



# SAN FRANCISCO PLANNING DEPARTMENT

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## Memo to the Planning Commission

HEARING DATE: NOVEMBER 20, 2014  
Continued from the October 23, 2014 Hearing

*Project Name:* **Article 2 Simplification and Definition Consolidation**  
*Case Number:* 2013.0647T  
*Initiated by:* Planning Department  
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*Recommendation:* Approval with Modifications

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### BACKGROUND

The Planning Commission initiated the Article 2 Reorganization Ordinance on July 24<sup>th</sup>, 2014 and held an adoption hearing on October 23, 2014. At the adoption hearing, the Planning Commission voted to continue the adoption of the proposed Ordinance for four weeks so that the Staff could conduct one more public outreach meeting. That outreach meeting was held on Monday, November 10<sup>th</sup> at the Planning Department. During the meeting, Staff went over a list of requested changes by the Coalition for San Francisco Neighbors (CSFN), which they outlined in a letter sent to Planning Department Staff and the Planning Commission on November 4, 2014 (see Exhibit C). Other attendees, including Doug Engmann and Caroline Guibert, also proposed additional amendments. At the end of the meeting, Staff and the meeting attendees came to a consensus on which changes should be included. These changes are outlined below under the Proposed Amendments section.

### CURRENT PROPOSAL

The proposed Ordinance would amend the Planning Code to consolidate definitions into Section 102, reorganize Article 2 to create Zoning Control Tables, and make nonsubstantive changes to various sections in Articles 1, 2, 3, 4, 6, 7 and 8 in order to update, clarify, and simplify Code language.

### REQUIRED COMMISSION ACTION

The proposed Resolution is before the Commission so that it may recommend approval or disapproval to the Board of Supervisors.

### PROPOSED AMENDMENTS

The following are proposed amendments that came out of the November 4<sup>th</sup> outreach meeting, and continued review of the proposed Ordinance by Staff (see Exhibit C for emails from CSFN and Doug Engmann). All page number and line references correspond to the latest version of the Ordinance, which is published online with this memo. Code sections are also provided to allow cross reference with earlier versions of the Ordinance.

**Amendments proposed by CSFN (see Exhibit C):**

1. **Page 132, line 6:** Section 202.1(a), add the following text to the end of the paragraph in Section 202.1(a):

*Each of the Zoning Control Tables contains a brief summary of, and reference guide to, the specific rules that appear elsewhere in this Planning Code. To the extent of any inconsistency or variance between a Table and the relevant governing sections, the latter shall control.*

2. **Page 175 Lines 6-10:** Table 209.1, Zoning Control Table for RH Districts, height requirements for RH-1, RH-2 and RH-3. Modify the text as follows:

**RH-1 Height Limits:** Buildings may not be taller than 35 feet. Per § 261 the height limit may be decreased or increased based on the slope of the lot topography.

**RH-2 Height Limits:** Buildings may not be taller than 40 feet. Per § 261 the height limit may be decreased based on the slope of the lot topography.

**RH-3 Height Limit:** Varies, but generally 40 feet. See Height and Bulk Map for more information.

3. **Tables 209.1, 209.2, 209.3 and 209.4:** Zoning Control Tables for RH, RM, RC and RTO Districts, Miscellaneous Section. Add a new row titled "Residential Design Guidelines." In the "§ Reference" column add "§311 and Residential Design Guidelines". In the following control columns add the following text:

*Subject to the Residential Design Guidelines. Other design guidelines that have been approved by the Planning Commission may also apply.*

**Amendments proposed by Doug Engmann (see Exhibit C):**

4. **Page 7, Line 4:** Section 102, amend the definition for Bedroom as follows:

**Bedroom.** A room primarily used for sleeping that meets the minimum requirements ~~Accommodation room as defined~~ in the Building Code for sleeping rooms.

5. **Page 9, Line 2:** Section 102, amend the definition of Commercial Use as follows:

**Commercial Use.** A land use with the sole or chief emphasis on making ~~a profit~~ financial gain including but not limited to Agricultural Uses, Industrial Uses, Sales and Service Uses, Retail Entertainment Uses, and Auto Uses.

6. **Page 27, line 24:** Section 102, remove the definition of Household and add it back to Section 401.

**Amendments proposed by Caroline Guibert:**

7. **Page 46, Line 23:** Section 102, modify the definition of Residential Use as follows:

**Residential Use.** A Use Category consisting of uses that provide housing for San Francisco residents, rather than visitors, including Dwelling Units, Group Housing, Residential Hotels, and Senior Housing, and for the purposes of Article 4 only any residential components of Institutional

Uses. Single Room Occupancy and Student Housing designations are consider characteristics of certain Residential Uses.

**Amendments proposed by Staff:**

8. **Page 182 Lines 21-23:** RM Zoning Control Table, Residential Use Section, Residential Density, Group Housing. Update the controls for each RM district as follows:

P (7). Up to one bedroom for every...

At the end of the RM Zoning Control Table add the following new footnote:

(7) C required if the Group Housing is affiliated with and operated by a Hospital or an Institutional Educational Use as defined in Section 102.

**PROPOSED RECOMMENDATION**

The Department recommends that the Commission recommend approval with modifications of the proposed Ordinance to the Board of Supervisors. The proposed modifications are as follows:

1. Adopt amendments 1-8 listed above.
2. Allow Staff to continue to find and fix typos, incorrect or missing references and other non-substantive changes in order to maintain consistency with existing Planning Code controls in consultation with the City Attorney's office.
3. Reconcile the proposed Ordinance with recently adopted ordinances, including but not limited to:
  - a. Board File 120796: Divisadero Street NCD
  - b. Board File 120814: Fillmore Street NCD
  - c. Board File 120881: NE Ordinance
  - d. Board File 140844: Formula Retail Ordinance

**BASIS FOR RECOMMENDATION**

At over 1336 pages and including over 100 zoning districts, the Planning Code is a large and complicated document. This complexity, some of which is necessary, can make it difficult to effectively implement and interpret the City's land use regulations. It also makes it difficult for members of the community to effectively engage in the City's planning and development process. The Department strongly believes that consolidating use definitions and making the Planning Code easier to use by creating zoning control tables for all zoning districts will help mitigate these issues. Further, standardizing how zoning districts are organized will aid future community planning efforts by providing a clear framework for existing land use regulations and use definitions.

**Recommendation 1: Adopt amendments 1-8 listed above.**

**Amendments 1-3:** These recommendations were suggested by the CSFN and agreed to by Staff. While not substantive changes, staff finds that the recommendations will help clarify how the tables are to be used, how height is calculated, and will also direct users to the Residential Design Guidelines for RH and RM Districts.

**Amendment 4:** As Mr. Engman pointed out, a “sleeping room” is not defined in the Building Code; however it is a term used throughout the Buildings Code, and there are several requirements for sleeping rooms in the Building Code. The revised definition will more accurately reference how the Building Code uses the term “sleeping room.”

**Amendment 5:** Based on discussions Staff had with Mr. Engman at the outreach meeting, Staff agrees that substituting the word “profit” with “financial gain” will encompass a broader list of ways commercial activities can operate. Profit has a specific financial definition, and not all businesses are profitable.

**Amendment 6:** Household is a term used throughout the Planning Code; however it is used inconsistently and in different contexts. After further considerations, Staff is recommending that this term be removed from Section 102 and placed back in Article 4 as a definition specific to that article.

**Amendment 7:** As Ms. Guibert pointed out at the outreach meeting, the provision identifying Groups Housing associated with an Institutional Use as a Residential Uses is specific to Article 4 for purposes of calculating fees. However, Group Housing approved as part of a CU for an institution is currently considered an Institutional Use for entitlement purposes. Adding the proposed language will clarify this and maintain current controls.

**Amendment 8:** Group Housing is currently principally permitted in RC and RM districts; however, Groups Housing associated with Hospitals and Educational Uses requires a CU. While there may be a rational policy reason to treat all Group Housing the same since their land use impacts are similar, existing Planning Code controls differentiate between who occupies the housing. This recommendation is consistent with Staff’s stated commitment to not making any substantive policy changes.

**Recommendation 2: Allow Staff to continue to find and fix typos, incorrect or missing references and other non-substantive changes.**

Staff has thoroughly reviewed and vetted the proposed Ordinance, and has held or attended several community meetings to seek input and answer questions on the proposed changes. This effort, which has taken over a year-and-a-half to complete has created a more complete and accurate Ordinance; however as with any large undertaking small errors and typos are inevitable. Staff is asking that the Commission included in their recommendation a provision that allows Planning Staff to continue to refine the proposed Ordinance as part of their motion. Any changes would be limited to non-substantive changes and have to be vetted by the City Attorney’s office.

**Recommendation 3: Reconcile the proposed Ordinance with recently adopted ordinances.**

The ordinances listed in Recommendation 3 are currently moving through the Board of have been recently approve by the Board. In order to ensure that this Ordinance does not remove any change made by those ordinances staff is explicitly recommending that this Ordinance be reconcile with recently adopted ordinances.

<b>RECOMMENDATION:</b> <b>Approve with Modifications</b>
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**Attachments:**

Exhibit A: Draft Resolution

Exhibit B: Changes made to Ordinance since Initiation

Exhibit C: Letters from CSFN and Doug Engmann

Exhibit D: Proposed Ordinance and City Attorney's signature page