

## LEGISLATIVE DIGEST

[Planning Code, Zoning Map - Uses, Conformity of Uses, Parking Requirements for Uses, and Special Use Districts]

**Ordinance amending the Planning Code, by repealing Section 158 and amending various other Code Sections, to modify controls for uses and accessory uses in Commercial and Residential Commercial (RC) Districts; eliminate minimum parking requirements for the Chinatown Mixed Use Districts, RC Districts, the Broadway and North Beach Neighborhood Commercial Districts (NCDs), and the Washington-Broadway Special Use District (SUD); make maximum residential parking permitted in Downtown Commercial and RC Districts consistent with Neighborhood Commercial Transit (NCT) Districts; make maximum non-residential parking in RC Districts, Chinatown Mixed Use Districts, and Broadway and North Beach NCDs consistent with NCT Districts; make surface parking lots a non-conforming use in Downtown Commercial Districts; modify conformity requirements in various use districts; modify streetscape requirements, public open space requirements, floor-area ratio calculations, and transportation management requirements for various uses in certain districts; permit certain exceptions from exposure and open space requirements for historic buildings; remove references to deleted sections of the Code; amend Zoning Map Sheet SU01 to consolidate the two Washington-Broadway SUDs and revise the boundaries; and making environmental findings, Section 302, findings, and findings of consistency with the General Plan, and the priority policies of Planning Code, Section 101.1.**

### Existing Law

Among other things, the Planning Code regulates open space and streetscapes; accessory uses; parking and automotive uses; conformity of uses and changes of use. The Code also establishes a number of Special Use Districts with special zoning requirements, which are mapped in the San Francisco Zoning Map.

### Amendments to Current Law

Amendments have been made to the following Planning Code sections that deal with the above requirements. In addition, the Zoning Map is amended to consolidate the two Washington-Broadway Special Use Districts into a single district that is limited to the C-2 zoned areas between Washington and Broadway Street.

#### **Open Space and Streetscapes**

- Sections 135 and 307 are amended to allow historic buildings to obtain exceptions from the inner court requirements and the 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.

### **Parking and Automotive Uses**

Sections 102.9, 151, 151.1, 155, 156, 157.1, 158.1, 161,163, 223, 243, 309, 714, 722, 810, 811, and 812 are amended to:

- Eliminate minimum parking requirements for all uses in RC Districts, Chinatown Mixed Use Districts, and the Broadway and North Beach Neighborhood Commercial Districts.
- Reduce the amount of parking permitted for dwelling units in RC-3 districts and the Van Ness special use district to .5 spaces per unit and .75 spaces per unit with conditional use authorization, consistent with NC-T districts.
- Increase the permitted residential parking in C-3 and RC-4 districts to .5 spaces per unit and .75 spaces per unit with conditional use authorization, consistent with NC-T districts
- 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 exceptions from parking screening requirements in C-3 Districts.
- Count parking in excess of principally permitted amounts towards gross floor-area in C-3 districts.
- Consolidate the conditional use findings for non-accessory parking in C-3 Districts in a single section.
- Delete the obsolete Garment Shop Special Use District.

### **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.

### **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.
- No longer permit construction of basement spaces under public streets and alleys.
- Require nonconforming commercial or industrial uses to be eliminated no later than five years and 90 days from the effective date of an amendment to the Code which makes such permanent uses nonconforming.
- 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:

**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 and RC Districts and the Broadway and North Beach Neighborhood Commercial Districts, and reduces residential parking requirements in the Van Ness corridor, where a bus rapid transit project was recently adopted. The ordinance also permits administrative exceptions from minimum parking requirements in the Fisherman's Wharf area (Waterfront SUD #2).

**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 (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 reduced parking in RC and Chinatown 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 section, and harmonizing similar definitions and controls across use districts.