

LEGISLATIVE DIGEST

[Planning Code - Accessory Uses; Conformity of Uses]

Ordinance amending the Planning Code to allow exceptions from Code requirements for historic buildings or when converting a nonconforming use in an existing building to a permitted residential use; modify the requirements for surface parking lots; modify conformity, accessory use, streetscape, and public open space requirements in specified use districts; remove references to deleted sections of the Code; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Existing Law

Planning Code regulates open space and streetscape requirements, accessory uses, and conformity of uses and changes of use for each zoning district.

Amendments to Current Law

Amendments have been made to the following Planning Code sections that deal with the above requirements.

Open Space and Streetscapes

- Sections 135 and 307 are amended to allow historic buildings to obtain exceptions from the inner court requirements and to obtain a credit towards the residential usable open space requirement by providing off-site publicly accessible open space.
- Section 138.1 is amended to add requirements for the removal and modification of private encroachments on public rights-of-way.
- Section 140 is amended to permit exceptions from dwelling unit exposure and residential open space requirements when converting historic buildings to residential use.
- Nonsubstantive amendments have been made to the above sections, as well as to Sections 138 and 141.

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

Section 204.3 is amended to:

- Subject accessory uses in RC districts to the requirements of Commercial Districts rather than those of Residential Districts.
- Increase the maximum permitted size of an accessory use in Commercial and Residential-Commercial Districts from one-quarter to one-third of the gross floor area, consistent with NC, Mixed Use, and Industrial Districts.
- 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 and Residential-Commercial Districts not extend outside the premises.

Section 151 is amended to provide for maximum parking as an accessory use.

Conformity, Changes of Use, and Other Building Requirements

Sections 182 and 184 are amended to:

- Subject nonconforming commercial and industrial uses in a Residential or Residential Enclave District to the requirements of Section 186.
- Expand the exception from residential density limits and minimum parking requirements when converting a non-conforming use in an existing building to a dwelling unit, from residential districts in all districts where residential uses are principally permitted, and permit conversion to more than one dwelling unit with conditional use authorization.
- Make surface parking lots a nonconforming use in C-3 Districts, but permit them to continue with conditional use authorization for up to five years at a time.

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:

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 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 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 “good neighbor” performance standards.

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 – the appropriate reuse of historic buildings, or ensuring the earthquake safety of buildings. 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 section, and harmonizing similar definitions and controls across use districts.

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