

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, Special 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.