



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Resolution No 18553

HEARING DATE: MARCH 1, 2012

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*Project Name:* Amendments relating to:  
Parking, Awning, Signs, Exposure, Open Space, and Limited  
Conforming Uses.

*Case Number:* 2011.0532T [Board File No. 11-0548]

*Initiated by:* Supervisor Chiu / Introduced May 3, 2011

*Staff Contact:* Aaron Starr, Legislative Affairs  
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*Reviewed by:* AnMarie Rodgers, Manager Legislative Affairs  
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*Recommendation:* **Recommend Approval with Modifications Of "Phase One" Including the Topics of Clerical and Minor Modifications, Transfer of Development Rights, Limited Commercial Uses, Bike Parking and Signs.**

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE WITH MODIFICATIONS THAT WOULD AMEND THE SAN FRANCISCO PLANNING CODE BY REPEALING SECTIONS 136.2, 136.3, 158, 187, 249.15, 263.2, 263.3, 602.25, 602.26, 607.3 AND 607.4 AND AMENDING VARIOUS OTHER CODE SECTIONS TO (1) INCREASE THE AMOUNT OF PRINCIPALLY PERMITTED PARKING SPACES FOR DWELLINGS IN RC-4 AND C-3 DISTRICTS, (2) MAKE OFF-STREET PARKING REQUIREMENTS IN THE VAN NESS SPECIAL USE DISTRICT AND RC-3 DISTRICTS CONSISTENT WITH THOSE OF RC-4 DISTRICTS, (3) ELIMINATE MINIMUM PARKING REQUIREMENTS FOR THE CHINATOWN MIXED USE DISTRICTS AND NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICTS, (4) ALLOW EXCEPTIONS FROM REQUIRED PARKING UNDER SPECIFIED CIRCUMSTANCES, (5) AMEND THE RESTRICTIONS ON OFF-STREET PARKING RATES AND EXTEND THEM TO ADDITIONAL ZONING DISTRICTS, (6) REVISE SIGN, AWNING, CANOPY AND MARQUEE CONTROLS IN SPECIFIED ZONING DISTRICTS, (7) INCREASE THE PERMITTED USE SIZE FOR LIMITED CORNER COMMERCIAL USES IN RTO AND RM DISTRICTS, AND ALLOW REACTIVATION OF LAPSED LIMITED COMMERCIAL USES IN R DISTRICTS, (8) REVISE THE BOUNDARIES OF AND MODIFY PARKING AND SCREENING REQUIREMENTS IN THE WASHINGTON-BROADWAY AND WATERFRONT SPECIAL USE DISTRICTS, (9) MODIFY CONTROLS FOR USES AND ACCESSORY USES IN COMMERCIAL AND RESIDENTIAL-COMMERCIAL DISTRICTS, (10) PERMIT CERTAIN EXCEPTIONS FROM EXPOSURE AND OPEN SPACE REQUIREMENTS FOR HISTORIC BUILDINGS, AND (11) MODIFY CONFORMITY REQUIREMENTS IN VARIOUS USE DISTRICTS; 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.

**PREAMBLE**

Whereas, on May 3, 2011 Supervisor Chiu introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 11-0548 which would amend the San Francisco Planning Code by repealing Sections 136.2, 136.3, 158, 187, 249.15, 263.2, 263.3, 602.25, 602.26, 607.3 and 607.4 and amending various other Code sections to (1) increase the amount of principally permitted parking spaces for dwellings in RC-4 and C-3 Districts, (2) make off-street parking requirements in the Van Ness Special Use District and RC-3 Districts consistent with those of RC-4 Districts, (3) eliminate minimum parking requirements for the Chinatown Mixed Use Districts and North Beach Neighborhood Commercial Districts, (4) allow exceptions from required parking under specified circumstances, (5) amend the restrictions on off-street parking rates and extend them to additional zoning districts, (6) revise sign, awning, canopy and marquee controls in specified zoning districts, (7) increase the permitted use size for limited corner commercial uses in RTO and RM districts, and allow reactivation of lapsed limited commercial uses in R districts, (8) revise the boundaries of and modify parking and screening requirements in the Washington-Broadway and Waterfront Special Use Districts, (9) modify controls for uses and accessory uses in Commercial and Residential-Commercial Districts, (10) permit certain exceptions from exposure and open space requirements for historic buildings, and (11) modify conformity requirements in various use districts; and

Whereas, on October 20, 2012, December 15, 2011, February 9, 2012 and March 1, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted duly noticed public hearings at a regularly scheduled meetings to consider the proposed Ordinance; and

Whereas, On February 9, 2012, the Commission continued the item to March 1, 2012 so that the so that the legislative sponsor, Board President David Chiu, could work with individual Commissioners who had issues with specific pieces of the legislation; and

Whereas on February 8, 2012, the legislative sponsor, Board President David Chiu, sent the Commission a memorandum requesting that the Commission not consider certain topics from the proposed Ordinance as it is his intend to remove the following topics from the proposed Ordinance proposed Ordinance: The C-3 parking and FAR changes (aka "the C3 Compromise"), changes to Planning Code Section 155(g) having to do with the long term parking rate structure, and proposed changes to Port Property and the expansion of the Waterfront Advisory Committee.

Whereas, at the March 1, 2012 Commission Hearing, the Commission divided up the proposed legislation into 3 Phases; and

Whereas at the March 1, 2012 Commission Hearing, Planning Department Staff (herein after "Staff") presented the 5 topics in Phase 1, which include Clerical and Minor Modifications, Transfer of Development Rights, Limited Commercial Uses, Bike Parking and Signs, as outlined in a memo sent to the Commission on February 29, 2012; and

Whereas Phases 2 and 3 will be heard at separate Commission hearings; and

Whereas, the proposed zoning changes have been determined to be exempt from environmental review under the General Rule Exclusion (Section 15061(b)(3) of the CEQA Guidelines); and

Whereas, the Commission has heard and considered the testimony presented to it at the public hearings 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 Planning Commission hereby recommends that the Board of Supervisors **approve with modifications** the areas of the proposed ordinance covered in Phase 1, as discussed at the March 1, 2012 Planning Commission Hearing. Specifically, the Commission recommends the following modifications:

**Clerical Modifications:**

1. In Section 202 under the description of RH Districts, there is an added parenthesis in front of RH-2, this should be deleted. Also, under the description of PDR Districts "PDR-1-" should be changed to "PDG-1-G."
2. Sections 604(a) should reference Vintage Signs and not historic signs in conformance with Ordinance # 0160-11

**Non Clerical Modifications:**

1. Consider the implications of adding the Embarcadero to Scenic Street Special Sign District controls to large events held along the Embarcadero. Provide a provision to allow for temporary signs for large events along the Embarcadero, such as the America's Cup. Include a maximum duration for such temporary signs, so that they must be taken down after the event.
2. Remove the prohibition on reinstating lapsed LCUs where a residential unit has been established.
3. Maintain the existing height limits for signs in the in the C and M Districts.
4. Modify Section 151.1(f) so that any funds recovered from enforcing the Planning Code's bike parking requirements by the Planning Department are given to the Planning Department, and not the Metropolitan Transportation Administration.
5. Consider expanding the proposed legislation so that changing the copy, color or logo on a sign does not require that the sign be brought into conformance with current Planning Code requirements.

**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. In 1973, the San Francisco City Planning Commission and Board of Supervisors adopted the "Transit First Policy", giving top priority to public transit investments as the centerpiece of the city's transportation policy and adopting street capacity and parking policies to discourage increases in automobile traffic;
2. On October 26, 2010 the Board of Supervisors adopted the goal of having 20% of trips by bike by the year 2020;
3. Existing buildings contribute to the unique character of San Francisco. Reusing buildings, rather than demolishing and rebuilding them, can preserve the built character of neighborhoods, as well as foster sustainability by conserving the energy and materials embodied in these buildings;
4. The Planning Code's sign regulations have not been significantly changes since they were adopted. The proposed legislation seeks to rationalize and consolidate some of the existing controls.
5. Small commercial uses, although often nonconforming, tend to provide convenience goods and services on a retail basis to meet the frequent and recurring needs of neighborhood residents within a short distance of their homes;
6. Over the years, the Planning Code has been amended and expanded. While many of these changes have been necessary to address emerging issues and changing policy in the City, the current Planning Code can be overly complex and redundant;
7. **General Plan Compliance.** Phase 1 of the proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

## **I. TRANSPORTATION ELEMENT**

### **OBJECTIVE 1**

MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT AND INEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY LIVING ENVIRONMENT OF THE BAY AREA

#### **Policy 1.2**

Ensure the safety and comfort of pedestrians throughout the city.

#### **Policy 1.3**

Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs, particularly those of commuters.

*Phase 1 of the proposed Ordinance would remove bike parking from FAR calculations, require renovated building to provide bike parking, and require hotels to provide bike parking. All of these measures help promote the City's transit first policy, and give priority to alternative modes of transportation.*

## **II. URBAN DESIGN ELEMENT**

### **OBJECTIVE 4**

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

#### **Policy 4.14**

Remove and obscure distracting and cluttering elements.

*Phase 1 of the proposed Ordinance makes several changes to the City's sign controls which would provide the Planning Department with more authority to require that nonconforming signs be removed. It would also remove some provisions in the Planning Code, most notable from the Van Ness Special Use District, that allow for larger and flashing signs. These proposed changes would help to remove obscure distracting and cluttering elements in the City.*

8. 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:

*Phase 1 of the proposed Ordinance will encourage neighborhood-serving retail uses or opportunities for employment in or ownership of such businesses by allowing expired Limited Conforming Uses to be reestablished.*

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

*Phase 1 of the proposed Ordinance will allow Limited Conforming Uses to be reinstated, helping to conserve and protect the cultural and economic diversity of the City's neighborhoods.*

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

*Phase 1 of the proposed Ordinance will not have any impact on affordable housing.*

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

*Phase 1 of the proposed Ordinance will not have any impact on commuter traffic or MUNI transit.*

- 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:

*Phase 1 of 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.

*Preparedness against injury and loss of life in an earthquake is unaffected by Phase 1 of the proposed Ordinance. Any new construction or alteration associated with a use would be executed in compliance with all applicable construction and safety measures.*

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

*Phase 1 of the proposed Ordinance will broaden the City's TDR program, which is used to preserve and the City's historic buildings.*

- 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 Phase 1 of the proposed Ordinance. 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 December 15, 2011.

Linda Avery  
Commission Secretary

AYES: Commissioners Moore, Sugaya, Fong, Antonini, Miguel, Borden and Wu

NAYS: none

ABSENT: none

ADOPTED: March 1, 2012