



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Text Change

HEARING DATE: FEBRUARY 18, 2010

Project Name: **Street Frontages**
Case Number: 2009.1119T [Board File No. 09-1271]
Initiated by: Supervisor Mirkarimi
Introduced: November 3, 2009
Staff Contact: AnMarie Rodgers, Manager Legislative Affairs
anmarie.rodgers@sfgov.org, 415-558-6395

Recommendation: **Recommend Approval with Modifications**

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PLANNING CODE AMENDMENT

The proposed Ordinance introduced by Supervisor Mirkarimi would extend controls created in previous planning efforts to additional zoning districts in order to create a comprehensive and consistent set of street frontage controls for most use districts that allow a mix of uses.

The Way It Is Now:

The Proposed Ordinance amends six existing Sections of the Planning Code (hereafter referred to as "Code"). Below is a concise summary of the pertinent components of the Sections proposed for amendment.

- **Section 145.1 – Street Frontages, NC, DTR and EN Mixed Use Districts**

Currently this Section of the Code regulates street frontages to ensure that they are attractive, pedestrian-oriented and compatible with existing buildings. The Section generally limits the amount of the façade devoted to ingress/egress of parking to no more than 1/3 the width of the structure, with an exception providing that within NC-S districts ingress/egress should be no more than 1/3 or 50' whichever is less. This Section further requires that while ingress/egress should be generally limited to no more than 1/3 of the façade, in no circumstances should it be required to less than 8 – 10 feet. It requires that in NC Districts (excluding NCT Districts) that selected ground floor permitted uses (such as bars, movie theaters, services, etc.) devote at least 1/2 of the street frontage to commercial, untinted window space. Off-street parking that is at grade is required to be setback at least 25'. "Active Uses¹" are required to be provided within the first 25' along the ground. Ground floor ceiling heights shall be 17' floor to ceiling in the UMU district and 14' in NCT, DTR, MUG, MUR, and MUO districts.

¹ "Active Uses" are defined as a use which by its nature does not require non-transparent walls facing the street. Residential uses are considered active uses above the ground floor or at the ground if more than 50% of the residential street frontage provides walk-up dwelling units with direct pedestrian access to the sidewalk.

- **Section 201 – Classes of Use Districts**

This Section of the Code merely lists the zoning use districts by abbreviation and by full name and is organized by general categories of uses.

- **Section 243 – Van Ness Special Use District**

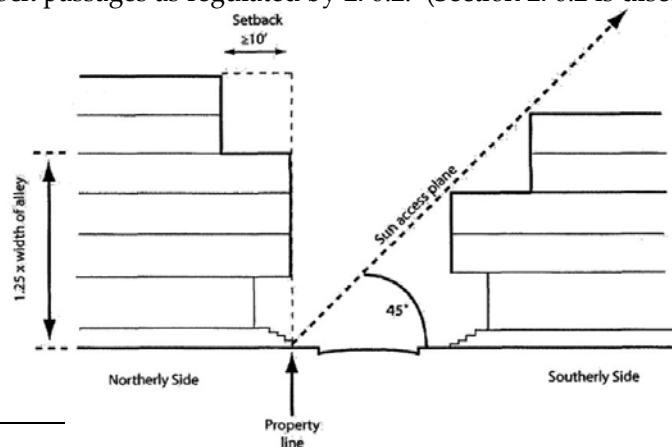
This Section of the Code establishes a special use district that creates i) a mix of residential and commercial uses along Van Ness; ii) preserves and enhances the pedestrian environment; iii) encourages the retention of historically significant buildings; iv) conserves the existing housing stock; and v) enhances the visual and urban design quality of the street. While this SUD establishes a number of controls, the proposed Ordinance would only amend controls related to ground story uses by deleting these controls and instead apply the controls in 145.1. Currently, the controls in this SUD require: 1) parking to be set back at least 25' from the frontage and 2) at least 50% of the total ground floor to be devoted to entrances, windows, or displays.

- **Section 253 – Review of Proposed Buildings Exceeding 40' height in R Districts**

This Section of the Code currently applies to all R districts except the RTO district. In these areas the Section requires that proposals for more than 40' be subject to Conditional Use authorization before the Planning Commission.

- **Section 261.1 – Additional Height Limits for Narrow Streets in RTO, NCT and EN Mixed Use Districts**

This Section of the Code applies to alleys in the Market & Octavia Area Plan and the Eastern Neighborhoods Plan Area that run east-west. It is intended to ensure the provision of sun to these small scale residential alleys. This Section requires that the upper stories be set back at least 10' when the building exceeds 1.25 times the width of the street². It also requires the buildings on the southern side of the alley setback from the property line at an angle of 45 degrees from the opposite side of the street. See illustration below. It further requires 5-10' setbacks for midblock passages as regulated by 270.2. (Section 270.2 is discussed in this report in the next bullet.)



² The setbacks do not apply to the first 60' of the alley from the intersection of a larger street to help maintain the streetwall facades along the larger intersection. Beyond 60 feet into the alley the setbacks apply.

- **Section 270.2 – Special Bulk and Open Space Requirement: Mid-block Alleys in Large Lot Development in the EN Mixed Use and DTR Districts**

This Section of the Code establishes provisions to mitigate the large blocks found in the “historically industrial parts of the City” as these areas transition from industrial uses to higher density uses. It applies parcels have over 200 linear feet of frontage, on blocks longer than 400’, and where the zoning is DTR or EN Mixed Use Districts. When applicable it requires that new construction with more than 300 linear feet of façade provide a midblock alley for the depth of the property. Parcels between 200-300 feet are required to provide a midblock alley when a) there is an opportunity to establish a through-block connection or b) a portion of the frontage extends over the central half of the block or c) where it is deemed necessary by the Planning Department and Commission to introduce alleys.

The Way It Would Be:

The proposed Ordinance would amend the following existing Sections within the Planning Code:

- **Section 145.1 – Street Frontages, NC, DTR and EN Mixed Use Districts**

The proposed Ordinance would amend this Section to include Commercial Districts (C-2 and C-3) and Residential-Commercial Districts (RC-1, RC-2, RC-3, and RC-4). The Ordinance proposes to remove the limitations on ingress/egress. This section would also be amended remove the NC District specific allowances that require at least 50% of the ground floor be devoted to entrances, windows or display cases. Instead, the “active use” provisions that apply to NC-T Districts would now apply also to NC Districts. This would require active uses along the ground floor³ for the first 25’ deep into the parcel.

- **Section 201 – Classes of Use Districts**

This Section of the Code would be amended to add further categorical titles (for instance, adding “residential-commercial districts” above the RC district list) and to remove the Hayes Gough Neighborhood Commercial District which has been superseded by the Hayes Gough NCT District.

- **Section 243 – Van Ness Special Use District**

While this SUD establishes a number of controls, the proposed Ordinance would only amend controls related to ground story uses by deleting these controls and instead apply the controls in 145.1. Currently, the controls in this SUD require: 1) parking to be set back at least 25’ from the frontage and 2) at least 50% of the total ground floor to be devoted to entrances, windows, or displays. These controls would be replaced with the Section 145.1 controls that generally would limit the amount of the façade devoted to ingress/egress of parking to no more than 1/3 the width

³ Allowed exceptions to this “active use” requirement include space for parking access, building egress, and access to mechanical systems. The Zoning Administrator may further exempt space for mechanical features if these are provided so as not to negatively impact the ground floor.

of the structure. Off-street parking that is at grade would be required to be setback at least 25'. "Active Uses"⁴ would be required to be provided within the first 25' along the ground throughout the SUD. Ceiling heights would be mandated to be at levels based upon the zoning district as described above in the summary for Section 145.1.

- **Section 253 – Review of Proposed Buildings Exceeding 40' height in R Districts**

This Section of the Code would be amended to exempt not only RTO zoned parcels from the mandatory Conditional Use authorization, but also to exempt RC Districts from mandatory CU for proposals for more than 40'.

- **Section 261.1—Additional Height Limits for Narrow Streets in RTO, NCT and EN Mixed Use Districts**

The proposed Ordinance would amend this Section to more broadly apply to all RC and NC Districts. See the attached maps for more information.

- **Section 270.2 – Special Bulk and Open Space Requirement: Mid-block Alleys in Large Lot Development in the EN Mixed Use and DTR Districts**

The proposed Ordinance would amend this Section to more broadly apply to C-3 zoned districts that are in the South of Market. It would also allow non-vehicular portions of such alleys associated with a C-3, South of Market property to count that space toward the open space requirements of Section 138.

REQUIRED COMMISSION ACTION

The proposed Ordinance 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 with modifications* to the proposed Ordinance and adopt the attached Draft Resolution to that effect.

Recommended Modifications

⁴ "Active Uses" are defined as a use which by its nature does not require non-transparent walls facing the street. Residential uses are considered active uses above the ground floor or at the ground if more than 50% of the residential street frontage provides walk-up dwelling units with direct pedestrian access to the sidewalk.

- **Section 145.1- Technical Clarifications.** Replace the period with a comma where the period is in the middle of the first sentence in subsection 145.1(c)(3). In this same sentence it is not clear that the controls apply to all height districts except the 40 and 50' districts. Rewriting this sentence to explicitly allow lower ceiling heights for 40 and 50' would clarify the intent.
- **Section 145.1- Content Change.** In talking with the project sponsor, it appears the Ordinance was not intended to delete controls limiting ingress/egress to 1/3 of the width of a structure and in no instance more than 20 feet. Instead it was only their intent to eliminate the requirement that in no circumstances should ingress/egress be less than 8 – 10 feet. The Department supports amending the proposed legislation to reintroduce limits on the ingress/egress dimensions. The Department further does not believe it is necessary to dictate that entrances not be less than 8 – 10 feet, however, this may be a Building Code control⁵.
- **Section 261.1- Content Change.** As written the Ordinance would apply alley controls to high-density areas in the Van Ness SUD and Tenderloin area, both of which may have alleys that are narrower than the residential enclaves in SoMa and the Hayes Valley alleys where this control currently applies. Without further testing and vetting, this control should not be extended to the RC district. The Department recommendation is to remove the RC district from 261.1 but add NC districts to this control.

BASIS FOR RECOMMENDATION

The proposed Ordinance seeks to achieve more consistency in how the City controls for street frontages. It takes provisions that have been tested and approved for recent plan areas and extends these controls to additional NC, RC, and C-3 Districts. The primary result of this legislation would be not only controls that are easier for the public and staff to understand, but also controls that implement our current understanding of the characteristics of successful places. The legislation primarily addresses building frontages, however, the proposed amendment to Section 253 addresses removing a requirement for Conditional Use authorization. The Department believes this will add more certainty for developers and will balance the proposal by offering to remove some existing processes. Further, this additional review currently applies primarily to residential districts where very few parcels are zoned over 40' and it seems reasonable to afford more review to the exceptions that would allow more height. This is not the case in the RC district where the majority of the district is zoned for greater than 40'. Finally, the Department agrees that the South of Market lots zoned C-3 have the large block structure that would benefit from the introduction of mid-block alleys as regulated by 270.2

Discussion of Recommended Modification to 261.1

The Department wholeheartedly supports the goal of protecting sunlight to alleys and small streets. However, the Department feels that the RC districts are significantly different from both the plan areas where this control currently applies as well as to the proposal to include NC districts in these alley controls. While the goal is appropriate, we feel more work needs to be done to ensure the response is appropriate. NC Districts, like the areas where this control currently applies, tend to be of smaller scale

⁵ The Department is consulting with the Department of Building Inspections to see if this control is currently included in the Building Code. We intend to resolve this question by the hearing date.

and appropriate for small scale setbacks. The RC districts include some of the densest and most developed areas outside of the Downtown such as the Van Ness SUD and the Tenderloin areas. Conversely, the existing alley controls were developed for residential enclaves in SoMa and the lower intensity alleys in Hayes Valley. The alleys adjacent to the RC districts tend to be even narrower than in Hayes Valley and SoMa and therefore may result in significantly greater setbacks. Since the Department first conceived of this control, it was not intended to apply to areas with height limits greater than 85'. (See the attached brochure titled "San Francisco's Alleys", published by the Planning Department in 2003) Without a better understand of the implications to existing buildings and thus the potential compatibility of buildings proposed under this control, the Department recommends removing RC districts from Section 261.

ENVIRONMENTAL REVIEW

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 received one letter with numerous recommended modifications to the Proposed Ordinance from Livable City. Livable City is a local nonprofit that according to their website seeks "to create a balanced transportation system and promote complementary land use that supports a safer, healthier and more accessible San Francisco for everyone." The Livable City letter is attached. While this letter was submitted largely after staff had provided analysis, the Department's preliminary responses are below. Since these requested modifications did not come from the sponsor, Supervisor Mirkarimi, if the Commission wishes to accept either the staff's or Livable City' recommendations below, an affirmative statement will need to be added to the motion before the Commission.

1. **Expand Section 145.1 (active street-fronting uses) to South of Market Mixed-Use Districts, Chinatown Districts, and C-M districts.** The Department recommends this modification.
2. **Expand Section 261.1 (additional height limits for narrow streets and alleyways) to the South of Market Mixed-Use Districts, Chinatown Districts, and CM districts.** The Department recommends against this modification until we've had time to study the potential impacts. SoMa districts that have been rezoned through EN or Market & Octavia do allow this height control. The remaining SoMa districts are undergoing a separate rezoning process that should not be preempted. While Chinatown may more closely resemble the other districts where the reduced alley heights have been successfully applied, we have not had time to give these districts or the CM districts appropriate analysis.
3. **Consider removing the Conditional Use requirement for buildings over 35' in Chinatown if alleyway height controls are adopted.** The Department recommends against this modification. Again, we need to study the potential impacts of limiting height in alleys before recommending approval.

4. **Consider permitting a 5' height bonus in 50' height districts in Chinatown under certain conditions.** The Department recommends against this modification. While the Department generally supports the evolution of 40 and 50 foot height districts to 45 and 55' respectively, anything that is tied to limiting alley heights needs more time for review.
5. **Expand Section 270.2 (Mid-block alleys in large lot developments) into the South of Market Mixed-use districts and C-M districts.** The Department recommends this modification but only for parcels that are not part of the current rezoning effort led by the Western SoMa Citizen's Task Force.
6. **Amend Section 145.5 to require active ground-floor commercial uses in all C3-R districts, and along Market Street in all C-3 districts and in the Upper Market NCD.** The Department recommends against this modification. Concerning Section 145.4 (Required Ground Floor Commercial), the Department generally agrees that all major frontages in C-3-R and on Market Street should have ground floor commercial. However, the Department doesn't agree that every building frontage on all streets should, as there are many small alleys, some that are just service alleys, that shouldn't have this requirement. In addition, Section 145.4 also has a maximum frontage width per use of 75 feet. This would be too small for downtown and perhaps for much of Market Street. The Department recommends further study so that proposed controls could be refined for those environments.
7. **Exemption from active use requirements (sections 245.1 and 245.4) for historic buildings:** The Department recommends this modification if the appropriate references are made to existing procedures for Historic Preservation Commission review as articulated in Articles Ten and Eleven. However, the Department believes that Livable City intended to reference 145.1 and 145.4 and not 245.1 and 245.4.
8. **Exemptions from 'active use' controls for certain buildings, including institutional uses.** The Department recommends against this modification as it is too broad and may present too many potential loopholes.
9. **Further specifications concerning when various lobby types be considered "active" uses.** The Department recommends a similar modification. Section 145.1 used to explicitly say that lobbies for any use are considered active uses, but through the EN amendment process that language appears to have been lost. The Department would propose that any lobby for any use be considered as an active use as long as it does not exceed 40' in width or 25% of the building frontage, whichever is larger. This is consistent with ongoing Downtown recommendations.
10. **Require ground-level commercial spaces open onto the street.** The Department largely agrees with the intent of this modification but would only recommend approval of this modification if a process were added to allow exemptions for certain projects where it is infeasible to provide entrances for each commercial space. This good planning policy and is used by the Department when reviewing projects.

RECOMMENDATION: Recommendation of Approval with Modifications

Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Board of Supervisors File No. 09-1271
- Exhibit C: Two Maps: All Alleys Proposed to be Subject to 261.1 & Closer Look at Some Alleys
- Exhibit D: "San Francisco's Alleys" published by the Planning Department, 2003.
- Exhibit E: Livable City Letter

Note: Exhibit D "San Francisco's Alley's" could not be attached to this electronic document. Interested parties can view this document at:

<http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=1961>



SAN FRANCISCO PLANNING DEPARTMENT

Draft Planning Commission Resolution

HEARING DATE: FEBRUARY 18, 2010

Project Name: **Street Frontages**
Case Number: 2009.1119T [Board File No. 09-1271]
Initiated by: Supervisor Mirkarimi
Introduced: November 3, 2009
Staff Contact: AnMarie Rodgers, Manager Legislative Affairs
anmarie.rodgers@sfgov.org, 415-558-6395

Recommendation: **Recommend Approval with Modifications**

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RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD EXTEND CONTROLS CREATED IN PervIOUS PLANNING EFFORTS TO ADDITIONAL ZONING DISTRICTS IN ORDER TO CREATE A COMPREHENSIVE AND CONSISTENT SET OF STREET FRONTAGE CONTROLS FOR MOST USE DISTRICTS THAT ALLOW A MIX OF USES.

PREAMBLE

Whereas, on November 3, 2009, Supervisor Mirkarimi introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 09-1271 which would amend Sections 145.1, 201, 243, 253, 261.1, and 270.2 to create a comprehensive and consistent set of street frontage controls for most use districts that allow a mix of uses; and

Whereas, on February 18, 2010, 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 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 on behalf of the applicant, 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 with modification of the proposed Ordinance* and adopts the 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 proposed Ordinance seeks to achieve more consistency in how the City controls for street frontages. It takes provisions that have been tested and approved for recent plan areas and extends these controls to additional NC, RC, and C-3 Districts;
2. The primary result of this legislation would be not only controls that are easier for the public and staff to understand, but also controls that implement our current understanding of the characteristics of successful places;
3. The legislation primarily addresses building frontages, however, the proposed amendment to Section 253 addresses removing a requirement for Conditional Use authorization. The Commission believes this will add more certainty for developers and will balance the proposal by offering to remove some existing processes. Further, this additional review currently applies primarily to residential districts where very few parcels are zoned over 40' and it seems reasonable to afford more review to the exceptions that would allow more height. This is not the case in the RC district where the majority of the district is zoned for greater than 40';
4. The Commission agrees that the South of Market lots zoned C-3 have the large block structure that would benefit from the introduction of mid-block alleys as regulated by 270.2;
5. While the Commission wholeheartedly supports the goal of protecting sunlight to alleys and small streets. The Commission feels that the RC districts are significantly different from both the plan areas where this control currently applies as well as to the proposal to include NC districts in these alley controls. While the goal is appropriate, the Commission feels more work needs to be done to ensure the response is appropriate. NC Districts, like the areas where this control currently applies, tend to be of smaller scale and appropriate for small scale setbacks. The RC districts include some of the densest and most developed areas outside of the Downtown such as the Van Ness SUD and the Tenderloin areas. Conversely, the existing alley controls were developed for residential enclaves in SoMa and the lower intensity alleys in Hayes Valley. The alleys adjacent to the RC districts tend to be even narrower than in Hayes Valley and SoMa and therefore may result in significantly greater setbacks. Without a better understand of the implications to existing buildings and thus the potential compatibility of buildings proposed under this control, the Commission recommends removing RC districts from Section 261.

6. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

I. URBAN DESIGN ELEMENT

OBJECTIVE 3

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

POLICY 3.7

Recognize the special urban design problems posed in development of large properties.

POLICY 4.13

Improve pedestrian areas by providing human scale and interest.

II. VAN NESS AVENUE AREA PLAN

OBJECTIVE 1

CONTINUE EXISTING OF THE AVENUE AND ADD A SIGNIFICANT INCREMENT OF NEW HOUSING.

POLICY 1.1

Encourage development of high density housing above a podium of commercial uses in new construction or substantial expansion of existing buildings.

POLICY 1.4

Maximize the number of housing units.

OBJECTIVE 6

ENCOURAGE DISTINGUISHED ARCHITECTURE WHOSE SCALE, COMPOSITION AND DETAILING ENHANCES THE OVERALL DESIGN STRUCTURE OF THE AVENUE AND RELATES TO HUMAN SCALE.

POLICY 6.3

Incorporate setbacks and/or stepping down of building form on new developments — and major renovations when necessary — to increase sun exposure on sidewalks.

7. The proposed replacement project is 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 encourage neighborhood-serving retail uses by requiring active uses more consistently.

- 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 legislation will not burden existing neighborhood character and housing.

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

The proposed Ordinance will have no adverse effect 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 would not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.

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

Landmarks and historic buildings would be unaffected by the proposed amendments as the Historic Resource Commission could disapprove a "Certificate of Appropriateness" for harmful actions. In addition, should a proposed use be located within a landmark or historic building, such site would be evaluated under typical Planning Code provisions and comprehensive Planning Department policies.

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

The City's parks and open space and their access to sunlight and vistas would be unaffected by the proposed amendments. It is not anticipated that permits would be such that sunlight access, to public or private property, would be adversely impacted.

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on February 18, 2010.

Linda Avery

Commission Secretary

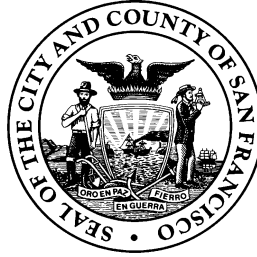
AYES:

NAYS:

ABSENT:

ADOPTED: February 18, 2010

BOARD of SUPERVISORS



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Tel. No. 554-5184
Fax No. 554-5163
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FOR YOUR INFORMATION SEE THE ATTACHED LEGISLATION

DATE SENT: November 18, 2009

FILE #: 091271

DESCRIPTION: Amending Planning Code to create comprehensive and consistent set of street frontage controls

- FROM:
- Budget & Finance
 - City Operations & Neighborhood Services
 - City & School District Select
 - Government Audit & Oversight
 - Land Use & Economic Development
 - Rules
 - Public Safety

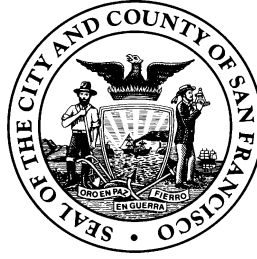
The meeting to hear this file will be held on: _____ URGENT

(response needed within one week) **OR:** No date set yet

Hearing or Legislation referred to:

- Building Inspection Commission *Charter Section D3.750-5*
- Ethics Commission *Campaign & Governmental Conduct Code Section 1.103*
- Historic Preservation Commission *Charter Section 4.135*
- Planning - Code Amendment *Planning Code Section 302(b) and 306(a) (90 days to respond)*
- Planning - Environmental review – 30 days to respond
- Planning - Environmental review (fees) *CEQA CA Public Resources Code § 21000 et seq – 10 days to respond*
- Planning - Interim Controls *Planning Code Section 306.7(c)*
- Retirement Board *Campaign & Governmental Code or Elections Code*
- Small Business Commission *M01-33*
- Youth Commission *Charter Section 3.720-2; Charter Section 4.124 (12 day to respond)*
- FYI - Building Inspection Commission

BOARD of SUPERVISORS



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TDD/TTY No. 554-5227

November 18, 2009

Planning Commission
1660 Mission Street, 5th Floor
San Francisco, CA 94103

Dear Commissioners:

On **November 3, 2009**, Supervisor Mirkarimi introduced the following proposed legislation:

File: 091271. Ordinance amending the San Francisco Planning Code by amending Sections 145.1, 201, 243, 253, 261.1, and 270.2 to create a comprehensive and consistent set of street frontage controls for most use districts that allow a mix of uses; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

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

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Linda Laws".

By: Linda Laws, Committee Clerk
Land Use & Economic Development Committee

Attachment

cc: John Rahaim, Director of Planning
Larry Badiner, Zoning Administrator
AnMarie Rodgers, Legislative Affairs
Tara Sullivan, Legislative Affairs
Brett Bollinger, Major Environmental Analysis
Kate Stacy, Deputy City Attorney

FILE NO. 091271

ORDINANCE NO.

1 [Zoning – Street Frontages.]
2

3 **Ordinance amending the San Francisco Planning Code by amending Sections 145.1,**
4 **201, 243, 253, 261.1, and 270.2 to create a comprehensive and consistent set of street**
5 **frontage controls for most use districts that allow a mix of uses; adopting findings,**
6 **including environmental findings, Section 302 findings, and findings of consistency**
7 **with the General Plan and the Priority Policies of Planning Code Section 101.1.**

8 NOTE: Additions are *single-underline italics Times New Roman*;
9 deletions are ~~*strike-through italics Times New Roman*~~.
10 Board amendment additions are double-underlined;
11 Board amendment deletions are ~~strikethrough normal~~.

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

13 Section 1. Findings.

14 (a) The Planning Department has determined that the actions contemplated in this
15 ordinance comply with the California Environmental Quality Act (California Public Resources
16 Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of
17 Supervisors in File No. _____ and is incorporated herein by reference.

18 (b) Pursuant to Planning Code Section 302, this Board finds that these Planning
19 Code amendments will serve the public necessity, convenience, and welfare for the reasons
20 set forth in Planning Commission Resolution No. _____ and the Board incorporates
21 such reasons herein by reference. A copy of Planning Commission Resolution No.
22 _____ is on file with the Board of Supervisors in File No. _____.

23 (c) This Board finds that these Planning Code amendments are consistent with the
24 General Plan and with the priority policies of Planning Code Section 101.1 for the reasons set
25 forth in Planning Commission Resolution No., and the Board hereby incorporates such
reasons herein by reference.

Supervisor Mirkarimi
BOARD OF SUPERVISORS

1 Section 2. The San Francisco Planning Code is hereby amended by amending Section
2 145.1, to read as follows:

3 Sec. SEC. 145.1. STREET FRONTAGES, NEIGHBORHOOD COMMERCIAL,
4 DOWNTOWN RESIDENTIAL, RESIDENTIAL-COMMERCIAL, COMMERCIAL, AND EASTERN
5 NEIGHBORHOOD MIXED USE DISTRICTS.

6 (a) Purpose. The purpose of this Section is to preserve, enhance and promote
7 attractive, clearly defined street frontages that are pedestrian-oriented, fine-grained, and
8 which are appropriate and compatible with the buildings and uses in Neighborhood
9 Commercial Districts, Commercial Districts, Downtown Residential Districts, Residential-
10 Commercial Districts, and Eastern Neighborhoods Mixed Use Districts.

11 (b) Definitions.

12 (1) Development lot. A "development lot" shall mean:

13 (A) Any lot containing a proposal for new construction, or

14 (B) Building alterations which would increase the gross square footage of a structure
15 by 20 percent or more, or

16 (C) In a building containing parking, a change of more than 50 percent of the
17 building's gross floor area to or from residential uses, excluding residential accessory off-
18 street parking.

19 (2) Active use. An "active use", shall mean any principal, conditional, or accessory
20 use which by its nature does not require non-transparent walls facing a public street or
21 involves the storage of goods or vehicles. Residential uses are considered active uses above
22 the ground floor; on the ground floor, residential uses are considered active uses only if more
23 than 50 percent of the linear residential street frontage at the ground level features walk-up
24 dwelling units which provide direct, individual pedestrian access to a public sidewalk, and are
25

1 consistent with the Ground Floor Residential Design Guidelines, as adopted and periodically
2 amended by the Planning Commission.

3 (A) Public Uses described in 790.80 and 890.80 are considered active uses except
4 utility installations.

5 (B) Spaces accessory to residential uses, such as fitness or community rooms, are
6 considered active uses only if they meet the intent of this section and have access directly to
7 the public sidewalk or street.

8 (c) Controls. the following requirements shall apply, except as specified below, to new
9 structures or alterations to existing structures involving a change in the level of the first story
10 or a change in the facade at the street frontage at the first story and below, where such
11 structure is located along any block frontage that is entirely within District subject to this
12 Section.

13 In NC-S Districts, the applicable frontage shall be the primary facade(s) which contain
14 customer entrances to commercial spaces.

15 ~~(1) Standards Applicable in all Districts. Other than as set forth in this Subsection (c) for NC S~~
16 ~~Districts, no more than 1/3 of the width of a new or altered structure, parallel to and facing such~~
17 ~~street, shall be devoted to ingress/egress to parking, provided that in no case shall such ingress/egress~~
18 ~~exceed 20 feet in width per frontage or be less in width than eight feet for garages containing up to~~
19 ~~three cars, nine feet for garages containing up to ten cars, and ten feet for garages containing up to 50~~
20 ~~cars. In NC S Districts, no more than 1/3 or 50 feet, whichever is less, of each lot frontage shall be~~
21 ~~devoted to ingress/egress of parking, provided that each such ingress/egress shall not be less than 10~~
22 ~~feet in width for single directional movement or 20 feet in width for bidirectional movement.~~

23 ~~(2) Additional Standards Applicable in all NC Districts other than NCT Districts. If such~~
24 ~~structures contain any of the permitted uses in the Zoning Control Categories listed below, at least 1/2~~
25 ~~the total width of such new or altered structures at the commercial street frontage shall be devoted to~~

entrances to commercially used space, windows or display space at the pedestrian eye level. Such windows shall use clear, untinted glass, except for decorative or architectural accent. Any decorative railings or decorative grille work, other than wire mesh, which is placed in front of or behind such windows, shall be at least 75 percent open to perpendicular view and no more than six feet in height above grade.

No.	Zoning Control Category
.40	Other Retail Sales and Services
.41	Bar
.42	Full Service Restaurant
.43	Small Fast Food Restaurant
.44	Large Fast Food Restaurant
.45	Take-Out Food
.46	Movie Theater
.49	Financial Service
.50	Limited Financial Service
.51	Medical Service
.52	Personal Service
.53	Business or Professional Service
.55	Tourist Hotel
.61	Automobile Sale or Rental
.62	Animal Hospital

.65—	<i>Trade Shop—</i>
.70—	<i>Administrative Service—</i>

~~(3) Additional Standards Applicable in NCT Districts, Downtown Residential Districts, and Eastern Neighborhoods Mixed Use Districts.~~

(1) ~~(A)~~ Above-Grade Parking Setback. Off-street parking at street grade on a development lot must be set back at least 25 feet on the ground floor and at least 15 feet on floors above, from any facade facing a street at least 30 feet in width. Parking above the ground level shall be entirely screened from all public rights-of-way in a manner that accentuates ground floor uses, minimizes mechanical features and is in keeping with the overall massing and architectural vocabulary of the building. In NC-S Districts, no more than 1/3 or 50 feet, whichever is less, of each lot frontage shall be devoted to ingress/egress of parking; provided that each such ingress/egress shall not be less than 10 feet in width for single directional movement or 20 feet in width for bidirectional movement. Off-street parking and loading are also subject to the provisions of Section 155 of this Code.

(2) ~~(B)~~ Active Uses Required. With the exception of space allowed for parking and loading access, building egress, and access to mechanical systems, space for active uses as defined in Subsection (b)(2) and permitted by the specific district in which it is located shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. Building systems including mechanical, electrical, and plumbing features may be exempted from this requirement by the Zoning Administrator only in instances where those features are provided in such a fashion as to not negatively impact the quality of the ground floor space.

(3) ~~(C)~~ Ground Floor Ceiling Height. Unless otherwise established elsewhere in this Code, ground floor non-residential uses in UMU Districts shall have a minimum floor-to-floor

1 height of 17 feet, as measured from grade. Ground floor non-residential uses in all C-3, NCT,
 2 DTR, MUG, MUR, and MUO Districts shall have a minimum floor-to-floor height of 14 feet, as
 3 measured from grade. For ground floor non-residential uses in all RC districts, C-2 districts, and
 4 NC districts other than NCT, buildings shall have a minimum floor-to-floor height of 14 feet, as
 5 measured from grade, in 28, 35 and 45 foot height districts as well as all height districts of 55 feet or
 6 greater, and a minimum floor-to-floor height of 10 feet in all other height districts.

7 (4) (D) Transparency and Fenestration. Frontages with active uses that are not
 8 residential or PDR must be fenestrated with transparent windows and doorways for no less
 9 than 60 percent of the street frontage at the ground level and allow visibility to the inside of the
 10 building. The use of dark or mirrored glass shall not count towards the required transparent
 11 area.

12 (5) (E) Gates, Railings, and Grillwork. Any decorative railings or grillwork, other than
 13 wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75
 14 percent open to perpendicular view. Rolling or sliding security gates shall consist of open
 15 grillwork rather than solid material, so as to provide visual interest to pedestrians when the
 16 gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both
 17 open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid
 18 flush with, the building facade.

19 Section 3. The San Francisco Planning Code is hereby amended by amending Section
 20 201, to read as follows:

21 SEC. 201. CLASSES OF USE DISTRICTS.

22 In order to carry out the purposes and provisions of this Code, the City is hereby
 23 divided into the following classes of use districts:

Public Use Districts <u>(P)</u>	

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<i>Residential Districts</i>	
RH-1(D)	Residential, House Districts, One-Family (Detached Dwellings)
RH-1	Residential, House Districts, One-Family
RH-1(S)	Residential, House Districts, One-Family with Minor Second Unit
RH-2	Residential, House Districts, Two-Family
RH-3	Residential, House Districts, Three-Family
RM-1	Residential, Mixed Districts, Low Density
RM-2	Residential, Mixed Districts, Moderate Density
RM-3	Residential, Mixed Districts, Medium Density
RM-4	Residential, Mixed Districts, High Density
<i>Residential-Commercial Districts</i>	
RC-1	Residential-Commercial Combined Districts, Low Density
RC-2	Residential-Commercial Combined Districts, Moderate Density
RC-3	Residential-Commercial Combined Districts, Medium Density
RC-4	Residential-Commercial Combined Districts, High Density
<i>Residential Transit-Oriented Neighborhood Districts</i>	
RTO	Residential, Transit-Oriented Neighborhood Districts
RTO-M	Residential Transit-Oriented -- Mission Neighborhood Districts
Neighborhood Commercial Districts (Also see Article 7) General Area Districts	
NC-1	Neighborhood Commercial Cluster District

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NC-2	Small-Scale Neighborhood Commercial District
NC-3	Moderate-Scale Neighborhood Commercial District
NC-S	Neighborhood Commercial Shopping Center District
Individual Area Districts	
Broadway Neighborhood Commercial District	
Castro Street Neighborhood Commercial District	
Inner Clement Street Neighborhood Commercial District	
Outer Clement Street Neighborhood Commercial District	
Upper Fillmore Street Neighborhood Commercial District	
Haight Street Neighborhood Commercial District	
Hayes Gough Neighborhood Commercial District	
Inner Sunset Neighborhood Commercial District	
Upper Market Street Neighborhood Commercial District	
North Beach Neighborhood Commercial District	
Polk Street Neighborhood Commercial District	
Sacramento Street Neighborhood Commercial District	
Union Street Neighborhood Commercial District	
24th Street-Noe Valley Neighborhood	

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Commercial District	
West Portal Avenue Neighborhood Commercial District	
Neighborhood Commercial Transit Districts (NCT)	
NCT-1	Neighborhood Commercial Transit Cluster District
NCT-2	Small-Scale Neighborhood Commercial Transit District
NCT-3	Moderate Scale Neighborhood Commercial Transit District
Individual Area Neighborhood Commercial Transit (NCT) Districts	
Hayes-Gough NCT	
Upper Market Street NCT	
Valencia Street NCT	
24th Street -- Mission NCT	
Mission Street NCT	
SoMa NCT	
Ocean Avenue NCT	
Commercial Districts	
C-1	Neighborhood Shopping Districts
C-2	Community Business Districts
C-M	Heavy Commercial Districts
C-3-O	Downtown Office District
C-3-R	Downtown Retail District
C-3-G	Downtown General Commercial District
C-3-S	Downtown Support District

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Industrial Districts	
M-1	Light Industrial Districts
M-2	Heavy Industrial Districts
PDR-1-B	Production Distribution and Repair -- Light Industrial Buffer
PDR-1-D	Production Distribution and Repair -- Design
PDR-1-G	Production Distribution and Repair - General
PDR-2	Core Production Distribution and Repair -- Bayview
Chinatown Mixed Use Districts (Also see Article 8)	
CCB	Chinatown Community Business District
CR/NC	Chinatown Residential/Neighborhood Commercial District
CVR	Chinatown Visitor Retail District
South of Market Use Mixed Use Districts (Also see Article 8)	
RED	Residential Enclave Districts
RSD	Residential Service District
SLR	Service/Light Industrial/Residential District
SLI	Service/Light Industrial District
SSO	Service/Secondary Office District
Eastern Neighborhoods Mixed Use Districts (Also see Article 8)	
SPD	South Park District
MUG	Mixed Use -- General
MUO	Mixed Use -- Office
MUR	Mixed Use -- Residential

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1	UMU	Urban Mixed Use
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3	Downtown Residential Districts (Also see Article 8)	
4	RH-DTR	Rincon Hill Downtown Residential
5	SB-DTR	South Beach Downtown Residential
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7	Mission Bay Districts (Also see Article 9)	
8	MB-R-1	Mission Bay Lower Density Residential District
9	MB-R-2	Mission Bay Moderate Density Residential District
10	MB-R-3	Mission Bay High Density Residential District
11	MB-NC-2	Mission Bay Small Scale Neighborhood Commercial District
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13	MB-NC-3	Mission Bay Moderate Scale Neighborhood Commercial District
14	MB-NC-S	Mission Bay Neighborhood Commercial Shopping Center District
15	MB-O	Mission Bay Office District
16	MB-CI	Mission Bay Commercial-Industrial District
17	MB-H	Mission Bay Hotel District
18	MB-CF	Mission Bay Community Facilities District
19	MB-OS	Mission Bay Open Space District

20 Section 4. The San Francisco Planning Code is hereby amended by amending Section
21 243, to read as follows:

22 SEC. 243. VAN NESS SPECIAL USE DISTRICT.

23 (a) General. A Special Use District entitled the Van Ness Special Use District, the
24 boundaries of which are shown on Sectional Map No. 2SU of the Zoning Map, is hereby
25 established for the purposes set forth below.

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1 (b) Purposes. In order to implement the objectives and policies of the Van Ness
2 Avenue Plan, a part of the Master Plan, which includes (i) creation of a mix of residential and
3 commercial uses on the boulevard, (ii) preservation and enhancement of the pedestrian
4 environment, (iii) encouragement of the retention and appropriate alteration of architecturally
5 and historically significant and contributory buildings, (iv) conservation of the existing housing
6 stock, and (v) enhancement of the visual and urban design quality of the street, the following
7 controls are imposed in the Van Ness Special Use District.

8 (c) Controls. All provisions of the City Planning Code applicable to an RC-4 District
9 shall apply except as otherwise provided in this Section.

10 (1) Basic Floor Area Ratio. The basic floor area ratio limit shall be 7.0 to 1 in the 130-
11 foot height district and 4.5:1 in the 80-foot height district. These limits shall apply to dwellings
12 notwithstanding Section 124(b) of this Code, but shall not apply to floor space used for
13 nonaccessory off-street parking and driveways and maneuvering areas incidental thereto
14 provided such parking is located entirely below curb level at the centerline of the building
15 containing such parking and replaces parking spaces displaced by the building or buildings.
16 For definitions of floor area ratio and gross floor area, see Sections 102.11 and 102.9,
17 respectively. The provisions allowing a floor area premium set forth in Section 125(a) shall not
18 apply in the Van Ness Special Use District.

19 (2) Housing Density. The restrictions on density set forth in Sections 207, 207.1, 208,
20 209.1 and 209.2 of this Code shall not apply.

21 (3) Height and Bulk Restrictions. See Height and Bulk Map No. 2H. See Section 270
22 of this Code for bulk limits.

23 (4) Awnings, canopies and marquees, as defined in Sections 790.20, 790.26 and
24 790.58 of this Code, and further regulated by the Building Code and Sections 243(c)(5), 136.2
25 and 607.3 of this Code, are permitted.

1 (5) Signs.

2 (A) Signs located within the Van Ness Special Use District, with the exception of the
3 Civic Center Special Sign District as described in Section 608.3 of this Code and as shown in
4 Sectional Map SSD, shall be regulated as provided in Article 6, including Section 607.3 which
5 governs signs located in the Van Ness Special Sign District.

6 (B) Signs on structures designated as landmarks under the provisions of Section 1004
7 shall be regulated as provided in Section 607.3(d).

8 (6) Rear Yards. The requirements of this Code applicable to rear yards may be
9 modified or waived by the Zoning Administrator pursuant to Section 307(g) if all of the
10 following conditions are met:

11 (A) The interior block open space formed by the rear yards of abutting properties will
12 not be adversely affected; and

13 (B) A comparable amount of usable open space is provided elsewhere on the lot or
14 within the development where it is more accessible to residents; and

15 (C) The access of light and air to abutting properties will not be significantly impeded.
16 This provision shall be administered pursuant to the procedures which are applicable to
17 variances, as set forth in Sections 306.1 through 306.5 and 308.2 of this Code.

18 (7) Required Setbacks. Setbacks for buildings exceeding a height of 40 feet shall be
19 regulated as provided in Section 253.2 of this Code.

20 (8) Limitation of Nonresidential Uses.

21 (A) Residential Uses; Ratio Established. In newly constructed structures,
22 nonresidential uses shall only be permitted if the ratio between the amount of net additional
23 occupied floor area for residential uses, as defined in this paragraph below, to the amount of
24 occupied floor area for nonresidential uses in excess of the occupied floor area of structures
25 existing on the site at the time the project is approved is 3 to 1 or greater. In additions to

1 existing structures which exceed 20 percent of the gross floor area of the existing structure,
2 nonresidential uses shall be permitted in the addition in excess of 20 percent only if the ratio
3 between the amount of occupied floor area for residential use, as defined in this paragraph
4 below, to the area of occupied floor area for nonresidential use is 3 to 1 or greater. This
5 residential use ratio shall not apply to development sites in the Van Ness Special Use District
6 which have less than 60 feet of street frontage on Van Ness Avenue and have no street
7 frontage other than the Van Ness Avenue frontage. For purposes of this Section,
8 "nonresidential uses" shall mean those uses described in Sections 209.2(d) and (e) (hotel,
9 inn, hostel), 209.3(a) (hospital, medical center or other medical institution with in-patient care
10 facilities), 209.4 (community facilities), 209.6 (public facilities and utilities), 209.7 (vehicle
11 storage and access) and 209.8 (commercial establishments); in the Automotive Special Use
12 District nonresidential uses include automotive uses as described in Section 237; "residential
13 use" shall mean those uses described in Sections 209.1 and 209.2(a), (b) and (c) (dwelling
14 units and group housing).

15 (B) Reduction of Ratio of Residential Uses for Affordable Housing. The City Planning
16 Commission may modify the Van Ness Special Use District residential to nonresidential use
17 ratio between Golden Gate Avenue and California Street as a conditional use in one of the
18 following ways:

19 (i) In-Lieu Fee. By conditional use, the developer may elect to fulfill the obligation to
20 build housing by paying an in-lieu fee to the Affordable Housing Fund as provided in Section
21 313 of this Code. No more than a 50 percent reduction of the required housing for a specific
22 project can be fulfilled by paying an in-lieu fee. Use of these funds shall provide affordable
23 housing within 2,000 feet of the Van Ness Special Use District. The in-lieu fee shall be
24 determined by the following formula:
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$(\text{Lot Area} \times \text{FAR}) / 4) \times 3 =$	Residential SQ. FT. Requirement
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(2)

Residential SQ. FT. Requirement	--	Residential SQ. FT. Developed	=	LOSS
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(3)

$$\text{LOSS} \times \$15 = \text{In-Lieu Fee}$$

(ii) Providing Affordable Housing. By conditional use, the developer may reduce up to 50 percent of the required amount of on-site housing by maintaining a portion of that housing as permanently affordable for the life of the project. Affordable units shall be managed by a nonprofit housing agency through a duly executed agreement between the project sponsor, the nonprofit agency and the Planning Department. The mix of affordable units retained in the project shall conform to the overall dwelling unit size mix of the project. The portion of retained residential which shall be affordable will be determined by calculating the number of market rate units which could be subsidized by the amount of "in-lieu fee" calculated in Paragraph (i) above. The number of square feet of affordable housing shall be calculated in the following manner:

(1)

In-Lieu Fee \$30/square foot subsidy	=	Square Feet of Affordable Housing Retained in the Project
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(iii) Annual Reporting, Evaluation and Adjustments to Affordability and Fee Calculations. The Department shall report annually to the Planning Commission on the activity

1 and utilization of Section 243(c)(8)(B). Based on an evaluation of this report, the Planning
2 Commission may initiate a modification or deletion of Section 243(c)(8)(B).

3 The dollar amounts used in the calculation for Paragraphs (i) and (ii) of this Subsection shall
4 be subject to annual adjustments in accord with Section 313.6(1) of this Code. Affordability
5 shall be defined by rents or sale prices affordable by households with no more than 80
6 percent of median income standards developed by HUD.

7 (iv) If the Commission finds that taking into consideration projects constructed since
8 the effective date of the Van Ness Special Use District and the housing development potential
9 remaining in the District the overall objective of adding a substantial increment of new housing
10 on Van Ness Avenue will not be significantly compromised, the Commission may by
11 conditional use modify the 3:1 housing ratio or may modify the rules regarding the timing and
12 location of linked projects if in addition to Section 303(c) standards of this Code it finds that:

13 (1) The project is to provide space for expansion of an established business from an
14 adjacent site (for this purpose two sites separated by an alley shall be deemed to be adjacent)
15 or,

16 (2) The project is to provide space for an institutional, hotel, medical, cultural or social
17 service use meeting an important public need which cannot reasonably be met elsewhere in
18 the area, and

19 (3) Housing cannot reasonably be included in the project referred to in (1) and (2)
20 above.

21 The Commission shall consider the feasibility of requiring the project to be constructed in such
22 a manner that it can support the addition of housing at some later time.

23 (C) Off-Site Provision of Required Residential Space. For the purpose of calculating
24 the 3 to 1 ratio between residential and nonresidential use, two or more projects for new
25 construction within the Van Ness Special Use District may be considered and approved

1 together as linked projects. The requirements of Paragraph (A) above may be satisfied if the
2 aggregate amount of occupied floor area for residential use in two or more linked projects is at
3 least three times greater than the aggregate amount of occupied floor area for nonresidential
4 use.

5 (i) Those building permit applicants who wish to link two or more projects for the
6 purpose of meeting the 3 to 1 residential to nonresidential ratio shall file with the Department
7 of City Planning a statement of intent identifying the applications covering the projects that are
8 to be considered and approved together;

9 (ii) When the Department of City Planning approves an application for a project
10 containing only nonresidential use and the project is linked to one or more other projects
11 pursuant to the statement of intent filed with the Department, it shall include as a condition of
12 approval a requirement prohibiting the project sponsor from commencing any work on the site
13 until the Zoning Administrator issues a written determination that such work may proceed. The
14 Zoning Administrator shall not issue such a determination until those permits authorizing the
15 projects containing residential use have been issued and foundations have been completed at
16 each such site;

17 (iii) If a permit for a project containing nonresidential use expires because of delays in
18 the completion of foundations for linked projects containing residential uses, new permits may
19 be approved for the nonresidential project within three years of such expiration without regard
20 to the 3 to 1 residential ratio requirement if a Temporary Certificate of Occupancy or a Permit
21 of Occupancy has been issued for each project containing residential use;

22 (iv) No building or portion of a building approved as a linked project that contains
23 residential use required to meet the 3 to 1 residential to nonresidential ratio requirement shall
24 be used for any nonresidential purposes; provided, however, that this restriction shall no
25 longer apply if 50 percent or more of the non-residential occupied floor area in the linked

1 projects has been converted to residential use, or has been demolished, or has been
2 destroyed by fire or other act of God;

3 (v) The Zoning Administrator shall impose as a condition of approval of a permit
4 authorizing the residential uses of linked projects the requirement that the owner record in the
5 land records of the property a notice of restrictions, approved as to form by the Zoning
6 Administrator, placed on the use of the property by this Section.

7 (D) Nonconforming Uses. A use which existed lawfully at the effective date of this
8 Section and which fails to conform to the use limitation of Section 243(c)(8)(A) above, shall be
9 considered a nonconforming use and subject to the provisions of Sections 180 through 188 of
10 this Code, including the provisions of Section 182 regarding change of use, except as follows:

11 (i) In calculating the cost of structural alterations pursuant to Section 181(b)(4), the
12 cost of reinforcing the building to meet the standards for seismic loads and forces of the 1975
13 Building Code shall not be included; and

14 (ii) Notwithstanding the provisions of Section 181(b), the structure occupied by the
15 nonconforming use may be enlarged by an amount equal to 20 percent of the gross floor area
16 of the existing structure.

17 (E) Ground Story Uses. Ground-floor street frontages and parking setbacks shall conform
18 to Section 145.1 of this Code. Ground floor non-residential uses shall have a minimum floor-to-floor
19 height of 14 feet. Parking shall not be permitted on the ground story of lots abutting Van Ness Avenue
20 to a depth of 25 feet from Van Ness Avenue. At least 1/2 the total width of structures at the ground
21 story on lots abutting Van Ness Avenue shall be devoted to entrances, windows or display space. Every
22 window located at the ground story shall use clear, untinted glass, except for decorative or
23 architectural accent. Any decorative railings or grillwork, other than wire mesh, shall be at least 75
24 percent open to view and no more than six feet in height above grade. For the purposes of this Section,
25 "ground story" shall be defined as the portion of a building included between the upper surface of the

1 ~~lowest floor and the upper surface of the floor next above, provided such floor level is not more than~~
2 ~~four feet below grade for more than 50 percent of the total perimeter, or more than eight feet below~~
3 ~~grade at any point.~~

4 (F) Fast Food Uses. A large fast food restaurant as defined in Section 790.90 of this
5 Code shall be permitted only as a conditional use.

6 A small self-service restaurant, as defined in Section 790.91 of this Code, shall be permitted
7 only as a conditional use unless such restaurant is a related minor use which is either
8 necessary to the operation or enjoyment of a lawful principal use or conditional use, or is
9 appropriate, incidental and subordinate to any such use, in which case it shall be permitted as
10 an accessory use.

11 (G) Drive-Up Facilities. Drive-up facilities are not permitted. For the purposes of this
12 Section, "drive-up facilities" shall be defined as structures designed primarily for drive-to or
13 drive-through trade which provides service to patrons while in private motor vehicles.

14 (H) Demolitions. All demolitions of buildings containing residential use and all
15 conversions from residential uses to nonresidential uses above the ground floor shall be
16 permitted only if authorized as a conditional use under Section 303 of this Code, unless the
17 Superintendent of the Bureau of Building Inspection or the Chief of the Bureau of Fire
18 Prevention and Public Safety determines that the building is unsafe or dangerous and that
19 demolition is the only feasible means to secure the public safety. When considering whether
20 to grant a conditional use permit for the demolition or conversion, in lieu of the criteria set forth
21 in Planning Code Section 303, consideration shall be given to the adverse impact on the
22 public health, safety and general welfare of the loss of housing stock in the district and to any
23 unreasonable hardship to the applicant if the permit is denied. The definition of residential use
24 shall be as set forth in Section 243(c)(8)(A), but shall not include any guest room in a building
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1 classified as a residential hotel subject to the Residential Hotel Unit Conversion and
2 Demolition Ordinance.

3 A conditional use permit shall not be required if the demolition permit is sought in order
4 to comply with a court order directing or permitting the owner to demolish a building because it
5 is unsafe. No person shall be permitted to construct anything on the site of a demolished
6 building subject to such an order for a period of two years unless (a) the proposal is for at
7 least the same number and size of dwelling units and guest rooms and the same amount of
8 nonresidential floor area as that which was demolished or (b) the applicant requests and is
9 granted an exemption from this requirement on the ground that the applicant has
10 demonstrated that (1) the need for demolition did not arise because of the deliberate or
11 unreasonable neglect of the maintenance of the building, or that (2) the restrictions would
12 cause undue hardship to the property owner or that (3) the restrictions would leave the
13 property without any substantial remaining market value or reasonable use.

14 (I) Parking. Pursuant to Table 151 in Article 1.5 of this Code, the residential parking
15 requirement shall be one space for each dwelling unit; provided, however, that the parking
16 requirement may be reduced to not less than one space for each four dwelling units, if the
17 Zoning Administrator determines that the reduced parking requirement is sufficient to serve
18 the reasonably anticipated auto usage by residents and visitors to the project. The procedures
19 and fee for such review shall be the same as those which are applicable to variances, as set
20 forth in Sections 306.1 through 306.5 and 308.2.

21 (J) Adult Entertainment Enterprises. The uses described in Section 221(k) of this
22 Code are not permitted.

23 (9) Reduction of Ground Level Wind Currents.

24 (A) New buildings and additions to existing buildings shall be shaped, or other wind
25 baffling measures shall be adopted, so that the development will not cause year-round ground

1 level wind currents to exceed, more than 10 percent of the time, between 7:00 a.m. and 6:00
2 p.m., the comfort level of 11 m.p.h. equivalent wind speed in areas of pedestrian use and
3 seven m.p.h. equivalent wind speed in public seating areas. When pre-existing ambient wind
4 speeds exceed the comfort levels specified above, the building shall be designed to reduce
5 the ambient wind speeds in efforts to meet the goals of this requirement.

6 (B) An exception to this requirement may be permitted but only if and to the extent
7 that the project sponsor demonstrates that the building or addition cannot be shaped or wind
8 baffling measures cannot be adopted without unduly restricting the development potential of
9 the building site in question.

10 (i) The exception may permit the building or addition to increase the time that the
11 comfort level is exceeded, but only to the extent necessary to avoid undue restriction of the
12 development potential of the site.

13 (ii) Notwithstanding the above, no exception shall be allowed and no building or
14 addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard
15 level of 26 m.p.h. for a single hour of the year.

16 (C) For the purposes of this Section, the term "equivalent wind speed" shall mean an hourly
17 wind speed adjusted to incorporate the effects of gustiness or turbulence on pedestrians.

18 Section 5. The San Francisco Planning Code is hereby amended by amending Section
19 253, to read as follows:

20 SEC. 253. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES EXCEEDING
21 A HEIGHT OF 40 FEET IN R DISTRICTS.

22 (a) Notwithstanding any other provision of this Code to the contrary, in any R District,
23 except in RC and RTO Districts, established by the use district provisions of Article 2 of this
24 Code, wherever a height limit of more than 40 feet is prescribed by the height and bulk district
25 in which the property is located, any building or structure exceeding 40 feet in height shall be

1 permitted only upon approval by the City Planning Commission according to the procedures
2 for conditional use approval in Section 303 of this Code.

3 (b) In reviewing any such proposal for a building or structure exceeding 40 feet in
4 height, the City Planning Commission shall consider the expressed purposes of this Code, of
5 the R Districts, and of the height and bulk districts, set forth in Sections 101, 206 through
6 206.3 and 251 hereof, as well as the criteria stated in Section 303(c) of this Code and the
7 objectives, policies and principles of the Master Plan, and may permit a height of such
8 building or structure up to but not exceeding the height limit prescribed by the height and bulk
9 district in which the property is located.

10 Section 6. The San Francisco Planning Code is hereby amended by amending Section
11 261.1, to read as follows:

12 SEC. 261.1. ADDITIONAL HEIGHT LIMITS FOR NARROW STREETS AND ALLEYS
13 IN RC, RTO, NC, NCT, AND EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.

14 (a) Purpose. The intimate character of narrow streets (right-of-ways 40 feet in width or
15 narrower) and alleys is an important and unique component of the City and certain
16 neighborhoods in particular. The scale of these streets should be preserved to ensure they do
17 not become overshadowed or overcrowded. Heights along alleys and narrow streets are
18 hereby limited to provide ample sunlight and air, as follows:

19 (b) Definitions.

20 (1) "Narrow Street" shall be defined as a public right of way less than or equal to 40
21 feet in width, or any mid-block passage or alley that is less than 40 feet in width created under
22 the requirements of Section 270.2.

23 (2) "Subject Frontage" shall mean any building frontage in an RC, RTO, NC, NCT or
24 Eastern Neighborhood Mixed Use District that abuts a Narrow Street and that is more than 60
25 feet from an intersection with a street wider than 40 feet.

Supervisor Mirkarimi
BOARD OF SUPERVISORS

1 (3) "East-West Narrow Streets" shall mean all Narrow Streets, except those created
2 pursuant to Section 270.2, that are oriented at 45 degrees or less from a true east-west
3 orientation or are otherwise named herein: Elm, Redwood, Ash, Birch, Ivy, Linden, Hickory,
4 Lily, Rose, Laussat, Germania, Clinton Park, Brosnan, Hidalgo, and Alert Streets.

5 (c) Controls.

6 (1) General Requirement. Except as described below, all subject frontages shall have
7 upper stories set back at least 10 feet at the property line above a height equivalent to 1.25
8 times the width of the abutting narrow street.

9 (2) Southern Side of East-West Streets. All subject frontages on the southerly side of
10 an East-West Narrow Street shall have upper stories which are set back at the property line
11 such that they avoid penetration of a sun access plane defined by an angle of 45 degrees
12 extending from the most directly opposite northerly property line (as illustrated in Figure
13 261.1A.) No part or feature of a building, including but not limited to any feature listed in
14 Sections 260(b), may penetrate the required setback plane.

15 (3) Mid-block Passages. Subject frontages abutting a mid-block passage provided per
16 the requirements of Section 270.2 shall have upper story setbacks as follows:

17 (A) for mid-block passages between 20 and 30 feet in width, a setback of not less
18 than 10 feet above a height of 25 feet.

19 (B) for mid-block passages between 30 and 40 feet in width, a setback of not less
20 than 5 feet above a height of 35 feet.

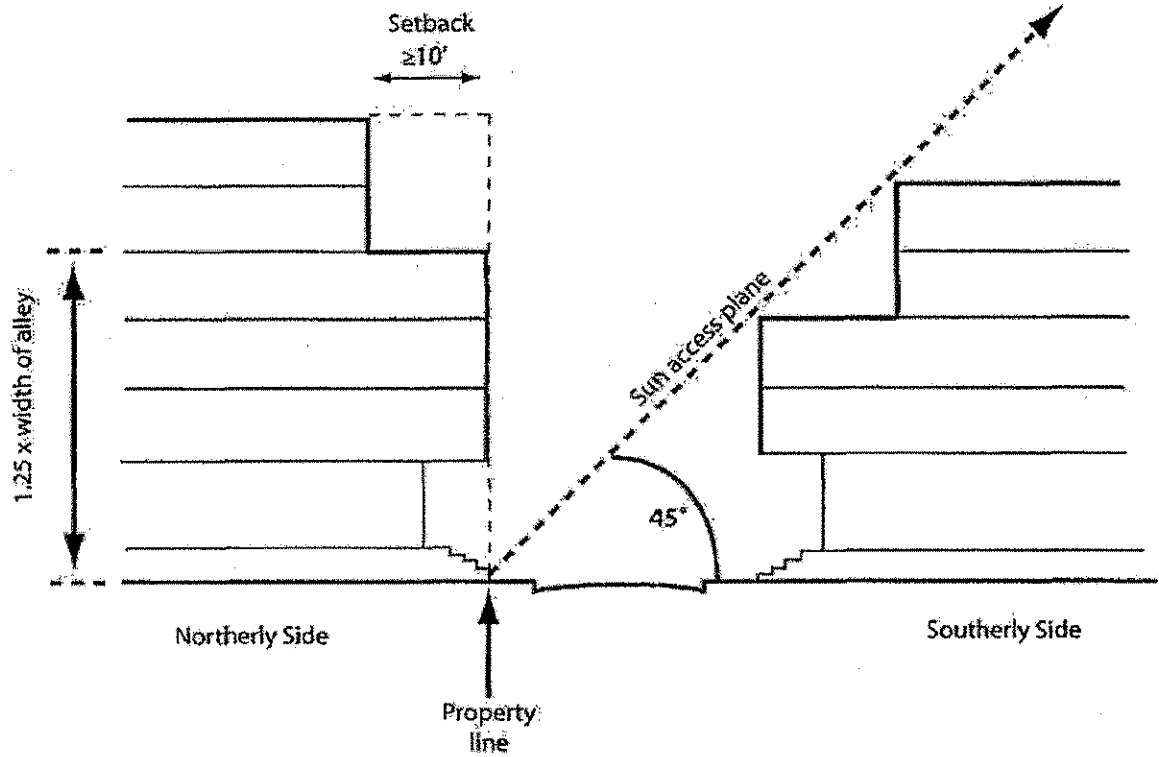


Figure 261.1A

Section 7. The San Francisco Planning Code is hereby amended by amending 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, EASTERN NEIGHBORHOODS, C-3, AND DTR DISTRICTS.

(a) Findings. The historically industrial parts of the City, including the South of Market, Showplace Square, Central Waterfront, and Mission, typically have very large blocks. In the South of Market, a typical block is 825 feet in length and 550 feet in width; in Showplace Square and the Central Waterfront blocks extend up to 800 feet in length and greater; and in

1 the Mission many blocks are over 500 feet in length. In areas of the City historically developed
2 as moderate and high-density residential and commercial environments, the block pattern is
3 much smaller, with many alternate and redundant paths of travels, service alleys, and public
4 mid-block pedestrian walkways and stairways: the typical North of Market block is 275 feet in
5 width and not more than 412.5 feet in length, often with minor alleys bisecting these blocks
6 further into smaller increments.

7 Large blocks inhibit pedestrian movement and convenience by significantly lengthening
8 walking distances between points, thereby reducing the ability and likelihood of people to walk
9 between destinations, including reducing access to and likelihood of using transit. Academic
10 studies have shown that the likelihood of people to walk for trips of all purposes, including
11 walking to transit stops, declines substantially above distances as low as 1/5th of a mile, and
12 that the propensity to walk is very elastic for distances of one mile or less and heavily
13 dependent on distance and route barriers (Berman, Journal of American Planning Literature,
14 May 1996). People are generally willing to walk not more than 1/3-mile to access rail transit,
15 and less to access bus transit. In the Eastern Neighborhoods Mixed Use and DTR Districts,
16 and South-of-Market portion of the C-3 Districts, longer walking distances due to large blocks
17 generally lengthens walking distances by up to 1,000 feet or more for even the shortest trips, a
18 major factor in reduced use of transit in these areas. In areas with large blocks, walking
19 distances between destinations can be between 50% and 300% longer than for areas with
20 smaller blocks and more route choices (Hess, Places, Summer 1997). In the South of Market
21 area, for example, the distance between destinations for walking trips can be as much as 2.5
22 times longer than a trip between destinations similarly situated apart north of Market Street.
23 Given equivalent densities and distributions of development, where walking distances are
24 greater due to longer and larger blocks, residents have access to up to 50% fewer
25 destinations (e.g. shops, services, transit) for equal walking distances (Id.). Greater walking

1 distances and fewer route choices also severely degrade accessibility to transit, services, and
2 shops for people with disabilities and the elderly (Kulash, Development, July/August 1990).
3 Because there are fewer pedestrian route choices and people must walk on fewer, more-
4 highly trafficked and busier streets for longer distances, the quality of the pedestrian
5 experience is severely diminished and there are more conflicts with motor vehicles, with
6 corresponding heightened concerns for pedestrian safety on major streets.

7 Large blocks also increase vehicular and service demand on streets. Where there are
8 no secondary streets or service alleys, all vehicular functions (including service loading as
9 well as private vehicular access to off-street parking) are concentrated onto fewer streets,
10 increasing traffic volumes on these streets and creating significant and frequent conflicts with
11 automobile traffic, transit, bicycles, and pedestrian activity.

12 Where industrial uses with low densities of workers and residents remain in place, the
13 condition of large blocks is not a problem. However, where land use changes occur with new
14 development and the intensity and density of residential and employment population are
15 increased by new development, there is thus a significant new need created to improve
16 pedestrian and vehicular circulation by mitigating the size the blocks, providing alternate and
17 redundant paths of travel, and creating a more pedestrian-accessible environment.

18 (b) Purpose. The mid-block alley requirements of this Section are intended to
19 ameliorate the conditions and impacts described in the Findings of subsection (a) above and
20 make the subject areas appropriate for a higher density of activity and population in areas
21 being targeted for more intense development.

22 (c) Applicability. This Section applies to all new construction on parcels that have one
23 or more street frontages of over 200 linear feet on a block face longer than 400 feet between
24 intersections, and are in the C-3 Districts, Eastern Neighborhoods Mixed Use Districts or DTR
25 Districts, except for parcels in the RH DTR District, which are subject to Section 827.

1 (d) Requirements.

2 (1) New construction on lots with greater than 300 linear feet of street frontage shall
3 provide a publicly-accessible mid-block alley for the entire depth of the property, generally
4 located toward the middle of the subject block face, perpendicular to the subject frontage and
5 connecting to any existing streets and alleys. For development lots with frontage on more than
6 one street that exceeds the above dimensions, one such mid-block alley will be required per
7 frontage.

8 (2) For new construction on lots with frontage greater than 200 linear feet but less
9 than 300 feet the project shall provide a publicly-accessible mid-block alley for the entire
10 depth of the property where any of the following criteria are met:

11 (A) There is an opportunity to establish a through-block connection between two
12 existing alleys or streets, or

13 (B) A portion of the subject frontage extends over the central half of the block face, or

14 (C) Where it is deemed necessary by the Planning Department and Commission to
15 introduce alleys to reduce the scale of large development, particularly in areas with a
16 surrounding pattern of alleys.

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

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

22 (2) Provide pedestrian access;

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

1 (4) Have a minimum width of 20 feet from building face to building face, exclusive of
2 those obstructions allowed pursuant to Section 136, and a minimum clearance height from
3 grade of 15 feet at all points;

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

7 (6) In the Eastern Neighborhoods Mixed Use Districts, be at least 60% open to the
8 sky, including those encroachments permitted in front setbacks by Section 136 of this Code;

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

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

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

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

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

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

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

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

24 (f) Maintenance. Mid-block paths and alleys required under this Section shall be
25 maintained at no public expense. The owner of the property on which the alley is located shall

1 maintain it by keeping the area clean and free of litter and by keeping it in an acceptable state
2 of repair. Conditions intended to assure continued maintenance of the right-of-way for the
3 actual lifetime of the building giving rise to the open space requirement may be imposed in
4 accordance with the provisions of Section 309.1 for DTR or 329 for Eastern Neighborhoods
5 Mixed Use Districts.

6 (g) Informational Plaque. Prior to issuance of a permit of occupancy, a plaque shall be
7 placed in a publicly conspicuous location for pedestrian viewing. The plaque shall state the
8 right of the public to pass through the alley and stating the name and address of the owner or
9 owner's agent responsible for maintenance. The plaque shall be of no less than 24 inches by
10 36 inches in size.

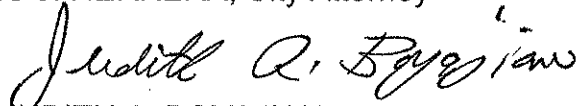
11 (h) Property owners providing a pathway or alley under this section will hold harmless
12 the City and County of San Francisco, its officers, agents and employees, from any damage
13 or injury caused by the design, construction or maintenance of the right-of-way, and are solely
14 liable for any damage or loss occasioned by any act or neglect in respect to the design,
15 construction or maintenance of the right-of-way.

16 (i) Any non-vehicular portions of such a pathway or alley, including sidewalks or other
17 walking areas, seating areas, or landscaping, may count toward any open space requirements
18 of this Code which permit publicly-accessible open space, provided that such space meets the
19 standards of Section 135. In C-3 Districts, the non-vehicular portions of such a pathway or alley
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may count towards the open space requirements of Section 138 of this Code, so long as the pathway or alley is located at street grade and meets the requirements of Section 138 and of this Section.

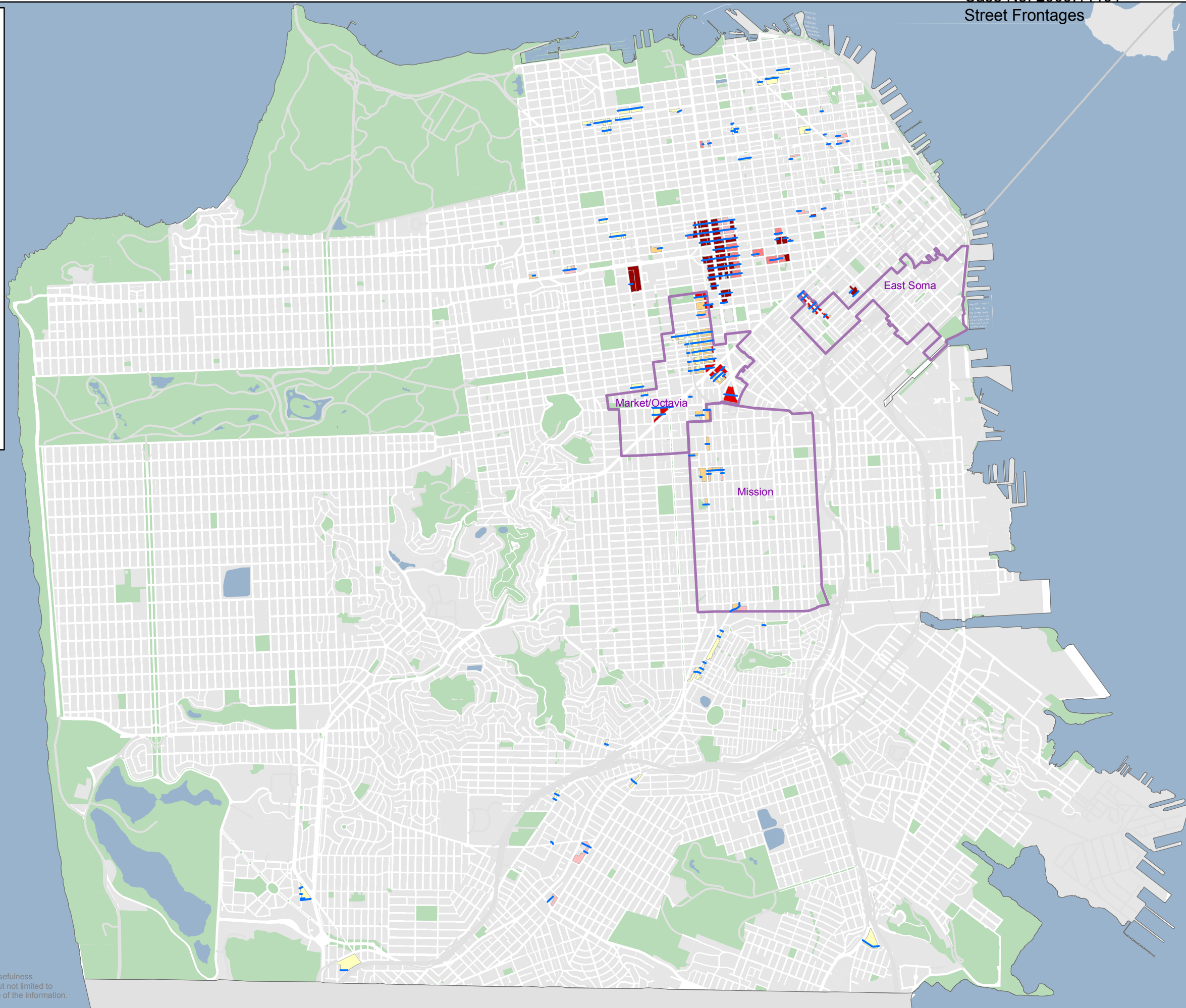
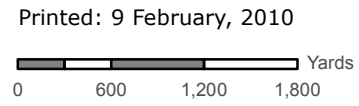
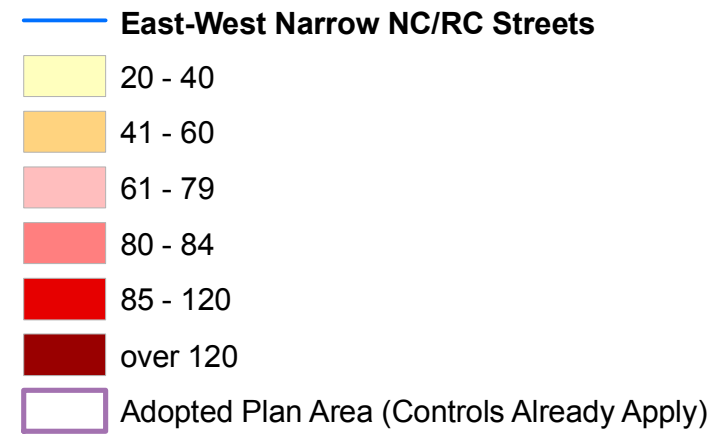
APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: 
JUDITH A. BOYAJIAN
Deputy City Attorney



**City and County of San Francisco
Planning Department**

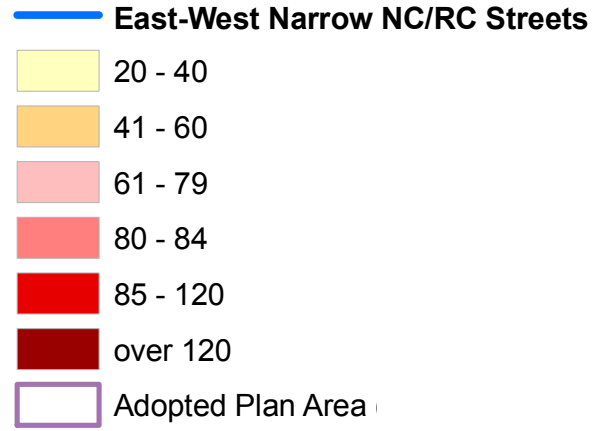
Height Limits for Narrow Streets



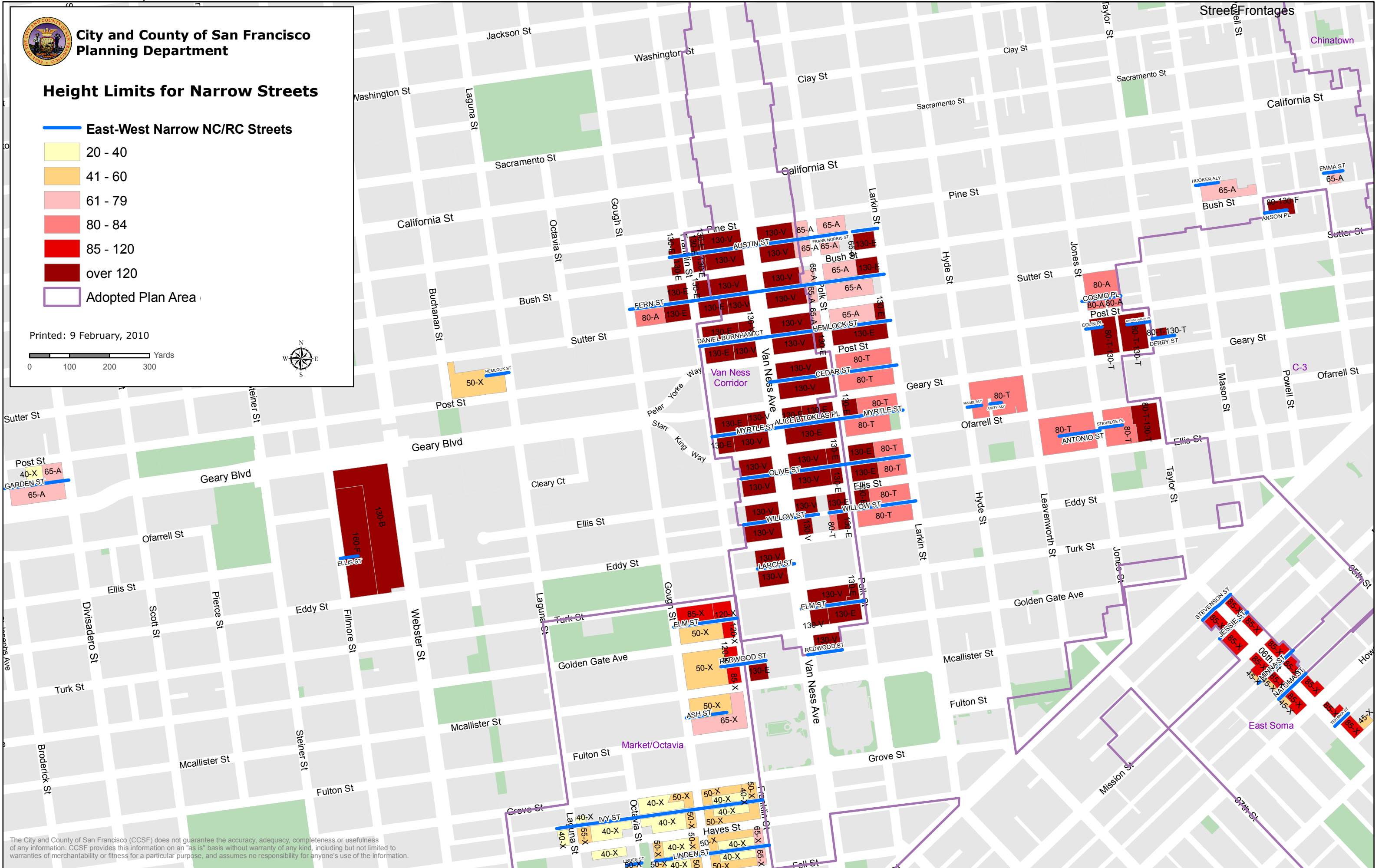


**City and County of San Francisco
Planning Department**

Height Limits for Narrow Streets



Printed: 9 February, 2010



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February 4, 2010

AmMarie Rodgers
Manager of Legislative Affairs
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco CA 94103

Re: Zoning – Street Frontages Ordinance (File number 091271)

Dear AnMarie,

On behalf of Livable City, I am writing to express our enthusiastic support for Supervisor Mirkarimi's legislation to extend active street frontage, alleyway height, and mid-block alleyway requirements to C, RC, and NC districts, and further rationalize and consolidate the Planning Code's street frontage controls.

Most of San Francisco developed before the widespread use of the automobile, and before the existence of Planning Codes that spatially segregated land uses (San Francisco's first Planning Code was created in the 1940s, and the first parking requirements were imposed in 1956). As a result, many San Francisco neighborhoods still have a dense, walkable character, with a mix of primary uses – housing, shops, offices, and light production, distribution, and repair (PDR).

The City's Planning Code includes a number of use districts that allow a mix of uses, and these use districts have changed and multiplied over time. A mix of residential and non-residential uses are permitted in Commercial (C), Residential-Commercial (RC), Neighborhood Commercial (NC), Commercial-Manufacturing (C-M) South of Market Mixed Use, Chinatown Mixed Use, Residential Transit-Oriented (RTO), Downtown Residential (DTR), and Eastern Neighborhoods Mixed Use districts.

The General Plan, in its Urban Design and Transportation elements, strongly emphasizes the importance of active, human-scaled, and pedestrian-oriented building fronts, and of maintaining a finely-scaled pattern of interconnected streets and small blocks, in fostering a safe and walkable urban environment and maintaining neighborhood character.

Over the past few decades, street frontage controls have been introduced into a number of zoning districts across the city:

- In NC districts, buildings containing retail, eating and drinking, or service, or hotel uses must dedicate half the length of the commercial street frontage to entrances, windows, and display spaces (Section. 145.1, 1987)
- In the Van Ness Special Use District, half of the ground-floor street frontage must be dedicated to entrances, windows, or display spaces. Any gates or decorative grillework over windows must be mostly open to perpendicular view. (Section 243, 1988)
- In the Rincon Hill Downtown Residential Special Use District, all public frontages must be dedicated to active residential or commercial uses, and all parking located underground. Mid-block pathways are required, as are building setbacks to preserve sun access to pathways (Section 827)
- In the C-3 districts, parking must be hidden from view, and active ground-floor uses provided on all public building frontages to a depth of 25' on the ground floor, and 15' on upper floors (Section 155, 2006)
- In DTR, NCT, and Eastern Neighborhoods Mixed Use Districts, active street-fronting uses are required on all public frontages to a depth of 25' on the ground floor and 15' on upper floors, 60% or more of the ground-floor non-residential street frontage must be transparent windows and doors, ground-floor ceiling heights must be a minimum of 14' or more, and all gates or decorative grillework covering windows must be mostly open to perpendicular view and flush with or recessed into the building façade. (Section 145.1, 2008)
- In RTO, NCT, and Eastern Neighborhoods Mixed Use Districts, additional height limits are required to preserve sunlight to alleyways and streets less than 40' in width (Section 261.1, 2008)
- In DTR and Eastern Neighborhoods Mixed Use Districts, mid-block alleyways are required for large-lot developments on blocks exceeding 500 feet in length (Section 270.2)

San Francisco's Planning Code has developed into a hybrid, with strong form-based controls in some districts, and virtually none in others. This ordinance will provide more consistency in the Planning Code by extending controls across use districts of a similar type, and will simplify the planning code by consolidating and harmonizing varying code requirements governing certain building features.

In addition to provisions currently proposed in the legislation, which we support wholeheartedly, we would like the Planning Department to consider additional amendments to expand the provisions of this legislation to all mixed-use districts of the city.

Our recommendations are as follows:

1. **Expand Section 145.1 (active street-fronting uses) to South of Market Mixed-Use Districts, Chinatown Districts, and C-M districts.** Requiring active street fronting uses in the Chinatown Districts, SoMa Mixed Use

Districts, and C-M will create a consistent set of active use requirements in all mixed-use districts of the city. The need for active street fronting uses in Chinatown is obvious, but currently not required. This requirement is proposed for the Western SoMa area, and will be compatible with future zoning. C-M districts mostly disappeared with the adoption of the Eastern Neighborhoods rezoning, but the remaining pocket of C-M zoning on the south side of Mission Street near 9th and 10th streets ought to require active street-fronting uses.

2. **Expand Section 261.1 (additional height limits for narrow streets and alleyways) to the South of Market Mixed-Use Districts, Chinatown Districts, and CM districts.** These additional height limits are prevail throughout the Eastern Neighborhoods Mixed-Use districts and RTO districts, and are in the proposed zoning for Western SoMa area. The need to preserve sun access to Chinatown alleyways is obvious, but the current sun access controls for Chinatown, contained in Section 132.3 of the code, call for setbacks on the wider streets but not for Chinatown's alleyways.
3. **Consider removing the Conditional Use requirement for buildings over 35' in Chinatown if alleyway height controls are adopted.** This conditional use requirement, like the CU requirement for buildings over 40' in R districts, may be intended as a sort of design review. Unfortunately, conditional use is a poor substitute for design review absent specific conditions. If the additional alleyway height controls in Section 261.1 and the active use requirements of Section 145.1 are adopted alongside the existing street setback requirements in Section 132.2, the Planning Department may consider dispensing with the Conditional Use requirement for buildings over 35' in Chinatown contained in Section 254; good building form in conformity with height limits can probably be accomplished through the Department's existing plan review process, as it is other districts where sections 261.1 and 145.1 apply.
4. **Consider permitting a 5' height bonus in 50' height districts in Chinatown under certain conditions.** If the requirement to extend Section 145.1 into Chinatown is adopted, as we recommend above, then allowing a 5' bonus in the 50' height districts would permit generous commercial ground floors without losing a floor of housing. Any 5' bonus ought still conform to the height limits in Section 261.1 (alleyway height limits) and Section 132.2 (Sun Access for Sidewalk Setbacks in Chinatown).
5. **Expand Section 270.2 (Mid-block alleys in large lot developments) into the South of Market Mixed-use districts and C-M districts.** The requirement for large-lot developments to provide mid-block alleyways, which already exists in Eastern Neighborhoods Mixed-use districts and in Downtown Residential Districts, should be extended to South of Market Mixed-Use Districts and CM districts. Doing so is fully compatible with the

zoning proposed for the Western SoMa area, and also makes sense for the 3rd and 4th Street corridors of Eastern SoMa, which are still using SLI and SSO zoning. Extending these provisions to the remaining C-M districts is logical, since they will apply in all the surrounding districts.

- 6. Amend Section 145.4 to require active ground-floor commercial uses in all C3-R districts, and along Market Street in all C-3 districts and in the Upper Market NCD.** Active Ground-floor commercial uses are required in many important commercial streets in the city. Market Street is San Francisco's pre-eminent pedestrian street, or at least ought to be so, and continuous active ground floor commercial uses will help make the street a great one. Active commercial uses are already required for much of Upper Market, including the portions of Market Street in the Van Ness and Market Downtown Residential SUD, NCT-3, and Upper Market NCT districts. These requirements should be extended along the length of Market from Castro to the Embarcadero.

A similar requirement for active commercial use in the C-3-R districts around Union Square already exists in Section 212(c) of the code; this section ought to be deleted and consolidated into Section 145.4 for consistency.

- 7. Exemption from active use requirements (sections 145.1 and 145.4) for historic buildings:** It may not be feasible for certain historic buildings to comply with certain aspects of the active use requirements in sections 145.1 and 145.5, including the ground-floor ceiling height and transparency requirements, without compromising the integrity of the building. A rather narrow exemption should be granted in these cases; perhaps along the lines of:

“Specific street frontage requirements in sections 145.1 and 145.4 of this Code may be reduced or waived by the Planning Commission for structures designated as landmarks, significant or contributory buildings within a historic district, or buildings of merit, when the Historic Preservation Commission advises that complying with certain street frontage requirements would adversely affect the landmark, significant, contributory, or meritorious character of the structure, or that reduction or waiver would enhance the economic feasibility of preservation of the landmark or structure.”

- 8. Exemptions for certain buildings.** The Planning Department may wish to consider exemptions from the active use requirements for certain buildings, including churches and other places of worship and for public buildings such as courthouses. So long as such buildings are not overly concentrated, the absence of storefronts or residential entrances along their public fronts won't compromise the walkable, pedestrian-scaled nature of the neighborhoods in which they are located.

9. **Institutional buildings:** The planning department may also want to consider exempting certain institutional buildings, such as schools and government offices, from the requirement for storefronts or residential entrances. If so, the Department should consider adopting appropriate street-frontage controls for such buildings, such as requiring street-fronting windows along public rights-of-way, multiple entrances for very long frontages, and that any building setbacks be attractively landscaped and provided with pedestrian amenities such as seatwalls and street trees.
10. **Apartment, residential hotel, and tourist hotel lobbies:** Section 145.1, as currently written, strongly expresses the Planning Department's interest in promoting individual walk-up dwelling units, but is rather ambiguous about whether apartment and hotel lobbies are considered active uses.

Lobbies can contribute to activation of the street as well as to the life of the building, especially if they provide areas for seating and meeting – so long as they do not dominate.

- 10a. **Apartment buildings:** Ground-level lobbies for large apartment buildings should be encouraged, so long as they don't take up too much street frontage. The Planning Department may want to specify a maximum length (50 feet?) of street frontage that any individual lobby may occupy.
- 10b. **Residential hotels:** experts such as Paul Groth, in *Living Downtown*, have explained how social spaces such as ground-floor lobbies can make residential hotels into sociable and agreeable places to live. Residential hotels should be permitted to have ground-floor lobbies, especially with places to sit and meet, and residential hotels over a certain size ought to be required to have them.
- 10c. **Tourist hotels:** The lobbies of tourist hotels can also be effective active street-fronting uses – so long as they don't take up too much street frontage, at which point they become boredom-inducing. The Planning Department may want to consider setting a maximum street frontage for tourist hotel lobbies (50') and requiring that the rest of the frontage be dedicated to active accessory uses such as restaurants, bars, and retail.
11. **Require ground-level commercial spaces open onto the street:** The Department should also require that stores, bars, and restaurants on the ground floors of hotels, office buildings, and shopping centers which face onto the street must open directly onto the street, rather than only opening into the hotel or shopping center's lobbies and interior spaces. Requiring them to do so will enhance the walkable, pedestrian-oriented nature of the surrounding

streets, and help integrate these large buildings into our finely-scaled city by making these buildings more permeable.

Thank you for your thoughtful consideration of these recommendations. Please don't hesitate to contact me with any questions.

Sincerely,

Tom Radulovich
Executive Director

DRAFT

