



## NEW PLANNING CODE SUMMARY

### Planning and Building Codes - Commercial to Residential Adaptive Reuse and Downtown Economic Revitalization

<b>Amended Sections:</b>	Various
<b>Case Number:</b>	2023-003165PCA
<b>Board File/Enactment #:</b>	230732/159-23
<b>Initiated by:</b>	Mayor Breed and President Peskin
<b>Effective Date:</b>	August 27, 2023

The proposed Ordinance amended the Planning Code and Building Code to support more residential uses Downtown by facilitating the adaptive reuse of commercial buildings, help to economically revitalize Downtown by allowing flexibility for more uses, and streamline permitting and review of project applications to better support the economic revitalization of Downtown.

	The Way It Is Now:	The Way It Would Be:
<b>Facilitate Residential Uses Downtown</b>		
1.	Commercial to Residential Adaptive Reuse, Commercial to Residential Adaptive Reuse Project and Commercial to Residential Adaptive Reuse Program are terms not defined in the Planning Code.	<p>Commercial to Residential Adaptive Reuse would be a new definition in the Planning Code Section 102</p> <p>Commercial to Residential Adaptive Reuse would be defined as to change the use of existing Gross Floor Area from a non-residential use, other than a hotel use, to a residential use.</p> <p>Commercial to Residential Adaptive Reuse Projects would be a project that includes a change of use of any existing Gross Floor Area from a non-residential use to a residential use.</p> <p>Commercial to Residential Adaptive Reuse Program would be a new Planning Code Section 210.5.</p>

		<p>To be eligible for the Commercial to Residential Adaptive Reuse Program, a project would:</p> <p>(1) located in a C-3 zoning district or C-2 zoning district that is east of or fronting Franklin Street / 13th Street and north of Townsend Street.</p> <p>(2) not seek approval under Section 206.5 or 206.6</p> <p>(3) not expand an existing building's envelope in a manner where the addition to the building envelope represents more than 33% of the existing building's Gross Floor Area, (If a project would exceed this limit, the portions of the building additions in excess of 33% must meet generally prevailing code requirements).</p> <p>Any application would have to be filed on or before December 31, 2028.</p>
2.	Development controls for lot coverage, open space, streetscape improvements, dwelling unit exposure, bike parking, dwelling unit mix, transportation demand management plan, off-street freight loading are required for residential uses in C districts.	These development controls would be waived or modified for Commercial to Residential Adaptive Reuse projects.
3	To preserve the pedestrian character of certain districts and to minimize delays to transit service, garage entries, driveways, and other vehicular access to off-street parking or loading via curb cuts on development lots are restricted per section 155(r).	Pre-existing garage entries, driveways, or other vehicular access to off-street parking and loading via curb cuts for eligible Commercial to Residential Adaptive Reuse projects would not be subject to Section 155(r). Creation of new or expanded garage entries, driveways, or other vehicular access to off-street parking and loading via curb cuts would still be subject to Section 155(r).
4	POPOS are required for certain non-residential uses as defined in Planning Code Section 138.	Nothing in Section 210.5 is intended to modify, alter, or waive the applicability of Section 138 (POPOS) for a Commercial to Residential Adaptive Reuse projects that retains non-residential uses
5.	C-3 and C-2 zoning districts have rear yard requirements for residential uses.	C-3 and C-2 zoning districts would be regulated by lot coverage for residential uses and would not have rear yard requirements.
6.	Height exceptions for mechanical equipment and appurtenances necessary to the operation or maintenance of the building is limited to the top 10 feet if the height limit is 65 feet or less, and the top 16 feet if the height limit is more than 65 feet.	Height exceptions for mechanical equipment and appurtenances necessary to the operation or maintenance of the building would be limited to the top 16 feet if the height limit is 65 feet or less, and the top 20 feet if the height limit is greater than 65 feet. In C-3 districts, for existing buildings whose height exceeds the permitted height limit, these exempted features would be measured from the existing roofline instead of the height limit.

7.	Height exceptions for elevator, stair and mechanical penthouses, fire towers, skylights, and dormer windows are limited to the top 10 feet if the height limit is 65 feet or less, and the top 16 feet if the height limit is greater than 65 feet.	Height exceptions for elevator, stair and mechanical penthouses, fire towers, skylights, and dormer windows would be limited to the top 16 feet if the height limit is 65 feet or less, and the top 20 feet if the height limit is greater than 65 feet. In C-3 districts, for existing buildings whose height exceeds the permitted height limit, these exempted features would be measured from the existing roofline instead of the height limit.
8.	Height exceptions up to 16 feet is permitted for enclosed space related to recreational uses on the roof.	Height exceptions up to 16 feet would be expanded to include restaurants or bars on the roof. In C-3 districts, for existing buildings whose height exceeds the permitted height limit, these exempted features would be measured from the existing roofline instead of the height limit.
9.	The maximum allowable sum of the horizontal areas of features exempted from the measurement of height is capped at <u>20%</u> for unscreened rooftops; and at <u>30%</u> for where screening to obscure the exempted features is provided.	The maximum allowable sum of the horizontal areas of features exempted from the measurement of height is capped at <u>30%</u> for unscreened rooftops; and at <u>40%</u> for where screening to obscure the exempted features is provided.
10.	For projects in C-3 districts a hearing is required if a project would result in an addition of more than 50,000 square feet of gross floor area of space; construction of a new building greater than 75' in height or includes a vertical addition resulting in a building taller than 75'; or if the project is seeking exceptions as provided in Section 309(a).	For projects in C-3 districts a hearing would be required if a project includes the construction of a new building greater than 120' in height or includes a vertical addition resulting in a building taller than 120'; or if the project is seeking exceptions as provided in Section 309(a). A hearing would not be required for a Commercial to Residential Adaptive Reuse project.
11.	For projects in Downtown Residential (DTR) districts a hearing is required if a project would result in an addition of more than 50,000 square feet of gross floor area of space; construction of a new building greater than 85' in height or includes a vertical addition resulting in a building taller than 85'; or if the project is seeking exceptions as provided in Section 309.1(b).	For projects in Downtown Residential (DTR) districts a hearing would be required if a project includes construction of a new building greater than 120' in height or includes a vertical addition resulting in a building taller than 120'; or if the project is seeking exceptions as provided in Section 309.1(b).
<b>Economically Revitalize Downtown</b>		
12.	Flexible Workspace is not a defined use in Section 102.	Flexible Workspace would be a new use defined in Section 102 and defined as a <i>Retail Sales and Service Use that is a combination of any uses within the Retail Sales and Service use category or a General Entertainment Use that operates in conjunction with a principally or conditionally permitted Non-Retail Sales</i>

		<i>and Service Use other than a Commercial Storage, Wholesale Sales, or Wholesale Storage Use. The Retail Sales and Service or General Entertainment portion of the Use shall be at least one-third of the overall Gross Floor Area and must face the street. Flexible Workspace would be permitted as a required ground floor commercial use in Section 145.4</i>
13.	In C-3 districts, a new single retail use greater than 90,000 square feet requires a conditional use, a new single retail use greater than 120,000 square feet is only permitted if the use sells groceries, contains more than 20,000 stockkeeping units, and devotes more than 5% of its total sales floor area to non-taxable merchandise. A new single retail use greater than 120,000 is not permitted in any zoning district.	In C-3 districts, there would be no size limitation on retail uses.
14.	In C-3 districts, frontages with active uses that are not PDR must be fenestrated with transparent windows and doorways for no less than 60% of the street frontage at the ground level and allow visibility to the inside of the building.	In C-3 districts, for tenant spaces with at least two frontages and active uses that are not PDR, frontages would be required to be fenestrated with transparent windows and doorways for no less than 60% of the street frontage at the ground level or contain window displays of at least four feet in depth to allow visibility to the inside of the building or activate the street.
15.	Active commercial uses are required on certain street frontages. A ground floor nonresidential use may not occupy more than 75 contiguous linear feet for the first 25 feet of depth along a street-facing facade. Separate individual storefronts shall wrap large ground floor uses for the first 25 feet of depth.	This requirement would not apply to street frontages within C districts.
16.	An accessory use cannot occupy more than one-third of the total floor area occupied by the principal use.	Accessory uses would be expanded in C districts to allow accessory storage on the second floor and above for stock and trade relating to retail uses with street level storefronts in the same building. There would be no limitation on the square footage of accessory storage if the storage supports a ground floor use in the same building.
17.	A temporary sign, other than a General Advertising Sign, or a temporary decorative or artistic display or installation is not listed as a temporary use in Section 205.1.	Section 205.1. would be expanded to allow installation of a temporary Sign, other than a General Advertising Sign, or a temporary decorative or artistic display or installation as a temporary use up to 60 days in C-3-R Districts. Such sign or installation could have a maximum height of 16 feet above the roofline of the building to which it is affixed.

18.	Pop-up activations are not listed as a temporary use in Section 205.2	Section 205.2 would be expanded to include pop-up activations located in a C-3 zoning district or C-2 zoning district that is east of or fronting Franklin Street / 13th Street and north of Townsend Street. or within an NC, NCT, or Mixed-Use District that is south of Market Street, north of Townsend /Division/13th Streets, and east of South Van Ness Avenue. Such uses may include Formula Retail uses so long as Formula Retail uses are principally permitted in the underlying zoning
19.	In C-2 zoning districts, Laboratory, Life Science, Agricultural and Beverage Processing and Light Manufacturing are not permitted, and Animal Hospitals require a conditional use.	In C-2 zoning districts, Laboratory, Life Science, Agricultural and Beverage Processing, Light Manufacturing and Animal Hospitals would be principally permitted.
20.	In C-2 and C-3 zoning districts Intermediate Length Occupancy (ILO) uses are not permitted for buildings with three or fewer Dwelling Units and require a conditional use authorization for buildings with 10 or more Dwelling Units. Live/Work Unit is not permitted.	Intermediate Length Occupancy (ILO) would be permitted regardless of the building size in a Commercial to Residential Adaptive Reuse project. Live/Work Unit would be permitted in a Commercial to Residential Adaptive Reuse projects.
21.	In C-2 zoning districts there are lot-based density limits for residential uses. In general, density controls are calculated based on the closest R zoning district but not less than one unit per 800 square feet of lot area.	In C-2 zoning districts east of or fronting Van Ness/South Van Ness Avenue and north of Harrison Street, there would be no residential density limit.
22.	In C-3 districts, Senior Housing, Residential Care Facilities, Outdoor Entertainment, Open Recreation Areas, Animal Hospitals, and Trade Schools are not principally permitted.	In C-3 districts, Senior Housing, Residential Care Facilities, Outdoor Entertainment, Open Recreation Areas, Animal Hospitals, and Trade Schools would be principally permitted.
23.	In C-3-R district, office and design professional uses are not permitted on floors 1 and 2, require a conditional use on floors 3, and require a conditional use on floors 4-6 if the use is greater than 5,000 square feet.	In C-3-R district, office and design professional uses would be principally permitted on floors 2 and above.
24.	Formula retail on Market Street between 6th Street and 12th Street/Franklin Street is not permitted.	Formula retail would be principally permitted on Market Street between 6th Street and 12th Street/Franklin Street.
25.	On block/lot 3781/003, formula retail uses require a conditional use and are subject to use size limitations.	On block/lot 3781/003, formula retail uses would be principally permitted and there would be no limit on use size.
26.	In C-3-O(SD) a project must provide two gross square feet of commercial uses for every one gross	In C-3-O(SD) an additional exception would be added to Section 248 if a project is unable to provide two

	square foot of residential uses. Exceptions can be granted if a project cannot meet this requirement. However, there is not an explicit exception that recognizes downtown commercial vacancies.	gross square feet of commercial uses for every one gross square foot of residential uses. The Planning Commission would be allowed to grant an exception from the control if the downtown commercial vacancy rate is persistently high and the project would fulfill its inclusionary requirement pursuant to Planning Code Section 415 through 100% on-site or off-site units within the C-3 District.
27	Planning Code Section 248. requires that in the Transit Center C-3-O(SD) Commercial Special Use District all new development on lots larger than 15,000 square feet shall include not less than 2 gross square feet of principally or conditionally permitted commercial uses for every 1 gross square foot of dwellings or other housing uses. The Planning Commission may grant exceptions to this requirement pursuant to the procedures in Section 309.	The ordinance would increase the threshold for projects subject to the 2:1 commercial to residential use limits in the C-3-O(SD) district to 20,000 square feet from 15,000 square feet.

#### Streamline Sign Permitting in C-3 Districts and Citywide

28.	Nonconforming signs are permitted ordinary maintenance and minor repairs. This maintenance work is not allowed to result in replacing, altering, relocating, or expanding the sign unless it conforms with the Code.	All legal, noncomplying Neon Signs could be physically removed from the building for any required off-site repairs. The maintenance and repairs could not include replacement, alteration, reconstruction, relocation, intensification, or expansion of the Neon Sign. After the off-site repair and maintenance work is complete, the Neon Sign could be reinstalled at the premises in the same location where the Neon Sign was previously affixed.
29.	Planning Code Section 604 regulates permitting and conformance of existing and new signs. Signs removed by an owner (maintenance and repair), or which are required by law to be removed, may be restored only in full conformity.	Existing signs located in a C-3 zoning district or C-2 zoning district that is east of or fronting Franklin Street / 13th Street and north of Townsend Street. would not be subject to the provisions in Section 604.

#### Streamline Historic Preservation Review

30.	The Department is authorized to administratively process minor permits to alter in specified instances described in Planning Code Section 1111.1(c). The Department does not have authority to issue minor permits to alter for awnings.	The Department would streamline Historic Preservation review of minor permits to alter for awnings.
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#### Provide Alternatives to the On-Site Open Space Requirement in Certain C-3 Districts

31.	A project in the C-3-O District, C-3-S District, C-3-G District and C-3-R District must meet open space requirements on-site.	A project in the C-3-O District, C-3-S District, C-3-G District and C-3-R District could meet open space requirements by providing an in-lieu fee as an alternative to providing the required open space on-site.
<b>Facilitate Adaptive Reuse of Non-residential Buildings by Amending the Building Code to add Standards for Adaptive Reuse Projects.</b>		
32.	Generally, the San Francisco Building Code, which adopts and amends the most recent edition of the California Building Standards Code, applies to new construction or a change of use or occupancy. However, retrofitting existing buildings to current Building Code standards is often unfeasible. For the conversion of existing non-residential buildings to accommodate new residential uses, alternative building standards are necessary.	The Building Official and Fire Code Official shall prepare, maintain, and update, as necessary and appropriate, alternative building standards, which shall provide the building standards applicable to Commercial to Residential Adaptive Reuse projects as defined in Planning Code Section 210.5.

**Link to Signed Legislation:**

<https://sfbos.org/sites/default/files/o0159-23.pdf>