 3) update criteria for rear yard modifications in the Eastern Neighborhoods; 4) update land use tables in the Eastern Neighborhoods to include omitted and/or deleted land uses; 5) add provisions to modify accessory use criteria for Large Project Authorizations in Eastern Neighborhoods Mixed Use Districts; 6) update affordable housing tiers for existing buildings in the UMU District; 7) and clarify language regulating the use of historic buildings in the UMU District.

The attached resolution and exhibits provide more detail about the Commission's action. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

AnMarie Rodgers
Manager of Legislative Affairs

cc: City Attorney Judith Boyajian
Steve Wertheim and Corey Teague, Planning Department staff

Attachments (one copy of the following):
Planning Commission Resolution No. 18412

Department Executive Summary
Guide to the Draft Ordinance
Draft Ordinance Amending the Planning Code
Draft Ordinance Amending the Administrative Code
Draft Ordinance Amending the Zoning Map



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 18412

HEARING DATE: JULY 21, 2011

Case No.: 2011.0559TZ
Project: Eastern Neighborhoods Code Cleanup
Staff Contact: Steve Wertheim – (415) 558-6612
steve.wertheim@sfgov.org
Corey Teague – (415) 575-9081
corey.teague@sfgov.org

Recommendation: Approval

APPROVING AMENDMENTS TO THE PLANNING CODE, ADMINISTRATIVE CODE, AND ZONING MAP SHEETS ZN01, ZN07, ZN08, AND SU08 TO IMPROVE THE CITY'S ABILITY TO IMPLEMENT THE GOALS, OBJECTIVES, AND POLICIES OF THE EASTERN NEIGHBORHOODS PLAN, MAKE TECHNICAL CORRECTIONS TO THE PLANNING CODE, UPDATE LAND USE TABLES IN THE EASTERN NEIGHBORHOODS, CLARIFY LANGUAGE FOR AFFORDABLE HOUSING TIERS AND THE USE OF HISTORIC BUILDINGS IN THE UMU DISTRICT, AND TO CLARIFY PERMITTED MODIFICATIONS FOR LARGE PROJECT AUTHORIZATIONS IN THE EASTERN NEIGHBORHOODS.

PREAMBLE

WHEREAS, the City adopted the Eastern Neighborhoods Plan and associated Planning Code, Administrative Code, and Zoning Map amendments, which became effective January 19, 2009; and

WHEREAS, some Planning Code sections contained technical errors making it difficult for the public to comprehend and staff to consistently implement the Code; and

WHEREAS, the Zoning Map contained technical errors that were not intended as part of the Eastern Neighborhoods plan; and

WHEREAS, amendments to the Planning Code and Administrative Code are needed to better implement the goals and objectives of the Eastern Neighborhoods Plan; and

WHEREAS, the proposed legislation is intended to resolve the aforementioned issues;

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Resolution No.
Hearing Date: July 21, 2011

Case No 2011.0559TZ
Eastern Neighborhoods Code Cleanup

WHEREAS, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on June 23, 2011; and

Whereas, it has been determined that the Eastern Neighborhoods Final EIR covers the CEQA review of the proposed Ordinance; and

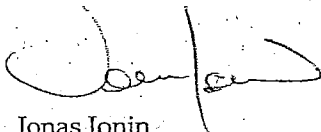
WHEREAS, the Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, the all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Commission has reviewed the proposed Ordinances:

MOVED, that the Commission hereby recommends that the Board of Supervisors recommends approval of the proposed Ordinance and adopts this Resolution to that effect.

I hereby certify that the foregoing Resolution was ADOPTED by the San Francisco Planning Commission on July 21, 2011.



Jonas Ionin
Acting Commission Secretary

AYES: Antonini, Borden, Miguel, Sugaya,

NOES:

ABSENT: Fong, Moore, Olague



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code, Administrative Code, and Zoning Map Amendments HEARING DATE: JULY 21, 2011; INITIATION HEARING DATE: JUNE 23, 2011

Case No.: 2011.0559TZ

Project: Eastern Neighborhoods Code Cleanup

Staff Contact: Steve Wertheim – (415) 558-6612
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Corey Teague – (415) 575-9081
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Recommendation: Approval

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The action before the Commission is approval of the Planning Code, Administrative Code, and Zoning Map amendments described below. These amendments were initiated by the Planning Commission on June 23, 2011, and were duly noticed in a newspaper ad on June 29, 2011.

PLANNING CODE AMENDMENT

The proposed Ordinances will amend the Planning Code (hereinafter "Code") to achieve the following: 1) improve Code readability and ease of application with regard to Eastern Neighborhoods; 2) correct technical errors such as incorrect section references, punctuation errors, and similar typos; 3) update criteria for rear yard modifications in the Eastern Neighborhoods; 4) update land use tables in the Eastern Neighborhoods to include omitted and/or deleted land uses; 5) add provisions to modify accessory use criteria for Large Project Authorizations in Eastern Neighborhoods Mixed Use Districts; 6) update affordable housing tiers for existing buildings in the UMU District; 7) and clarify language regulating the use of historic buildings in the UMU District.

The majority of this proposed legislation involves technical corrections and clarifications of Code language, which do not amount to substantive changes to the Code. However, there are some proposed substantive policy changes of note, including the following:

- Amending and clarifying the criteria for administrative rear yard modifications by the Zoning Administrator for Eastern Neighborhood projects.
- Amending land use tables in Eastern Neighborhood Mixed Use, Neighborhood Commercial, and PDR Districts that fall in the Eastern Neighborhoods plan area to provide controls for Internet Services Exchange, Tobacco Paraphernalia, Specialty Food – Self Service, and Amusement

Arcades where they had been inadvertently excluded in the original Eastern Neighborhoods code language or inadvertently removed by subsequent legislation.

- Amending Large Project Authorizations in Eastern Neighborhoods to allow and provide criteria for the modification of accessory use provisions for certain dwelling units in Eastern Neighborhood Mixed Use Districts by the Planning Commission in order to provide greater flexibility of uses on the ground floors of new projects.
- Amending affordable housing Tier language in the UMU District so that any change of use in an existing space from non-residential to residential shall be subject only to the lowest affordability tier, which is consistent with recently updated development impact fee policy to use the lowest fee tier for the adaptive reuse of existing buildings.
- Amending office controls in the UMU District so that office uses greater than 25,000 square feet in historic buildings do not require a Conditional Use Authorization to be consistent with the intent to help preserve historic buildings by permitting a larger range of uses as of right.

ADMINISTRATIVE CODE AMENDMENT

The Administrative Code currently requires that 80 percent of all Eastern Neighborhood impact fees be allocated to one or more of the projects identified in the Eastern Neighborhoods Priority Capital Projects list. However, this is in conflict with Planning Code Section 423.5, which requires specific percentages of Eastern Neighborhood impact fees to be allocated toward certain improvement types (affordable housing, open space, etc.).

The Administrative Code amendment updates the language so that 80 percent of Eastern Neighborhood impact fees will be allocated to priority projects within each improvement category, or until all the priority projects are funded, which will avoid the conflict between the Planning and Administrative Codes while still allowing priority projects to be funded.

ZONING MAP AMENDMENT

The original Eastern Neighborhoods Zoning Map Amendment included several unintended oversights. Specifically, the proposed Zoning Map Amendment will correct the following issues:

- Condominium conversions that occurred near the time of Eastern Neighborhood's adoption were not included. Therefore, some properties were rezoned to new Eastern Neighborhoods district while the new condos were not reclassified to the new zoning, height, and Special Use Districts.
- The Innovative Industries Special Use District (SUD) created through the Eastern Neighborhoods process was only intended for the parcels that include the American Industrial Center on 3rd Street. However, the map ordinance for the SUD unintentionally included much of the property in Eastern Neighborhoods zoned for PDR.

- Due to technical errors, several individual properties were incorrectly zoned and thus stand out from the properties that surround them.

REQUIRED COMMISSION ACTION

The proposed Resolution is before the Commission so that it may recommend approval or disapproval of the Planning Code, Administrative Code, and Zoning Map amendments.

RECOMMENDATION

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

BASIS FOR RECOMMENDATION

A portion of the proposed changes can be classified as "good government" measures meant to improve the City's ability to implement the goals, objectives, and policies of the Eastern Neighborhoods Plan. Other changes can be classified as technical errors that need to be corrected to improve the ability of decision makers, Department staff, and the public to understand, interpret, and implement the requirements of the Code.

ENVIRONMENTAL REVIEW

Eastern Neighborhoods Final EIR. No subsequent environmental review required.

PUBLIC COMMENT

As of the date of this report, the Planning Department received one comment regarding this proposed legislation. This comment did not express a position on the legislation.

RECOMMENDATION: Approval to initiate

Attachments

- Exhibit A: Draft Planning Commission Resolution to approve the Draft Ordinances
- Exhibit B: Guide to the Draft Ordinances
- Exhibit C: Errata – Changes made since Planning Commission Initiation on June 23, 2011
- Exhibit D: Environmental Review
- Exhibit E: Certificate of Final Environmental Impact Report from the Eastern Neighborhoods Plan, August 7, 2008
- Exhibit F: Map of the Proposed Amendments to the Zoning Map
- Exhibit G: Draft Ordinance Amending the Planning Code
- Exhibit H: Draft Ordinance Amending the Administrative Code
- Exhibit I: Draft Ordinance Amending the Zoning Map

CT: I:\Board of Supervisors\Legislation\Eastern Neighborhoods Code Cleanup\PC Materials\Executive Summary.doc

Guide to the Eastern Neighborhoods Clean-Up Legislation – July 14, 2011

We recognize that the Planning Code is not easy to navigate. Even more difficult is trying to negotiate all the strikethroughs, underlines, and moving text that are part of any proposed Code amendment. The table below is intended to distill the proposed changes and provide as a synopsis of both the proposed changes and the underlying rationale – while providing more detail than an “Executive Summary.”

Proposed Changes to the Planning Code

Sec.	Topic	Issue	Proposed Change
102.5	District definition	Grammatical issue.	At the end, after list of EN MUD, added “Districts” after UMU
121.8	Use Size Limits PDR	Title and text implies this applies to all PDR districts, but table makes clear that it does not. This is a vestige from the Bayview Code, which EN didn't amend.	Made clear that this only applies to PDR-1-B and PDR-2, in the title and text.
134(f)	Rear yards	Language conflates rear yard and open space issues, sets too low a bar for modifications combined with other changes to the rear yard, and incorrectly refers to criteria in 307(h) which is in fact in this section.	Clarified that the criteria is in this section. Clarified the concept of providing comparable rear yards without conflating with open space. Disallowed modifications if other changes to the rear yard are sought – although the option for a Variance is maintained.
135	Residential open space	It isn't clear how much open space should be required for SROs in the EN Mixed Use Districts.	Change so that SROs should have 1/3 of otherwise required open space, in keeping with other districts.
135(d)	Residential open space	Section inappropriate cites Sec. 825 for open space controls, when they are actually in subsection (d)(4) of Sec. 135.	Made correct reference
135(d)(1) through (5)	Residential open space	Subsections are not clear as to controls in EN Mixed Use and DTR Districts.	Language added to clarify and more closely adhere to the tables.
140(b)	Dwelling units – open area	Section references 307(h)(3), although such a section does not exist.	Made correct reference
140(b)	Dwelling units – open area	Section conveys that modification can occur for small projects in historic buildings (through 307(h)), but not large projects. There isn't a policy reason for this restriction on large projects.	Included in 140(b) and 329 that this is something that can be modified.
145.1	Street Frontages	South Park not on the list of districts with ground floor height requirements	South Park added to the list of districts with ground floor height requirements
145.5	Ground floor	Ceiling heights still measured floor-to-ceiling, whereas	Made 17 ft. floor-to-floor instead of 15 floor-to-ceiling.

Sec.	Topic	Issue	Proposed Change
151.1	in industrial districts	floor-to-floor determined to be best practice, and used elsewhere.	
151.1	Parking maximums	We limit parking within 1/4 mile of 4 th St., but this should only be the transit-rich part of 4 th St north of Berry, not the mellow part that winds through Mission Bay.	Clarified that this applies to SoMa portion of 4 th St.
151.1	Parking maximums	In the Table, residential in UMU shouldn't reference 151.1(g), as parking in the UMU is as-of-right.	Removed reference to 151.1(g).
151.1(g)	Parking maximums	Incorrect reference to subsection (g)	Changed to subsection (h)
151.1(h)(A)(B)(C)	Parking maximums	Outline format is incorrect	Changed to (1)(2)(3).
157.1(b)	Parking garages	Language lacked clarity as to when these controls apply.	Revised to provide additional clarity
157.1(e)	Parking garages	There is a lack of clarity as to how we'll effectively enforce pooled residential parking.	Added language that we require NSRs to be placed on both properties regarding the use of the parking.
157.1(e)	Parking garages	Section incorrectly referenced 309 as the section for which an Exception could be granted, and did not cite 309.1 (DTR) and 329 (EN Mixed Use Districts).	Revised language to clarify.
175.8	Sunset for Integrated PDR Uses	Section missing correct reference to the Eastern Neighborhoods Ordinance.	Added correct reference.
207.1(f)	Dwelling unit densities	This should not apply to RTO-M, as RTO-M doesn't have any of the dwelling unit density issues that RTO does. Included references not updated by legislation that created Article 4.	Removed RTO-M. Updated references.
218(b)(c) and (d)	Retail	As written, the Code implies that you could do 2,500 sf of retail, 2,500 sf of grocery, and 2,500 sf of gym.	Nested grocery and gym under retail, so that the max is 2,500 per parcel across all three – unless there's a CU for gyms or grocery.
227	Other Uses	The “##” clause was appropriate when added as part of the Bayview project, because the definition of office was archaic. With EN, the definition was improved, making this clause obsolete and confusing.	Delete the ## clause.
227(e)	Other Uses	Incorrect reference to Internet Service Exchange	Changed reference.
227(h)	Other Uses - Wireless	Unlike every other C-M-PDR district, PDR-1-D doesn't allow wireless.	Changed to allow it
227(i)	Other Uses - Wireless	This use is “Conditional” everywhere but the PDR-1-D District. There isn't a clear rationale for this restriction.	Change to make it Conditional in the PDR-1-D District.
227(r)	Other Uses -	Internet Service Exchange is, at the most restrictive, a	Changed to make it Conditional in these districts.

Sec.	Topic	Issue	Proposed Change
	Internet Service Exchange	Conditional Use everywhere in the City but PDR-1-D and G.	
227(t)(1)(E)	Other Uses - SEW	The definition of uses that can be considered PDR includes Section 227. However, many of these uses do not meet the understanding of what is PDR.	Changed to reflect definition of PDR already utilized in Article 4.
227(t)(1)(E)	Other Uses - SEW	For SEW It says that all workspaces must be accessed from building common areas. However, the larger PDR spaces shouldn't have to be accessed from a common space	Change to allow larger PDR spaces to be accessed from the street, for truck loading purposes.
231A	PDR replacement	Numbering the Section 231A was an administrative mix-up made when the Eastern Neighborhoods were adopted.	Change to 230. Code elsewhere refers to 230.
231A(b)(2)	PDR replacement	The definition of uses that can be considered PDR includes Section 227. However, many of these uses do not meet the understanding of what is PDR.	Changed to reflect definition of PDR already utilized in Article 4.
231A	PDR replacement	When updating in this Section the definition of what constitutes PDR, it removes IPDR and SEW from being used to replace PDR. However, these are uses intended to be OK in the Eastern Neighborhoods' PDR districts.	Add IPDR and SEW as things that can replace PDR.
249.36(c)(1)	Life Science SUD	Reference to 219.1 should have been removed during EN process (we made, then removed, that section in that plan)	Removed reference to 219.1
249.37(b)	Innovative Industries SUD	We say "Life Science" instead of "Innovative Industries"	Added correct reference
249.38	Retail in PDR Special Use	In PDR Districts, groceries stores and gyms can be as large as they want, with a Conditional Use. In the UMU, they need to conform with per-parcel limitations. Thus, in this SUD, grocery stores and gyms actually are more restrictive.	Made sure that grocery stores and gyms can exceed UMU levels in this SUD, in keeping with intent of the SUD.
329(b)(1) and (3)	EN Large Project Authorization	As written, the street frontage criteria for warranting an X case wouldn't capture any new large projects, but could capture things like adding an awning on a building on a long parcel. The height threshold is also unclear as to whether buildings that are already taller than 75 feet would trigger an X case for vertical additions.	Eliminated street frontage criteria, and revised language for clarity.
329(d)(9)	EN Large Project Authorization	Section conveys that modification can occur for small projects in historic buildings (through 307(h)), but not large projects. There isn't a policy reason for this restriction on large projects.	Included in 140(b) and 329 that this is something that can be modified.
329(d)(10)	EN Large Project	We've started allowing exceptions for accessory uses, i.e. "flexible occupancy units". However, we haven't clarified	Allowed this through a modification of accessory uses for large projects. Clarified that these units are foremost

Sec.	Topic	Issue	Proposed Change
	Authorization	the standards.	residential (and subject to appropriate controls and fees), that they must be on the ground floor, that they must be on a street (and not an alley), and that they are coordinated with other agencies which might have additional controls for such a hybrid use.
352(c)(2)	Hearing Fees	The intent is for 329 cases to pay akin to a CU.	Added 329 to the list of cases for which the 2 nd case can be 50% off
401	Definition of Non-residential	The definition of PDR has been revised to remove all uses from Section 227 except subsections (a), (b), and (p). However, these uses have not been added anywhere else, meaning that it is unclear what fees they would pay.	Add all subsections except (a), (b), and (p) to the definition of Non-residential.
411.3(a)(2)(F)(vi)	TIDF application	The sections that are absolved from TIDF are incorrect, reflecting changes to Section 227 that were not also made to Section 411 (which was in the Administrative Code until 2010).	Revised the section to absolve only uses as originally intended in TIDF. The original intent seems to have been to absolve in Subsection F(vi) uses with little transportation impact, and thus the choice to charge the fee to "arts activities" ("p"). To this was added fringe financial ("s"), SEW ("r"), IPDR ("u"), tobacco shops ("v").
419.2	UMU housing definitions	Changes to residential use within existing buildings could be any fee Tier. This is in conflict with the direction taken with fees, which was to support existing buildings by making changes of use the lowest fee tier.	Changed to make housing in existing buildings Tier A
419.2	UMU housing definitions	Not clear what Tier land dedication in the Mission should be.	Made Tier A, recognizing that such parcels are still subject to fee tiers.
419.2	UMU housing definitions	It's unclear what Tier projects fall into, given lack of definition of a "story". Also, incorrect reference made to EN Plan.	Revised language to mirror that made in the Area Plan Impact Fee Leg (Ord 270-10). Added correct reference.
419.5(a)(1)(F)	UMU housing alternatives	Should refer also to the option for 30% 3-bedrooms	Cited relevant Code section.
419.5(a)(2)(B)	UMU housing alternatives	The 2 nd sentence is grammatically challenged. Probably should add "that could" before "be provided on a collective"	Added language.
419.5(a)(2)(D)	UMU housing alternatives	References two-bedroom rule. Should be expanded to discuss 3-bedroom option as well.	Cited relevant Code section.
419.5, Table 419A.4	UMU housing alternatives	Table should be "419.5"	Corrected reference.
419.5,	UMU housing	Asterisk under table says % increases if "two-bedroom"	Cited relevant Code section.

Sec. Table	Topic	Issue	Proposed Change
419A.4	alternatives	requirement is waived". It's confusing, because the rule is more of a bedroom mix requirement than a two-bedroom rule.	
423.5	EN Fund	References Section 423.6 and Admin Code 10E.7 quite a bit, but really it's referencing 423.5 and 10E.2(G).	Corrected references
607.2(e)	Signs: mixed use districts	No reference made to controls in the DTR Districts.	Added DTR to list of districts where General Advertising is not allowed.
607.2(f)(3)(B)	Signs: mixed use districts	Parcels in UMU went from unrestricted business signs (when they were industrially zoned) to highly restricted - no bigger than 150 sf. Since signs can't be grandparented from one business to the next, this is causing consternation.	Changed policy to create sign capacity appropriate for the UMU, which balances the districts historic nature with its classification as a mixed use district.
607.2(f)(3)	Signs: mixed use districts	It's not clear which controls apply to business signs in the DTR Districts	Reference added that clarifies that the controls are the same as all other mixed use districts
726, 734	Valencia NCT and NCT-2	District name not updated in table.	At top of use table, add "Transit" to the name of the district.
734.69, 735.69, 736.69	NCT-2, SoMa NCT, and Mission NCT	Controls for Tobacco Paraphernalia were not added to new EN NC Districts (NCT-2, SoMa, Mission St.) because of overlapping timing of Ord 244-08.	Made all districts C, in keeping with the legislation that created these controls (244-08).
734.69A, 735.69A, 736.69A	NCT-2, SoMa NCT, and Mission NCT	Controls for Specialty Food - Self-Service was not added to new EN NC Districts (NCT-2, SoMa, Mission St.) because of overlapping timing of Ord 245-08.	Added controls in keeping with the legislation that created these controls (245-08). <ul style="list-style-type: none"> In NCT-2, made P, like NC-2. In SoMa, made P, since small self-service restaurant is P. Mission - made C, since small self-service is C and it's C in the other parts of the Mission as well.
734.69B, 735.69B, 736.69B	NCT-2, SoMa NCT, and Mission NCT	Controls for Amusement Arcades was not added to new EN NC Districts (NCT-2, SoMa, Mission St.) because of overlapping timing of Ord 51-09.	Ord 51-09 explicitly made arcades NP except in NC-3 and NCT-3. As such, changed as follows: <ul style="list-style-type: none"> In NCT-2, made NP, like NC-2 In SoMa, made NP, like other NC districts. In Mission NCT, made Conditional Use like NC-3.
735.1	SOMA NCT	Mis-reference in the "Specific Provisions" table	Corrected reference
736.39	Mission NCT	Mis-reference in Code section	Corrected reference
781.5	Mission Alcohol SUD	Portion of this district in which large fast food is NP has been incorporated into the Mission NCT. Thus, need not reference the whole strip.	Changed reference to be from Cesar Chavez to Randall
803.3(b)(1)(B)	Permitted uses in EN Mixed Use	Ref to 316.8 should just be 316, as this refers to all CUs (and there is no 316.8)	Changed reference
803.8(d)	Housing in	The section seems to require a 3:1 ratio of housing in all	Clarified that this is only for new construction, as in similar

Sec.	Topic	Issue	Proposed Change
803.9(b) and (c)	Non-residential uses in mixed use districts	803.9(b) and (c) say that office over 25,000 sf requires a CU; whereas the use tables in 840, 841, 842, and 843 just say "p" for historic buildings. This is an internal conflict. Because UMU allows certain floors of office as of right, but in historic buildings it's a CU over 25,000, it means it may be even MORE restrictive in for historic buildings – not our intent.	In historic buildings, permitted office as-of-right beyond 25,000, recognizing that at that size the project would still require authorization from the Planning Commission.
803.9(h)	Vertical office controls in MUG and UMU	This section prohibits ground floor office space in MUG and UMU. However, there is an exception for certain "retail-like" office uses to be permitted on the ground floor in the land use tables.	Updated language to reference land use tables that permit certain ground floor office uses, and make it clear that such ground floor office use is not considered a "designated office story."
803.9(i)	Retail MUG, MUO, and UMU	Ref to 890.114 (Services, Medical) should be to 890.104 (Sales and Services, Retail)	Changed reference
814.49, 840.65, 841.65, 842.65, 843.65	Office in South Park, MUG, MUR, MUO, and UMU	The reference is wrong for all of these sections. For South Park, we don't even need the distinction between historic and non-historic buildings, as office is P.	Changed reference to 803.9(b) for MUG, MUR, and MUO, and 803.9(c) for UMU.
814.31, 840-843.45	Retail in South Park, MUG, MUR, MUO, and UMU	Retail definition and reference exclude personal service, although this is understood as an acceptable use in these districts	Added reference.
840	MUG	Intro incorrectly states that movie theaters and hotels are permitted.	Updated intro.
840.04-843.04	Setbacks in MUG, MUR, MUO, and UMU	In setbacks, lacking reference to Sec 134	Added reference.
840-843.62	Recreation buildings in MUG, MUR, MUO, and UMU	Refers to recreation buildings in 843.21, but really should be 843.34.	Updated references.
840-843.85 and 86	Labs in MUG, MUR, MUO, and UMU	Refers to 890.53(a), but there is no (a).	Updated references.

Sec.	Topic	Issue	Proposed Change
840.50 and 843.50	MUG and UMU services	It is unclear whether medical, financial, and professional services are a subset of office, retail, or both.	Clarified that these are generally office uses, and that the exception can only be for retail-oriented services.
841	MUR	Intro incorrectly states that movie theaters are not permitted, and that offices are restricted to upper floors.	Updated intro
841.09	MUR	Change reference from 803.8(e) to 803.8(d)	Updated reference
890.49(a)(4)(A)	IPDR	The definition of uses that can be considered PDR includes Section 227. However, many of these uses do not meet the understanding of what is PDR.	Changed to reflect definition of PDR already utilized in Article 4.
890.49(a)(4)(B)(ii)	IPDR	Lacked clarity that personal services are also not permitted to count as PDR.	Clarified reference
890.54(c)	Light manufacturing	Still lists household goods under this definition, though we created 890.54(d) to specifically deal with household goods. Therefore, delete household goods from (c).	Deleted reference

* Unless otherwise noted, Code Sections were downloaded on May 1, 2011.

Proposed Changes to the Administrative Code

Sec.	Topic	Issue	Proposed Change
10E.2(c)	Eastern Neighborhoods	Priority projects require 80% of EN Impact Fee money spent a certain way. But 423.5 says that \$ must be spent according to percentages. And the two are in conflict. Plus, if all the priority projects are funded, but there's still remaining money, that currently wouldn't count as being "effectively utilized."	80% should be spent on priority projects within each category, or until all the priority projects are paid for. That would avoid the conflict and still get them built.

* Unless otherwise noted, Code Sections were downloaded on May 8, 2011.

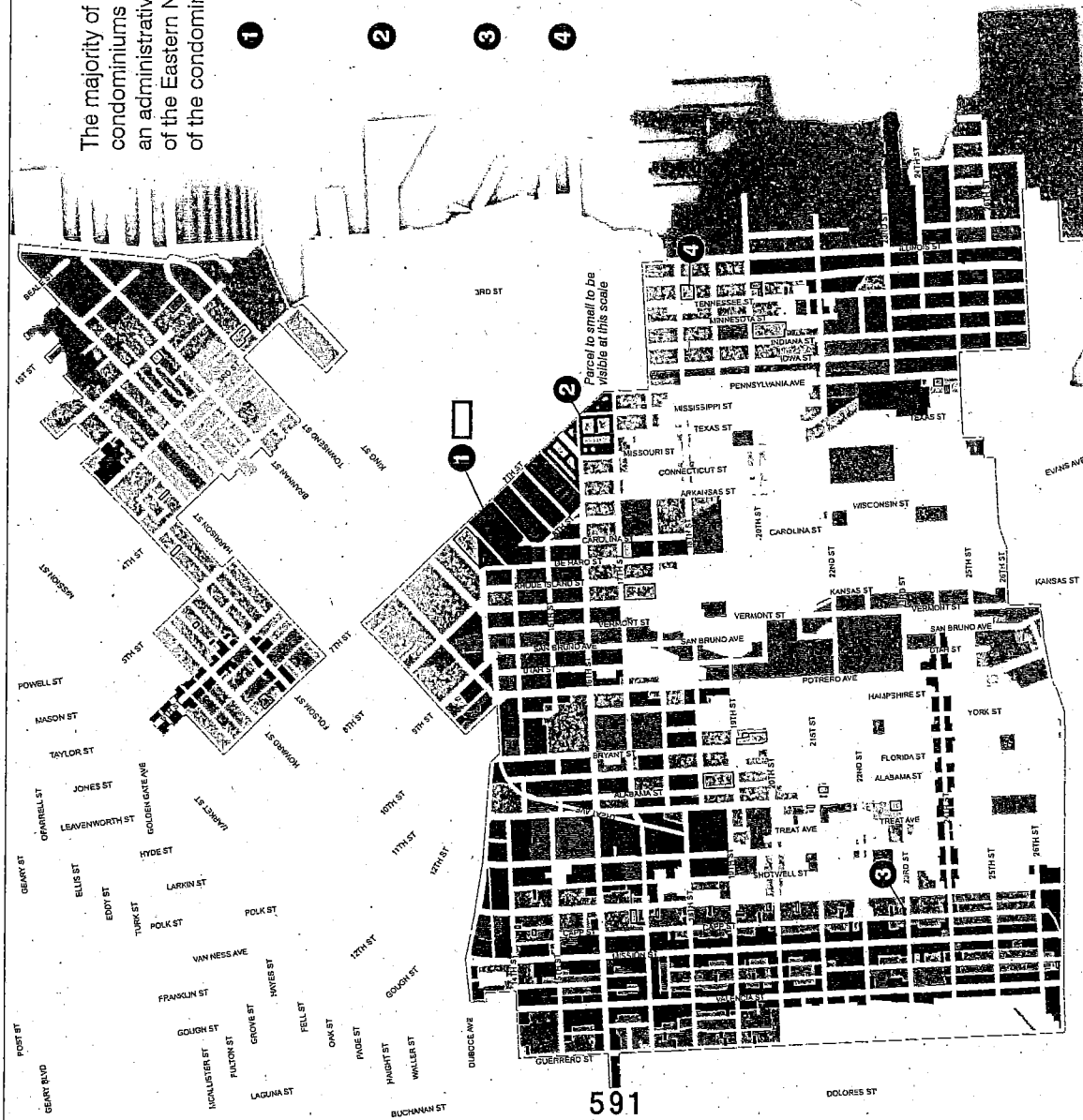
Proposed Changes to the Zoning Map

Sec.	Topic	Issue	Proposed Change
Zoning, Height, and SUD Map	Condo Lots Zoning	Condos that converted near the time of the adoption of the Eastern Neighborhoods were not captured in the process. Thus, the zoning of the land will reflect the EN, but the individual condos will have the old zoning and height, and not be included in new Special Use Districts created during the Eastern Neighborhoods process.	Correct mistakes.
Zoning Map	Innovative Industries SUD	During the Eastern Neighborhoods process, an Innovative Industries SUD was created to cover much of the PDR Districts. During the process, this SUD was reduced only to the American Industrial Center buildings, in return for the creation of IPDR, the Amnesty Program, and other measures. However, this change was not made in the Map	Correct mistake.

Sec.	Topic	Issue	Proposed Change
Zoning Map	Rezoning Error	Legislation itself. In the Eastern Neighborhoods process, Parcel 3949 001A was mistakenly zoned MUR with a 40 foot height limit. This 47 square foot parcel is surrounded by parcels zoned UMU at 68ft.	Rezoning parcel to UMU and 68 ft.
Zoning Map	Rezoning Error	Ordinance 69-87 changed the zoning of 771 Capp St. (Block 3637, Lot 18) to NC-3. However, this change never appeared in the Planning Departments records, and it remained RM-2. Subsequently, the Eastern Neighborhoods changed this parcel from RM-2 to RTO Mission. As such, the previous mistake cannot be administratively corrected.	Correct mistake. Recognizing that all NC-3 parcels in the Mission were rezoned Mission NCT, rezone this parcel Mission NCT.
Zoning, Height, and SUD Map	Lot Merger Error	In 2007, Lots 001, 001A, 002, and 002A of Block 4044 were merged into one Lot - 52. The Eastern Neighborhoods Map Legislation changed the zoning and heights on the former parcels, but did not include Lot 52.	Rezoning parcel 4044 052 to reflect the changes made to the former parcels (4044 001, 001A, 002, and 002A) by the Eastern Neighborhoods Map legislation.

The majority of the proposed zoning map amendments will make sure that all individual condominiums have the same zoning as the property on which they are located. This is an administrative change necessitated by an oversight that occurred during the adoption of the Eastern Neighborhoods Plan in 2008, and will not affect the allowed use or height of the condominiums or the buildings. □

- 1 Removal of the "Innovative Industries Special Use District" from these parcels. This change was made by the Planning Commission in 2008, but due to an oversight the change was not made in the legislation. □
- 2 Rezone this very small parcel (Block 3949 Lot 001A) from MUR to UMU, and from 40 feet to 68 feet, to be consistent with its surrounding properties.
- 3 Rezone this parcel (Block 3637 Lot 018) from RTO-Mission to Mission NCT.
- 4 Rezone this parcel (Block 4044 Lot 052) from M-2 to UMU, from 50-X feet in height to 45-X, 58-X, and 68-X, and add to the Life Science Special Use District.



ZONING DISTRICTS

P	C-3-O	RH-1	RH-2	RH-3	RM-1	RM-2	RTO-M	SB-DTR	SPD	RED	RSB	BLI	SSO	AMG	AUO	AMR	UMU	NC-1	NC-2	NC-3	NCT-2	NOT	M-2	PDR-1-0	PDR-1-G
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