File No. 160346 Committee Item No. 1
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Land Use and Transportation **Date** May 23, 2016

Board of Supervisors Meeting **Date** _____

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Completed by: Andrea Ausbery **Date** May 20, 2016
Completed by: _____ **Date** _____

FILE NO. 160346 ORDINANCE NO.

[Planning Code - Mid-Block Alley and Rooftop Screening and Enclosure Controls]

Ordinance amending the Planning Code to allow for greater flexibility in the screening and enclosure of rooftop mechanical equipment, modify mid-block alley controls and their applicability to the South Of Market Neighborhood Commercial Transit District, Folsom Street Neighborhood Commercial Transit District, Regional Commercial District and C-3 (Downtown Commercial) District; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public convenience, necessity, and welfare under Planning Code, Section 302.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~. Asterisks (* * * *) indicate the omission of unchanged Code subsections

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) Environmental and General Plan Findings.

(1) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 160346 and is incorporated herein by reference. The Board affirms this determination.

(2) On March 24, 2016, the Planning Commission, in Resolution No. 19599, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1(b). The Board adopts these findings as its own. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File No.160346, and is incorporated herein by reference.

(3) Pursuant to Planning Code Section 302, the Board of Supervisors finds that the proposed Planning Code amendments will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. 160346, and the Board incorporates such reasons herein by reference.

(b) General Findings.

(1) The introduction of mid-block alleys in certain Planning Districts was adopted in 2008 as part of the Eastern Neighborhoods Community Planning effort. This design feature divides large industrial blocks into more walkable segments and transforms historically industrial neighborhoods into urban, people-friendly places.

(2) Policy 3.2.7 of the East SoMa Area Plan states that pedestrian networks should be strengthened by extending alleys to adjacent streets or alleys wherever possible, or by providing new publicly accessible mid-block rights of way. Policy 3.2.7 was codified in Planning Code Section 270.2.

(3) When enacted, Section 270.2 only applied to the Eastern Neighborhoods Mixed Use Districts and DTR Districts, and required that mid-block alleys in Eastern Neighborhoods Mixed Use Districts be at least 60 percent open to the sky.

(4) In 2010, the City enacted Ordinance No. 85-10 extending the mid-block alley requirement to the South of Market Mixed-Use, C-M and South of Market C-3 Districts. However, the "60 percent open to the sky" requirement was not similarly extended.

(5) To more consistently apply mid-block alley requirements throughout the City, this ordinance requires that mid-block alleys, where required, will be at least 60 percent open to the sky.

(6) Long street frontages can occur on alleys as well as streets, implicating the special bulk requirements of Planning Code Sections 270.1 and 270.2.

(7) Planning Code Section 260(b)(1)(F) allows additional building volume to screen certain rooftop features (e.g., mechanical equipment, elevator and stair penthouses, etc.), as described in Section 260(b)(1)(A) and (B) in C-3, Eastern Neighborhoods, and South of Market Mixed Use Zoning Districts. However, the allowable volume, as measured in cubic feet, may not exceed ¾ of the horizontal area of all upper tower roof areas multiplied by 20, which may preclude adequate screening of rooftop features.

(8) A building's terminus is a critical element of its design, as evidenced by Planning Code provisions permitting exceptions to height limits for architectural elements to add interest to the city skyline. Under current Code requirements, to take advantage of the maximum permitted height of 20 feet for the rooftop screen, a permit applicant must provide a setback at the building's terminus, which may not accomplish stated urban design goals of improving the appearance of the sky-line when viewed from a distance.

(9) Because rooftop screen controls are measured in terms of volume, projects currently may provide a screen without a setback, but certain screens that are not set back must be reduced by 25 percent of the maximum permitted height, or 15 feet, which may prevent mechanical features from being adequately screened, especially considering that many mechanical features reach a height of 16 feet.

(10) To help ensure a building's terminus is consistent with the rest of the building's design, and to allow for more adequate screening of rooftop features, this ordinance allows the volume of rooftop screens and/or enclosures to be modifiable, subject to design

review, in C-3 and Eastern Neighborhood Mixed Use Districts, allowing the screen to reach a maximum volume equal to 100 percent of the horizontal area of all upper tower roof areas multiplied by twenty.

Section 2. The Planning Code is hereby amended by revising Section 260, to read as follows:

SEC. 260. HEIGHT LIMITS: MEASUREMENT.

* * * *

(b) Exemptions. In addition to other height exceptions permitted by this Code, the features listed in this ~~S~~subsection *(b)* shall be exempt from the height limits established by this Code, in an amount up to but not exceeding that which is specified.

(1) The following features shall be exempt; provided the limitations indicated for each are observed; provided further that the sum of the horizontal areas of all features listed in this ~~*Paragraph*~~ *subsection* (b)(1) shall not exceed 20 percent of the horizontal area of the roof above which they are situated, or, in C-3 Districts, and in the Rincon Hill Downtown Residential District, where the top of the building has been separated into a number of stepped elements to reduce the bulk of the upper tower, of the total of all roof areas of the upper towers; and provided further that in any R, ~~*RC-1, RC-2*~~, RC-3, or RC-4 District the sum of the horizontal areas of all such features located within the first 10 feet of depth of the building, as measured from the front wall of the building, shall not exceed 20 percent of the horizontal area of the roof in such first 10 feet of depth.

As an alternative, the sum of the horizontal areas of all features listed in this *subsection* ~~*Paragraph*~~ (b)(1) may be equal *to* but not exceed 20 percent of the horizontal area permitted for buildings and structures under any bulk limitations in Section 270 of this Code applicable to the subject property.

Any such sum of 20 percent heretofore described may be increased to 30 percent by unroofed screening designed either to obscure the features listed under (A) and (B) below or to provide a more balanced and graceful silhouette for the top of the building or structure.

(A) Mechanical equipment and appurtenances necessary to the operation or maintenance of the building or structure itself, including chimneys, ventilators, plumbing vent stacks, cooling towers, water tanks, panels or devices for the collection of solar or wind energy and window-washing equipment, together with visual screening for any such features. This exemption shall be limited to the top 10 feet of such features where the height limit is 65 feet or less, and the top 16 feet of such features where the height limit is more than 65 feet.

(B) Elevator, stair and mechanical penthouses, fire towers, skylights and dormer windows. This exemption shall be limited to the top 10 feet of such features where the height limit is 65 feet or less, and the top 16 feet of such features where the height limit is more than 65 feet. However, for elevator penthouses, the exemption shall be limited to the top 16 feet and limited to the footprint of the elevator shaft, regardless of the height limit of the building. The design of all elevator penthouses in Residential Districts shall be consistent with the "Residential Design Guidelines" as adopted and periodically amended for specific areas or conditions by the City Planning Commission.

* * * *

(F) *Rooftop enclosures and screening for features listed in subsections (b)(1)(A) and (B) above that add additional building volume* ~~*I*~~in any C-3 District except as otherwise allowed in the S-2 Bulk district according to subsection (M) below, Eastern Neighborhoods Mixed Use Districts, or South of Market Mixed Use District.~~*, additional building volume used to enclose or screen from view the features listed under Subsections (b)(1)(A) and (B) above. The rooftop form created by the added volume shall not be subject to the percentage coverage limitations otherwise*~~

~~*applicable to this subsection but shall meet the requirements of Section 141 and shall not exceed 20 feet in height, measured as provided in Subsection (a) above, and may not exceed a total volume, including the volume of the features being enclosed, equal to ¾ of the horizontal area of all upper tower roof areas of the building measured before the addition of any exempt features times 20.*~~ *The rooftop enclosure or screen creating the added volume:*

(i) shall not be subject to the percentage coverage limitations otherwise applicable to this Section 260(b) but shall meet the requirements of Section 141;

(ii) shall not exceed 20 feet in height, measured as provided in subsection (a) above;

(iii) may have a volume, measured in cubic feet, not to exceed three-fourths of the horizontal area of all upper tower roof areas multiplied by the maximum permitted height of the enclosure or screen;

(iv) shall not be permitted within the setbacks required by Sections 132.1, 132.2, and 132.3;

(v) shall not be permitted within any setback required to meet the sun access plane requirements of Section 146; and

(vi) shall not be permitted within any setback required by Section 261.1.

* * * *

Section 3. The Planning Code is hereby amended by revising Section 270.1, to read as follows:

SEC. 270.1. SPECIAL BULK LIMITATIONS: HORIZONTAL MASS REDUCTIONS IN LARGE LOTS IN THE EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.

* * * *

(b) **Applicability.** This Section *270.1* applies to all buildings in the Eastern Neighborhoods Mixed Use Districts *that have* street *or alley* frontage greater than 200 feet in length, and that receive their first site or building permit after the effective date of this Section *270.1*.

* * * *

Section 4. The Planning Code is hereby amended by revising Section 270.2, to read as follows:

SEC. 270.2. SPECIAL BULK AND OPEN SPACE REQUIREMENT: MID-BLOCK ALLEYS IN LARGE LOT DEVELOPMENT IN THE EASTERN NEIGHBORHOODS MIXED USE *DISTRICTS*, *SOUTH OF MARKET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT, FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT, REGIONAL COMMERCIAL DISTRICT*, SOUTH OF MARKET MIXED USE *DISTRICT*, C-3 *DISTRICT*, ~~C-M,~~ AND DTR DISTRICT~~S~~.

* * * *

(c) **Applicability.** This Section *270.2* applies to all new construction on parcels that have one or more street *or alley* frontages of over 200 linear feet on a block face longer than 400 feet between intersections, and are in the C-3 Districts, *if located south of Market Street,* ~~C-M Districts, or~~ in *the* South of Market Mixed Use Districts, *South of Market Neighborhood Commercial Transit District, Folsom Street Neighborhood Commercial Transit District, Regional Commercial District,* Eastern Neighborhoods Mixed Use Districts, or DTR Districts, except for parcels in the RH DTR District, which are subject to Section 827.

* * * *

(e) **Design and Performance Standards.** The alleys provided per subsections (a) and (b) above shall meet the following standards:

(1) Generally be located as close to the middle portion of the subject block face as possible, perpendicular to the subject frontage and connect to existing adjacent streets and alleys;

(2) Provide pedestrian access;

(3) Provide no, limited, or full vehicular access, as specific conditions warrant;

(4) Have a minimum width of 20 feet ~~*from building face to building face*~~, exclusive of those obstructions allowed *within setbacks* pursuant to Section 136~~, *and a minimum clearance height from grade of 15 feet at all points*~~. In RED, RED-MX, WMUG, WMUO, and SALI Districts, the minimum width shall be 30 feet;

(5) Have a minimum clear walking width of 10 feet free of any obstructions in the case of a pedestrian-only right-of-way, and dual sidewalks each of not less than ~~6~~*six* feet in width with not less than ~~4~~*four* feet minimum clear walking width in the case of an alley with vehicular access;

(6) *Have at least 60 percent of the area of the alley or pathway open to the sky. Obstructions permitted within setbacks pursuant to Section 136 may be located within the portion of the alley or pathway that is required to be open to the sky. All portions of the alley or pathway not open to the sky shall have a minimum clearance height from grade of 15 feet at all points;* ~~*In the Eastern Neighborhoods Mixed Use Districts, be at least 60% open to the sky, including those encroachments permitted in front setbacks by Section 136 of this Code;*~~

(7) Provide such ingress and egress as will make the area easily accessible to the general public;

(8) Be protected from uncomfortable wind, as called for elsewhere in this Code;

(9) Be ungated and publicly accessible 24 hours per day, as defined elsewhere in this Section *270.2*;

(10) Be provided with appropriate paving, furniture, and other amenities that encourage pedestrian use, and be landscaped to greatest extent feasible;

(11) Be provided with ample pedestrian lighting to ensure pedestrian comfort and safety;

(12) Be free of any changes in grade or steps not required by the underlying natural topography and average grade; and

(13) Be fronted by active ground floor uses, as defined in Section 145.1, to the extent feasible.

(14) New buildings abutting mid-block alleys provided pursuant to this Section 270.2 shall feature upper story setbacks according to the provisions of Section 261.1.

* * * *

Section 5. The Planning Code is hereby amended by revising Section 309, to read as follows:

SEC. 309. PERMIT REVIEW IN C-3 DISTRICTS.

* * * *

(a) **Exceptions.** Exceptions to the following provisions of this Code may be granted as provided in the code sections referred to below:

* * * *

(6) Exceptions to the freight loading and service vehicle space requirements as permitted in Section 161(~~if~~*f*);

* * * *

(10) Exceptions to the volumetric limitations for roof enclosures and screens as prescribed in Section 260(b)(1)(F). For existing buildings, exceptions to the volumetric limitations for

roof enclosures and screens shall be granted only if all rooftop equipment that is unused or permanently out of operation is removed from the building;

(1~~0~~*1*) Exceptions to the height limits for vertical extensions as permitted in Section 260 (b)(1)(G) and for upper tower extensions as permitted in Section 263.9;

(1~~1~~*2*) Exceptions to the height limits in the 80-130F and 80-130X Height and Bulk Districts as permitted in Section 263.8 and in the 200-400S Height and Bulk District as permitted in Section 263.10;

(1~~2~~*3*) Exceptions to the bulk requirements as permitted in Sections 270 and 272.

* * * *

Section 6. The Planning Code is hereby amended by revising Section 329, to read as follows:

SEC. 329. LARGE PROJECT AUTHORIZATION IN EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.

* * * *

(c) **Planning Commission Design Review.** As set forth in Subsection (e), below, the Planning Commission shall review and evaluate all physical aspects of a proposed project at a public hearing. At such hearing, the Director of Planning shall present any recommended project modifications or conditions to the Planning Commission, including those which may be in response to any unique or unusual locational, environmental, topographical or other relevant factors. The Commission may subsequently require these or other modifications or conditions, or disapprove a project, in order to achieve the objectives and policies of the General Plan or the purposes of this Code. This review shall address physical design issues including but not limited to the following:

* * * *

(5) The provision of mid-block alleys and pathways on frontages between 200 and 300 linear feet per the criteria of Section 270, and the design of mid-block alleys and pathways as required by and pursuant to the criteria set forth in Section 270.2;

* * * *

(d) **Exceptions**. As a component of the review process under this Section 329, projects may seek specific exceptions to the provisions of this Code as provided for below:

(1) Exceeding the principally permitted accessory residential parking ratio described in Section 151.1 and pursuant to the criteria therein;

(2) Exception from residential usable open space requirements. In circumstances where such exception is granted, a fee shall be required pursuant to the standards in Section 427.

(3) Modification of the horizontal massing breaks required by Section 270.1 in light of any equivalent reduction of horizontal scale, equivalent volume of reduction, and unique and superior architectural design, pursuant to the criteria of Section 270.1(d).

(4) Exception from satisfaction of loading requirements per Section 152.1 pursuant to the criteria contained therein.

(5) Exception to height limits for vertical non-habitable architectural elements described in Section 263.21 and pursuant to the criteria therein;

(6) Exception to volumetric limitations for roof enclosures and screens pursuant to Section 260(b)(1)(F). For existing buildings, exceptions to the volumetric limitations for roof enclosures and screens shall be granted only if all rooftop equipment that is unused or permanently out of operation is removed from the building;

(7) ~~*(6)*~~ Provision of the required minimum dwelling unit mix, as set forth in Section 207.6;

(8) ~~*(7)*~~ Exception for rear yards, pursuant to the requirements of Section 134(f);

(9) ~~(8)~~ The number of Designated Office Stories for projects which are subject to vertical office controls pursuant to *Section 210.3*C~~219.1~~ or *Section* 803.9(h) and contain more than one building on the project site, so long as

(A) an increase in the number of Designated Office Stories would result in a total square footage of office space no greater than that which would otherwise be permitted by the project.

(B) Office Uses are consolidated within a lesser number of buildings than would otherwise be the case, and

(C) the resulting location and mix of uses increases the project's consistency with nearby land uses.~~;~~

(*10*~~9~~) Relief from dwelling unit exposure requirements for buildings which are designated landmark buildings or contributory buildings within designated historic districts under Article 10 of this Code, and/or buildings recorded with the State Historic Preservation Office as eligible for the California Register, when the following criteria are met:

(A) literal enforcement of Section 140 would result in the material impairment of the historic resource; and

(B) the project complies with the Secretary of the Interior's Standards, (36 C.F.R. § 67.7 (2001)) and/or Section 1006 and any related Article 10 appendices of this Code.

(*11*~~10~~) Flexible Units: Modification of the accessory use provisions of Section 803.3(b)(1)(c) for Dwelling Units. Dwelling Units modified under this Subsection shall continue to be considered Dwelling Units for the purposes of this Code and shall be subject to all such applicable controls and fees. Additionally, any building that receives a modification pursuant to this Subsection shall (i) have appropriately designed street frontages to accommodate both residential and modified accessory uses and (ii) obtain comment on the proposed modification

from other relevant agencies prior to the Planning Commission hearing, including the Fire Department and Department of Building Inspection. Modifications are subject to the following:

(A) A modification may only be granted for the ground floor portion of Dwelling Units that front on a street with a width equal to or greater than 40 feet.

(B) The accessory use may only include those uses permitted as of right at the subject property. However, uses permitted in any unit obtaining an accessory use modification may be further limited by the Planning Commission.

(C) The Planning Commission may grant exceptions to the size of the accessory use, type and number of employees, and signage restrictions of the applicable accessory use controls.

(*12~~11~~*) Where not specified elsewhere in this Subsection (d), modification of other Code requirements which could otherwise be modified as a Planned Unit Development (as set forth in Section 304), irrespective of the zoning district in which the property is located.

Section 7. The Planning Code is hereby amended by revising Sections 735, 743 and 744, to read as follows:

SEC. 735. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

* * * *

Table 735. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

No.	*Zoning Category*	*§ References*	*~~SoMa~~SoMa Transit ~~Controls~~Controls*
BUILDING STANDARDS			
735.10	Height and Bulk Limit	§§ 102.12, 105, 106,250- 252, 260, 261.1, 270, *270.2,* 271	See Zoning Map. Height Sculpting on Alleys: § 261.1

* * * *

SEC. 743. FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

* * * *

Table 743. FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

No.	*Zoning Category*	*§ References*	*Folsom Street Controls*
BUILDING STANDARDS			
743.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250-252, 260, 270, *270.2,* 271	65-X to 75-X. See Sectional Zoning Maps 1 and 7. Height sculpting required on narrow streets, § 261.1

* * * *

SEC. 744. REGIONAL COMMERCIAL DISTRICT.

* * * *

Table 744. REGIONAL COMMERCIAL DISTRICT ZONING CONTROL TABLE

No.	*Zoning Category*	*§ References*	*Regional Commercial Controls*
BUILDING STANDARDS			
744.10	Height and Bulk Limit	§§ 102.12, 105,106, 250-252, 260,261.1, 263.18, 270, *270.2,* 271	55-X, 65-X. See Sectional Zoning Maps 1 and 7. Height sculpting required on narrow streets, § 261.1

* * * *

Section 8. The Planning Code is hereby amended by revising Section 803.9, to read as follows:

SEC. 803.9. COMMERCIAL USES IN MIXED USE DISTRICTS.

* * * *

(h) Vertical Controls for Office Uses.

* * * *

(4) Controls.

* * * *

(E) For projects in MUG and UMU Districts with multiple buildings, consolidation of permitted office stories may be permitted, pursuant to the controls set forth in *Section* 329(d)(*98*).

* * * *

Section 9. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 10. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, letters, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions,

and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
VICTORIA WONG
Deputy City Attorney

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FILE NO. 160346

LEGISLATIVE DIGEST

[Planning Code - Mid-Block Alley and Rooftop Screening and Enclosure Controls]

Ordinance amending the Planning Code to allow for greater flexibility in the screening and enclosure of rooftop mechanical equipment, modify mid-block alley controls and their applicability to the South Of Market Neighborhood Commercial Transit District, Folsom Street Neighborhood Commercial Transit District, Regional Commercial District and C-3 (Downtown Commercial) District; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public convenience, necessity, and welfare under Planning Code, Section 302.

Existing Law

The Planning Code requires midblock alleys in the Eastern Neighborhoods Mixed Use District, South of Market Mixed Use District, C-3 District, and DTR District, except for parcels in the RH DTR District. (Planning Code § 270.2.) The Planning Code requires that, for the Eastern Neighborhood Mixed Use District only, 60 percent of the area of an alley be open to the sky.

Planning Code Section 260(b)(1)(F) allows additional building volume to screen certain rooftop features (e.g., mechanical equipment, elevator and stair penthouses), as described in Section 260(b)(1)(A) and (B) in any C-3 District except as otherwise allowed in the S-2 Bulk district; the Eastern Neighborhoods Mixed Use Zoning District, and the South of Market Mixed Use Zoning District. However, the allowable volume, as measured in cubic feet, may not exceed ¾ of the horizontal area of all upper tower roof areas multiplied by 20.

Planning Code Sections 270.1 and 270.2 set forth bulk limitations for large lots in the Eastern Neighborhoods Mixed Use District with street frontage of 200 feet or more.

Amendments to Current Law

This ordinance would extend the mid-block alley requirement to the South of Market Neighborhood Commercial Transit District, Folsom Street Neighborhood Commercial Transit District, and Regional Commercial District, and would require mid-block alleys only in the portion of the C-3 District south of Market Street. The ordinance would also require that in all areas where mid-block alleys are required, at least 60 percent of the area of an alley be open to the sky, and that any portion not open to the sky have a minimum clearance height of 15 feet.

This ordinance would allow projects in the C-3 District and large projects in the Eastern Neighborhoods Mixed Use District to have roof enclosures and screens with a maximum

volume equal to 100 percent of the horizontal area of all upper tower roof areas multiplied by 20, in order to allow to such enclosures and screens to reach the full height of the rooftop features and equipment, subject to design review. Existing buildings would be eligible for this increased maximum volume only if all rooftop equipment that is unused or permanently out of service is removed from the building.

The ordinance would also clarify that the horizontal bulk limitations of Planning Code Section 270.1 and 270.2 apply to buildings with alley or street frontage of 200 feet or more.

Background Information

This ordinance is intended to more consistently apply mid-block alley requirements throughout the City. The introduction of mid-block alleys in certain Planning Districts was adopted in 2008 as part of the Eastern Neighborhoods Community Planning effort. This design feature divides large industrial blocks into more walkable segments and transforms historically industrial neighborhoods into urban, people-friendly places. When first enacted, Section 270.2 only applied to the Eastern Neighborhoods Mixed Use and DTR Districts, and required that mid-block alleys in Eastern Neighborhoods Mixed Use Districts be at least 60 percent open to the sky. In 2010, the City enacted Ordinance No. 85-10 extending the mid-block alley requirement to the South of Market Mixed-Use, C-M and South of Market C-3 Districts. However, the "60 percent open to the sky" requirement was not similarly extended at that time. This ordinance would extend the midblock alley requirements, and extend the "60 percent open to the sky" requirement to all required mid-block alleys.

With regard to rooftop enclosures, Planning Code Section 260(b)(1)(F) currently allows additional building volume to screen certain rooftop features (e.g., mechanical equipment, elevator and stair penthouses), as described in Section 260(b)(1)(A) and (B) in the C-3 District and Eastern Neighborhoods and South of Market Mixed Use Districts. However, the allowable enclosure or screen volume, as measured in cubic feet, may not exceed ¾ of the horizontal area of all upper tower roof areas multiplied by 20, which may preclude adequate screening of rooftop features. Under current Code requirements, to take advantage of the maximum permitted height of 20 feet for the rooftop screen, a permit applicant must provide a setback at the building's terminus, which may not accomplish stated urban design goals of improving the appearance of the sky-line when viewed from a distance.

Because rooftop screen controls are measured in terms of volume, projects currently may provide a screen without a setback. But certain screens that are not set back must be reduced by 25 percent of the maximum permitted height, or 15 feet, which may prevent mechanical features from being adequately screened, especially considering that many mechanical features reach a height of 16 feet. To help ensure a building's terminus is consistent with the rest of the building's design, and to allow for more adequate screening of rooftop features, this ordinance would allow the volume of rooftop screens and/or enclosures to be modifiable, subject to design review, in C-3 and Eastern Neighborhood Mixed Use

Districts, allowing the screen to reach a maximum volume equal to 100 percent of the horizontal area of all upper tower roof areas multiplied by 20.

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SAN FRANCISCO
PLANNING DEPARTMENT

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April 6, 2016

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 Department Case Number 2015-017728PCA:**
Mid-block Alley and Rooftop Screening and Enclosure Controls Ordinance

BOS File No: 160346 **(pending)**
Planning Commission Recommendation: ***Approval***

Dear Ms. Calvillo,

On March 3, 2016 the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the initiation of the proposed Planning Code Text Amendment Ordinance;

On March 24, 2016 the Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance;

The proposed Ordinance initiated by the Planning Commission would amend Planning Code Sections 260(b)(1)(F), 270.1, 270.2, 309, 735, 743 and 744 to allow for greater flexibility in the screening of rooftop mechanical equipment and make mid-block alley controls more consistently applied throughout the zoning districts in which mid-block alleys are required; and other technical and clerical amendments. The following Planning Code Sections would be amended to:

- **260(b)(1)(F): Rooftop Screen and Enclosure Controls:**
  - Strike obsolete zoning districts RC-1 and RC-2; and
  - Enumerate and list as separate paragraphs controls for rooftop enclosures or screens.
- **270.1: Horizontal Mass Reduction Controls:**
  - Apply subject controls to all buildings in Eastern Neighborhoods Mixed Use Districts with street *or alley* frontages greater than 200 feet in length, rather than only street frontages.
- **270.2: Mid-block Alley Controls:**
  - Apply to the South of Market Neighborhood Commercial Transit District (NCT), Folsom Street NCT and Regional Commercial Districts (RCD) in addition to large lot development in the Eastern Neighborhoods Mixed Use, South of Market Mixed-Use, C-3, C-M and DTR Districts that have one or more street *or alley*

frontages of over 200 linear feet on a block face longer than 400 feet between intersections (rather than only street frontages); and
  - Apply "60 percent open to the sky" provision to all zoning districts where mid-block alleys are required.
- **309: Permit Review in C-3 Districts:**
  - Correctly reference Section 161(f) within Subsection (a)(6) rather than 161(i); and
  - Allow exceptions to volumetric measurements of roof enclosure and screens subject to design review pursuant to Section 309. For existing buildings, grant exceptions only if all unused or out-of-operation rooftop equipment is removed.
- **Section 329: Large Project Authorization in Eastern Neighborhood Mixed-Use Districts:**
  - Correctly reference Section 210.3C within Subsection(d)(8) rather than 219.1, which no longer exists; and
  - Allow exceptions to volumetric measurements of roof enclosure and screens subject to design review pursuant to Section 309. For existing buildings, grant exceptions only if all unused or out-of-operation rooftop equipment is removed.
- **Section 735: South of Market Neighborhood Commercial Transit District (SOMA NCT)**
  - Apply mid-block alley controls; and
  - Update Table 735, subsection 735.10 to reference 270.2
- **Section 743: Folsom Street NCT**
  - Apply mid-block alley controls; and
  - Update Table 743, subsection 743.10 to reference 270.2
- **Section 744: Regional Commercial District**
  - Apply mid-block alley controls; and
  - Update Table 744, subsection 744.10 to reference 270.2

The Planning Commission found that the proposed Project could not have a significant effect on the environment as shown in the analysis of the Mitigated Negative Declaration and affirmed the decision to issue a Mitigated Negative Declaration, as prepared by the San Francisco Planning Department.

At the March 24, 2016 hearing, the Commission voted to recommend **approval** of the proposed Planning Code Amendment Ordinance. Please find attached documents relating to the Commission's action. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

AnMarie Rodgers
Senior Policy Advisor

cc:
Mayor's Office, Nicole Wheaton
City Attorney, Victoria Wong

Attachments (one copy of the following):

Planning Commission Resolution No. 19599, adopting approval recommendation for the Mid-block Alley and Rooftop Screening and Enclosure Controls Ordinance

Draft Mid-block Alley and Rooftop Screening and Enclosure Controls Ordinance (original sent via interoffice mail)

Legislative Digest

SAN FRANCISCO
PLANNING DEPARTMENT

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
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Planning Commission Resolution No. 19599

HEARING DATE: MARCH 24, 2016

Project Name:	**Midblock Alley and Rooftop Screening and Enclosure Controls**
Case Number:	2015-017728PCA
Initiated by:	San Francisco Planning Department 1650 Mission Street, Ste. 400 San Francisco, CA 94103
Staff Contact:	Tina Chang, Planner tina.chang@sfgov.org, 415-575-9197
Reviewed by:	AnMarie Rodgers, Senior Policy Advisor anmarie.rodgers@sfov.org, 415-558-6395
Recommendation:	**Recommend Adoption of Planning Code Amendments.**

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT FINDINGS RELATING TO THE PLANNING CODE AMENDMENTS TO PLANNING CODE SECTIONS 260, 270, 309, 329, 735, 743 AND 744 TO ALLOW FOR GREATER FLEXIBILITY IN THE SCREENING OF ROOFTOP MECHANICAL EQUIPMENT AND MAKE MID-BLOCK ALLEY CONTROLS MORE CONSISTENTLY APPLIED THROUGHOUT THE ZONING DISTRICTS IN WHICH MID-BLOCK ALLEYS ARE REQUIRED AND (3) MAKE AND ADOPT FINDINGS, INCLUDING FINDINGS UNDER PLANNING CODE SECTION 302 AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE SECTION 101.1.

PREAMBLE

WHEREAS, Planning Code Section 260(b)(1)(F) allows additional building volume to screen certain rooftop features (e.g., mechanical equipment, elevator and stair penthouses, etc.), as described in Section 260(b)(1)(A) and (B) in C-3, Eastern Neighborhoods, and South of Market Mixed Use Zoning Districts. However, the allowable volume, as measured in cubic feet, may not exceed ¾ of the horizontal area of all upper tower roof areas multiplied by 20, which may preclude adequate screening of rooftop features; and

WHEREAS, a building's terminus is a critical element of its design, as evidenced by Planning Code provisions permitting exceptions to height limits for architectural elements to add interest to the city skyline. Under current Code requirements, to take advantage of the maximum permitted height of 20 feet for the rooftop screen, a permit applicant must provide a setback at the building's terminus, which may not accomplish stated urban design goals of improving the appearance of the sky-line when viewed from a distance; and

WHEREAS, because rooftop screen controls are measured in terms of volume, Projects currently may provide a screen without a setback, but screens that are not set back must be reduced by 25 percent of the

maximum permitted height, or 15 feet, which may prevent mechanical features from being adequately screened, especially considering that many mechanical features reach a height of 16 feet; and

WHEREAS, to help ensure a building's terminus is consistent with the rest of the building's design, and to allow for more adequate screening of rooftop features, this ordinance allows the volume of rooftop screens and/or enclosures to be modifiable, subject to design review, in C-3 and Eastern Neighborhood Mixed Use Districts, allowing the screen to reach a maximum volume equal to 100 percent of the horizontal area of all upper tower roof areas multiplied by twenty; and

WHEREAS, the introduction of mid-block alleys in certain Planning Districts was adopted in 2008 as part of the Eastern Neighborhoods Community Planning effort. This design feature divides large industrial blocks into more walkable segments and transforms historically industrial neighborhoods into urban, people-friendly places; and

WHEREAS, Policy 3.2.7 of the East SoMa Area Plan states that pedestrian networks should be strengthened by extending alleys to adjacent streets or alleys wherever possible, or by providing new publicly accessible mid-block rights of way. Policy 3.2.7 was codified in Planning Code Section 270.2; and

WHEREAS, long street frontages can occur on alleys as well as streets, implicating the special bulk requirements of Planning Code Sections 270.1 and 270.2; and

WHEREAS, when enacted, Section 270.2 only applied to the Eastern Neighborhoods Mixed Use Districts and DTR Districts, and required that mid-block alleys in Eastern Neighborhoods Mixed Use Districts be at least 60 percent open to the sky; and

WHEREAS, in 2010, the City enacted Ordinance No. 85-10 extending the mid-block alley requirement to South of Market Mixed-Use, C-M and South of Market C-3 Districts. However, the "60 percent open to the sky" requirement was not similarly extended; and

WHEREAS, to more consistently apply mid-block alley requirements throughout the City, this ordinance requires that mid-block alleys, where required, will be at least 60 percent open to the sky; and

WHEREAS, the proposed Ordinance corrects errors found in the affected Sections of the Planning Code, namely in Sections 260, 309 and 329; and

WHEREAS, the Planning Department has determined that the actions contemplated in this Ordinance are in compliance with the California Environmental Quality Act (California Public Resources Code section 21000 et seq.); 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 Department staff and other interested parties; and

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

WHEREAS, the Commission has reviewed the proposed Ordinances amending the Planning Code, which Ordinances are attached hereto and incorporated herein by reference as amended by the Planning Commission to include language to remove rooftop equipment that is unused or permanently out of operation for existing buildings;

WHEREAS, pursuant to Planning Code Section 302(b), the Commission adopted a Resolution 19581 to Initiate Amendments to the Planning Code on March 3, 2016;

The Commission has reviewed the proposed Planning Code Text Amendments Ordinance; and

MOVED, that the Commission hereby recommends that the Board of Supervisors approve the proposed Planning Code Amendment Ordinance, and adopt the attached Resolution to that effect.

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments and the record as a whole, including all information pertaining to the Project in the Planning Department's case files, this Commission finds, concludes, and determines as follows:

1. **General Plan Compliance.** The Project is, on balance, consistent with the Objectives and Policies of the General Plan as set forth below.

URBAN DESIGN
Objectives and Policies

OBJECTIVE 3.
MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

Policy 3.3
Promote efforts to achieve high quality of design for buildings to be constructed at prominent locations.

This project meets this policy. The proposed Planning Code Amendments moderate new developments in the City, helping to ensure that large blocks are broken up such that more pedestrian friendly environments are created. Additionally, creating additional flexibility to rooftop screen and enclosures will help projects achieve a high quality of design at prominent locations. Projects requiring Downtown or Large Project Authorization tend to be larger in scale and therefore more prominent, thus warranting greater flexibility in screening of mechanical rooftop features that, if improperly screened, would not achieve urban design goals of improving the City's sky-line and creating visual interest to the termination of a building.

OBJECTIVE 4.
IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

Policy 4.13
Improve pedestrian areas by providing human scale and interest.

This project meets this policy. The proposed Planning Code Amendments add clarity, expand the applicability of and increase consistency in application of mid-block alley controls. The result is smaller, more pedestrian-scaled blocks which are more pedestrian-friendly and contribute to greater comfort and safety.

TRANSPORTATION
Objectives and Policies

OBJECTIVE 23.
IMPROVE THE CITY'S CIRCULATION SYSTEM TO PROVIDE FOR EFFICIENTM PLEASANT, AND SAFE MOVEMENT.

Policy 23.8
Support pedestrian needs by incorporating them into regular short-range and long-range planning activities for all city and regional agencies and include pedestrian facility funding in all appropriate funding requests.

This project supports this policy. The proposed Planning Code Amendment helps extend mid-block alleys to the Folsom Street Neighborhood Commercial Transit, South of Market Street Neighborhood Commercial Transit, and Regional Commercial Districts.

2. **Planning Code Section 101.1(b)** The Project is, on balance, consistent with the Objectives and Policies of the General Plan as set forth below.

   A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

   Existing neighborhood-serving retail uses would not be affected by the Project.

   B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

   The Project would not affect existing housing and neighborhood character nor the cultural and economic diversity of our neighborhoods.

   C. That the City's supply of affordable housing be preserved and enhanced,

   The Project would not affect the City's supply of affordable housing.

   D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The Project would not impeded MUNI transit service or overburden our Streets or neighborhood parking.

E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The Project will not affect the City's industrial and service sectors.

F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The Project will not affect the City's Earthquake preparedness.

G. That landmarks and historic buildings be preserved.

The Project would not affect the City's historic buildings.

H. That our parks and open space and their access to sunlight and vistas be protected from development.

The Project would not affect parks and open space nor their access to sunlight or vistas.

3. Based on the foregoing, the public necessity, convenience and general welfare require the proposed Planning Code amendments.

I hereby certify that the foregoing Resolution was ADOPTED by the San Francisco Planning Commission on March 24, 2016.

Jonas P. Ionin
Commission Secretary

AYES: Fong, Richards, Antonini, Hillis, Johson Moore, Wu

NOES: None

ABSENT: None

ADOPTED: March 24, 2016

BOARD of SUPERVISORS

City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

April 27, 2016

File No. 160346

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Jones:

On April 19, 2016, the Planning Commission introduced the following proposed legislation:

File No. 160346

Ordinance amending the Planning Code to allow for greater flexibility in the screening and enclosure of rooftop mechanical equipment, modify mid-block alley controls and their applicability to the South of Market Neighborhood Commercial Transit District, Folsom Street Neighborhood Commercial Transit District, Regional Commercial District and C-3 (Downtown Commercial) District; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public convenience, necessity, and welfare under Planning Code, Section 302.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

By: Andrea Ausberry, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

Not defined as a project under CEQA Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

Joy Navarrete

Digitally signed by Joy Navarrete
DN: cn=Joy Navarrete, o=Planning, ou=Environmental Planning, email=joy.navarrete@sfgov.org, c=US
Date: 2016.04.28 14:01:41 -07'00'

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This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

By: Andrea Ausberry, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

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April 27, 2016

Planning Commission
Attn: Jonas Ionin
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Commissioners:

On April 19, 2016, Planning Commission introduced the following legislation:

File No. 160346

Ordinance amending the Planning Code to allow for greater flexibility in the screening and enclosure of rooftop mechanical equipment, modify mid-block alley controls and their applicability to the South of Market Neighborhood Commercial Transit District, Folsom Street Neighborhood Commercial Transit District, Regional Commercial District and C-3 (Downtown Commercial) District; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public convenience, necessity, and welfare under Planning Code, Section 302.

The proposed ordinance is being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

By: Andrea Ausberry, Assistant Clerk
Land Use and Transportation Committee

c: John Rahaim, Director of Planning
Aaron Starr, Acting Manager of Legislative Affairs
Scott Sanchez, Zoning Administrator

Sarah Jones, Chief, Major Environmental Analysis
AnMarie Rodgers, Legislative Affairs
Jeanie Poling, Environmental Planning
Joy Navarrete, Environmental Planning

BOARD of SUPERVISORS

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MEMORANDUM

TO: Tom Hui, Director, Department of Building Inspection

FROM: Andrea Ausberry, Assistant Clerk
Land Use and Transportation Committee

DATE: April 27, 2016

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by the Planning Commission on April 19, 2016.

File No. 160346

Ordinance amending the Planning Code to allow for greater flexibility in the screening and enclosure of rooftop mechanical equipment, modify mid-block alley controls and their applicability to the South of Market Neighborhood Commercial Transit District, Folsom Street Neighborhood Commercial Transit District, Regional Commercial District and C-3 (Downtown Commercial) District; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public convenience, necessity, and welfare under Planning Code, Section 302.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: andrea.ausberry@sfgov.org

c: Sonya Harris, Building Inspection Commission
William Strawn, Department of Building Inspection
Carolyn Jayin, Department of Building Inspection