



SAN FRANCISCO PLANNING DEPARTMENT

October 2, 2009

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

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

**Re: Transmittal of Planning Department Case Number 2008.0911T:
Amendments to the Planning Code Section 355: Soft-Story Seismic Upgrades
Board File Number 09-0906
Planning Commission Recommendation: *Approval***

Dear Ms. Calvillo,

On October 1, 2009, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance;

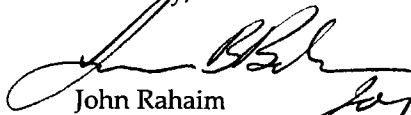
The proposed Ordinance would amend Planning Code Section 355 (Permit Application [Fees]), to exempt the proportionate share of fees if the project involves the voluntary seismic retrofit upgrades to soft-story, wood-frame buildings.

The proposed zoning changes have been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c)(2).

At the October 1st hearing, the Commission voted to recommend **approval** of the proposed 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,


John Rahaim
Director of Planning

cc: Mayor Newsom

Attachments (one copy of the following):

Planning Commission Resolution No. 17957

Planning Commission Executive Summary for Case No. 2008.0911T



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 17957

HEARING DATE: OCTOBER 8, 2009

1650 Mission St.
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San Francisco,
CA 94103-2479

Reception:
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415.558.6409

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Project Name: Amendments to the Planning Code:
Section 209.1 - Double Density Benefits

Case Number: 2009.0787T [Board File No. 09-0906]
Initiated by: Supervisor Chiu / Introduced July 14, 2009
Staff Contact: Tara Sullivan-Lenane, Legislative Affairs
tara.sullivan-lenane@sfgov.org, 415-558-6257

Reviewed By: AnMarie Rodgers, Legislative Affairs
anmarie.rodgers@sfgov.org, 415-558-6395

90-day Deadline: October 12, 2009

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT AN ORDINANCE THAT WOULD AMEND PLANNING CODE SECTION 355 (PERMIT APPLICATIONS) TO EXEMPT THE PROPORTIONATE SHARE OF FEES THAT INVOLVE THE VOLUNTARY SEISMIC UPGRADE OF SOFT-STORY, WOOD-FRAME BUILDINGS.

PREAMBLE

Whereas, on September 15, 2009, Mayor Newsom introduced a proposed Ordinance under Board File Number 09-1113 that would amend Planning Code Section 355 (Permit Application [Fees]), to exempt the proportionate share of fees if the project involves the voluntary seismic retrofit upgrades to soft-story, wood-frame buildings; and

Whereas, on July 8, 2008, Mayor Newsom introduced a proposed Ordinance under Board File Number 08-0956 that would amend Planning Code Section 350 (Fees, General), to exempt the proportionate share of fees if the project involves the voluntary seismic retrofit upgrades to soft-story, wood-frame buildings; and

Whereas, on September 11, 2008, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance; and

Whereas, the proposed Ordinance in BOS File No. 09-1113 is substitute legislation that addresses the Planning Commission's concerns, as outlined in Resolution No. 17693, dated September 11, 2008; and

Whereas, the proposed zoning changes have been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c)(2); 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 by Department staff, and other interested parties; and

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

Whereas, the Commission has reviewed the proposed Ordinance; and

MOVED, that the Commission hereby recommends that the Board of Supervisors recommends *approval of the proposed ordinance* and adopts the attached Draft Resolution to that effect.

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The Planning Commission overwhelming supports the need to ensure the safety and welfare of the people in San Francisco. Seismic upgrades to buildings are essential to meeting these goals.
2. Since the fall of 2008, the Planning Department has been working closely with the Mayor's Office and with Department of Building Inspection ("DBI") to strengthen the original Ordinance. The resulting proposed Ordinance reflects all of the proposed modifications recommended by the Planning Commission in Resolution No. 17693 (see Attachment B).
3. The Planning Code Section that is proposed for amendment has been changed from Section 350 (Fees, General) to Section 355 (Permit Application [Fees]), due to staff recommendation that this is the more appropriate Section for the waiver to be located.
4. Therefore, the Commission recommends *approval of the proposed Ordinance* and that the Board of Supervisors adopt the proposed Ordinance.
5. **General Plan Compliance.** The proposed Ordinance is, on balance, consistent with the following Objectives and Policies of the General Plan:

I. COMMUNITY SAFETY

OBJECTIVE 1: COORDINATION

IMPROVE THE COORDINATION OF CITY PROGRAMS THAT MITIGATE PHYSICAL HAZARDS, HELP INDIVIDUAL AND ORGANIZATIONS PREPARE FOR AND RESPOND TO DISASTERS, AND RECOVER FROM THE IMPACTS OF DISASTERS.

POLICY 1.1

Improve the coordination of disaster-related programs within City departments..

The proposed Ordinance will improve the coordination between City agencies that are responsible for the seismic upgrades and safety of buildings in San Francisco.

OBJECTIVE 2: HAZARD MITIGATION

REDUCE STRUCTURAL AND NON-STRUCTURAL HAZARDS TO LIFE SAFETY, MINIMIZE PROPERTY DAMAGE AND RESULTING SOCIAL, CULTURAL AND ECONOMIC DISLOCATIONS RESULTING FROM FUTURE DISASTERS.

POLICY 2.6

Reduce the earthquake and fire risks posed by older small wood-frame residential buildings through easily accomplished hazard mitigation measures.

The proposed Ordinance, by incentivizing voluntary seismic upgrades to soft-story, wood-frame buildings, will reduce the risk of damage to many wood-frame residential buildings in a future earthquake.

1. The proposed replacement project is generally consistent with the eight General Plan priority policies set forth in Section 101.1 in that:

- A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

The proposed Ordinance will help protect existing neighborhood-serving retail uses and opportunities for employment in or ownership of such businesses by ensuring the seismic stability of soft-story wood-frame buildings, many of which contain commercial uses on the ground floor.

- B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

The proposed Ordinance will protect the unique neighborhood character and housing by ensuring the seismic stability of soft-story wood-frame buildings.

- C) The City's supply of affordable housing will be preserved and enhanced:

The proposed Ordinance will have no adverse effects on the City's supply of affordable housing.

- D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

The proposed Ordinance will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

- E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

The proposed Ordinance would not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.

- F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The proposed Ordinance's goal is to ensure preparedness against injury and lost of life in an earthquake through intentivizing the seismic stability of soft-story wood-frame buildings.

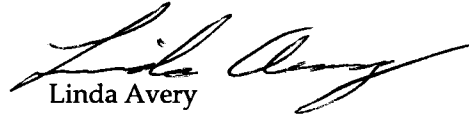
- G) That landmark and historic buildings will be preserved:

The intent and goal of the proposed Ordinance is to further protect and enhance historic buildings, many of which are soft-story, wood-frame buildings..

- H) Parks and open space and their access to sunlight and vistas will be protected from development:

The proposed Ordinance will not impact the City's parks and open space..

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on October 1, 2009.


Linda Avery
Commission Secretary

AYES: Miguel, Olague, Moore, Sugaya, Antonini, Borden

NAYS:

ABSENT: Lee

ADOPTED: October 1, 2009



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Text Change

HEARING DATE: OCTOBER 1, 2009

Project Name: **Amendments to the Planning Code: Soft-Story Seismic Upgrades**

Case Number: 2008.0911T [Board File No. 09-1113]

Initiated by: Mayor Newsom / Introduced September 15, 2009

Staff Contact: Tara Sullivan-Lenane, Legislative Affairs
tara.sullivan-lenane@sfgov.org, 415-558-6257

Reviewed By: AnMarie Rodgers, Legislative Affairs
anmarie.rodgers@sfgov.org, 415-558-6395

Recommendation: **Recommend Approval**

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PLANNING CODE AMENDMENT

The proposed Ordinance introduced by Mayor Newsom would amend Planning Code Section 355 (Permit Application [Fees]), to exempt the proportionate share of fees if the project involves the voluntary seismic retrofit upgrades to soft-story, wood-frame buildings.

Please note that this legislation is a follow-up to BOS File No. 08-0956, introduced July 8, 2008: Exemption of Fees for Seismic Work on Soft-Story Wood-Frame Buildings. The Planning Commission reviewed this Ordinance on September 11, 2008 and recommended approval with modifications.

The Way It Is Now:

The Planning Department charges fees for the review and processing of all permits. This includes permits for seismic upgrades to buildings. Currently there are no special requirements for soft-story, wood-frame buildings.

The Department of Building Inspection ("DBI") has recently completed the Community Action Plan for Seismic Safety ("CAPSS"), which identified the types of buildings in San Francisco that are most vulnerable to seismic events and recommended measures to improve the safety of soft-story, wood-frame buildings.

Currently there are no formal definitions in the Planning or Building Codes defining what qualifies as a soft-story wood-frame building.

The Way It Would Be:

The proposed Ordinance would amend Planning Code Section 355(a) (Permit Application [Fees]) to add Section (8), which would waive all fees for seismic upgrade work on soft-story, wood-frame buildings. This is a voluntary, not mandatory program.

DBI's fees for similar work are also proposed to be waived.

REQUIRED COMMISSION ACTION

The proposed Resolution is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

RECOMMENDATION

The Department recommends that the Commission recommend *approval* of the proposed Resolution and adopt the attached Draft Resolution to that effect.

BASIS FOR RECOMMENDATION

The Planning Department overwhelmingly supports the need to ensure the safety and welfare of the people in San Francisco. Seismic upgrades to buildings are essential to meeting these goals.

Since the fall of 2008, the Planning Department has been working closely with the Mayor's Office and with Department of Building Inspection ("DBI") to strengthen the original Ordinance. The resulting proposed Ordinance under review reflects all of the proposed modifications recommended by the Planning Commission in Resolution No. 17693 (see Attachment B).

The Planning Code Section that is proposed for amendment has been changed from Section 350 (Fees, General) to Section 355 (Permit Application [Fees]), due to staff recommendation that this is the more appropriate Section for the waiver to be located.

Below are issues that the Planning Commission requested modifications on and how they have been addressed in the proposed Ordinance:

1. Definition of Soft-Story, Wood-Frame Building: The original legislation did not contain a definition of what qualifies as a soft-story, wood-frame building. The Planning Commission requested that this be included.

Working from the CAPSS findings, DBI has drafted Administrative Bulletin AB-094: Definition & Design Criteria for Voluntary Seismic Upgrade of Soft-Story, Type V (wood-frame) Buildings, dated May 12, 2009 (See Attachment C). As the title suggests, this document defines what qualifies as a soft-story wood-frame building, retrofit standards that must be met, and the permit processing process.

The definition itself addresses the issues outlined in PC Resolution 17693. It only applies to buildings constructed prior to 1973; the ground floor (1st story) must have a particular length and contains openings; the occupancy meets certain classes; and/or the building has been determined to be structurally unsound in an earthquake event.

The Department believes that this document adequately addresses the concerns of the Planning Commission. The definition is detailed and clear, as are the processes. This Administrative Bulletin is clearly cited in Planning Code Section 355 as the only type of seismic work that permit fees will be waived.

2. Separate Permitting for Seismic Work on Soft-Story, Wood Frame Buildings: The Commission had concerns about the procedural aspects of this legislation. A concern about bundling seismic work

was raised which would make it difficult for the Department to determine which aspects of the project needed fee waivers.

The Department has worked with DBI to ensure that all seismic work under this Ordinance will be applied for separately from all other work. Typically most seismic upgrades will not be routed to Planning, as they tend to consist of interior alterations only. However, should there be exterior modifications or impacts to the building, Planning will have to review the permit and waive all fees associated with this review. DBI's assurance to the Mayor's Office and the Planning Department that soft-story, wood-frame seismic work will be applied for separately alleviates these concerns.

In sum, the Planning Department supports the proposed Ordinance and encourages the Commission to recommend approval of the proposal.

ENVIRONMENTAL REVIEW

The proposal to amend Planning Code Section 355 (Permit Application [Fees]) would result in no physical impact on the environment. The proposed amendment is exempt from environmental review under Section 15060(c)(2) of the CEQA Guidelines.

PUBLIC COMMENT

As of the date of this report, the Planning Department has received no letters in support or opposition to the proposal from the public.

RECOMMENDATION:	Recommend of Approval
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Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Planning Commission Resolution No. 17893
- Exhibit C: Draft Bulletin AB-094, *Definition & Design Criteria for Voluntary Seismic Upgrade of Soft-Story, Type V (wood-frame) Buildings*, dated May 12, 2009
- Exhibit D: Draft Board of Supervisors Ordinance



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 17693

HEARING DATE: SEPTEMBER 11, 2008

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

Project Name: Amendments to the Planning Code: Soft-Story Seismic Upgrades

Reception:
415.558.6378

Case Number: 2008.0911T [Board File No. 08-0956]

Fax:
415.558.6409

Initiated by: Mayor Newsom / Introduced July 8, 2008

Staff Contact: Tara Sullivan-Lenane, Legislative Affairs
tara.sullivan-lenane@sfgov.org, 415-558-6257

Planning
Information:
415.558.6377

Recommendation: **Recommend Approval with Modifications**

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT AN ORDINANCE WITH MODIFICATIONS THAT WOULD AMEND PLANNING CODE SECTION 350 (FEES, GENERAL) TO EXEMPT THE PROPORTIONATE SHARE OF FEES AND TO URGE THE PLANNING DEPARTMENT TO EXPEDITE THE REVIEW OF PROJECTS THAT INVOLVE THE VOLUNTARY SEISMIC UPGRADE OF SOFT-STORY, WOOD-FRAME BUILDINGS.

PREAMBLE

Whereas, on July 8, 2008, Mayor Newsom introduced a proposed Ordinance under Board File Number 08-0956 that would amend Planning Code Section 350 (Fees, General), to exempt the proportionate share of fees if the project involves the voluntary seismic retrofit upgrades to soft-story, wood-frame buildings; and

Whereas, on September 11, 2008, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance;

Whereas, the proposed zoning changes have been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c)(2); 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 by Department staff, and other interested parties; and

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

Whereas, the Commission has reviewed the proposed Ordinance; and

MOVED, that the Commission hereby recommends that the Board of Supervisors recommends *approval of the proposed Resolution with Modifications* and adopts the attached Draft Resolution to that effect.

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The Planning Commission overwhelmingly supports the need to ensure the safety and welfare of the people in San Francisco. Seismic upgrades to buildings are essential to meeting these goals.
2. However, the proposed Ordinance could be strengthened to better meet the goals of Executive Directive 08-07 (Seismic Strengthening of Soft Story Buildings) and to provide clarity and certainty to the public and for the Departments that will review these permits.
3. Below are issues and modifications that the Commission recommends be addressed in the proposed Ordinance:
 - a. Definition of Soft-Story, Wood-Frame Building: Currently there is no definition of what qualifies as a soft-story, wood-frame building in the proposed Ordinance, nor any reference to DBI's definition. A definition is needed in this Ordinance and in the Planning Code amendment. However, DBI's definition is not completely flushed out. The Commission has two concerns with DBI's definition:
 - i. Typically soft-story, wood-frame buildings' weak points are the ground floor, where the commercial space(s) and/or garage openings are located, and all foundational supports beneath it. The definition should include specifics about the structural issues of this building type. The Commission would prefer that only the areas of a building that are most susceptible to seismic issues – the ground floor (and basement if applicable) and associated foundation – be included in the definition only.
 - ii. The CAPSS survey (which will be completed in January 2009) is focusing solely on larger wood-frame buildings that are 3 stories or higher and have 5 residential units or more. Not all of the buildings they are surveying contain commercial uses on the ground floor. These criteria may need to be folded into the definition of soft-story, wood-frame building.
 - b. Separate Permitting for Seismic Work on Soft-Story, Wood Frame Buildings: Although the proposed Ordinance directs City agencies to expedite and waive fees "for projects that *include* seismic strengthening," the Ordinance should require that the permit application has only the seismic upgrade as its scope of work. This clarification is necessary for several reasons:
 - i. If seismic upgrades are a part of a larger project, it may be difficult for the Planning Department to accurately assess the amount of fees that would be exempt.
 - ii. If seismic upgrades are a part of a larger project (but the upgrades themselves are only a small component of the project) that requires multiple Planning entitlements, or a 30-day notice under Section 311/312 of the Code, or simply requires a more

- thorough planning review, the proposed Ordinance would require the Planning Department to 'expedite' the entire project. The Commission sees this as an inadvertent 'loophole' where a project sponsor could take advantage of the permit review process.
- iii. The Commission suggests that seismic upgrades be applied for separately from any other work on a building. This will allow a project sponsor/contractor to treat it all as a single project in terms of economics, construction timing, inspections, etc., but that way the City can cull out non-seismic costs for separate assessment. The project sponsor should not be able to take advantage of reduced fees for work that is beyond the scope of seismic upgrades.
 - c. For the Directive to work most efficiently, (regarding expediting & fee reduction), it should include only the applications on buildings that meet the soft-story, wood building definition.
4. Consideration should be given to possible amendments to Section 151 (Off-Street Parking Requirements) to include Rh-1(S) and RH-2 to allow for tandem parking in these buildings, allowing a narrower garage opening and better seismic strengthening. Any modifications to this section should apply only in cases where voluntary seismic upgrades are occurring (i.e., tandem parking could only be approved if it was coupled with seismic upgrades).
5. Therefore, the Commission recommends *approval of the proposed Ordinance with modifications* and that the Board of Supervisors pass the proposed Ordinance.
6. **General Plan Compliance.** The proposed Ordinance is, on balance, consistent with the following Objectives and Policies of the General Plan:

I. COMMUNITY SAFETY

OBJECTIVE 1: COORDINATION

IMPROVE THE COORDINATION OF CITY PROGRAMS THAT MITIGATE PHYSICAL HAZARDS, HELP INDIVIDUAL AND ORGANIZATIONS PREPARE FOR AND RESPOND TO DISASTERS, AND RECOVER FROM THE IMPACTS OF DISASTERS.

POLICY 1.1

Improve the coordination of disaster-related programs within City departments..

The proposed Ordinance will improve the coordination between City agencies that are responsible for the seismic upgrades and safety of buildings in San Francisco.

OBJECTIVE 2: HAZARD MITIGATION

REDUCE STRUCTURAL AND NON-STRUCTURAL HAZARDS TO LIFE SAFETY, MINIMIZE PROPERTY DAMAGE AND RESULTING SOCIAL, CULTURAL AND ECONOMIC DISLOCATIONS RESULTING FROM FUTURE DISASTERS.

POLICY 2.6

Reduce the earthquake and fire risks posed by older small wood-frame residential buildings through easily accomplished hazard mitigation measures.

The proposed Ordinance, by incentivizing voluntary seismic upgrades to soft-story wood-frame buildings, will reduce the risk of damage to many wood-frame residential buildings in a future earthquake.

1. The proposed replacement project is generally consistent with the eight General Plan priority policies set forth in Section 101.1 in that:

- A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

The proposed Ordinance will help protect existing neighborhood-serving retail uses and opportunities for employment in or ownership of such businesses by ensuring the seismic stability of soft-story wood-frame buildings, many of which contain commercial uses on the ground floor.

- B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

The proposed Ordinance will protect the unique neighborhood character and housing by ensuring the seismic stability of soft-story wood-frame buildings.

- C) The City's supply of affordable housing will be preserved and enhanced:

The proposed Ordinance will have no adverse effects on the City's supply of affordable housing.

- D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

The proposed Ordinance will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

- E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

The proposed Ordinance would not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.

- F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The proposed Ordinance's goal is to ensure preparedness against injury and lost of life in an earthquake through intensifying the seismic stability of soft-story wood-frame buildings.

- G) That landmark and historic buildings will be preserved:

The intent and goal of the proposed Ordinance is to further protect and enhance historic buildings, many of which are soft-story, wood-frame buildings..

- H) Parks and open space and their access to sunlight and vistas will be protected from development:

The proposed Ordinance will not impact the City's parks and open space..

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on September 11, 2008.


Linda Avery *For*
Commission Secretary

AYES: Olague, Antonini, B. Lee, Suguya, Moore, Borden

NAYS:

ABSENT: Miquel

ADOPTED: September 11, 2008