



SAN FRANCISCO PLANNING DEPARTMENT

May 31, 2012

Supervisor Chiu and
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

**Re: Transmittal of Planning Case Number 2011.0533Z and 2011.0532T
BF No. 11-0547 and 11-0548: Parking, Awning, Signs, Exposure, Open
Space, and Limited Conforming Uses.**

Recommendation: Approval with Modifications

Dear Supervisor Chiu and Ms. Calvillo,

On May 3, 2012 and May 17, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearings at a regularly scheduled meeting to consider Phases Two and Three of the proposed Ordinances under Board of Supervisors File Number 11-0547 and 11-0548.

At the May 3rd Hearing, the Commission voted 6-1 to recommend approval with modifications of Phase Two of the proposed Planning Code Text Amendments (Ordinance 11-0548) and voted 6-0, with Commissioner Fong recused, to recommend approval with modifications of Phase Two of the proposed Zoning Map Amendments (Ordinance 11-0547).

At the May 17th Hearing, the Commission voted 5-1 to recommend approval with modifications of Phase Three of the proposed Planning Code Text Amendments (Ordinance 11-0548) and voted 6-0 to recommend approval with modifications of Phase Three of the proposed Zoning Map Amendments (Ordinance 11-0547).

Supervisor, please advise the City Attorney at your earliest convenience if you wish to incorporate the changes recommended by the Commission. The attached resolution and exhibit provides more detail about the Commission's action. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "AnMarie Rodgers", with a horizontal line extending to the right.

AnMarie Rodgers
Manager of Legislative Affairs

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Cc: City Attorneys Judith Boyajian and Marlena Byrne

Attachments (one copy of the following):

Planning Commission Resolution Nos. 18615,
18616, 18626 and 18627
Department Executive Summaries for Phases
Two and Three for both the Planning Code and
Zoning Map Amendments.



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 18615

HEARING DATE: MAY 3, 2012

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Project Name: Amendments relating to:
Parking, Awning, Signs, Exposure, Open Space, and Limited
Conforming Uses.

Case Number: 2011.0532T [Board File No. 11-0548]

Initiated by: Supervisor Chiu / Introduced May 3, 2011

Staff Contact: Aaron Starr, Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362

Reviewed by: AnMarie Rodgers, Manager Legislative Affairs
anmarie.rodgers@sfgov.org, 415-558-6395

Recommendation: **Recommend Approval with Modifications of "Phase Two" Including the Topics of Automotive Uses, Limited Corner Commercial Uses (LCCUs), Accessory Uses, Non-Conforming Uses, and Washington Broadway and Waterfront SUDs.**

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE WITH MODIFICATIONS THAT WOULD AMEND THE SAN FRANCISCO PLANNING CODE BY REPEALING SECTIONS 136.2, 136.3, 158, 187, 249.15, 263.2, 263.3, 602.25, 602.26, 607.3 AND 607.4 AND AMENDING VARIOUS OTHER CODE SECTIONS TO (1) INCREASE THE AMOUNT OF PRINCIPALLY PERMITTED PARKING SPACES FOR DWELLINGS IN RC-4 AND C-3 DISTRICTS, (2) MAKE OFF-STREET PARKING REQUIREMENTS IN THE VAN NESS SPECIAL USE DISTRICT AND RC-3 DISTRICTS CONSISTENT WITH THOSE OF RC-4 DISTRICTS, (3) ELIMINATE MINIMUM PARKING REQUIREMENTS FOR THE CHINATOWN MIXED USE DISTRICTS AND NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICTS, (4) ALLOW EXCEPTIONS FROM REQUIRED PARKING UNDER SPECIFIED CIRCUMSTANCES, (5) AMEND THE RESTRICTIONS ON OFF-STREET PARKING RATES AND EXTEND THEM TO ADDITIONAL ZONING DISTRICTS, (6) REVISE SIGN, AWNING, CANOPY AND MARQUEE CONTROLS IN SPECIFIED ZONING DISTRICTS, (7) INCREASE THE PERMITTED USE SIZE FOR LIMITED CORNER COMMERCIAL USES IN RTO AND RM DISTRICTS, AND ALLOW REACTIVATION OF LAPSED LIMITED COMMERCIAL USES IN R DISTRICTS, (8) REVISE THE BOUNDARIES OF AND MODIFY PARKING AND SCREENING REQUIREMENTS IN THE WASHINGTON-BROADWAY AND WATERFRONT SPECIAL USE DISTRICTS, (9) MODIFY CONTROLS FOR USES AND ACCESSORY USES IN COMMERCIAL AND RESIDENTIAL-COMMERCIAL DISTRICTS, (10) PERMIT CERTAIN EXCEPTIONS FROM EXPOSURE AND OPEN SPACE REQUIREMENTS FOR HISTORIC BUILDINGS, AND (11) MODIFY CONFORMITY REQUIREMENTS IN VARIOUS USE DISTRICTS; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, SECTION 302

FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE PRIORITY POLICIES OF PLANNING CODE SECTION 101.1.

PREAMBLE

Whereas, on May 3, 2011 Supervisor Chiu introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 11-0548 which would amend the San Francisco Planning Code by repealing Sections 136.2, 136.3, 158, 187, 249.15, 263.2, 263.3, 602.25, 602.26, 607.3 and 607.4 and amending various other Code sections to (1) increase the amount of principally permitted parking spaces for dwellings in RC-4 and C-3 Districts, (2) make off-street parking requirements in the Van Ness Special Use District and RC-3 Districts consistent with those of RC-4 Districts, (3) eliminate minimum parking requirements for the Chinatown Mixed Use Districts and North Beach Neighborhood Commercial Districts, (4) allow exceptions from required parking under specified circumstances, (5) amend the restrictions on off-street parking rates and extend them to additional zoning districts, (6) revise sign, awning, canopy and marquee controls in specified zoning districts, (7) increase the permitted use size for limited corner commercial uses in RTO and RM districts, and allow reactivation of lapsed limited commercial uses in R districts, (8) revise the boundaries of and modify parking and screening requirements in the Washington-Broadway and Waterfront Special Use Districts, (9) modify controls for uses and accessory uses in Commercial and Residential-Commercial Districts, (10) permit certain exceptions from exposure and open space requirements for historic buildings, and (11) modify conformity requirements in various use districts; and

Whereas, on December 15, 2011, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance; and

Whereas on February 8, 2012, the legislative sponsor, Board President David Chiu, sent the Commission a memorandum requesting that the Commission not consider certain topics from the proposed Ordinance as it is his intend to remove the following topics from the proposed Ordinance: The C-3 parking changes, Affordable Housing FAR exemptions, changes to Planning Code Section 155(g) having to do with the long term parking rate structure, and proposed changes to Port Property and the expansion of the Waterfront Advisory Committee.

Whereas on March 1, 2012, the Planning Commission considered a portion of the proposed Ordinance, herein referred to as "Phase One", covering the subject areas of Clerical and Minor Modifications, Transfer of Development Rights (TDRS), Limited Commercial Uses, Bike Parking, and Signs; and

Whereas, at the March 1, 2012 hearing, the Commission recommended approval with modifications of Phase One in Resolution Number 18553; and

Whereas, at this same hearing the Commission requested that the remainder of the proposed Ordinance be brought back for two later hearings; and

Whereas, the Commission requested that the next hearing consider the "Phase Two" topics of the same proposed Ordinance including the topics of changes to Automotive Uses, Limited Corner Commercial

Uses (LCCUs), Accessory Uses, Non-Conforming Uses, Washington Broadway and Waterfront SUDs and the Van Ness Avenue SUD; and

Whereas, the Commission further requested that the remainder of the topics of the proposed Ordinance be considered at a later hearing called "Phase Three" that would include the topics of changes to Parking, Opens Space for Commercial Uses, Gross Floor Area and Floor Area Ratio, Streetscape Improvements, Transportation Management, and Powers of the Zoning Administrator; and

Whereas, this hearing is to consider the topics described as "Phase Two"; and

Whereas, the Commission requested that the proposed Changes to the Van Ness SUD which include parking ratio modifications, the elimination of the Van Ness Sign District and the Van Ness Special Sign District for illumination be brought back to the Commission under Phase Three; and

Whereas, the proposed zoning changes have been determined to be exempt from environmental review under the General Rule Exclusion (Section 15061(b)(3) of the CEQA Guidelines); 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 the applicant, Department staff, and other interested parties; and

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

Whereas, the Commission has reviewed the proposed Ordinance; and

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors **approve with modifications** Phase Two of the proposed ordinance. Specifically, the Commission recommends the following modifications:

Auto Uses

1. Modifying the proposed controls for parking lots in Section 223(l) - "parking lots" - for the C-2 District from "prohibited" to "Conditional Use Authorization".
2. Modify proposed Section 223(o) to require a CU for Storage Yards for Commercial Vehicles or Trucks in C-M Districts rather than prohibiting them outright.

LCCUs

3. Do not amend Section 231 to allow LCCUs to have 2,500 sq. ft. or allow them within 100' of a corner. This proposed change should be reviewed when the Market and Octavia Plan undergoes its scheduled 5 year review.
4. Do not add proposed Section 231(k), which requires Conditional Use authorization when converting a dwelling unit to establish a Limited Corner Commercial Use. Dwelling unit conversions are already controlled by Section 317.

Nonconforming Uses

5. Modify the proposed changes to Section 182 so that a nonconforming use can only be converted to one dwelling unit as of right, and require a CU for the conversion of more than one dwelling unit, and remove the provision that allows a non-conforming use to be converted to group housing as of right.
6. Add the following modifications to Section 184 to clarify when surface parking lots would need to cease operation:

Any nonconforming commercial or industrial use of land where no enclosed building is involved in such use, ~~except for permanent off-street parking lots in the C-3-O, C-3-R, C-3-G Districts existing on the effective date of Ordinance 414-85, provided that such lots are screened in the manner required by Section 156(e)~~ shall be eliminated no later than five years and 90 days from the effective date of Ordinance No. [INSERT];

7. Modify Planning Code Section 156 to allow for a 5 year temporary use permit instead of a 2 year temporary use permit.

~~(f)(h)~~ No permanent parking lot shall be permitted in C-3-O, C-3-R, C-3-G and NCT Districts; temporary parking lots may be approved as conditional uses pursuant to the provisions of Section 303 for a period not to exceed two years from the date of approval in NCT Districts and five years from the date of approval in C-3 Districts; permanent parking lots in C-3-S Districts shall be permitted only as a conditional use.

Washington-Broadway SUD

8. Remove the provision in the proposed Ordinance that would change surface parking lots from a conditional use to "not permitted."

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. San Francisco's Planning Code has provided for reduced parking requirements in dense and transit-rich neighborhoods since the 1960s, as a way of reducing traffic congestion, encouraging walking, cycling, and public transit, and making efficient use of scarce land;
2. In 1973, the San Francisco City Planning Commission and Board of Supervisors adopted the "Transit First Policy", giving top priority to public transit investments as the centerpiece of the city's transportation policy and adopting street capacity and parking policies to discourage increases in automobile traffic;

3. Off-street parking facilities increase building costs, which in turn are transferred to costs of housing and doing business. As a land use, off-street parking facilities compete with and displace land uses that provide greater social and economic benefit to the city;
4. A basic assumption of the Transportation Element is that a desirable living environment and a prosperous business environment cannot be maintained if traffic levels continue to increase in any significant way. A balance must be restored to the city's transportation system, and various methods must be used to control and reshape the impact of automobiles on the city. This includes limiting the city's parking capacity, especially long-term parking in commercial areas;
5. On October 26, 2010 the Board of Supervisors adopted the goal of having 20% of trips by bike by the year 2020;
6. The City of San Francisco's Housing Element seeks to remove unnecessary constraints to the construction and rehabilitation of housing;
7. Existing buildings contribute to the unique character of San Francisco. Reusing buildings, rather than demolishing and rebuilding them, can preserve the built character of neighborhoods, as well as foster sustainability by conserving the energy and materials embodied in these buildings.
8. Small commercial uses, although often nonconforming, tend to provide convenience goods and services on a retail basis to meet the frequent and recurring needs of neighborhood residents within a short distance of their homes;
9. Small businesses that combine office, production, retail, and even residential uses are increasingly common in San Francisco, but frequently do not fit into traditional zoning categories. Creating more flexibility in zoning around accessory uses will help add to the vibrancy of the City's neighborhoods and to the City's diverse economic base;
10. Over the years, the Planning Code has been amended and expanded. While many of these changes have been necessary to address emerging issues and changing policy in the City, the current Planning Code can be overly complex and redundant;
11. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

I. HOUSING ELEMENT

OBJECTIVE 1

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

POLICY 1.6

Consider greater flexibility in number and size of units within established building envelopes in community based planning processes, especially if it can increase the number of affordable units in multi-family structures.

POLICY 1.10

Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

OBJECTIVE 8

BUILD PUBLIC AND PRIVATE SECTOR CAPACITY TO SUPPORT, FACILITATE, PROVIDE AND MAINTAIN AFFORDABLE HOUSING.

OBJECTIVE 12

BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION

Policy 12.1

Encourage new housing that relies on transit use and environmentally sustainable patterns of movement.

Phase Two of the proposed Ordinance changes Section 182 to allow "any nonconforming use to be converted to dwelling units or to group housing, in a district where such use is principally permitted, without regard to the requirements of this Code with respect to residential density or required off-street parking." The Commission finds that this change is too broad because it allows any nonconforming use in any Zoning District where housing and group housing are principally permitted to be converted to an unspecified number of dwelling units. The Commission believes that one housing unit is acceptable, but anything more than that should require Conditional Use Authorization. The Commission also feels that that group housing should be excluded from this section.

II. TRANSPORTATION ELEMENT

OBJECTIVE 1

MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT AND INEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY LIVING ENVIRONMENT OF THE BAY AREA

Policy 1.2

Ensure the safety and comfort of pedestrians throughout the city.

Policy 1.3

Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs, particularly those of commuters.

Phase Two of the proposed Ordinance would exempt Automotive Service Stations that are located on Primary Transit Streets or Citywide Pedestrian Network Streets from the conversion process for Automotive Service Station and guide decision makers to consider General Plan polices during this conversion. Similarly, changes recommended by this Commission to require Conditional Use authorization for certain parcel delivery service and storage yards would still permit the use, but provide greater oversight to ensure that the district is still able to serve its primary function.

OBJECTIVE 7

DEVELOP A PARKING STRATEGY THAT ENCOURAGES SHORT-TERM PARKING AT THE PERIPHERY OF DOWNTOWN AND LONG-TERM INTERCEPT PARKING AT THE PERIPHERY OF THE URBANIZED BAY AREA TO MEET THE NEEDS OF LONG-DISTANT COMMUTERS TRAVELING BY AUTOMOBILE TO SAN FRANCISCO OR NEARBY DESTINATIONS.

Policy 7.1

Reserve a majority of the off-street parking spaces at the periphery of downtown for short term parking.

Phase Two of the proposed Ordinance with the recommended modifications would increase scrutiny of parking lots in the C-2 district, by adding a requirement for Conditional Use authorization.

IV. MARKET & OCTAVIA AREA PLAN

In order to track implementation, the Planning Department will monitor vital indicators.

The existing controls for LCCUs were developed as part of an eight year community planning processes about what should be permitted in an RTO district. The intent of the corner store in these districts was to allow for neighborhood serving uses, with a very limited capacity and impact on the residential context. Accordingly the Commission feels that leaving the controls as currently drafted is appropriate. The Commission generally recommends that ideas specific to the community planning efforts be continued through the initial five-year post-plan adoption period, which for the Market Octavia Plan ends May 2013. The Planning Code provides an avenue for re-evaluating these controls after five years. It should be noted that while the LCCU concept was originated with the community planning efforts, these controls currently apply outside of the plan areas in the RM-3 and RM-4 districts.

IV. NORTHEAST WATERFRONT AREA PLAN

Policy 8.2

Limit additional parking facilities in the northeastern waterfront and minimize the impact of this parking. Discourage long-term parking for work trips which could be accommodated by transit.

Restrict additional parking to: (a) short-term (less than four hour) parking facilities to meet needs of additional business, retail, restaurant, marina, and entertainment activities; (b) long-term parking facilities for maritime activities, hotel and residential uses. To the extent possible, locate parking away from areas of intense pedestrian activity. Encourage shared parking at adjacent or nearby facilities.

Policy 8.6

Remove or relocate inland those existing parking facilities on or near the water's edge or within areas of intense pedestrian activity.

Phase Two of the proposed Ordinance allows parking for any principle or conditional use to be waived by the Zoning Administrator per Code Section 161 in all three Waterfront Special Use Districts. The proposed changes are consistent with the way the Code treats other high density, mixed use districts. While the three SUDs vary slightly, their overall character and location are similar enough that they should all be subject to parking waivers under Section 161.

COMMERCE AND INDUSTRY ELEMENT

Policy 6.1

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

Phase Two of the proposed legislation would change the specific restriction, such as horse power, to performance based restrictions (i.e, no noise, vibration or unhealthful emissions beyond the premises). This change replaces arbitrary numerical limits with performance standards to limit disturbances to neighbors. The horsepower limits currently established in the Code can be violated by standard vacuums or coffee grinders. Limiting the number of employees as well as the allowable floor area adds an additional layer of restrictions that isn't necessary if the size restriction already ensures that the use is accessory to the main use.

12. The proposed replacement project is consistent with the eight General Plan priority policies set forth in Section 101.1 in that:

- A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

Phase Two of the proposed Ordinance will not have any negative impact on neighborhood-serving retail uses.

- B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

Phase Two of the proposed Ordinance would allow nonconforming uses to convert to housing without regard to specific requirements in the Planning Code, which will help add housing and preserve neighborhood character by allowing existing buildings to be more easily adapted to new uses.

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

Phase Two of the proposed Ordinance will not have a negative impact on the City's supply of affordable housing.

- D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

Phase Two of the proposed Ordinance will not have any negative impact on commuter traffic or MUNI.

- E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

Phase Two of the proposed Ordinance would not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.

- F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

Preparedness against injury and loss of life in an earthquake is unaffected by the proposed amendments. Any new construction or alteration associated with a use would be executed in compliance with all applicable construction and safety measures.

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

Phase Two of the proposed ordinance would allow Landmark and historic buildings to be adaptively reused more easily by exempting them from certain provisions in the Planning Code, which would reduce the amount of change that is required to add housing to historic buildings and help preserve them for the future.

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

The City's parks and open space and their access to sunlight and vistas would be unaffected by the proposed amendments. It is not anticipated that permits would be such that sunlight access, to public or private property, would be adversely impacted.

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on May 3, 2012

Linda Avery
Commission Secretary

AYES: Commissioners Antonini, Borden, Fong, Miguel, Moore and Wu

NAYS: Commissioner Sugaya

ABSENT: None

ADOPTED: May 3, 2012



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 18616

HEARING DATE: MAY 3, 2012

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Project Name: Zoning Map Amendments – Washington-Broadway Special Use District 1; Waterfront Special Use District 2 and 3; Special Districts for Sign Illumination; and Special Districts for Scenic Streets.

Case Number: 2011.0533Z [Board File No. 11-0547]

Initiated by: Supervisor Chiu / Introduced May 3, 2011

Staff Contact: Aaron Starr, Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362

Reviewed by: AnMarie Rodgers, Manager Legislative Affairs
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Recommendation: **Recommend Approval with Modifications of “Phase Two” Washington-Broadway Special Use District 1; Waterfront Special Use District 2 and 3; and Special Districts for Sign Illumination on Broadway.**

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT WITH MODIFICATIONS A PROPOSED ORDINANCE THAT WOULD AMEND SHEETS SU01, SS01, AND SS02 OF THE SAN FRANCISCO ZONING MAP TO: 1) ADD BLOCKS AND LOTS TO THE WASHINGTON-BROADWAY SPECIAL USE DISTRICT 1; 2) ADD BLOCKS TO THE WATERFRONT SPECIAL USE DISTRICT 2; 3) DELETE BLOCKS AND ADD LOTS TO THE WATERFRONT SPECIAL USE DISTRICT 3; 4) MAKE THE BOUNDARIES OF THE SPECIAL DISTRICT FOR SIGN ILLUMINATION ON BROADWAY CO-EXTENSIVE WITH THE BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT; 5) DELETE THE VAN NESS SPECIAL DISTRICT FOR SIGN ILLUMINATION; AND 6) ADD THE EMBARCADERO FROM TAYLOR STREET TO SECOND STREET TO THE SPECIAL DISTRICT FOR SCENIC STREETS; ADOPTING FINDINGS, INCLUDING 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.

PREAMBLE

Whereas, on May 3, 2011, Supervisor Chiu introduced a proposed Ordinance under Board of Supervisors (hereinafter “Board”) File Number 11-0547 which would amending Sheets SU01, SS01, and SS02 of the San Francisco Zoning Map to: Ordinance amending Sheets SU01, SS01, and SS02 of the San Francisco Zoning Map to: 1) add blocks and lots to the Washington-Broadway Special Use District 1; 2) add blocks to the Waterfront Special Use District 2; 3) delete blocks and add lots to the Waterfront Special Use

District 3; 4) make the boundaries of the Special District for Sign Illumination on Broadway co-extensive with the Broadway Neighborhood Commercial District; 5) delete the Van Ness Special District for Sign Illumination; and 6) add The Embarcadero from Taylor Street to Second Street to the Special District for Scenic Streets; adopting findings, including 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 ; and

Whereas, on December 15, 2011, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance; and

Whereas on February 8, 2012, the legislative sponsor, Board President David Chiu, sent the Commission a memorandum requesting that the Commission not consider certain topics from the proposed Ordinance as it is his intend to remove the following topics from the proposed Ordinance: proposed changes to Port Property and the expansion of the Waterfront Advisory Committee.

Whereas on March 1, 2012, the Planning Commission considered a portion of the proposed Ordinance herein referred to as "Phase One", covering the subject area of the Embarcadero Scenic Street Sign District; and

Whereas, at the March 1, 2012 hearing, the Commission recommended approval with modifications of Phase One in Resolution Number 18554; and

Whereas, at this same hearing the Commission requested that the next hearing consider the "Phase Two" topics of the same proposed Ordinance including the topics of changes to the Washington Broadway and Waterfront SUDs, the Van Ness Special Sign District, and the Special District for Sign Illumination on Broadway and Van Ness; and

Whereas, the May 3, 2012 hearing is to consider the topics described as "Phase Two"; and

Whereas, at the May 3, 2012 hearing the Commission requested that the proposed Changes to the Van Ness SUD, which include the elimination of the Van Ness Sign District and the Special Sign District for illumination on Van Ness be brought back to the Commission under "Phase Three"; and

Whereas, the proposed map changes were determined to be exempt from environmental review under the General Rule Exclusion (Section 15061(b)(3) of the CEQA Guidelines); 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 the applicant, Department staff, and other interested parties; and

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

Whereas, the Commission has reviewed the proposed Ordinance; and

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors **approve with modifications** “Phase Two” of the proposed ordinance. Specifically, the Commission recommends the following modifications:

1. Do not move lots 0015, 0016, and 0017 from the Waterfront SUD No. 3 to the Waterfront SUD No. 2.

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. Having two Washington Broadway SUDs is not necessary, as the existing underlying zoning can accommodate for any differences in land uses. Merging the two helps to simplify the Planning Code.
2. Moving lots 0015, 0016, and 0017 from the Waterfront SUD No. 3 to the Waterfront SUD No. 2 does not create any substantial changes and would unnecessarily complicate the understanding of how the waterfront design review process relates to Port properties.
3. Correcting the zoning map so that it is consistent with the Planning Code is good governance.
4. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:
 - A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

Phase Two of the proposed Ordinance will not have a negative impact on neighborhood-serving retail.
 - B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

Phase Two of the proposed Ordinance would have no impact on existing housing and neighborhood character.
 - C) The City’s supply of affordable housing will be preserved and enhanced:
5. The proposed replacement project is consistent with the eight General Plan priority policies set forth in Section 101.1 in that:

Phase Two of the proposed Ordinance will have no adverse effect on the City's supply of affordable housing.

- D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

Phase Two of the proposed Ordinance will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

- E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

Phase Two of the proposed Ordinance would not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.

- F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

Preparedness against injury and loss of life in an earthquake is unaffected by the proposed amendments. Any new construction or alteration associated with a use would be executed in compliance with all applicable construction and safety measures.

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

Landmarks and historic buildings would be unaffected by the proposed legislation.

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

The City's parks and open space and their access to sunlight and vistas would not be negatively impacted by the proposed legislation.

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on May 3, 2012

Linda Avery
Commission Secretary

AYES: Commissioners Antonini, Borden, Miguel, Moore, Sugaya, Wu

NAYS: none

ABSENT: none

RECUSED Commissioner Fong

ADOPTED: May 3, 2012



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 18626

HEARING DATE: MAY 17, 2012

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Project Name: Amendments relating to:
Parking, Awning, Signs, Exposure, Open Space, and Limited
Conforming Uses.

Case Number: 2011.0532T [Board File No. 11-0548]

Initiated by: Supervisor Chiu / Introduced May 3, 2011

Staff Contact: Aaron Starr, Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362

Reviewed by: AnMarie Rodgers, Manager Legislative Affairs
anmarie.rodgers@sfgov.org, 415-558-6395

Recommendation: **Recommend Approval with Modifications Of "Phase Three"
Including the Topics of Parking, Opens Space for Commercial Uses,
Gross Floor Area and Floor Area Ratio, Streetscape Improvements,
Transportation Management, Powers of the Zoning Administrator, and
the Van Ness SUD and SSD**

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE WITH MODIFICATIONS THAT WOULD AMEND THE SAN FRANCISCO PLANNING CODE BY REPEALING SECTIONS 136.2, 136.3, 158, 187, 249.15, 263.2, 263.3, 602.25, 602.26, 607.3 AND 607.4 AND AMENDING VARIOUS OTHER CODE SECTIONS TO (1) INCREASE THE AMOUNT OF PRINCIPALLY PERMITTED PARKING SPACES FOR DWELLINGS IN RC-4 AND C-3 DISTRICTS, (2) MAKE OFF-STREET PARKING REQUIREMENTS IN THE VAN NESS SPECIAL USE DISTRICT AND RC-3 DISTRICTS CONSISTENT WITH THOSE OF RC-4 DISTRICTS, (3) ELIMINATE MINIMUM PARKING REQUIREMENTS FOR THE CHINATOWN MIXED USE DISTRICTS AND NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICTS, (4) ALLOW EXCEPTIONS FROM REQUIRED PARKING UNDER SPECIFIED CIRCUMSTANCES, (5) AMEND THE RESTRICTIONS ON OFF-STREET PARKING RATES AND EXTEND THEM TO ADDITIONAL ZONING DISTRICTS, (6) REVISE SIGN, AWNING, CANOPY AND MARQUEE CONTROLS IN SPECIFIED ZONING DISTRICTS, (7) INCREASE THE PERMITTED USE SIZE FOR LIMITED CORNER COMMERCIAL USES IN RTO AND RM DISTRICTS, AND ALLOW REACTIVATION OF LAPSED LIMITED COMMERCIAL USES IN R DISTRICTS, (8) REVISE THE BOUNDARIES OF AND MODIFY PARKING AND SCREENING REQUIREMENTS IN THE WASHINGTON-BROADWAY AND WATERFRONT SPECIAL USE DISTRICTS, (9) MODIFY CONTROLS FOR USES AND ACCESSORY USES IN COMMERCIAL AND RESIDENTIAL-COMMERCIAL DISTRICTS, (10) PERMIT CERTAIN EXCEPTIONS FROM EXPOSURE AND OPEN SPACE REQUIREMENTS FOR HISTORIC BUILDINGS, AND (11) MODIFY CONFORMITY REQUIREMENTS IN VARIOUS USE

DISTRICTS; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE PRIORITY POLICIES OF PLANNING CODE SECTION 101.1.

PREAMBLE

Whereas, on May 3, 2011 Supervisor Chiu introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 11-0548 which would amend the San Francisco Planning Code by repealing Sections 136.2, 136.3, 158, 187, 249.15, 263.2, 263.3, 602.25, 602.26, 607.3 and 607.4 and amending various other Code sections to (1) increase the amount of principally permitted parking spaces for dwellings in RC-4 and C-3 Districts, (2) make off-street parking requirements in the Van Ness Special Use District and RC-3 Districts consistent with those of RC-4 Districts, (3) eliminate minimum parking requirements for the Chinatown Mixed Use Districts and North Beach Neighborhood Commercial Districts, (4) allow exceptions from required parking under specified circumstances, (5) amend the restrictions on off-street parking rates and extend them to additional zoning districts, (6) revise sign, awning, canopy and marquee controls in specified zoning districts, (7) increase the permitted use size for limited corner commercial uses in RTO and RM districts, and allow reactivation of lapsed limited commercial uses in R districts, (8) revise the boundaries of and modify parking and screening requirements in the Washington-Broadway and Waterfront Special Use Districts, (9) modify controls for uses and accessory uses in Commercial and Residential-Commercial Districts, (10) permit certain exceptions from exposure and open space requirements for historic buildings, and (11) modify conformity requirements in various use districts; and

Whereas, on December 15, 2011, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance; and

Whereas on February 8, 2012, the legislative sponsor, Board President David Chiu, sent the Commission a memorandum requesting that the Commission not consider certain topics from the proposed Ordinance as it is his intend to remove the following topics from the proposed Ordinance: The C-3 parking and FAR changes, changes to Planning Code Section 155(g) having to do with the long term parking rate structure, and proposed changes to Port Property and the expansion of the Waterfront Advisory Committee.

Whereas on March 1, 2012, the Planning Commission considered a portion of the proposed Ordinance, herein referred to as "Phase One", covering the subject areas of Clerical and Minor Modifications, Transfer of Development Rights (TDRS), Limited Commercial Uses, Bike Parking, and Signs; and

Whereas, at this same hearing the Commission requested that the remainder of the proposed Ordinance be brought back for two later hearings; and

Whereas, the Commission requested that the next hearing consider the "Phase Two" topics of the same proposed Ordinance including the topics of changes to Automotive Uses, Limited Corner Commercial Uses (LCCUs), Accessory Uses, Non-Conforming Uses, and Washington Broadway and Waterfront SUDs, and the Van Ness Avenue SUD and SSD; and

Whereas, the Commission further requested that the remainder of the topics of the proposed Ordinance be considered at a later hearing called "Phase Three" that would include the topics of changes to Parking, Opens Space for Commercial Uses, Gross Floor Area and Floor Area Ratio, Streetscape Improvements, Transportation Management, and the Powers of the Zoning Administrator; and

Whereas, at the March 1, 2012 hearing, the Commission recommended approval with modifications of Phase One in Resolution Number 18553; and

Whereas, at the May 3, 2012 hearing, the Commission requested that the proposed Changes to the Van Ness SUD which include parking ratio modifications, the elimination of the Van Ness Sign District and the Van Ness Special Sign District for illumination be brought back to the Commission under Phase Three; and

Whereas, at the May 3, 2012 hearing, the Commission recommended approval with modifications of Phase Two in Resolution Number 18615; and

Whereas, this hearing is to consider the topics described as "Phase Three"; and

Whereas, the proposed zoning changes have been determined to be exempt from environmental review under the General Rule Exclusion (Section 15061(b)(3) of the CEQA Guidelines); 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 the applicant, Department staff, and other interested parties; and

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

Whereas, the Commission has reviewed the proposed Ordinance; and

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors **approve with modifications** Phase Three of the proposed ordinance. Specifically, the Commission recommends the following modifications:

Clerical Modifications:

1. Section 249.5(a) should also reference map SU02, the North of Market Residential SUD is on both SU01 and SU02.
2. Section 309.1(b)(1)(F) references 827(a)(8)(AO(ii), it should reference 827(a)(8)(A)(ii)
3. Section 151(c)(4) should be amended to read as follows:

“In all districts other than NC, 15 spaces or seven percent of the total gross floor area of the structure or development, which is ever greater, *where no other spaces are required by this Section.*”

This section was moved to Section 151 from another Section of the Code and reformatted. In the process, the underlined portion was inadvertently deleted.

Substantive Changes:

Parking

1. Accept the changes proposed in Supervisor Chiu’s letter dated April 26, 2012 that remove the minimum parking controls and set maximum parking controls in RC Districts and Van Ness Avenue SUD.

Streetscape Improvements

2. Integrate the changed outline in Exhibit A of this Motion, which cover Section 138.1 of the Planning Code.

Powers of the ZA

3. Amend Section 161 of the Planning Code to allow the Zoning Administrator to grant exceptions to off-street parking requirements in C-2 Districts per Section 307. This recommended change would result in allowing administrative exceptions to off-street parking requirements in all districts except the RH and RM districts.

Van Ness Avenue

4. Do not delete the Van Ness Special Sign District from the Planning Code under the proposed Ordinance; this issue should be studied further and possibly introduced under separate legislation.
5. Remove the provision in the Van Ness Special Sign District that allows General Advertising Signs within the Van Ness SSD.
6. Add a grandfathering clause to the legislation that allows projects that have already been approved by the Planning Commission but not yet vested to be exempt from any parking changes on Van Ness Avenue. This includes both commercial and residential projects.

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. San Francisco’s Planning Code has provided for reduced parking requirements in dense and transit-rich neighborhoods since the 1960s, as a way of reducing traffic congestion, encouraging walking, cycling, and public transit, and making efficient use of scarce land;

2. In 1973, the San Francisco City Planning Commission and Board of Supervisors adopted the "Transit First Policy", giving top priority to public transit investments as the centerpiece of the city's transportation policy and adopting street capacity and parking policies to discourage increases in automobile traffic;
3. Off-street parking facilities increase building costs, which in turn are transferred to costs of housing and doing business. As a land use, off-street parking facilities compete with and displace land uses that provide greater social and economic benefit to the city;
4. A basic assumption of the Transportation Element is that a desirable living environment and a prosperous business environment cannot be maintained if traffic levels continue to increase in any significant way. A balance must be restored to the city's transportation system, and various methods must be used to control and reshape the impact of automobiles on the city. This includes limiting the city's parking capacity, especially long-term parking in commercial areas;
5. On October 26, 2010 the Board of Supervisors adopted the goal of having 20% of trips by bike by the year 2020;
6. The City of San Francisco's Housing Element seeks to remove unnecessary constraints to the construction and rehabilitation of housing;
7. Existing buildings contribute to the unique character of San Francisco. Reusing buildings, rather than demolishing and rebuilding them, can preserve the built character of neighborhoods, as well as foster sustainability by conserving the energy and materials embodied in these buildings.
8. Small commercial uses, although often nonconforming, tend to provide convenience goods and services on a retail basis to meet the frequent and recurring needs of neighborhood residents within a short distance of their homes;
9. Small businesses that combine office, production, retail, and even residential uses are increasingly common in San Francisco, but frequently do not fit into traditional zoning categories. Creating more flexibility in zoning around accessory uses will help add to the vibrancy of the City's neighborhoods and to the City's diverse economic base;
10. Over the years, the Planning Code has been amended and expanded. While many of these changes have been necessary to address emerging issues and changing policy in the City, the current Planning Code can be overly complex and redundant;
11. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

I. HOUSING ELEMENT

OBJECTIVE 1

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

POLICY 1.6

Consider greater flexibility in number and size of units within established building envelopes in community based planning processes, especially if it can increase the number of affordable units in multi-family structures.

POLICY 1.10

Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

Phases Three of the proposed ordinance will make it easier to build more housing in transit rich neighborhoods by excluding dwelling unit density calculations in C-3 Zoning Districts.

OBJECTIVE 10

Ensure a streamlined, yet thorough, and transparent decision-making process.

Policy 10.2

Implement planning process improvements to both reduce undue project delays and provide clear information to support community review.

Phase Three of the proposed Ordinance would stream line the approval process by expanding the ZA's authority by allowing him to waive Dwelling Unit Exposure requirements for Article 11 buildings, consistent with the ZA's current authority to waive Dwelling Unit Exposure requirements for Article 10 buildings.

OBJECTIVE 11

SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO NEIGHBORHOODS.

Policy 11.7

Respect San Francisco's historic fabric, by preserving landmark buildings and ensuring consistency with historic districts.

Phase Three of the proposed ordinance makes it easier to convert existing buildings into residential units by granting the Zoning Administrator greater powers to waive certain Planning Code requirements.

OBJECTIVE 12

BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION

Policy 12.1

Encourage new housing that relies on transit use and environmentally sustainable patterns of movement.

Phases Three of the proposed ordinance recognizes the dense transit rich nature of many of San Francisco's neighborhoods and removes or significantly reduces minimum parking requirements to encourage transit use and other forms of transportation.

II. TRANSPORTATION ELEMENT

OBJECTIVE 1

MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT AND INEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY LIVING ENVIRONMENT OF THE BAY AREA

Policy 1.2

Ensure the safety and comfort of pedestrians throughout the city.

Policy 1.3

Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs, particularly those of commuters.

Phases Three of the proposed ordinance requires that projects of certain sizes implement the Better Street Plans, which enhances the pedestrian realm; and it allows the Zoning Administrator to reduce or waive required parking or loading for a project when the only feasible street frontage for a driveway or entrance to off-street parking or loading is located on a protected pedestrian-, cycling-, or transit-oriented street frontage, or the only feasible street frontage for a driveway or entrance to off-street parking or loading is located at a transit stops. Phases 3 also requires that more projects provide transportation brokerage service and transportation management plans, which helps achieve the City's goal of providing more alternatives to the private automobile. Phase 3 also includes Short term parking in FAR calculations in C-3 Districts, creating a disincentive for adding short term parking to new developments in C-3 Districts.

III. URBAN DESIGN ELEMENT

OBJECTIVE 1

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE AND A MEANS OF ORIENTATION

Policy 1.10

Indicate the purposes of streets by adopting and implementing the Better Streets Plan, which identifies a hierarchy of street types and appropriate streetscape elements for each street type.

Phase Three of the proposed ordinance would require more projects to remove encroachments into the public right-of-way in order to implement the City's Better Streets Plan.

IV. OPEN SPACE ELEMENT

OBJECTIVE 2

DEVELOP AND MAINTAIN A DIVERSIFIED AND BALANCED CITYWIDE SYSTEM OF HIGH QUALITY PUBLIC OPEN SPACE.

Policy 2.1

Provide an adequate total quantity and equitable distribution of public open spaces throughout the City.

Phases Three of the proposed ordinance would require buildings in the C-3 that are primarily retail to provide open space. This would help to increase the amount of open space available in the downtown core, which is an area of the City that has limited access to public open space.

V. VAN NESS AVENUE AREA PLAN

OBJECTIVE 8

CREATE AN ATTRACTIVE STREET AND SIDEWALK SPACE WHICH CONTRIBUTES TO THE TRANSFORMATION OF VAN NESS AVENUE INTO A RESIDENTIAL BOULEVARD.

Policy 8.11

Permit general advertising signs, business signs and other identifying signs. Permitted signs should meet the following design criteria:

- Signs should not feature any flashing, blinking, fluctuating or otherwise animated light. Likewise, signs should not feature any moving parts.
- Wall signs shall not be less than 10 feet above grade and should not be higher than 45 feet above grade and should not be higher than the lowest residential window sill.
- Projecting signs and general advertising signs should not be higher than 36 feet. Projecting signs shall in no case project more than 4 feet over the sidewalk.
- General advertisement signs should conform to State Outdoor Advertisement regulations requiring that no advertising display shall be placed within 100 feet from another advertising display.
- Signs should not be placed in front of windows.

Modifying the Ordinance so that the Van Ness Special Sign District is not removed is consistent with this policy of the Van Ness Area Plan. Further, removing the Van Ness Special Sign District for Illumination from the Planning Code and Zoning Map is also consistent with this policy of the Van Ness Area Plan, as it specifically prohibits flashing or blinking signs.

OBJECTIVE 9

PROVIDE SAFE AND EFFICIENT MOVEMENT AMONG ALL USERS ON VAN NESS AVENUE.

Policy 9.7

Require residential parking at a ratio of one parking space per dwelling unit.

The Commission acknowledges this policy and notes that it is in opposition to other policies in the General Plan that seek to reduce parking. The Commission hereby decides that removing the requirement of 1 to 1 parking along Van Ness Avenue is on-balance consistent with the City's General Plan and the mixed use high density character of Van Ness Avenue. This provision of the General Plan is out of date and is in contrast to the recent steps that the City has been taking to require less parking for all uses. Further, the City's Transit first policy prioritizes transit over automobile use and Van Ness is a major transit corridor. For this reason, the Commission recommends to adopt the portion of the proposed Ordinance that would remove the Van Ness Special Use District exception from the broader parking requirement for RC-4 districts, which are currently required at a ratio of 1 parking space to every 4 dwelling units. The Commission recommends adding a grandfathering clause to the legislation that allows projects that have already been approved by the Planning Commission but not yet vested to be exempt from this provision.

12. The proposed replacement project is consistent with the eight General Plan priority policies set forth in Section 101.1 in that:

- A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

Phase Three of the proposed Ordinance will not negatively impact existing neighborhood-serving retail uses.

- B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

Phase Three of the proposed Ordinance would remove minimum parking requirements from transit rich urban areas of the City

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

Phase Three of the proposed Ordinance will not have a negative impact on the City's supply of affordable housing.

- D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

Phase Three of the proposed Ordinance seeks to reduce the impact that private automobiles have on City streets by eliminating minimum parking requirements and replacing them with maximum parking requirements.

- E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

Phase Three of the proposed Ordinance would not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.

- F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

Preparedness against injury and loss of life in an earthquake is unaffected by the proposed Ordinance. Any new construction or alteration associated with a use would be executed in compliance with all applicable construction and safety measures.

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

Phase Three of the proposed Ordinance would allow Landmark and historic buildings to be adaptively reused more easily by exempting them from certain provisions in the Planning Code, which would reduce the amount of change that is required to add housing to historic buildings and help preserve them for the future.

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

The City's parks and open space and their access to sunlight and vistas would be unaffected by the proposed amendments. It is not anticipated that permits would be such that sunlight access, to public or private property, would be adversely impacted.

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on May 17, 2012

Linda Avery
Commission Secretary

AYES: Commissioners Borden, Fong, Miguel, Sugaya, Wu

NAYS: Commissioner Antonini

ABSENT: Commissioner Moore

ADOPTED: May 17, 2012

Exhibit A

Proposed Changes to Planning Code Section 138.1

(a) **Purpose.** The purpose of this section is to establish requirements for the improvement of the public right-of-way associated with development projects, such that the public right-of-way may be safe, accessible, convenient and attractive to pedestrian use and travel by all modes of transportation consistent with the San Francisco General Plan, achieve best practices in ecological stormwater management, and provide space for public life and social interaction, in accordance with the City's "Better Streets Policy" (Administrative Code Section [98.1](#)).

(b) **Better Streets Plan.**

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

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

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

#	PHYSICAL ELEMENT	BETTER STREETS PLAN SECTION
1	Curb ramps*	5.1
2	Marked crosswalks*	5.1
3	Pedestrian-priority signal devices and timings	5.1
4	High-visibility crosswalks	5.1
5	Special crosswalk treatments	5.1
6	Restrictions on vehicle turning movements at crosswalks	5.1

7	Removal or reduction of permanent crosswalk closures	5.1
8	Mid-block crosswalks	5.1
9	Raised crosswalks	5.1
10	Curb radius guidelines	5.2
11	Corner curb extensions or bulb-outs*	5.3
12	Extended bulb-outs	5.3
13	Mid-block bulb-outs	5.3
14	Center or side medians	5.4
15	Pedestrian refuge islands	5.4
16	Transit bulb-outs	5.5
17	Transit boarding islands	5.5
18	Flexible use of the parking lane	5.6
19	Parking lane planters	5.6
20	Chicanes	5.7
21	Traffic calming circles	5.7
22	Modern roundabouts	5.7
23	Sidewalk or median pocket parks	5.8
24	Reuse of 'pork chops' and excess right-of-way	5.8
25	Multi-way boulevard treatments	5.8
26	Shared public ways	5.8
27	Pedestrian-only streets	5.8

28	Public stairs	5.8
29	Street trees*	6.1
30	Tree basin furnishings*	6.1
31	Sidewalk planters*	6.1
32	Above-ground landscaping	6.1
33	Stormwater management tools*	6.2
34	Street and pedestrian lighting*	6.3
35	Special paving*	6.4
36	Site furnishings*	6.5
Standard streetscape elements marked with a *. (Requirement varies by street type: see the Better Streets Plan)		

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

(1) **Street trees.**

(i) **Application.** In any District, street trees shall be required under the following conditions: construction of a new building; relocation of a building; the addition of gross floor area equal to 20 percent or more of the gross floor area of an existing building; the addition of a new dwelling unit, a garage, or additional parking; or paving or repaving more than 200 square feet of the front setback.

(ii) **Standards.**

(A) **All districts.** In any district, street trees shall:

(aa) Comply with Public Works Code [Article 16](#) and any other applicable ordinances;

(bb) Be suitable for the site;

(cc) Be a minimum of one tree of 24-inch box size for each 20 feet of frontage of the property along each street or alley, with any remaining fraction of 10 feet or more of frontage requiring an additional tree. Such trees shall be located ~~either within a setback area on the lot or~~ within the public right-of-way along such lot, and shall comply with all applicable codes and standards.

(dd) Provide a below-grade environment with nutrient-rich soils, free from overly-compacted soils, and generally conducive to tree root development;

(ee) Be watered, maintained and replaced if necessary by the property owner, in accordance with Sec. [174](#) and [Article 16](#) of the Public Works Code and compliant with applicable water use requirements of [Chapter 63](#) of the Administrative Code.

(B) DTR, RC, C, NC and Mixed-Use Districts, and Planned Unit Developments. In DTR, RC, C, NC and Mixed-Use Districts, and Planned Unit Developments, in addition to the requirements of subsections (aa) - (ee) above, all street trees shall:

(aa) Have a minimum 2 inch caliper, measured at breast height;

(bb) Branch a minimum of 80 inches above sidewalk grade;

(cc) Be planted in a sidewalk opening at least 16 square feet, and have a minimum soil depth of 3 feet 6 inches;

(dd) Include street tree basins edged with decorative treatment, such as pavers or cobbles. Edging features may be counted toward the minimum sidewalk opening per (cc) if they are permeable surfaces per [Section 102.33](#).

(C) Continuous, soil-filled trench. Street trees shall be planted in a continuous soil-filled trench parallel to the curb, such that the basin for each tree is connected, if ~~all the following conditions are present:~~ (1) ~~the subject lot is in one of the Districts specified in Subsection [138.1\(e\)\(1\)\(ii\)\(B\)](#);~~ (2) ~~(1)~~ the project is on a lot that (a) is greater than 1/2-acre in total area, (b) contains 250 feet of total lot frontage on one or more publicly-accessible rights-of-way, or (c) the frontage encompasses the entire block face between the nearest two intersections with any other publicly-accessible rights-of-way.; **and** ~~(3)~~(2) the project includes (a) new construction; or (b) addition of 20% or more of gross floor area to an existing building; ~~or (c) alteration to greater than 50% of the existing square footage of a building.~~

(aa) The trench may be covered by allowable permeable surfaces as defined in [Section 102.33](#), except at required tree basins, where the soil must remain uncovered.

~~(bb) The Zoning Administrator may modify or waive the continuous trench requirement where a continuous trench is not possible due to the location of existing utilities, driveways, sub-sidewalk basements, or other pre-existing surface or sub-surface features.~~

(iii) **Approvals, and waivers, and modifications.**

(A) Trees installed in the public right-of-way shall be subject to Department of Public Works approval. Procedures and other requirements for the installation, maintenance and protection of trees in the public right-of-way shall be as set forth in [Article 16](#) of the Public Works Code.

(B) **Determination of infeasibility or undesirability.** Required street trees may be found to be infeasible or undesirable under the following circumstances:

~~(aa) (B) **Technical infeasibility.** In any case in which the The Department of Public Works may determine that cannot grant approval for installation of a one or more trees in the public right-of-way cannot be planted or cannot meet all the requirements of sub-sections (ii)(A) – (C) on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare., and where installation of such tree on the lot itself is impractical., the tree planting requirements of this Section 138.1(c)(1) may be modified or waived by the Zoning Administrator as described herein:~~

(bb) **Incompatibility with existing policy.** The Zoning Administrator may determine that the planting of street trees conflicts with policies in the General Plan such as the Downtown Plan Policy favoring unobstructed pedestrian passage or the Commerce and Industry Element policies to facilitate industry.

(C) **Waiver or modification.** In any case in which a street tree is determined to be infeasible or undesirable under sub-sections (aa) or (bb), the Zoning Administrator may waive or modify the street tree requirement as follows:

(aa) For each required tree that the Zoning Administrator waives, the permittee shall pay an "in-lieu" street tree fee pursuant to Section [428](#).

(bb) ~~When a pre-existing site constraint prevents the installation of a street tree, as As an alternative to payment of any portion of the in-lieu fee, the Zoning Administrator may modify the requirements of this section to allow the installation of alternative landscaping, including: sidewalk landscaping that is compliant with applicable water use requirements of [Chapter 63](#) of the Administrative Code, to satisfy the requirements of Section [138.1\(c\)\(1\)](#), subject to permit approval from the Department of Public Works in accordance with Public Works Code Section [810B](#), planter boxes, tubs, or similar above-ground landscaping, street trees that do not meet all of the requirements of sub-sections (ii)(A) – (C), or street trees planted in a required front setback area on the subject property.~~

~~(cc) — In C-3, industrial, and South of Market Mixed Use Districts, the Zoning Administrator may allow the installation of planter boxes or tubs or similar landscaping in place of trees when that is determined to be more desirable in order to make the landscaping compatible with the character of the surrounding area, or may waive the requirement in C-3, industrial, and mixed use districts, districts where landscaping is considered to be inappropriate because it conflicts with policies of the Downtown Plan, a component of the General Plan, such as the Downtown Plan Policy favoring unobstructed pedestrian passage or the Commerce and Industry Element policies to facilitate industry.~~

(D) Credit for Existing Street Trees. Where there is an existing, established street tree fronting the subject property, as determined by the Department of Public Works, the street tree requirement shall be waived and no in-lieu fee shall be applied for that particular tree.

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

(i) **Application.**

(A) In any district, streetscape and pedestrian elements in conformance with the Better Streets Plan ~~shall~~ maybe required, if all the following conditions are present: (1) the project is on a lot that (a) is greater than ½-acre in total area, (b) contains 250 feet of total lot frontage on one or more publicly-accessible rights-of-way, or (c) the frontage encompasses the entire block face between the nearest two intersections with any other publicly-accessible rights-of-way, and (2) the project includes (a) new construction; or (b) addition of 20% or more of gross floor area to an existing building; ~~or (c) alteration to greater than 50% of the existing square footage of a building.~~

(B) Project sponsors that meet the thresholds of this Subsection shall submit a streetscape plan to the Planning Department showing the location, design, and dimensions of all existing and proposed streetscape elements in the public right-of-way directly adjacent to the fronting property, including street trees, sidewalk landscaping, street lighting, site furnishings, utilities, driveways, and curb lines, and the relation of such elements to proposed new construction and site work on the subject property.

(ii) **Standards.** Notwithstanding the requirements of Section [138.1\(c\)\(2\)\(i\)](#), the Department shall consider, but need not require, the streetscape and pedestrian elements listed below when analyzing a streetscape plan:

(A) **Standard streetscape elements.** All standard streetscape elements for the appropriate street type per [Table 1](#) and the Better Streets Plan, including benches, bicycle racks, curb ramps, corner curb extensions, stormwater facilities, lighting, sidewalk landscaping, special sidewalk paving, and other site furnishings, excepting crosswalks and pedestrian signals.

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

(bb) Streetscape elements shall be consistent with the overall character and materials of the district, and shall have a logical transition or termination to the sidewalk and/or roadway adjacent to the fronting property.

(B) **Sidewalk widening.** The Planning Department in consultation with other agencies shall evaluate whether sufficient roadway space is available for sidewalk widening for the entirety or a portion of the fronting public right-of-way in order to meet or exceed the recommended sidewalk widths for the appropriate street type per [Table 2](#) and the Better Streets

Plan and/or to provide additional space for pedestrian and streetscape amenities. If it is found that sidewalk widening is feasible and desirable, the Planning Department ~~shall~~ *may* require the owner or developer to install such sidewalk widening as a condition of approval, including all associated utility re-location, drainage, and street and sidewalk paving.

(C) **Minimum sidewalk width.** New publicly-accessible rights-of-way proposed as part of development projects shall meet or exceed the recommended sidewalk widths for the appropriate street type per [Table 2](#). Where a consistent front building setback of 3 feet or greater extending for at least an entire block face is provided, the recommended sidewalk width may be reduced by up to 2 feet.

Table 2. Recommended Sidewalk Widths by Street Type

	<i>Street Type (per Better Streets Plan)</i>	<i>Recommended Sidewalk Width (Minimum required for new streets)</i>
Commercial	Downtown commercial	See Downtown Streetscape Plan
-	Commercial throughway	15'
-	Neighborhood commercial	15'
Residential	Downtown residential	15'
-	Residential throughway	15'
-	Neighborhood residential	12'
Industrial/Mixed-Use	Industrial	10'
-	Mixed-use	15'
Special	Parkway	17'
-	Park edge (multi-use path)	25'
-	Multi-way boulevard	15'
-	Ceremonial	varies
Small	Alley	9'

-	Shared public way	n/a
-	Paseo	varies

(iii) **Review and approvals.**

(A) The streetscape plan required by this section shall be submitted to the Planning Department no later than 60 days prior to any Department or Planning Commission approval action, and shall be considered for approval at the time of other project approval actions. The Planning Department may require any or all standard streetscape elements for the appropriate street type per [Table 1](#) and the Better Streets Plan, if it finds that these improvements are necessary to meet the goals and objectives of the General Plan of the City and County of San Francisco. In making its determination about required streetscape and pedestrian elements, the Planning Department shall consult with other City agencies tasked with the design, permitting, use, and maintenance of the public right-of-way.

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

(C) **Waiver.** Any City agency tasked with the design, permitting, use, and maintenance of the public right-of-way, may waive any or all Department required improvements of the streetscape plan as described in this Subsection under that agency's jurisdiction if said agency determines that such improvement or improvements is inappropriate, interferes with utilities to an extent that makes installation financially infeasible, or would negatively affect the public welfare. Any such waiver shall be from the Director or General Manager of the affected agency, shall be in writing to the applicant and the Department, and shall specify the basis for the waiver. Waivers, if any, shall be obtained prior to commencement of construction of the streetscape improvements unless extenuating circumstances arise during the construction of said improvements. If such a waiver is granted, the Department reserves the right to impose alternative requirements that are the same as or similar to the elements in the adopted streetscape plan after consultation with the affected agency. This Subsection shall not apply to the waiver of the street tree requirement set forth in [Section 138.1\(c\)\(1\)](#).

(d) **Neighborhood Streetscape Plans.** In addition to the requirements listed in Subsection [138.1\(c\)](#), the Planning Department in coordination with other city agencies, and after a public hearing, may adopt streetscape plans for particular streets, neighborhoods, and districts, containing standards and guidelines to supplement the Better Streets Plan. Development projects in areas listed in this subsection that propose or are required through this section to make

pedestrian and streetscape improvements to the public right-of-way shall conform with the standards and guidelines in the applicable neighborhood streetscape plan in addition to those found in the Better Streets Plan.

(1) **Downtown Streetscape Plan.**

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

(A) Any new construction; or

(B) The addition of floor area equal to 20 percent or more of an existing building;

~~or~~

~~(C) Alteration to greater than 50% of the existing square footage of a building.~~

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

(iv) If a sidewalk widening or a pedestrian street improvement is used to meet the open space requirement, it shall conform to the guidelines of Section [138](#).

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

(2) **Rincon Hill Streetscape Plan.**

(i) In the Rincon Hill Downtown Residential Mixed Use (RH-DTR) and Folsom and Main Residential/Commercial Special Use Districts, the boundaries of which are shown in Section Map No. 1 of the [Zoning Map](#), for all frontages abutting a public sidewalk, the project sponsor is required to install sidewalk widening, street trees, lighting, decorative paving, seating and landscaping in accordance with the Streetscape Plan of the Rincon Hill Area Plan, developed by the Planning Department and approved by the Board of Supervisors for: (A) any new construction; or (B) the addition of floor area equal to 20 percent or more of an existing building; ~~or (C) alteration to greater than 50% of the existing square footage of a building.~~

(ii) Prior to approval by the Board of Supervisors of a Streetscape Plan for Rincon Hill, the Planning Commission, through the procedures of Section [309.1](#), shall require an applicant to install sidewalk widening, street trees, lighting, decorative paving, seating, and landscaping in keeping with the intent of the Rincon Hill Area Plan of the General Plan and in accordance with this section of the Planning Code.

(e) **Additional provisions.**

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

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

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

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

(1) **Applicability.** This section shall apply to developments which meet the thresholds of Section 138.1(c)(2)(i)(A)

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

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

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

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

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



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 18627

HEARING DATE: MAY 17, 2012

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Project Name: Zoning Map Amendments – Washington-Broadway Special Use District 1; Waterfront Special Use District 2 and 3; Special Districts for Sign Illumination; and Special Districts for Scenic Streets.

Case Number: 2011.0533Z [Board File No. 11-0547]

Initiated by: Supervisor Chiu / Introduced May 3, 2011

Staff Contact: Aaron Starr, Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362

Reviewed by: AnMarie Rodgers, Manager Legislative Affairs
anmarie.rodgers@sfgov.org, 415-558-6395

Recommendation: **Recommend Approval with Modifications of “Phase Three” Van Ness Special Sign District and Special District for Sign Illumination**

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT WITH MODIFICATIONS A PROPOSED ORDINANCE THAT WOULD AMEND SHEETS SU01, SS01, AND SS02 OF THE SAN FRANCISCO ZONING MAP TO: 1) ADD BLOCKS AND LOTS TO THE WASHINGTON-BROADWAY SPECIAL USE DISTRICT 1; 2) ADD BLOCKS TO THE WATERFRONT SPECIAL USE DISTRICT 2; 3) DELETE BLOCKS AND ADD LOTS TO THE WATERFRONT SPECIAL USE DISTRICT 3; 4) MAKE THE BOUNDARIES OF THE SPECIAL DISTRICT FOR SIGN ILLUMINATION ON BROADWAY CO-EXTENSIVE WITH THE BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT; 5) DELETE THE VAN NESS SPECIAL DISTRICT FOR SIGN ILLUMINATION; AND 6) ADD THE EMBARCADERO FROM TAYLOR STREET TO SECOND STREET TO THE SPECIAL DISTRICT FOR SCENIC STREETS; ADOPTING FINDINGS, INCLUDING 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.

PREAMBLE

Whereas, on May 3, 2011, Supervisor Chiu introduced a proposed Ordinance under Board of Supervisors (hereinafter “Board”) File Number 11-0547 which would amending Sheets SU01, SS01, and SS02 of the San Francisco Zoning Map to: Ordinance amending Sheets SU01, SS01, and SS02 of the San Francisco Zoning Map to: 1) add blocks and lots to the Washington-Broadway Special Use District 1; 2) add blocks to the Waterfront Special Use District 2; 3) delete blocks and add lots to the Waterfront Special Use District 3; 4) make the boundaries of the Special District for Sign Illumination on Broadway co-extensive

with the Broadway Neighborhood Commercial District; 5) delete the Van Ness Special District for Sign Illumination; and 6) add The Embarcadero from Taylor Street to Second Street to the Special District for Scenic Streets; adopting findings, including 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 ; and

Whereas, on December 15, 2011, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance; and

Whereas on February 8, 2012, the legislative sponsor, Board President David Chiu, sent the Commission a memorandum requesting that the Commission not consider certain topics from the proposed Ordinance as it is his intend to remove the following topics from the proposed Ordinance: proposed changes to Port Property and the expansion of the Waterfront Advisory Committee.

Whereas on March 1, 2012, the Planning Commission considered a portion of the proposed Ordinance herein referred to as "Phase One", covering the subject area of the Embarcadero Scenic Street Sign District; and

Whereas, at the March 1, 2012 hearing, the Commission recommended approval with modifications of Phase One in Resolution Number 18554; and

Whereas, the Commission requested that the next hearing consider the "Phase Two" topics of the same proposed Ordinance including the topics of changes to the Washington Broadway and Waterfront SUDs and the Special District for Sign Illumination on Broadway and Van Ness, and the Van Ness Special Sign District; and

Whereas at the May 3, 2012 hearing, the proposed changes to the Van Ness Special Sign District and the Special Sign District for Illumination on Van Ness Avenue were continued to a later hearing to be heard as "Phase 3" of the proposed ordinance; and

Whereas, at the May 3, 2012 hearing, the Commission recommended approval with modifications of "Phase Two" in Resolution Number 18616; and

Whereas, this hearing is to consider the topics described as "Phase Three"; and

Whereas, the proposed map changes were determined to be exempt from environmental review under the General Rule Exclusion (Section 15061(b)(3) of the CEQA Guidelines); 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 the applicant, Department staff, and other interested parties; and

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

Whereas, the Commission has reviewed the proposed Ordinance; and

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors **approve with modifications** "Phase Three" of the proposed ordinance. Specifically, the Commission recommends the following modifications:

1. Do not delete the Van Ness Special Sign District from the Planning Code under the proposed Ordinance; this issue should be studied further and possibly introduced under separate legislation.

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The full implications of removing the Van Ness Special Sign District from the Planning Code have not been fully analyzed.
2. Correcting the zoning map to remove the Van Ness from the Special Sign District for Illumination because it is an outdated section of the Planning Code is good governance.
3. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

V. VAN NESS AVENUE AREA PLAN

OBJECTIVE 8

CREATE AN ATTRACTIVE STREET AND SIDEWALK SPACE WHICH CONTRIBUTES TO THE TRANSFORMATION OF VAN NESS AVENUE INTO A RESIDENTIAL BOULEVARD.

Policy 8.11

Permit general advertising signs, business signs and other identifying signs. Permitted signs should meet the following design criteria:

- Signs should not feature any flashing, blinking, fluctuating or otherwise animated light. Likewise, signs should not feature any moving parts.
- Wall signs shall not be less than 10 feet above grade and should not be higher than 45 feet above grade and should not be higher than the lowest residential window sill.
- Projecting signs and general advertising signs should not be higher than 36 feet. Projecting signs shall in no case project more than 4 feet over the sidewalk.
- General advertisement signs should conform to State Outdoor Advertisement regulations requiring that no advertising display shall be placed within 100 feet from another advertising display.

- Signs should not be placed in front of windows.

Modifying the Ordinance so that the Van Ness Special Sign District is not removed is consistent with this policy of the Van Ness Area Plan. Further, removing the Van Ness Avenue from the Special Sign District for Illumination from the Planning Code and Zoning Map is also consistent with this policy of the Van Ness Area Plan, as it specifically prohibits flashing or blinking signs.

4. The proposed replacement project is consistent with the eight General Plan priority policies set forth in Section 101.1 in that:

- A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

Phase Three of the proposed Ordinance will not have a negative impact on neighborhood-serving retail.

- B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

Phase Three of the proposed Ordinance would have no impact on existing housing and neighborhood character.

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

Phase Three of the proposed Ordinance will have no adverse effect on the City's supply of affordable housing.

- D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

Phase Three of the proposed Ordinance will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

- E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

Phase Three of the proposed Ordinance would not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.

- F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

Preparedness against injury and loss of life in an earthquake is unaffected by the proposed amendments. Any new construction or alteration associated with a use would be executed in compliance with all applicable construction and safety measures.

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

Landmarks and historic buildings would be unaffected by the proposed legislation.

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

The City's parks and open space and their access to sunlight and vistas would not be negatively impacted by the proposed legislation.

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on May 17, 2012

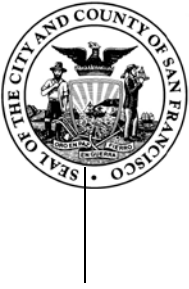
Linda Avery
Commission Secretary

AYES: Commissioners Antonini, Borden, Fong, Miguel, Sugaya, Wu

NAYS: none

ABSENT: Commissioner Moore

ADOPTED: May 17, 2012



SAN FRANCISCO PLANNING DEPARTMENT

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Executive Summary Planning Code Text Change HEARING DATE: MAY 3, 2012

Project Name: Amendments relating to:
Parking, Awning, Signs, Exposure, Open Space, and Limited
Conforming Uses.

Case Number: 2011.0532T [Board File No. 11-0548]

Initiated by: Supervisor Chiu / Introduced May 3, 2011

Staff Contact: Aaron Starr, Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362

Reviewed by: AnMarie Rodgers, Manager Legislative Affairs
anmarie.rodgers@sfgov.org, 415-558-6395

Recommendation: **Recommend Approval with Modifications Of “Phase Two” Including the Topics of Automotive Uses, Limited Corner Commercial Uses (LCCUs), Accessory Uses, Non-Conforming Uses, Washington Broadway and Waterfront SUDs and the Van Ness Avenue SUD**

PLANNING CODE AMENDMENT

The proposed Ordinance would amend the San Francisco Planning Code (herein after “Code) by repealing Sections 136.2, 136.3, 158, 187, 249.15, 263.2, 263.3, 602.25, 602.26, 607.3 and 607.4 and amending various other Code sections to (1) increase the amount of principally permitted parking spaces for dwellings in RC-4 and C-3 Districts, (2) make off-street parking requirements in the Van Ness Special Use District and RC-3 Districts consistent with those of RC-4 Districts, (3) eliminate minimum parking requirements for the Chinatown Mixed Use Districts and North Beach Neighborhood Commercial Districts, (4) allow exceptions from required parking under specified circumstances, (5) amend the restrictions on off-street parking rates and extend them to additional zoning districts, (6) revise sign, awning, canopy and marquee controls in specified zoning districts, (7) increase the permitted use size for limited corner commercial uses in RTO and RM districts, and allow reactivation of lapsed limited commercial uses in R districts, (8) revise the boundaries of and modify parking and screening requirements in the Washington-Broadway and Waterfront Special Use Districts, (9) modify controls for uses and accessory uses in Commercial and Residential-Commercial Districts, (10) permit certain exceptions from exposure and open space requirements for historic buildings, and (11) modify conformity requirements in various use districts; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Code Section 101.1.

At the Planning Commission's March 1st hearing, the Commission voted to break up the proposed legislation into three phases.

- Phase One includes Clerical and Minor Modifications, Transfer of Development Rights (TDRS), Limited Commercial Uses, Bike Parking, and Signs. On these topics, the Planning Commission recommended approval with modifications in Resolution Number 18553 on March 1, 2012.
- Phase Two includes changes to Automotive Uses, Limited Corner Commercial Uses (LCCUs), Accessory Uses, Non-Conforming Uses, Washington Broadway and Waterfront SUDs and the Van Ness Avenue SUD. Proposed for hearing on April 12, 2012. This memorandum addresses the topics in Phase Two.
- Phase Three includes changes to Parking, Open Space for Commercial Uses, Gross Floor Area and Floor Area Ratio, Streetscape Improvements, Transportation Management, and Powers of the Zoning Administrator. Proposed for hearing on April 19, 2012.

Questions Raised From Last Hearing

The Planning Commission requested more information on several items at the April 12 hearing. Staff has provided more clarification for these issues in the body of this report. The topics include:

- 1) Provide more explanation on why the Accessory Use provisions are proposed to be changed and examples of what types of uses might benefit from a larger allowable accessory use size;
- 2) Analyze the impact that removing Chinatown from the Washington-Broadway SUD would have on controls in Chinatown;
- 3) Describe any discrepancy in the maps provided for the Washington-Broadway SUD;
- 4) Provide more information about the status of the C-M Zoning Districts and whether or not lots zoned C-M will be rezoned.
- 5) Provide more analysis on the impacts of removing the Van Ness Special Sign District.

1) Accessory Use Provisions

The proposed legislation seeks to rationalize the Planning Code by standardizing accessory use controls among zoning districts that have similar characteristics. For example, all districts that allow for a mix of uses will allow $\frac{1}{3}$ of the total floor area to be used as an accessory use, while districts that are primarily residential will allow $\frac{1}{4}$ of the floor area to be used as accessory use. The proposed Ordinance *would increase* the accessory use allowance for two primarily mixed use districts: Residential Commercial (RC) and Commercial (C). This change would align the allowance with similar mixed use districts such as Neighborhood Commercial (NC). The proposed ordinance *would not change* the accessory use allowance for any other districts, including districts that are primarily residential. Please see the chart on the following page for a more detailed explanation.

Comparison of Accessory Use Controls by Zoning District

Existing Controls		Proposed Controls	
1/4	1/3	1/4	1/3
Residential House (RH)	Production Distribution Repair (PDR)	Residential House (RH)	Production Distribution Repair (PDR)
Residential Mixed (RM)	Neighborhood Commercial (NC)	Residential Mixed (RM)	Neighborhood Commercial (NC)
Residential Transit-Oriented (RTO)		Residential Transit-Oriented (RTO)	Residential Commercial (RC)
Residential Enclave District (RED)		Residential Enclave District (RED)	Commercial (C)
Residential Commercial (RC)			
Commercial (C)			

	Primarily residential districts
	Districts with a mix of uses

NOTE: This table illustrates that the proposed Ordinance would create a uniform control where mixed-use districts would be allowed to have up to 1/3 of the floor area devoted to accessory use, while primarily residential districts could only have up to 1/4 of the floor area devoted to accessory use.

Examples of uses that could benefit from the increased accessory use size are:

- Research offices that also want to have a small lab as an accessory use.
- Coffee stores that want to roast coffee for wholesale distribution to other businesses.
- Post video production houses that might also want to have a small sound stage to create content.

2) Impacts on Removing Chinatown from the Washington-Broadway SUD

The proposed Ordinance seeks to combine both Washington-Broadway SUDs into 1 SUD, and remove any parcels on the southwest side of Columbus from the combined Washington-Broadway SUD. This would effectively remove lots located in Chinatown from the Washington-Broadway SUD. Because many of the controls for Chinatown already do what the Washington Broadway SUD seeks to do, Staff’s determination is that there would be little to no change to the controls in Chinatown if it were removed from the Washington-Broadway SUD. The proposed change appears to be cleaning up the Code by removing unnecessary or duplicative provisions. Further the proposed Ordinance contains fixes in Phase 3 to parking controls that would clear up confusion about existing parking controls in Chinatown. Please see the chart on the following page for a more detailed explanation.

Provisions of Washington-Broadway SUDs 1 and 2	Current Code Language	Impact if Legislation Passes
(a) There shall be certain exemptions from off-street parking requirements, as provided in Section 161(d) of this Code.	In general, parking is not required for any use in Chinatown per Section 151 and Article 8. The one exception is development on lots that are larger than 20,000 sq.ft. in the Chinatown Community Business (CCB) District.	Removing Chinatown from the Washington Broadway SUD would have <u>little impact</u> on this issue. Further, Phase 3 of this Ordinance would remove all minimum parking requirements from Chinatown.
(b) No permitted use shall include an establishment of the "drive-in" type, serving customers waiting in parked motor vehicles, with the exception of automobile service stations.	Per Article 8, Drive Up facilities are not permitted in any Chinatown District	Removing Chinatown from the Washington Broadway SUD would have <u>no impact</u> on this issue.
(c) A parking lot, or a storage garage open to the public for passenger automobiles if not a public building requiring approval by the Board of Supervisors under other provisions of law, shall be permitted only upon approval by the Planning Commission as a conditional use under Section 303 of this Code.	Per Article 8, non-accessory parking lots and storage garages open to the public either require Conditional Use or are prohibited. Accessory parking lots are permitted as of right.	Removing Chinatown from the Washington Broadway SUD would have <u>little impact</u> on this issue. Accessory surface parking lots would be permitted as of right.
(d) In Washington-Broadway Special Use District Number 2 only, a wholesale establishment conducted entirely within an enclosed building shall be permitted as a principal use.	Chinatown is not included in the Washington-Broadway SUD 2	Removing Chinatown from the Washington-Broadway SUD would have <u>no impact</u> on this issue

NOTE: This table illustrates that the proposed Ordinance would generally have little to no impact on Chinatown as the Chinatown Districts currently contain duplicative controls as the Washington-Broadway SUD.

3) Describe any discrepancy in the Washington-Broadway maps

The maps provided by staff at the last hearing correctly describe the proposed Ordinance as drafted. The map attached the 2011.0533Z Case Report for the associated Ordinance No. Board File No. 11-0577 illustrates the text description from the Ordinance. (See Case Report 2011.0533Z Exhibit B: Exhibit C: Proposed Conditions Map)

The draft Ordinance states:

“Section 2. Pursuant to Sections 106 and 302(c) of the Planning Code, the following amendments to Sheet SU01 of the Zoning Map of the City and County of San Francisco, duly approved and recommended to the Board of Supervisors by the Planning Commission, are hereby adopted:

Description of Property to be added to Washington-Broadway Special Use District 1

Blocks 0165, 0166, 0173, 0174, 0175, 0196, and 0197; all lots zoned C-2 on Blocks 0163, 0164, 0176, and 0195.”

However, it appears the proposed Ordinance was drafted in conflict with the associated legislative digest. The legislative digest states:

“Consolidate the two Washington-Broadway SUDs into a single district, limited to the C-2 zoned areas between Washington and Broadway Streets.”

It is our understanding that Supervisor Chiu intended to make the change described in the *legislative digest* not that described in the draft Ordinance.

4) Heavy Commercial (C-M) Zoning Districts

There are a few lots zoned still zoned C-M in the City. Most of these lots are south of market along Mission Street, while one lot is located on the western boarder of Bernal Heights (See Exhibits B and C). The rezoning these lots is currently being evaluated as part of the Western SOMA EIR; however not all C-M lots are actually located within the Western SOMA boundaries. Because there parcels are included in an EIR that is currently underway, the EIR will need to be certified before the parcels may be rezoned. The Western SOMA plan does not include a proposal to rezone C-M lots not located within the Western SOMA boundaries, so once the EIR is complete additional legislation would have to be introduced to rezone the C-M lots still in existence.

5) Van Ness Special SUD

The Department respectfully requests that the Commission consider the Van Ness SUD during Phase 3, currently scheduled for May 17, 2012. The Department seeks to continue our review of this item so that we can provide a more thorough impact analysis of the proposed change.

Summary of Proposed Changes (Phase Two):

Automotive Uses: These amendments would have significant changes to controls by prohibiting or requiring CU for certain uses. The purpose behind many of these changes is to bring outdated zoning districts, like Heavy Commercial (C-M) District, more in line with surrounding zoning. The Department is currently evaluating the rezoning of most of the C-M Districts as part of the Western SOMA EIR. The proposed changes would also allow more flexibility when converting automobile service stations to other uses.

1. Surface Parking Lots

The Way It Is Now:

Surface public parking lots are principally permitted in Community Business (C-2) District and Heavy Commercial (C-M) District and require Conditional Use authorization in Downtown Support (C-3-S) District.

The Way It Would Be:

The proposed legislation would prohibit public surface parking lots in C-2, C-M and C-3-S Districts. While temporary parking lots are currently permitted in all of the Downtown (C-3) Districts, these temporary lots would not be permitted in C-2 and C-M Districts unless the Code was changed to include these districts in the temporary parking lot controls, which this ordinance does not propose to do.

Basis for Recommendation:

The Department recommends modifying the proposed controls for parking lots in Section 223(l) - "parking lots" - for the C-2 District from "prohibited" as proposed in the draft Ordinance to allow parking lot uses via "Conditional Use Authorization". The Department's recommendation is based on feedback that we received from the Port of San Francisco, which owns and operates surface parking lots in the C-2 District. Were surface parking lots to become a nonconforming use, this would impact the Port's ability to fulfill its obligations under the Burton Act.

2. Parcel Delivery Services

The Way It Is Now:

Parcel delivery service where the operation is conducted entirely within a completely enclosed building including garage facilities for local delivery trucks, but excluding repair shop facilities are principally permitted in C-3-S and C-M Districts.

The Way It Would Be:

The proposed legislation would change the Code to require Conditional Use authorization in C-3-S and CM Districts for this use.

Basis for Recommendation:

C-3-S District encompasses Yerba Buena Gardens and includes the Convention Center, hotels, museums and cultural facilities, housing, retail, and offices. C-M Districts provide a limited supply of land for certain heavy commercial uses not permitted in other commercial districts. Both Districts have very specific purposes; requiring this use to receive Conditional Use authorization would still permit the use, but provide greater oversight to ensure that the district are still able to serve their primary function.

3. Storage Garages

The Way It Is Now:

Storage garages for commercial passenger vehicles and light delivery trucks require Conditional Use authorization in Downtown General Commercial (C-3-G) District and are principally permitted in C-3-S and C-M Districts.

The Way It Would Be:

This garage storage use would be prohibited in C-3-G District and require Conditional Use Authorization in C-3-S and C-M Districts.

Basis for Recommendation:

This change is consistent with the definitions and intent of these districts. C-3-S and C-3-G Districts are located within the downtown and support such uses as regional shopping destinations, high density residential, arts institutions, museums, Yerba Buena Gardens, and

hotels. C-M Districts tend to be located between C-3 Districts and South of Market Mixed Use Districts.

4. Storage Yards for Commercial Vehicles

The Way It Is Now:

Per section 203(o), storage yards for commercial vehicles or trucks, if conducted within an area completely enclosed by a wall or concealing fence not less than six feet high are currently permitted in C-M Districts and require Conditional Use Authorization in C-3-S Districts.

The Way It Would Be:

This type of use would not be permitted in either the C-M or C-3-S Districts.

Basis for Recommendation:

This change appears to be consistent with the intent of C-3-S Districts, which encompasses Yerba Buena Gardens and includes the Convention Center, hotels, museums and cultural facilities, housing, retail, and offices.

The few remaining C-M Districts tend to be located between C-3 Districts and South of Market Mixed Use Districts. Prohibiting this use outright in C-M Districts does not appear to be consistent with the intent of this Zoning District, which is designated for heavy commercial uses with an emphasis upon wholesaling and business services. The Department recommends requiring a CU for this use in C-M Districts because it would be more consistent with the intent of this district.

5. Automotive Service Station Conversion

The Way It Is Now:

Section 228 limits the ability of Automotive Service Station (gas stations) to convert to other uses. Currently, to convert an Automotive Service Station the property owner either needs to obtain a Conditional Use Authorization from the Planning Commission or a conversion determination from the Zoning Administrator. There are no exceptions for Automotive Service Stations that are located on Primary Transit Streets or Citywide Pedestrian Network Streets.

The Way It Would Be:

The proposed legislation would exempt Automotive Service Stations that are located on Primary Transit Streets or Citywide Pedestrian Network Streets from the requirements outlined in Section 228. The proposed legislation adds two criteria that should be considered when the Commission considers the conversion of an Automotive Service Station, which are:

- The importance of the street on which the service station fronts to walking, cycling, and public transit, and the impact of automobile access and egress to the service station and of the proposed new uses and structures on the safety and comfort of pedestrians, cyclists, and transit riders.
- The compatibility of the existing service station and of the proposed new use or structure with the General Plan and area plan urban design policies and the street frontage standards of this Code.

The proposed legislation also adds a title to this Code section and makes minor reorganizational changes consistent with our current practice for better organizing the Code.

Basis for Recommendation:

The proposed change brings this part of the Code into greater compliance with the City's General Plan, Transit First Policy and Better Streets Plan.

Limited Corner Commercial Uses (LCCUs¹): These changes would generally allow more flexibility with commercial uses in residential districts. While, the Department generally supports these efforts, LCCUs were developed as part of multiyear planning efforts and should not be amended without more thorough examination.

1. Size and Location of LCCUs

The Way It Is Now:

Section 231(b)(3) allows LCCUs with a maximum of 1,200 sq. ft. in floor area in Residential Transit Oriented (RTO) Residential Transit Oriented- Mission District (RTO-M), Residential Mixed Medium Density (RM-3), or Residential Mixed High Density (RM-4) Districts on or below the ground floor; and on a corner lot as long as no part of the use extends more than 50 feet in depth from said corner.

The Way It Would Be:

The proposed legislation would increase the 50' limit to 100' and the use size from 1,200 sq. ft., to 2,500 sq. ft. consistent with the typical lot size in an R District.

Basis for Recommendation:

The Department Recommends that this change not be made at this time. The existing controls were developed as part of an eight year community planning processes about what should be permitted in an RTO district. The intent of the corner store in these districts was to allow for neighborhood serving uses, with a very limited capacity and impact on the residential context. Accordingly the Department feels that leaving the controls as currently drafted is appropriate. The Department generally recommends that ideas specific to the community planning efforts be continued through the initial five-year post-plan adoption period, which for the Market Octavia Plan ends May 2013. The Planning Code provides an avenue for re-evaluating these controls after five years. It should be noted that while the LCCU concept was originated with the community planning efforts, these controls currently apply outside of the plan areas in the RM-3 and RM-4 districts.

Supervisor Chiu's office has agreed to maintain the existing controls in areas affected by the Market and Octavia Plan; however his office would like to go forward with the changes to LCCUs in other parts of the City. The Department would prefer making keeping the rules

¹ LCCUs are defined in Planning Code Section 231 as small neighborhood-oriented establishments that are limited to 1,200 sq. ft. and cannot be located more than 50' from an intersection. They are only permitted in RTO and RM Districts. They were first introduced to the Planning Code as a result of the Market and Octavia Planning effort. They differ from LCU (Limited Commercial Uses) in that LCUs are commercial uses located in Residential Districts that were established prior to the current Residential Zoning.

consistent; however this compromise does address the Department's main concern regarding the proposed change.

2. Conversion of Dwelling Units to LCCUs

The Way It Is Now:

Section 231, which governs LCCUs, does not currently contain a provision that restricts the conversion of a dwelling unit to a LCCU. However, Planning Code Section 317, which governs residential conversions in all zoning districts, requires a Mandatory DR or Conditional Use authorization - depending on the number of units - when converting a dwelling unit to another use; therefore if the establishment of an LCCU removes a dwelling unit, the project is subject to the controls in Section 317.

The Way It Would Be:

The proposed legislation would amend Section 231 to require Conditional Use authorization in order to convert a dwelling unit into a LCCU.

Basis for Recommendation:

The Department doesn't see the benefit to this change. Converting a dwelling unit already requires either a Mandatory Discretionary Review or Conditional Use authorization hearing under Section 317; the proposed change is duplicative without any clear public benefit.

Accessory Uses: The proposed amendments would regulate accessory uses² by performance standards instead of numerical limits that may no longer be appropriate. It also rationalizes accessory use controls by grouping zoning districts with similar characteristics together. Other changes would be nonsubstantive in nature.

1. Accessory Uses In RC districts

The Way It Is Now:

Planning Code Section 204.2 governs Accessory Uses in Residential Districts. Currently, RC (Residential, Commercial) Districts are included under this section.

The Way It Would Be:

Under the proposed legislation, accessory uses in RC District would be governed under Section 204.3, which currently govern accessory uses in C, M and PDR Districts.

Basis for Recommendation:

This change recognizes the mixed use nature of the RC Districts by grouping them with other mixed use districts.

² An "accessory use" is defined in Planning Code Section 204 as "a related minor use which is either (a) necessary to the operation or enjoyment of a lawful principal use or conditional use, or (b) appropriate, incidental and subordinate to any such use."

2. Rationalizing Accessory Use Size Limits and Performance Standards

The Way It Is Now:

Section 204.3, which currently covers accessory uses in C, M and Production Distribution and Repair (PDR) Districts, sets specific limitations on accessory uses, such as engine horsepower. It also limits accessory uses to ¼ of the floor area in C Districts and prohibits accessory uses that employ more than 10 people in C-2 Districts.

The Way It Would Be:

The proposed legislation would change the specific restriction, such as horse power, to performance based restrictions (i.e, no noise, vibration or unhealthful emissions beyond the premises). It would also increase to 1/3 of the total square footage that an accessory use could occupy in C Districts and RC Districts (added to this section under this legislation) and remove any limit on the number of employees and accessory use could have. It also removes antennas as a permitted accessory use. It would not alter the accessory use size provisions in PDR Districts, which are currently at 1/3 to the total floor area.

Basis for Recommendation:

This change replaces arbitrary numerical limits on horse power with performance standards to limit disturbances to neighbors. The horsepower limits currently established in the Code can be violated by standard vacuums or coffee grinders. Limiting the number of employees as well as the allowable floor area adds an additional layer of restrictions that isn't necessary if the size restriction already ensures that the use is accessory to the main use. As with adding RC Districts to Section 204.3, this change recognizes the mixed use nature of C Districts.

Non-Conforming Uses: The proposed amendments would create a strong disincentive for retaining nonconforming parking in the C-3 District. While these changes appear to be generally consistent with contemporary planning, there have been concerns over eliminating surface parking lots from the downtown and as well as changes to the rules that govern the conversion of non-conforming uses in R Districts.

1. Nonconforming uses in Neighborhood Commercial Districts

The Way It Is Now:

Nonconforming uses in Neighborhood Commercial Districts can be changed to another use that is conditionally permitted in that district without Conditional Use authorization except where major work on the structure is involved.

The Way It Would Be:

The proposed legislation would require Conditional Use authorization if a nonconforming use sought to change to a use that would otherwise require a Conditional Use authorization in that zoning district.

Basis for Recommendation:

This change creates more consistency in how uses are permitted in Neighborhood Commercial Districts.

2. Conversion of Nonconforming Uses in R Districts

The Way It Is Now:

Per Section 182(e), a non-conforming use in an R District that is subject to termination³ per Section 185 may be converted to a dwelling unit without regard to the requirements of the Planning Code with respect to dwelling unit density under Article 2, dimensions, areas and open space under Article 1.2, or off-street parking under Article 1.5.

The Way It Would Be:

The proposed legislation changes Section 182 to allow "any nonconforming use to be converted to dwelling units or to group housing, in a district where such use is principally permitted, without regard to the requirements of this Code with respect to residential density or required off-street parking." Currently, only nonconforming uses in R Districts that are subject to termination under the provisions of Section 185 of the Planning Code may be converted to one dwelling unit without regard to dwelling unit density.

The ordinance maintains the exceptions to required off-street parking; however, it defers to the Zoning Administrator to review exceptions to dimensions, areas and open space under Section 307⁴.

Basis for Recommendation:

The Department finds that this change is too broad because it allows any nonconforming use in any zoning district where housing and group housing are principally permitted to be converted to an unspecified number of dwelling units. The Department believes that one housing unit as of right is acceptable, but anything more than that should require Conditional Use authorization. The Department also feels that that group housing should be excluded from this section.

3. Parking Lots in the Downtown

The Way It Is Now:

Per Section 184, permanent off-street parking lots in the C-3-O, C-3-R and C-3-G Districts are allowed to operate in perpetuity as non-conforming uses.

The Way It Would Be:

The proposed legislation would remove this provision, which would require off-street parking lots in the C-3-O, C-3-R and C-3-G Districts to cease operation within 5 years of the adoption of the proposed legislation. After the 5 year window, these parking lots could still apply for a 2-year temporary Conditional Use authorization and would have to come back to the commission every two years to have it renewed as a temporary use.

Basis for Recommendation:

This proposed change is consistent with the goals of the Downtown Plan and the City's Transit First policy. Please note that while there was concern expressed by some members of the public that the proposed change would require surface parking to go out of business immediately after

³ Section 185 requires that non-conforming uses be phased out within five years of the use becoming nonconforming.

⁴ Section 307, "Other Powers and Duties of the Zoning Administrator," is also being amended under this Ordinance; however, this topic will be discussed under Phase 3.

the adoption of this ordinance, this is not the Department's understanding of the intention of the legislation. To clear up any ambiguity the Department proposes the following change:

- (a) Any nonconforming commercial or industrial use of land where no enclosed building is involved in such use, ~~except for permanent off-street parking lots in the C-3-O, C-3-R, C-3-G Districts existing on the effective date of Ordinance 414-85, provided that such lots are screened in the manner required by Section 156(e)~~ shall be eliminated no later than five years and 90 days from the effective date of Ordinance No. [INSERT];

In addition to the modification listed above, the Department recommends modifying the Section 156 of the Code so that off-street parking lots in C-3 Districts require renewal by Conditional Authorization every 5 years instead of every 2 years as proposed in the Ordinance.

Washington-Broadway and Waterfront Special Use Districts: The proposed legislation combines the two Washington-Broadway SUDs into one SUD to remove duplicative controls as a way towards simplifying the Code. In addition, there are substantive changes that may affect Port property, mainly around the proposed map changes for the Waterfront SUDs.

1. Proposed Map Changes

See map for new boundaries of Washington-Broadway SUD and Waterfront SUD.

2. Combined Washington-Broadway SUD

The Way It Is Now:

There are two Washington-Broadway SUDs. The only difference is that Washington Broadway Special Use District 2 principally permits wholesale uses.

The Way It Would Be:

The two Washington-Broadway SUDs would be combined into one and remove any lots from the Washington Broadway SUD that are southwest of Columbus Street, which would remove all of Chinatown from the new SUD.

Basis for Recommendation:

This provision helps simplify the Code and provides greater consistency in the Washington-Broadway SUD. Based on current provisions in the Code, removing Chinatown from the Washington Broadway SUD would not have any substantial impact on controls in Chinatown. The Washington Broadway SUD appears to be obsolete now that Chinatown has its own controls that do the same thing. See the chart at the beginning of this report for more information.

3. Parking Exceptions for Washington-Broadway SUDs

The Way It Is Now:

Parking is only required for residential uses in the Washington-Broadway SUDs, but other uses are exempt per section 161(d).

The Way It Would Be:

The proposed legislation would make parking not required for any use under the rules in Code Section 161(d). Parking maximums would be set by zoning district in Section 151.1.

Basis for Recommendation:

The proposed changes are consistent with the way the Code treats other high density, mixed use districts.

4. Surface Parking Lots in the Washington-Broadway SUD

The Way It Is Now:

Surface parking lots open to the public are permitted with Conditional Use Authorization in the Washington-Broadway SUD.

The Way It Would Be:

The proposed legislation would no longer permit permanent parking lots; however temporary parking lots would be permitted as a temporary use for up to two years with Conditional Use authorization.

Basis for Recommendation:

Similar to the proposed prohibition on surface parking lots in the C-2, the Department recommends maintaining the CU provision for surface parking lots in the Washington-Broadway SUD. This will allow existing ones to remain and new ones to be looked at on a case by case basis.

5. Parking Exceptions in the Waterfront SUDs

The Way It Is Now:

Off-street parking requirements cannot be waived by Section 161 of this Code in the Waterfront Special Use District 2, but can be in the Waterfront Special Use Districts 1 and 3.

The Way It Would Be:

Parking for any principle or conditional use may be waived by the ZA per Code Section 161 in all three Waterfront Special Use Districts.

Basis for Recommendation:

The proposed changes are consistent with the way the Code treats other high density, mixed use districts. While the three SUDs vary slightly, their overall character and location are similar enough that they should all be subject to parking waivers under Section 161.

REQUIRED COMMISSION ACTION

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

BASIS FOR RECOMMENDATION

1. San Francisco's Planning Code has provided for reduced parking requirements in dense and transit-rich neighborhoods since the 1960s, as a way of reducing traffic congestion, encouraging walking, cycling, and public transit, and making efficient use of scarce land;

2. In 1973, the San Francisco City Planning Commission and Board of Supervisors adopted the "Transit First Policy," giving top priority to public transit investments as the centerpiece of the city's transportation policy and adopting street capacity and parking policies to discourage increases in automobile traffic;
3. Off-street parking facilities increase building costs, which in turn are transferred to costs of housing and doing business. As a land use, off-street parking facilities compete with and displace land uses that provide greater social and economic benefit to the city;
4. A basic assumption of the Transportation Element is that a desirable living environment and a prosperous business environment cannot be maintained if traffic levels continue to increase in any significant way. A balance must be restored to the city's transportation system, and various methods must be used to control and reshape the impact of automobiles on the city. This includes limiting the city's parking capacity, especially long-term parking in commercial areas;
5. On October 26, 2010 the Board of Supervisors adopted the goal of having 20% of all trips be by bike by the year 2020;
6. The City of San Francisco's Housing Element seeks to remove unnecessary constraints to the construction and rehabilitation of housing;
7. Existing buildings contribute to the unique character of San Francisco. Reusing buildings, rather than demolishing and rebuilding them, can preserve the built character of neighborhoods, as well as foster sustainability by conserving the energy and materials embodied in these buildings.
8. Small commercial uses, although often nonconforming, tend to provide convenience goods and services on a retail basis to meet the frequent and recurring needs of neighborhood residents within a short distance of their homes;
9. Small businesses that combine office, production, retail, and even residential uses are increasingly common in San Francisco, but frequently do not fit into traditional zoning categories. Creating more flexibility in zoning around accessory uses will help add to the vibrancy of the City's neighborhoods and to the City's diverse economic base;
10. Over the years, the Planning Code has been amended and expanded. While many of these changes have been necessary to address emerging issues and changing policy in the City, the current Planning Code can be overly complex and redundant;

RECOMMENDATION

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

The proposed Modifications include:

Auto Uses

1. Modifying the proposed controls for parking lots in Section 223(l) - "parking lots" - for the C-2 District from "prohibited" to "Conditional Use Authorization".
2. Modify proposed Section 223(o) to require a CU for Storage Yards for Commercial Vehicles or Trucks in C-M Districts rather than prohibiting them outright.

LCCUs

3. Do not amend Section 231 to allow LCCUs to have 2,500 sq. ft. or allow them within 100' of a corner. This proposed change should be reviewed when the Market and Octavia Plan undergoes its scheduled 5 year review.
4. Do not add proposed Section 231(k), which requires Conditional Use authorization when converting a dwelling unit to establish a Limited Corner Commercial Use. Dwelling unit conversions are already controlled by Section 317.

Nonconforming Uses

5. Modify the proposed changes to Section 182 so that a nonconforming use can only be converted to one dwelling unit as of right, and require a CU for the conversion of more than one dwelling unit, and remove the provision that allows a non-conforming use to be converted to group housing as of right.
6. Add the following modifications to Section 184 to clarify when surface parking lots would need to cease operation:

Any nonconforming commercial or industrial use of land where no enclosed building is involved in such use, ~~except for permanent off street parking lots in the C-3-O, C-3-R, C-3-G Districts existing on the effective date of Ordinance 114-85, provided that such lots are screened in the manner required by Section 156(e)~~ shall be eliminated no later than five years and 90 days from the effective date of Ordinance No. [INSERT];

7. Modify Planning Code Section 156 to allow for a 5 year temporary use permit instead of a 2 year temporary use permit.

~~(f)(#)~~ No permanent parking lot shall be permitted in C-3-O, C-3-R, C-3-G and NCT Districts; temporary parking lots may be approved as conditional uses pursuant to the provisions of Section 303 for a period not to exceed two years from the date of approval in NCT Districts and five years from the date of approval in C-3 Districts; permanent parking lots in C-3-S Districts shall be permitted only as a conditional use.

Washington-Broadway SUD

8. Remove the provision in the proposed Ordinance that would change surface parking lots from a conditional use to "not permitted."

ENVIRONMENTAL REVIEW

The proposal to amend the San Francisco Planning Code by repealing Sections 136.2, 136.3, 158, 187, 249.15, 263.2, 263.3, 602.25, 602.26, 607.3 and 607.4 and amending various other Code sections would result in no physical impact on the environment. The proposed legislation was determined to be exempt from environmental review under the General Rule Exclusion (Section 15061(b)(3) of the CEQA Guidelines).

PUBLIC COMMENT

As of the date of this report, the Planning Department has received comments and questions on the proposed legislation from various members of the public, including the Port of San Francisco and the law firm Ruben and Junius.

Ruben and Junius is concerned about the legislation's changes to the parking requirements in the C-3 Zoning district, specifically the provision that would require CU for any parking beyond the 2 to 1 ratio. They felt that this added process without any clear benefit. They also expressed concern over the changes to Section 184 that would require surface parking lots to be removed after 5 years. Their concern is that it would make the operators cease operation immediately upon the adoption of the proposed ordinance. Staff's understanding is that they would have 5 years unit they ceased operation. Also, they expressed concern that several entitled projects that are currently on-hold would be required to go back through the entitlement process when they came to get their building permit if they did not meet the current Code requirements. As a remedy to this they wanted to see a grandfathering clause added to the legislation.

Steven L. Vettel, an Attorney with Farella Braun + Martel LLP expressed concern that the legislation would exempt any project with affordable housing units from the FAR calculations. In response Staff has clarified this section so that only units that are designated as Affordable are exempt from FAR calculations.

The Port of San Francisco contacted the Department about how the proposed project would affect their properties. Of particular concern were the changes to the parking requirements in the C-3 Districts.

RECOMMENDATION: Recommendation of Approval with Modification
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Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Map of SoMa C-M parcels
- Exhibit C: Map of Bernal Heights area C-M parcel
- Exhibit D: The draft Ordinance was originally distributed to the Commission on October 13, 2011 date for October 20 hearing. The public may view the proposed Ordinance online at: <http://commissions.sfplanning.org/cpcpackets/2011.0532T.pdf>



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Zoning Map Amendment

HEARING DATE: MAY 3, 2012

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Project Name: Zoning Map Amendments – Washington-Broadway Special Use District 1; Waterfront Special Use District 2 and 3; Special Districts for Sign Illumination; and Special Districts for Scenic Streets

Case Number: 2011.0533Z [Board File No. 11-0577]

Initiated by: Supervisor Chiu/ Introduced May 3, 2011

Staff Contact: Aaron Starr, Legislative Affairs
aaron.starr@sfgov.org, 415-558-6257

Reviewed by: AnMarie Rodgers, Manager Legislative Affairs
anmarie.rodgers@sfgov.org, 415-558-6395

Recommendation: **Approval with Modifications**

ZONING MAP AMENDMENT

This legislation is associated with Board File No. 11-0548, which changes text in the Planning Code associated with the changes to Zoning Map proposed under this legislation.

Amending Sheets SU01, SS01, and SS02 of the San Francisco Zoning Map to: 1) add blocks and lots to the Washington-Broadway Special Use District 1; 2) add blocks to the Waterfront Special Use District 2; 3) delete blocks and add lots to the Waterfront Special Use District 3; 4) make the boundaries of the Special District for Sign Illumination on Broadway co-extensive with the Broadway Neighborhood Commercial District; 5) delete the Van Ness Special District for Sign Illumination; and 6) add The Embarcadero from Taylor Street to Second Street to the Special District for Scenic Streets; adopting findings, including 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. Please see the attached maps for specific boundaries.

Under Phases 1, the Commission recommended approval of adding the Embarcadero to the Scenic Street Special Sign District. Phase 2, which is the subject of this staff report, covers the changes to the Washington-Broadway SUD, the Waterfront SUDs and the Broadway Special Sign District. Phase 3, to be heard at a later Commission hearing will cover the proposed elimination of the Van Ness Special Sign District.

SPECIFIC CHANGES OF PROPOSED MAP CHANGE ORGANIZED BY TOPIC

Washington-Broadway Special Use Districts

The Way It Is Now:

There are two Washington-Broadway Special Use Districts, which are intended to address special traffic and parking considerations in these areas. Washington-Broadway Special Use District 1 covers portions of Chinatown and contains residential and neighborhood commercial zoning districts. Washington-Broadway Special Use District 2 includes lots that are zoned C-2 Zoning between Columbus Avenue and

Front Street. The only difference between the two districts is that the Washington-Broadway SUD permits Wholesaling as of right.

The Way It Would Be:

Please see the attached map for the current boundaries. The proposed Washington-Broadway SUD would be combined into one SUD and only contain lots on the northeast side of Columbus that are zoned C-2 between Washington and Broadway Streets.

The maps provided by staff at the last hearing correctly describe the proposed Ordinance as drafted. The map attached the 2011.0533Z Case Report for the associated Ordinance No. Board File No. 11-0577 illustrates the text description from the Ordinance.

The draft Ordinance states:

“Section 2. Pursuant to Sections 106 and 302(c) of the Planning Code, the following amendments to Sheet SU01 of the Zoning Map of the City and County of San Francisco, duly approved and recommended to the Board of Supervisors by the Planning Commission, are hereby adopted:

Description of Property to be added to Washington-Broadway Special Use District 1

Blocks 0165, 0166, 0173, 0174, 0175, 0196, and 0197; all lots zoned C-2 on Blocks 0163, 0164, 0176, and 0195.”

However, it appears the proposed Ordinance was drafted in conflict with the associated legislative digest.

The legislative digest states:

“Consolidate the two Washington-Broadway SUDs into a single district, limited to the C-2 zoned areas between Washington and Broadway Streets.”

It is our understanding that Supervisor Chiu intended to make the change described in the legislative digest not that described in the draft Ordinance.

Basis for Recommendation:

The proposed merger would simplify the Code and remove redundant controls by eliminating an SUD and removing parcels located in Chinatown that already have protections provided by the Washington-Broadway SUD.

Waterfront Special Use Districts

The Way It Is Now:

In 1978, the City established three Waterfront Special Use Districts in order to provide for certain areas with unique natural and man-made physical characteristics, distinct maritime character, special traffic, parking and use considerations, recognized development potential, and proximity to residential, public and commercial areas of regional, national and international significance which should be protected from adverse adjacent development. Please see the attached map for the current boundaries. The Code restricts some automotive uses in these districts like motels and gas stations, and permits other uses such as wholesale establishments.

The General Plan also identifies two subareas of the Northeast Waterfront that overlap with these three SUDs; the Fisherman's Warf Subarea and the Base of Telegraph Hill Subarea.

The Way It Would Be:

The proposed legislation would amend Waterfront SUDs 2 and 3 so that they more closely corresponded to the Fisherman's Warf Subarea and the Base of Telegraph Hill Subarea respectively. The intent behind this expressed by the Supervisor's office is to provide more consistency in the policies and objectives outlined in the General Plan and controls identified in the Planning Code for those areas.

The ordinance would also take a few lots north of Broadway that are zoned C-2 and place them within the Waterfront Special Use District 3. All of the other lots zoned C-2 north of Broadway are within the Waterfront Special Use District 3. This change is intended to create consistency between the zoning district and the SUD.

Basis for Recommendation:

Per the Port's request, the Department is recommending to the Commission that they recommend against moving lots 0015, 0016, and 0017 from the Waterfront SUD No. 3 to the Waterfront SUD No. 2. The proposed rezoning does not create any substantial changes and would unnecessarily complicate the understanding of how the waterfront design review process relates to Port properties.

However, the Department recommends approve that other portion of the proposed map change that places all lots on Block 0142 and all lots zoned C-2 on Block 0143 into the Waterfront Special Use District 3. This would put all C-2 lots north of Broadway within the Waterfront SUD 3, creating consistency between the zoning district and the SUD.

Broadway Special Sign District

The Way It Is Now:

Per the Planning Code, the Special Sign District for Illumination on Broadway includes the main commercial frontage of Broadway between west of Columbus Avenue and Osgood Place; however, the Special Sign District Map (SS01) shows that the District extending past Columbus and into Chinatown all the way to Powell Street.

The Way It Would Be:

The proposed legislation would amend Map SS01 so that it correctly corresponded with the description of the Sign District in the Code.

Basis for Recommendation:

The Department recommends approval of this portion of the proposed ordinance. It appears that the map was not changed when the Code language was changed. This provision in the proposed ordinance would correct an error in the City's zoning map. Please see the associated case report (CASE NO. 2011.0532T "Parking, Awning, Signs, Exposure, Open Space, & LCUs") for a detailed discussion of the impacts of this change upon the Chinatown neighborhood. The associated case report describes the limited to no change for Chinatown should the proposed Ordinance be adopted.

REQUIRED COMMISSION ACTION

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

RECOMMENDATION

The Department recommends that the Commission recommend *approval with modifications* of the proposed Ordinance and adopt the attached Draft Resolution to that effect. The proposed modifications are as follows:

1. Remove the rezoning of the Waterfront SUD from the proposed Ordinance.

BASIS FOR RECOMMENDATION

1. Defining two distinct but very duplicative Washington Broadway SUDs is not necessary. The existing underling zoning can accommodate for any differences in land uses. Merging the two districts and removing Chinatown from this SUD, as proposed in the legislative digest, helps to simplify the Planning Code.
2. Moving lots 0015, 0016, and 0017 from the Waterfront SUD No. 3 to the Waterfront SUD No. 2 does not create any substantial changes and would unnecessarily complicate the understanding of how the waterfront design review process relates to Port properties.
3. Correcting the zoning map so that it is consistent with the Planning Code is good governance.

ENVIRONMENTAL REVIEW

The proposed map changes were determined to be exempt from environmental review under the General Rule Exclusion (Section 15061(b)(3) of the CEQA Guidelines).

PUBLIC COMMENT

The Port of San Francisco contacted the Department about how the proposed project would affect their properties. The Port has concerns about how some of the proposed amendments would apply to land under the jurisdiction of the Port Commission, especially in the context of the Port Commission's duties and responsibilities under the San Francisco Charter and Burton Act. The Burton Act is the state legislation which promulgated the transfer of former State tidelands to the City and County of San Francisco. A copy of the Ports letter that addresses these concerns is attached to this report.

RECOMMENDATION:	Recommendation of Approval with Modification
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Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Existing Conditions Map
- Exhibit C: Proposed Conditions Map. *Please note that this map has NOT yet been revised to reflect the boundaries of the proposed Washington-Broadway SUD as described in the Legislative Digest.*
- Exhibit D: Revised map showing the boundaries of the proposed Washington-Broadway SUD as described in the Legislative Digest.

Exhibit E: The draft Ordinance was originally distributed to the Commission on October 13, 2011 date for October 20 hearing. The public may view the proposed Ordinance online at: <http://commissions.sfplanning.org/cpcpackets/2011.0533Z.pdf>



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Text and Map Change

HEARING DATE: MAY 17, 2012

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Project Name: Amendments relating to:
Parking, Awning, Signs, Exposure, Open Space, and Limited
Conforming Uses.

Case Number: 2011.0532T [Board File No. 11-0548] and 2011.0533Z [Board File No. 11-0577]

Initiated by: Supervisor Chiu / Introduced May 3, 2011

Staff Contact: Aaron Starr, Legislative Affairs
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Recommendation: **Recommend Approval with Modifications Of "Phase Three" Including the Topics of Parking, Opens Space for Commercial Uses, Gross Floor Area and Floor Area Ratio, Streetscape Improvements, Transportation Management, Powers of the Zoning Administrator, and the Van Ness SUD and SSD**

PLANNING CODE AMENDMENT

The proposed Ordinance would amend the San Francisco Planning Code (herein after "Code) by repealing Sections 136.2, 136.3, 158, 187, 249.15, 263.2, 263.3, 602.25, 602.26, 607.3 and 607.4 and amending various other Code sections to (1) increase the amount of principally permitted parking spaces for dwellings in RC-4 and C-3 Districts, (2) make off-street parking requirements in the Van Ness Special Use District and RC-3 Districts consistent with those of RC-4 Districts, (3) eliminate minimum parking requirements for the Chinatown Mixed Use Districts and North Beach Neighborhood Commercial Districts, (4) allow exceptions from required parking under specified circumstances, (5) amend the restrictions on off-street parking rates and extend them to additional zoning districts, (6) revise sign, awning, canopy and marquee controls in specified zoning districts, (7) increase the permitted use size for limited corner commercial uses in RTO and RM districts, and allow reactivation of lapsed limited commercial uses in R districts, (8) revise the boundaries of and modify parking and screening requirements in the Washington-Broadway and Waterfront Special Use Districts, (9) modify controls for uses and accessory uses in Commercial and Residential-Commercial Districts, (10) permit certain exceptions from exposure and open space requirements for historic buildings, and (11) modify conformity requirements in various use districts; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Code Section 101.1.

At the Planning Commission's March 1st hearing, the Commission voted to break up the proposed legislation into three phases.

- Phase One includes Clerical and Minor Modifications, Transfer of Development Rights (TDRS), Limited Commercial Uses, Bike Parking, and Signs. On these topics, the Planning Commission recommended approval with modifications in Resolution Number 18553 on March 1, 2012.
- Phase Two includes changes to Automotive Uses, Limited Corner Commercial Uses (LCCUs), Accessory Uses, Non-Conforming Uses, and Washington Broadway and Waterfront SUDs. This phase was heard on May 3, 2012.
- Phase Three includes changes to Gross Floor Area and Floor Area Ratio, Opens Space for Commercial Uses, Parking, Transportation Management, Powers of the Zoning Administrator, the Van Ness SUD and SSD, and Streetscape Improvements. This memorandum addresses the topics in Phase Three.

Summary of Proposed Changes (Phase Three):

Gross Floor Area and Floor Area Ratio Calculations: Amendments described under this category would alter the way the Department and Commission regulate Gross Floor Area (**GFA**) and Floor Area Ratio (**FAR**) Calculations. If a feature or use is counted towards the allowable maximum Gross Floor Area, it may create a disincentive for providing that feature. Similarly, excluding any feature or use from Gross Floor Area calculations may create an incentive for providing that feature. FAR is the ratio of the gross floor area of all the buildings on a lot to the area of the lot, and is used in conjunction with height and bulk limitations to regulate the size of a development. Like the proposed changes to Gross Floor Area, amendments in this category would provide either incentive for uses and features not counted towards FAR limits or disincentives for uses and features that are counted towards FAR limits.

1. Accessory Off-Street Parking

The Way It Is Now:

GFA in Downtown (C-3) Districts does not currently include floor space used for accessory off-street parking and loading spaces.

The Way It Would Be:

GFA would include floor space used for accessory off-street parking and loading spaces in C-3 Districts,

Basis for Recommendation:

By including accessory off-street parking in GFA calculation you create a disincentive to providing accessory parking. Reducing parking for private automobiles is consistent with the City's transit first policy, as well as other policies and goals in the General Plan

2. Bicycle Parking

The Way It Is Now:

Bicycle parking is currently included in GFA calculations.

The Way It Would Be:

Bicycle parking would no longer be included in GFA calculations,

Basis for Recommendation:

It's the City's goal to increasing bike trips to 20% by the year 2020; the City also requires that bike parking be provided in new developments and major alterations. By excluding bike parking from the GFA calculations you are removing a regulation that is inconsistent with the goals of the City and the transit first policy outlined in the General Plan, as noted in the attached draft Resolution, and adding an incentive to dedicate more space to bike parking.

3. Short Term Parking

The Way It Is Now:

Short term parking is excluded from FAR calculations in C-3 Districts.

The Way It Would Be:

Short term parking would be included in FAR calculations in C-3 Districts, creating a disincentive for adding short term parking to new developments in C-3 Districts.

Basis for Recommendation:

This change is consistent with the City's Transit First policy and the Downtown Plan, as described in the attached draft Resolution.

4. Dwelling Unit Density

The Way It Is Now:

Dwelling unit density in C-3 Districts is allowed to be exceeded with Conditional Use authorization.

The Way It Would Be:

Per the proposed legislation, dwelling unit density would no longer be determined by lot area or FAR calculations, but by other limitations in the Code such as height, bulk, setbacks, open space and exposure.

Basis for Recommendation:

This proposed change is consistent with the City's desire to increase its housing stock in order to meet current and future housing demand. This change is also consistent with recently adopted rezoning efforts such as Market & Octavia, Eastern Neighborhoods, the Rincon Hill plans, all of which use methods other than FAR to control building form. FAR limits for housing are not necessary in the C-3 districts given that height and bulk limitations limit the number of units and guide the form of buildings.

Open Space: This amendment would likely have impact only on rare occasions.

1. Retail Buildings

The Way It Is Now:

Buildings in the C-3 Districts that are primarily retail (2/3 of the occupied floor area is dedicated to retail) are not required to provide open space.

The Way It Would Be:

Buildings in the C-3 Districts that are primarily retail would be required to provide open space at the ratios outlined in Section 138(b) of the Code.

Basis for Recommendation:

The proposed change is consistent with recent Planning Code revisions that require public open space for retail and institutional uses in Mixed-Use Districts. In the case of the Mixed Use Districts, the Department determined that all significant generators of jobs and visitors, shoppers and students should be similarly required to provide open space just like office buildings, especially in the areas that are deficient in existing open space.

Parking: Changes in this section would be substantive in that the Ordinance would decrease permitted levels of parking in certain districts, consistent with the City's General Plan and Transit First Policy.

1. Parking in RC Districts

The Way It Is Now:

Required parking for dwelling units in Residential-Commercial, High Density (RC-4) Districts is required at a ratio of 1 parking space to 4 dwelling units and parking for dwelling units in Residential-Commercial, Medium Density (RC-3) Districts is currently 1 parking space to 1 dwelling unit.

Accessory parking is governed by the standard accessory parking controls in the Planning Code: the maximum accessory parking allowed is 150% of the required number of spaces where three or more are required (or .375 spaces per unit) or when no spaces are required 15 spaces or 7% of the total gross floor area, whichever is greater. Any parking provided above those amounts is regulated as a separate use such as a parking garage or a parking lot.

The Way It Would Be:

As currently written, the proposed legislation would institute a 1 space to 4 unit required parking ratio in all RC Districts.

In a letter from Supervisor Chiu dated April 26, 2012, (Exhibit C) the Supervisor proposed amending the ordinance to remove minimum parking requirements and institute a .375 space per unit parking maximum in RC-4 zoning districts. For the Van Ness SUD and RC-3 districts, he proposes eliminating minimum requirements as well as allowing up to .5 parking spaces per unit by right with a maximum of .75 per unit with Conditional Use.

Basis for Recommendation:

RC Districts are located in dense areas of the city, like the Van Ness Avenue corridor and the Tenderloin. (See Exhibit D) The Department supports supervisor Chiu's amendment to remove minimum parking controls in the RC Districts. The proposed change is consistent with parking requirements in other transit-oriented districts, even those with significantly lower densities. The following districts use parking maximum caps instead of parking minimum requirements: Downtown Residential (DTR), Neighborhood Commercial Transit (NCT), Upper Market Street NCD, Residential Transit Oriented (RTO), Eastern Neighborhood Mixed Use Districts, South of Market Mixed Use Districts, Light Industrial (M-1), Production Distribution and Repair/ Design (PDR-1-D), Production Distribution and Repair/ General (PDR-1-G), Heavy Commercial (C-M) and Downtown (C-3) Districts.

2. Parking in North Beach, Broadway and Chinatown

The Way It Is Now:

Parking requirements for non-residential uses in the Broadway and North Beach Neighborhood Commercial Districts and the Chinatown Mixed Use Districts are regulated by the minimum

parking requirements in table 151 that apply to much of the city. However, parking controls in Section 161 and Article 8 basically waive any non-residential parking requirements in Chinatown, except in the rare occasion of lots that are over 20,000 sq. ft. in the Chinatown Community Business District.

Recent Ordinance Number 77-10¹ titled, "Parking Requirements and Garage Installation in Existing Residential Buildings in Telegraph Hill, North Beach and Chinatown" replaced the parking requirements for residential uses with maximum limits but did not make conforming amendments to non-residential uses.

The Way It Would Be:

The proposed legislation would remove minimum parking requirements for non-residential uses in these districts. Maximum parking requirements for non-residential uses in these districts would be added to Table 151.1.

Basis for Recommendation:

The proposed change to non-residential uses is consistent with recent changes to residential parking in this area. This change would further be consistent with parking requirements in other transit oriented districts in San Francisco and policies of the General Plan.

Transportation and Congestion Management: Changes to this category would require onsite transportation brokerage service and transportation management plan in Community Business (C-2) Districts and all Mixed Use Districts.

1. Onsite Transportation Brokerage Service

The Way It Is Now:

Section 163 requires property owners to provide an onsite transportation brokerage service and transportation management plan when they construct a new building or there is a conversion of an existing building in the C-3, Eastern Neighborhood and South of Market Mixed Use Districts.

The Way It Would Be:

The proposed legislation would change this section to include Community Business (C-2) Districts (See Exhibit E) and all Mixed Use Districts.

Basis for Recommendation:

This change is consistent with City's transit first policy and recognizes the dense, transit rich nature of the districts that would be added to this section.

¹ <http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/ordinances10/o0077-10.pdf>

Powers of the ZA: The proposed Ordinance would expand the powers of the Zoning Administrator (ZA) but only when specific parameters are met.

1. Conversion to Dwelling Unit for Historic Resources

The Way It Is Now:

The Code currently allows the ZA to waive certain Code requirements under certain circumstances such as parking, exposure requirements and open space requirements.

The Way It Would Be:

The proposed legislation would expand the ZA's authority by allowing him to waive Dwelling Unit Exposure requirements for Article 11 buildings, consistent with the ZA's current authority to waive Dwelling Unit Exposure requirements for Article 10 buildings. For Article 10 and 11 buildings, it would also permit the ZA to allow off-site publicly accessible open space to be credited toward the residential open space requirements. As discussed under Phase 2, the proposed legislation would also permit the ZA to waive or modify exposure requirements, rear yard requirements and open space requirements when converting a non-conforming use to a residential use, with certain restrictions and criteria.

Basis for Recommendation:

The proposed changes reduce the need for variances when converting a nonconforming use in a historic resource to a residential use, where those uses are principally permitted. Currently, converting a nonconforming use typically requires that property owners seek a Variance for things such as open space and exposure. These Variances are routinely granted. Allowing the ZA to waive these requirements on a case-by-case basis eliminates a process and that increases the cost to property owners and which has little to no public benefit. Doing this is also consistent with the Housing Element of the General plan, which calls for a more streamlined decision making process for housing.

2. Parking Requirements on Protected Streets

The Way It Is Now:

Section 161 provides exemptions from the parking requirement in certain Zoning Districts and due to certain lot situations, such as topography.

The Way It Would Be:

The proposed legislation adds a subsection to Section 161 that allows the Zoning Administrator to reduce or waive required parking or loading for a project when the only feasible street frontage for a driveway or entrance to off-street parking or loading is located on a protected pedestrian-, cycling-, or transit-oriented street frontage, (See Exhibit F) or the only feasible street frontage for a driveway or entrance to off-street parking or loading is located at a transit stop. The legislation also adds a provision that would allow the ZA to waive parking requirements to protect street trees with either the recommendation of the Department of Public Works Bureau of Urban Forestry or the recommendation of a certified arborist, consistent with other recently adopted ordinances, BF-101053, "Consistent Street Frontages 2."

Basis for Recommendation:

The proposed changes reduce process, bring common sense changes to the Planning Code and are consistent with the City's transit first policy and General Plan. They also help advance the goals of the street frontage legislation and help to protect pedestrian and bicycle right-of-ways.

In addition to the changes proposed in this ordinance, the Department also recommends Amending Section 161 of the Planning Code to allow the Zoning Administrator to grant exceptions to off-street parking requirements in C-2 Districts per Section 307. This recommended change would result in allowing administrative exceptions to off-street parking requirements in all districts except the RH and RM districts.

Van Ness Special Use District: The proposed Ordinance would amend this district's sign and parking controls. Some sign provisions are obsolete and should be removed, while the Department believes other changes need more analysis.

1. Van Ness Special Sign District (Code and Map Change)

The Way It Is Now:

Van Ness Special Use District includes a Special Sign District that allows for signs that are larger and taller than what would be permitted in the underlying zoning, Residential-Commercial High Density (RC-4) Zoning District. It also prohibits free standing signs but allows general advertising signs.

The stated intent of the Van Ness SSD is to maintain Van Ness Avenue's attractiveness to business, customers and residents as it changes from an automotive oriented area to a mixed-use, predominantly residential district. It recognizes that signs and other advertising devices are essential to a vital commercial district, and they should not be allowed to interfere with or diminish the livability of residential units within the Van Ness Special Use District or in adjacent residential districts. Finally the Van Ness SSD language states that the scale of the District as characterized by building height, bulk, and appearance, and by the width of streets and sidewalks, differs from that of other commercial and industrial districts, and that sign sizes should relate and be compatible with the surrounding district scale.

Further the Van Ness SSD has specific provisions for signs attached to Article 10 buildings that are unique to this section of the Planning Code.

Please See Exhibits G and H for the Van Ness SUD and SSD

The Way It Would Be:

The proposed legislation would remove the Van Ness Special Sign District from the Planning Code and the Zoning Map. This area would be controlled by the provisions in Section 606, which allow for smaller signs that are not as tall. Further, Free Standing Signs would be permitted and General Advertising Signs would be prohibited. Please see Exhibit I for a more detailed matrix.

Basis for Recommendation:

As stated in the preamble for the Van Ness SSD, the District was created to recognize not only the unique scale and character of the Van Ness Avenue but also the changing mixed use, predominantly residential nature of Van Ness Avenue. The controls do allow for slightly larger and taller signs, but those controls address a specific context. Further, the controls address impacts to residential units by prohibiting business signs above the level of the lowest residential windowsill, which is standard control in RC and well as NC Districts. The Van Ness SSD also has special sign controls for signs attached to Article 10 buildings that are unique to this section of the Planning Code.

The Department believes that a more thorough analysis should be undertaken to fully appreciate the visual impacts that removing the Van Ness SSD would have, in addition to any impacts to signs on Article 10 buildings. Therefore, the Department is recommending that the Commission either recommend that the Van Ness SSD not be deleted from the Code and Zoning Map, or that additional time be allowed for a more detailed analysis.

2. Special District for Sign Illumination (Code and Map Change)

The Way It Is Now:

Under Section 607 of the Planning Code, signs for “Commercial and Industrial Districts”, there is a special provision that allows for flashing, blinking, fluctuating, or otherwise animated signs (video signs are not permitted). These signs are only permitted in “Special Sign Districts for Illumination” (SSDI), which are mapped on Section Map SSD 01 and 02. They include the Broadway NCD (as discussed in Phase 2), Fisherman’s Warf, and Van Ness Avenue. The Van Ness SSDI has the same boundaries as the Van Ness Special Sign District discussed above.

The Code language for Van Ness Avenue references the C-2 District along Van Ness from approximately Golden Gate Avenue to Sacramento Street. This language is out of date, as there are only a handful of C-2 zoned properties along Van Ness Avenue, while the map illustrates a much larger district. Most of the properties that front on Van Ness Avenue in this area are now zoned RC-4. Like the Code language for the Broadway SSDI, this Code language for the Van Ness Avenue SSDI was not amended when the zoning districts along Van Ness Avenue were changed from C-2 to RC-4.

The Way It Would Be:

The proposed Ordinances would delete Van Ness Avenue from the Special Sign Districts for Illumination in Section 606 and from the Zoning Map. Flashing, blinking, fluctuating, or otherwise animated signs would not be permitted on lots zoned C-2 along Van Ness Avenue.

Basis for Recommendation:

The Department recommends approval of this provision because it is mainly Code clean-up. This section of the Code is obsolete and does not reflect the changing nature of Van Ness Avenue from a Commercial Corridor to a more mixed use, predominantly residential corridor. The fact that flashing and blinking signs were not included in the Van Ness Special Sign District, which was originally adopted in 1988 and has the same boundaries as the Van Ness SSD for Illumination, further illustrates the obsolescence of this section of the Planning Code, which dates from the mid-1970s.

3. Parking in the Van Ness SUD

The Van Ness Special Use District requires residential parking at a ratio of 1 parking space to 1 dwelling unit, an amount that is four times as high as the base zoning. The underlying zoning in this district is RC-4. RC-4 Districts require residential parking at a ratio of 1 parking space to every 4 dwelling units.

The Way It Would Be:

This provision would be removed from the Van Ness Special Use District. As the legislation is currently drafted, the parking requirements would then revert to the RC-4 Parking ratio, which is

a minimum of 1 parking space to 4 dwelling units. However, since the legislation was introduced, Supervisor Chiu proposed eliminating minimum requirements as well as allowing up to .5 parking spaces per unit by right with a maximum of .75 per unit with Conditional Use in Van Ness SUD and RC-3 districts. This issue is discussed as item #1 under the "Parking" section above.

Basis for Recommendation:

The City's Transit first policy prioritizes transit over automobile use and Van Ness is a major transit corridor. In addition, a Bus Rapid Transit (BRT) line is being planned for Van Ness Avenue, which will further solidify the corridor as a major transit street. Requiring 1 to 1 parking along Van Ness is inconsistent with the City's General Plan and the mixed use high density character of Van Ness Avenue.

The Van Ness Area Plan does call out that there should be a 1 to 1 parking requirement along Van Ness. The Department finds that this is in opposition to other policies in the General Plan that seek to reduce parking. Removing the requirement of 1 to 1 parking along Van Ness Avenue is on-balance consistent with the City's General Plan and the mixed use high density character of Van Ness Avenue. If the Commission decides to remove the 1 to 1 parking requirement, a General Plan amendment should also be initiated to remove this provision from the Van Ness Area Plan.

The Department recommends adding a grandfathering clause to the legislation that allows projects that have already been approved by the Planning Commission but not yet vested, such as the California Pacific Medical Center on Van Ness Avenue, to be exempt from this provision.

Streetscape Improvements. These proposed amendments would increase the Code requirements consistent with some recent legislative changes. While the intent is laudable, some of the proposed amendments seem overly aggressive in removing existing encroachments.

1. Better Streets Plan Implementation

The Way It Is Now:

Code Section 138 establishes requirements for improvements to the public right-of-way associated with development projects based on the City's Better Streets Plan. Typically, these requirements apply to new developments, or additions of a certain size. There are no explicit provisions that seek removal of existing encroachments into the public right-of-way to be removed or modified in order to meet the new Better Street Standards.

The Way It Would Be:

The proposed legislation would create a new subsection that would trigger a city inquiry into removing existing encroachments for projects that meet certain triggers. The triggers would include projects that involve new construction, additions over 20% of the floor area, changes in use of more than ½ the building's floor area, the addition off-street loading, or the remove off street parking or loading. In these cases the City may consider removal or reduction of the number of encroachments into the public right-of-way. This may include narrowing or reducing the number of driveways, removing encroachments that impede pedestrian travel or remove basements that extend under the public right-of-way.

Basis for Recommendation:

The Department supports expanding Section 138 to include the proposed changes; however, we are concerned that the new provision is too broad. Reducing encroachments is typically more difficult than stratifying the street tree requirement which may be satisfied by either planting a tree or paying a fee. For instance, even if one parking space is added or removed a property owner could potentially be required to remedy their existing encroachments. Further tying this provision to a change of use could add a significant burden on property owners that are only seeking to rent out vacant space. The Department feels that the triggers should be narrowed and only include changes where the project is on a lot that (a) is greater than ½-acre in total area, (b) contains 250 feet of total lot frontage on one or more publicly-accessible rights-of-way, or (c) the frontage encompasses the entire block face between the nearest two intersections with any other publicly-accessible rights-of-way, and (2) the project includes (a) new construction; or (b) addition of 20% or more of gross floor area to an existing building.

In consultation with Supervisor Chiu, the Department drafted more extensive changes to Section 138 that would address some of the concerns we have with the existing requirements and also make changes to the existing code language that clarify when certain requirements are required or not required, and expand some requirements. Supervisor Chiu supports these changes. The proposed changes are drafted in the attached Exhibit J.

The proposed changes include:

- Currently, projects of a certain size and within the DTR, RC, C, NC and Mixed-Use Districts, or Planned Unit Developments are required to plant street trees within a continuous trench². The proposed changes by the Department would expand this to all districts.
- The changes proposed by the Planning Department would remove the provisions that require compliance with various sections of 138 when there is a permit to alter, such as a change of use greater than 50% of the existing square footage of a building. These provisions, like the one proposed in this legislation which ties the removal of encroachments to a change of use greater than 50%, are difficult to enforce because changes of use are often over the counter and they can add a significant burden on property owners that are only seeking to rent out vacant space; therefore the Department is proposing that these types of triggers be removed from Section 138 as well as the proposed legislation.
- The Department's proposed changes also reorganize portions of Section 138 that identify when requirements can be waived and who makes that determination. These changes are not significant and are being done to make the section more clear. For example, it clarifies that DPW determines when there is a technical infeasibility to planting street trees, while the Zoning Administrator determines incompatibility with existing policy. However, it maintains the ZA as the person who makes the ultimate determination.
- The Department's proposed changes also codify the Department current policy to allow existing street trees to be credited toward street tree requirements. This has been the Department's practice for some time, but it has not been explicitly called out in the Code.

² A continuous soil-filled trench parallel to the curb, such that the basin for each tree is connected.

REQUIRED COMMISSION ACTION

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

BASIS FOR RECOMMENDATION

1. San Francisco's Planning Code has provided for reduced parking requirements in dense and transit-rich neighborhoods since the 1960s, as a way of reducing traffic congestion, encouraging walking, cycling, and public transit, and making efficient use of scarce land;
2. In 1973, the San Francisco City Planning Commission and Board of Supervisors adopted the "Transit First Policy," giving top priority to public transit investments as the centerpiece of the city's transportation policy and adopting street capacity and parking policies to discourage increases in automobile traffic;
3. Off-street parking facilities increase building costs, which in turn are transferred to costs of housing and doing business. As a land use, off-street parking facilities compete with and displace land uses that provide greater social and economic benefit to the city;
4. A basic assumption of the Transportation Element is that a desirable living environment and a prosperous business environment cannot be maintained if traffic levels continue to increase in any significant way. A balance must be restored to the city's transportation system, and various methods must be used to control and reshape the impact of automobiles on the city. This includes limiting the city's parking capacity, especially long-term parking in commercial areas;
5. On October 26, 2010 the Board of Supervisors adopted the goal of having 20% of all trips be by bike by the year 2020;
6. The City of San Francisco's Housing Element seeks to remove unnecessary constraints to the construction and rehabilitation of housing;
7. Existing buildings contribute to the unique character of San Francisco. Reusing buildings, rather than demolishing and rebuilding them, can preserve the built character of neighborhoods, as well as foster sustainability by conserving the energy and materials embodied in these buildings.
8. Small commercial uses, although often nonconforming, tend to provide convenience goods and services on a retail basis to meet the frequent and recurring needs of neighborhood residents within a short distance of their homes;
9. Small businesses that combine office, production, retail, and even residential uses are increasingly common in San Francisco, but frequently do not fit into traditional zoning categories. Creating more flexibility in zoning around accessory uses will help add to the vibrancy of the City's neighborhoods and to the City's diverse economic base;

10. Over the years, the Planning Code has been amended and expanded. While many of these changes have been necessary to address emerging issues and changing policy in the City, the current Planning Code can be overly complex and redundant;

RECOMMENDATION

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

The proposed Modifications include:

Clerical Modifications:

1. Section 249.5(a) should also reference map SU02, the North of Market Residential SUD is on both SU01 and SU02.
2. Section 309.1(b)(1)(F) references 827(a)(8)(AO(ii)), it should reference 827(a)(8)(A)(ii)
3. Section 151(c)(4) should be amended to read as follows:

“In all districts other than NC, 15 spaces or seven percent of the total gross floor area of the structure or development, which is ever greater, where no other spaces are required by this Section.”

This section was moved to Section 151 from another Section of the Code and reformatted. In the process, the underlined portion was inadvertently deleted.

Substantive Changes:

Parking

1. Accept the changes proposed in Supervisor Chiu’s letter dated April 26, 2012 that remove the minimum parking controls and set maximum parking controls in RC Districts and Van Ness Avenue SUD.

Streetscape Improvements

2. Integrate the changed outline in Exhibit B, which cover Section 138.1 of the Planning Code.

Powers of the ZA

3. Amend Section 161 of the Planning Code to allow the Zoning Administrator to grant exceptions to off-street parking requirements in C-2 Districts per Section 307. This recommended change would result in allowing administrative exceptions to off-street parking requirements in all districts except the RH and RM districts.

Van Ness Avenue

4. Do not delete the Van Ness SSD from the Code and Zoning Map, or allow additional time for a more detailed analysis.

5. Add a grandfathering clause to the legislation that allows projects that have already been approved by the Planning Commission but not yet vested to be exempt from any parking changes on Van Ness Avenue.

ENVIRONMENTAL REVIEW

The proposal to amend the San Francisco Planning Code by repealing Sections 136.2, 136.3, 158, 187, 249.15, 263.2, 263.3, 602.25, 602.26, 607.3 and 607.4 and amending various other Code sections would result in no physical impact on the environment. The proposed legislation was determined to be exempt from environmental review under the General Rule Exclusion (Section 15061(b)(3) of the CEQA Guidelines).

PUBLIC COMMENT

As of the date of this report, the Planning Department has received comments and questions on the proposed legislation from various members of the public, including the Port of San Francisco and the law firm Ruben and Junius.

Ruben and Junius is concerned about the legislation's changes to the parking requirements in the C-3 Zoning district, specifically the provision that would require CU for any parking beyond the 2 to 1 ratio. They felt that this added process without any clear benefit. They also expressed concern over the changes to Section 184 that would require surface parking lots to be removed after 5 years. Their concern is that it would make the operators cease operation immediately upon the adoption of the proposed ordinance. Staff's understanding is that they would have 5 years unit they ceased operation. Also, they expressed concern that several entitled projects that are currently on-hold would be required to go back through the entitlement process when they came to get their building permit if they did not meet the current Code requirements. As a remedy to this they wanted to see a grandfathering clause added to the legislation.

Steven L. Vettel, an Attorney with Farella Braun + Martel LLP expressed concern that the legislation would exempt any project with affordable housing units from the FAR calculations. In response Staff has clarified this section so that only units that are designated as Affordable are exempt from FAR calculations.

The Port of San Francisco contacted the Department about how the proposed project would affect their properties. Of particular concern were the changes to the parking requirements in the C-3 Districts.

RECOMMENDATION:	Recommendation of Approval with Modification
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Attachments:

- Exhibit A: Draft Planning Commission Resolution, Case # 2011.0532T
- Exhibit B: Draft Planning Commission Resolution, Case # 2011.0533Z
- Exhibit C: Letter from Sup. Chiu Dated April 26, 2012
- Exhibit D: RC Districts Map
- Exhibit E: C-2 Districts Map
- Exhibit F: Transit, Bike and Pedestrian Network Maps
- Exhibit G: Van Ness SUD

Exhibit H: Special Sign District for Illumination
Exhibit I: Van Ness Avenue Sign District Matrix
Exhibit J: Proposed Changes to Section 138.1

The draft Ordinance was originally distributed to the Commission on October 13, 2011 date for October 20 hearing. The public may view the proposed Ordinance online at:

<http://commissions.sfplanning.org/cpcpackets/2011.0532T.pdf>

and

<http://commissions.sfplanning.org/cpcpackets/2011.0533Z.pdf>