

REVISED LEGISLATIVE DIGEST

(10/22/2012, Amended in Committee)

[Planning Code - Uses, Signs, Building Features, Floor Area Ratio, Parking, and Compliance in Specified Use Districts]

Ordinance amending 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 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 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.

Amendments to Current Law

Density, Floor Area Ratio, and Open Space in C-3 Districts and the Van Ness Special Use District.

Sections 102.9, 128, 138, 215, and 243 are amended to:

- Remove the conditional use requirement for higher residential density in the C-3 Districts.
- Exempt affordable housing from Gross Floor Area ratio limits in the C-3 Districts and the Van Ness Special Use District.
- Permit Transferred Development Rights from any eligible site in a C-3 District and from the South of Market Extended Preservation District to be applied to any site in a C-3 District.
- Count space dedicated to parking which exceeds principally permitted amounts, or parking located above ground, to Floor Area Ratio calculations in C-3 Districts. Currently, parking up to 150% of what is principally permitted is exempt from FAR calculations.

- Exempt Bicycle Parking from Floor Area Ratio calculations.
- Extend Public Open Space requirements in C-3 Districts to projects which are primarily retail.

Accessory uses in Commercial, Residential-Commercial, and Industrial Districts

Section 204.3 is amended to:

- Increase the maximum permitted size of an accessory use in Commercial and Industrial Districts from one-quarter to one-third of the gross floor area.
- Remove limitations on the number of employees for an accessory use in a C-2 district.
- Remove maximum horsepower permitted for machines in accessory uses in Commercial Districts.
- Require that mechanical noise, vibration, or unhealthful emissions from accessory uses in Commercial Districts not extend outside the premises.
- Subject accessory uses in RC districts to the requirements of Commercial Districts rather than those of Residential Districts.

Parking and Automotive Uses

Sections 151, 151.1, 155, 155.1, 155.4, 156, 157, 157.1, 158, 158.1, 161, 163, 223, 228, and 243 are amended to:

- Increase the number of principally permitted parking spaces from one for every four units to one for every two units in C-3 Districts, and from 3 for every 8 units to one for every two units in RC Districts.
- Decrease the minimum number parking spaces required in RC-3 Districts and the Van Ness Special Use District from one space per unit to one space for every four units.
- Eliminate minimum parking requirements for the Chinatown Mixed Use Districts and North Beach Neighborhood Commercial Districts
- Permit exceptions from parking requirements where providing required parking would remove a transit stop, compromise a building's earthquake safety or create a geologic hazard.
- Amend the pricing requirements for commuter parking to permit a discounted daily rate for use outside commute hours, and to extend these requirements to commuter parking in Residential-Commercial and South of Market Mixed Use Districts and the Washington-Broadway Special Use District.
- Expand bicycle parking requirements to include all uses.
- Extend transportation brokerage requirements to all non-residential projects over 100,000 square feet in Commercial and Mixed Use Districts.
- Consolidate various automotive use definitions in C, M, and PDR Districts with those for Mixed-Use Districts.
- Remove exceptions permitting non-accessory parking above the ground floor, and permitting exceptions from parking screening requirements, in C-3 Districts.
- Consolidate the conditional use findings for non-accessory parking in C-3 Districts in a single section.

- Allow automobile service stations on transit-priority and major pedestrian streets to be converted to another use without conditional use authorization, and amend the conditional use criteria for conversion to include consideration of transportation impacts of the existing and proposed use.

Sign, Awning, Canopy, and Marquee controls

Sections 136, 136.1, 136.2, 136.3, 262, 602.9, 602.24, 602.25, 602.26, 606, 607, 607.1, 608.6, 608.8, 608.10, 790.24, 790.26, 790.58, 890.21, 890.24, and 890.58 are amended to:

- Permit awnings, canopies, and marquees in PDR Districts.
- Consolidate awning, canopy, and marquee controls for all use districts into a single section.
- Permit awnings to be made of cloth, glass, and metal, but not of plastic.
- Conform signage controls in Residential districts with those of Neighborhood Commercial Districts, and to prohibit General Advertising Signs in the few RC and NC districts where they are currently permitted.
- Remove the special sign districts permitting blinking, flashing, and rotating signs from the Van Ness Corridor and from the portion of Broadway in the Chinatown Community Business District.
- Prohibit roof signs, other than historic signs, in Commercial Districts, to prohibit temporary General Advertising Signs around Union Square, and to limit business signs to 40' in height in C-3 districts.
- Permit window signs and small projecting signs, decrease the permitted size of wall signs, and limit sign illumination to business hours for Limited Commercial Uses in Residential Districts.
- Add The Embarcadero to the list of Scenic Streets where certain sign requirements apply, and to exempt Historic Signs from the sign size limits for Scenic Streets.
- Consolidate procedures for designating, altering, and reconstructing historic signs, and exempt historic signs from height limits on signs.
- Modify the definitions of window signs and business signs.
- Remove certain provisions from the Market Street and Upper Market Sign Districts which duplicate or conflict with sign controls for the underlying use districts.

Limited Commercial Uses in Residential Districts

Sections 186, 209.9, and 231 are amended to:

- Increase the maximum size of new limited corner commercial uses permitted in RTO, RM-3 and RM-4 districts from 1250 to 2500 square feet, and permit them to extend more than 50' from a street corner.
- Require conditional use authorization to convert all or part of a dwelling to a limited corner commercial use.
- Permit Limited Commercial Uses to be reestablished in spaces which were in a commercial use before 1960, which have not been converted to a dwelling, and which conform to current code requirements, with Conditional Use authorization.

- Define commercial uses conditionally permitted in historic buildings in Residential Districts those permitted in an NC-1 district rather than an RC-1 district.

Washington-Broadway and Waterfront Special Use Districts.

Sections 161, 239, 240, 240.1, 240.2, and 240.3 are amended to:

- Consolidate the two Washington-Broadway SUDs into a single district, limited to the C-2 zoned areas between Washington and Broadway Streets.
- Permit exceptions from parking requirements in Waterfront SUD #3.
- Remove parking screening requirements for the Waterfront Special Use Districts, so that the citywide screening requirements of Section 143 apply.
- Delete height limit exceptions for buildings on piers in 84' height districts, as such height limits no longer exist on the historic piers.

Conformity, Changes of Use, and Other Building Requirements

Sections 136, 138.1, 135, 140, 182, 184, and 307 are amended to:

- Expand the exception from residential density limits and minimum parking requirements when converting non-conforming uses in existing buildings to residential uses in all districts where residential uses are principally permitted.
- Permit exceptions from dwelling unit exposure and residential open space requirements when converting historic buildings to residential use.
- Remove the exception for parking lots in C-3 districts from the conformity requirements for uses not in an enclosed building.
- Construction of basement spaces under public streets and alleys is no longer permitted.
- Permit the Planning Department to require, as a condition of approval, that non-conforming encroachments onto public rights-of-way be removed or brought into conformity with current standards when projects are newly constructed or undergo major additions or major changes of use.
- Extend rooftop screening requirements to Chinatown Mixed Use Districts.
- Permit Dwellings to face onto alleys as narrow as 20', rather than 25'.

In addition to the amendments to the Planning Code, conforming amendments to the Zoning Map have been made in a companion ordinance.

Background

This ordinance aims to advance several goals of the City's General Plan and the Priority Policies of Planning Code Section 101.1, as follows:

Reduce off-street parking requirements in dense, mixed-use neighborhoods located near transit. 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. Planning Code changes in the past decade have eliminated minimum parking requirements in many transit-rich areas of the City, including Rincon Hill (2005), Downtown (2006), The Market & Octavia Plan area (2008), Eastern Neighborhoods (2008), Balboa Park (2009) and for residential uses in Chinatown, North Beach, and Telegraph Hill (2010). This ordinance removes the remaining parking requirements in Chinatown, North Beach, and lower Broadway areas, and reduces residential parking requirements in the Van Ness corridor, which Proposition K (2003) designated as a bus rapid transit corridor. The ordinance also permits administrative exceptions from minimum parking requirements in the Fisherman's Wharf area (Waterfront SUD #2), and facilitates conversion of automobile service stations located on important transit and pedestrian streets to other compatible uses.

Provide incentives for affordable housing and mixed-income residential projects. By exempting affordable housing from Floor-Area Ratio limits in the Downtown Commercial (C-3) and Van Ness Special Use Districts, this ordinance will provide a significant incentive for construction of affordable projects and the inclusion of affordable units in market rate residential projects rather than their location off-site. State law requires that municipalities provide significant incentives to developers for including affordable units in market rate projects, and this ordinance will further San Francisco's compliance with the California Density Bonus law.

Encourage the preservation and reuse of existing buildings. San Francisco's 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. Certain provisions of the Planning Code can be difficult for existing buildings to comply with, which limits their potential uses, or can entail a costly and time-consuming variance process for the building owner. This ordinance permits the conversion of non-conforming uses to residential uses, without regard to density limits or parking requirements, in all districts where residential uses are principally permitted. It establishes an administrative exception process from open space and dwelling unit exposure requirements for historic buildings, and permits dwellings to front onto alleys of 20' or more.

Encourage small, neighborhood-serving commercial uses in residential areas. For decades, the Planning Code has recognized that 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". Older storefronts are common in residential districts, and can be difficult to convert to residential uses because of lack of privacy and open space. This ordinance permits storefronts that were in active commercial use before 1960 to be reactivated with conditional use authorization. It also increases the maximum size of new street-corner commercial uses permitted in RTO, RM-3, and RM-4 to 2500 square feet, the size of a typical residential lot, and to extend further than 50' from a corner, to make more existing corner retail uses conforming, and to discourage inactive street fronting uses like storage or garage doors on

prominent corner lots. This ordinance also establishes an appropriate set of signage standards that takes into account the essentially residential nature of the neighborhoods where these uses are found, with limitations on the size of signs and sign illumination outside of business hours.

Encourage small business formation and retention by increasing flexibility for accessory uses in Commercial, Industrial, and Residential-Commercial Districts. 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. This ordinance creates more flexibility in zoning around accessory uses, by increasing the maximum square footage for accessory uses in Commercial, Industrial, and Residential-Commercial Districts from one-quarter to one-third of available square footage, and replacing limitations on the horsepower of machines and number of employees in Commercial Districts with a 'good neighbor' performance standard.

Reduce variances and conditional uses and increase code compliance. Another goal of this ordinance is to decrease the number of planning code variances and conditional uses, by providing administrative process for certain exceptions which are otherwise desirable (appropriate reuse of historic buildings, or ensuring the earthquake safety of buildings) and making certain projects or features which conform to general plan and area plan goals (dense residential projects in C-3 districts, and residential projects with less than one space for every two units in C-3 and RC districts) principally permitted. The ordinance also provides more flexibility in converting non-conforming uses to residences where residences are principally permitted.

Code Simplification: The ordinance seeks to simplify the Planning Code by removing obsolete sections, consolidating controls for a single use or feature into a single code sections, and harmonizing similar definitions and controls across use districts.