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Executive Summary Planning Code Text Change HEARING DATE: MAY 3, 2012

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

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Recommendation: **Recommend Approval with Modifications Of “Phase Two” Including the Topics of Automotive Uses, Limited Corner Commercial Uses (LCCUs), Accessory Uses, Non-Conforming Uses, Washington Broadway and Waterfront SUDs and the Van Ness Avenue SUD**

PLANNING CODE AMENDMENT

The proposed Ordinance would amend the San Francisco Planning Code (herein after “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 Code Section 101.1.

At the Planning Commission's March 1st hearing, the Commission voted to break up the proposed legislation into three phases.

- Phase One includes Clerical and Minor Modifications, Transfer of Development Rights (TDRS), Limited Commercial Uses, Bike Parking, and Signs. On these topics, the Planning Commission recommended approval with modifications in Resolution Number 18553 on March 1, 2012.
- Phase Two includes changes to Automotive Uses, Limited Corner Commercial Uses (LCCUs), Accessory Uses, Non-Conforming Uses, Washington Broadway and Waterfront SUDs and the Van Ness Avenue SUD. Proposed for hearing on April 12, 2012. This memorandum addresses the topics in Phase Two.
- Phase Three includes changes to Parking, Open Space for Commercial Uses, Gross Floor Area and Floor Area Ratio, Streetscape Improvements, Transportation Management, and Powers of the Zoning Administrator. Proposed for hearing on April 19, 2012.

Questions Raised From Last Hearing

The Planning Commission requested more information on several items at the April 12 hearing. Staff has provided more clarification for these issues in the body of this report. The topics include:

- 1) Provide more explanation on why the Accessory Use provisions are proposed to be changed and examples of what types of uses might benefit from a larger allowable accessory use size;
- 2) Analyze the impact that removing Chinatown from the Washington-Broadway SUD would have on controls in Chinatown;
- 3) Describe any discrepancy in the maps provided for the Washington-Broadway SUD;
- 4) Provide more information about the status of the C-M Zoning Districts and whether or not lots zoned C-M will be rezoned.
- 5) Provide more analysis on the impacts of removing the Van Ness Special Sign District.

1) Accessory Use Provisions

The proposed legislation seeks to rationalize the Planning Code by standardizing accessory use controls among zoning districts that have similar characteristics. For example, all districts that allow for a mix of uses will allow $\frac{1}{3}$ of the total floor area to be used as an accessory use, while districts that are primarily residential will allow $\frac{1}{4}$ of the floor area to be used as accessory use. The proposed Ordinance *would increase* the accessory use allowance for two primarily mixed use districts: Residential Commercial (RC) and Commercial (C). This change would align the allowance with similar mixed use districts such as Neighborhood Commercial (NC). The proposed ordinance *would not change* the accessory use allowance for any other districts, including districts that are primarily residential. Please see the chart on the following page for a more detailed explanation.

Comparison of Accessory Use Controls by Zoning District

Existing Controls		Proposed Controls	
1/4	1/3	1/4	1/3
Residential House (RH)	Production Distribution Repair (PDR)	Residential House (RH)	Production Distribution Repair (PDR)
Residential Mixed (RM)	Neighborhood Commercial (NC)	Residential Mixed (RM)	Neighborhood Commercial (NC)
Residential Transit-Oriented (RTO)		Residential Transit-Oriented (RTO)	Residential Commercial (RC)
Residential Enclave District (RED)		Residential Enclave District (RED)	Commercial (C)
Residential Commercial (RC)			
Commercial (C)			

	Primarily residential districts
	Districts with a mix of uses

NOTE: This table illustrates that the proposed Ordinance would create a uniform control where mixed-use districts would be allowed to have up to 1/3 of the floor area devoted to accessory use, while primarily residential districts could only have up to 1/4 of the floor area devoted to accessory use.

Examples of uses that could benefit from the increased accessory use size are:

- Research offices that also want to have a small lab as an accessory use.
- Coffee stores that want to roast coffee for wholesale distribution to other businesses.
- Post video production houses that might also want to have a small sound stage to create content.

2) Impacts on Removing Chinatown from the Washington-Broadway SUD

The proposed Ordinance seeks to combine both Washington-Broadway SUDs into 1 SUD, and remove any parcels on the southwest side of Columbus from the combined Washington-Broadway SUD. This would effectively remove lots located in Chinatown from the Washington-Broadway SUD. Because many of the controls for Chinatown already do what the Washington Broadway SUD seeks to do, Staff’s determination is that there would be little to no change to the controls in Chinatown if it were removed from the Washington-Broadway SUD. The proposed change appears to be cleaning up the Code by removing unnecessary or duplicative provisions. Further the proposed Ordinance contains fixes in Phase 3 to parking controls that would clear up confusion about existing parking controls in Chinatown. Please see the chart on the following page for a more detailed explanation.

Provisions of Washington-Broadway SUDs 1 and 2	Current Code Language	Impact if Legislation Passes
(a) There shall be certain exemptions from off-street parking requirements, as provided in Section 161(d) of this Code.	In general, parking is not required for any use in Chinatown per Section 151 and Article 8. The one exception is development on lots that are larger than 20,000 sq.ft. in the Chinatown Community Business (CCB) District.	Removing Chinatown from the Washington Broadway SUD would have <u>little impact</u> on this issue. Further, Phase 3 of this Ordinance would remove all minimum parking requirements from Chinatown.
(b) No permitted use shall include an establishment of the "drive-in" type, serving customers waiting in parked motor vehicles, with the exception of automobile service stations.	Per Article 8, Drive Up facilities are not permitted in any Chinatown District	Removing Chinatown from the Washington Broadway SUD would have <u>no impact</u> on this issue.
(c) A parking lot, or a storage garage open to the public for passenger automobiles if not a public building requiring approval by the Board of Supervisors under other provisions of law, shall be permitted only upon approval by the Planning Commission as a conditional use under Section 303 of this Code.	Per Article 8, non-accessory parking lots and storage garages open to the public either require Conditional Use or are prohibited. Accessory parking lots are permitted as of right.	Removing Chinatown from the Washington Broadway SUD would have <u>little impact</u> on this issue. Accessory surface parking lots would be permitted as of right.
(d) In Washington-Broadway Special Use District Number 2 only, a wholesale establishment conducted entirely within an enclosed building shall be permitted as a principal use.	Chinatown is not included in the Washington-Broadway SUD 2	Removing Chinatown from the Washington-Broadway SUD would have <u>no impact</u> on this issue

NOTE: This table illustrates that the proposed Ordinance would generally have little to no impact on Chinatown as the Chinatown Districts currently contain duplicative controls as the Washington-Broadway SUD.

3) Describe any discrepancy in the Washington-Broadway maps

The maps provided by staff at the last hearing correctly describe the proposed Ordinance as drafted. The map attached the 2011.0533Z Case Report for the associated Ordinance No. Board File No. 11-0577 illustrates the text description from the Ordinance. (See Case Report 2011.0533Z Exhibit B: Exhibit C: Proposed Conditions Map)

The draft Ordinance states:

“Section 2. Pursuant to Sections 106 and 302(c) of the Planning Code, the following amendments to Sheet SU01 of the Zoning Map of the City and County of San Francisco, duly approved and recommended to the Board of Supervisors by the Planning Commission, are hereby adopted:

Description of Property to be added to Washington-Broadway Special Use District 1

Blocks 0165, 0166, 0173, 0174, 0175, 0196, and 0197; all lots zoned C-2 on Blocks 0163, 0164, 0176, and 0195.”

However, it appears the proposed Ordinance was drafted in conflict with the associated legislative digest. The legislative digest states:

“Consolidate the two Washington-Broadway SUDs into a single district, limited to the C-2 zoned areas between Washington and Broadway Streets.”

It is our understanding that Supervisor Chiu intended to make the change described in the *legislative digest* not that described in the draft Ordinance.

4) Heavy Commercial (C-M) Zoning Districts

There are a few lots still zoned C-M in the City. Most of these lots are south of market along Mission Street, while one lot is located on the western boarder of Bernal Heights (See Exhibits B and C). The rezoning these lots is currently being evaluated as part of the Western SOMA EIR; however not all C-M lots are actually located within the Western SOMA boundaries. Because these parcels are included in an EIR that is currently underway, the EIR will need to be certified before the parcels may be rezoned. The Western SOMA plan does not include a proposal to rezone C-M lots not located within the Western SOMA boundaries, so once the EIR is complete additional legislation would have to be introduced to rezone the C-M lots still in existence.

5) Van Ness Special SUD

The Department respectfully requests that the Commission consider the Van Ness SUD during Phase 3, currently scheduled for May 17, 2012. The Department seeks to continue our review of this item so that we can provide a more thorough impact analysis of the proposed change.

Summary of Proposed Changes (Phase Two):

Automotive Uses: These amendments would have significant changes to controls by prohibiting or requiring CU for certain uses. The purpose behind many of these changes is to bring outdated zoning districts, like Heavy Commercial (C-M) District, more in line with surrounding zoning. The Department is currently evaluating the rezoning of most of the C-M Districts as part of the Western SOMA EIR. The proposed changes would also allow more flexibility when converting automobile service stations to other uses.

1. Surface Parking Lots

The Way It Is Now:

Surface public parking lots are principally permitted in Community Business (C-2) District and Heavy Commercial (C-M) District and require Conditional Use authorization in Downtown Support (C-3-S) District.

The Way It Would Be:

The proposed legislation would prohibit public surface parking lots in C-2, C-M and C-3-S Districts. While temporary parking lots are currently permitted in all of the Downtown (C-3) Districts, these temporary lots would not be permitted in C-2 and C-M Districts unless the Code was changed to include these districts in the temporary parking lot controls, which this ordinance does not propose to do.

Basis for Recommendation:

The Department recommends modifying the proposed controls for parking lots in Section 223(l) - "parking lots" - for the C-2 District from "prohibited" as proposed in the draft Ordinance to allow parking lot uses via "Conditional Use Authorization". The Department's recommendation is based on feedback that we received from the Port of San Francisco, which owns and operates surface parking lots in the C-2 District. Were surface parking lots to become a nonconforming use, this would impact the Port's ability to fulfill its obligations under the Burton Act.

2. Parcel Delivery Services

The Way It Is Now:

Parcel delivery service where the operation is conducted entirely within a completely enclosed building including garage facilities for local delivery trucks, but excluding repair shop facilities are principally permitted in C-3-S and C-M Districts.

The Way It Would Be:

The proposed legislation would change the Code to require Conditional Use authorization in C-3-S and CM Districts for this use.

Basis for Recommendation:

C-3-S District encompasses Yerba Buena Gardens and includes the Convention Center, hotels, museums and cultural facilities, housing, retail, and offices. C-M Districts provide a limited supply of land for certain heavy commercial uses not permitted in other commercial districts. Both Districts have very specific purposes; requiring this use to receive Conditional Use authorization would still permit the use, but provide greater oversight to ensure that the district are still able to serve their primary function.

3. Storage Garages

The Way It Is Now:

Storage garages for commercial passenger vehicles and light delivery trucks require Conditional Use authorization in Downtown General Commercial (C-3-G) District and are principally permitted in C-3-S and C-M Districts.

The Way It Would Be:

This garage storage use would be prohibited in C-3-G District and require Conditional Use Authorization in C-3-S and C-M Districts.

Basis for Recommendation:

This change is consistent with the definitions and intent of these districts. C-3-S and C-3-G Districts are located within the downtown and support such uses as regional shopping destinations, high density residential, arts institutions, museums, Yerba Buena Gardens, and

hotels. C-M Districts tend to be located between C-3 Districts and South of Market Mixed Use Districts.

4. Storage Yards for Commercial Vehicles

The Way It Is Now:

Per section 203(o), storage yards for commercial vehicles or trucks, if conducted within an area completely enclosed by a wall or concealing fence not less than six feet high are currently permitted in C-M Districts and require Conditional Use Authorization in C-3-S Districts.

The Way It Would Be:

This type of use would not be permitted in either the C-M or C-3-S Districts.

Basis for Recommendation:

This change appears to be consistent with the intent of C-3-S Districts, which encompasses Yerba Buena Gardens and includes the Convention Center, hotels, museums and cultural facilities, housing, retail, and offices.

The few remaining C-M Districts tend to be located between C-3 Districts and South of Market Mixed Use Districts. Prohibiting this use outright in C-M Districts does not appear to be consistent with the intent of this Zoning District, which is designated for heavy commercial uses with an emphasis upon wholesaling and business services. The Department recommends requiring a CU for this use in C-M Districts because it would be more consistent with the intent of this district.

5. Automotive Service Station Conversion

The Way It Is Now:

Section 228 limits the ability of Automotive Service Station (gas stations) to convert to other uses. Currently, to convert an Automotive Service Station the property owner either needs to obtain a Conditional Use Authorization from the Planning Commission or a conversion determination from the Zoning Administrator. There are no exceptions for Automotive Service Stations that are located on Primary Transit Streets or Citywide Pedestrian Network Streets.

The Way It Would Be:

The proposed legislation would exempt Automotive Service Stations that are located on Primary Transit Streets or Citywide Pedestrian Network Streets from the requirements outlined in Section 228. The proposed legislation adds two criteria that should be considered when the Commission considers the conversion of an Automotive Service Station, which are:

- The importance of the street on which the service station fronts to walking, cycling, and public transit, and the impact of automobile access and egress to the service station and of the proposed new uses and structures on the safety and comfort of pedestrians, cyclists, and transit riders.
- The compatibility of the existing service station and of the proposed new use or structure with the General Plan and area plan urban design policies and the street frontage standards of this Code.

The proposed legislation also adds a title to this Code section and makes minor reorganizational changes consistent with our current practice for better organizing the Code.

Basis for Recommendation:

The proposed change brings this part of the Code into greater compliance with the City's General Plan, Transit First Policy and Better Streets Plan.

Limited Corner Commercial Uses (LCCUs¹): These changes would generally allow more flexibility with commercial uses in residential districts. While, the Department generally supports these efforts, LCCUs were developed as part of multiyear planning efforts and should not be amended without more thorough examination.

1. Size and Location of LCCUs

The Way It Is Now:

Section 231(b)(3) allows LCCUs with a maximum of 1,200 sq. ft. in floor area in Residential Transit Oriented (RTO) Residential Transit Oriented- Mission District (RTO-M), Residential Mixed Medium Density (RM-3), or Residential Mixed High Density (RM-4) Districts on or below the ground floor; and on a corner lot as long as no part of the use extends more than 50 feet in depth from said corner.

The Way It Would Be:

The proposed legislation would increase the 50' limit to 100' and the use size from 1,200 sq. ft., to 2,500 sq. ft. consistent with the typical lot size in an R District.

Basis for Recommendation:

The Department Recommends that this change not be made at this time. The existing controls were developed as part of an eight year community planning processes about what should be permitted in an RTO district. The intent of the corner store in these districts was to allow for neighborhood serving uses, with a very limited capacity and impact on the residential context. Accordingly the Department feels that leaving the controls as currently drafted is appropriate. The Department generally recommends that ideas specific to the community planning efforts be continued through the initial five-year post-plan adoption period, which for the Market Octavia Plan ends May 2013. The Planning Code provides an avenue for re-evaluating these controls after five years. It should be noted that while the LCCU concept was originated with the community planning efforts, these controls currently apply outside of the plan areas in the RM-3 and RM-4 districts.

Supervisor Chiu's office has agreed to maintain the existing controls in areas affected by the Market and Octavia Plan; however his office would like to go forward with the changes to LCCUs in other parts of the City. The Department would prefer making keeping the rules

¹ LCCUs are defined in Planning Code Section 231 as small neighborhood-oriented establishments that are limited to 1,200 sq. ft. and cannot be located more than 50' from an intersection. They are only permitted in RTO and RM Districts. They were first introduced to the Planning Code as a result of the Market and Octavia Planning effort. They differ from LCUs (Limited Commercial Uses) in that LCUs are commercial uses located in Residential Districts that were established prior to the current Residential Zoning.

consistent; however this compromise does address the Department's main concern regarding the proposed change.

2. Conversion of Dwelling Units to LCCUs

The Way It Is Now:

Section 231, which governs LCCUs, does not currently contain a provision that restricts the conversion of a dwelling unit to a LCCU. However, Planning Code Section 317, which governs residential conversions in all zoning districts, requires a Mandatory DR or Conditional Use authorization - depending on the number of units - when converting a dwelling unit to another use; therefore if the establishment of an LCCU removes a dwelling unit, the project is subject to the controls in Section 317.

The Way It Would Be:

The proposed legislation would amend Section 231 to require Conditional Use authorization in order to convert a dwelling unit into a LCCU.

Basis for Recommendation:

The Department doesn't see the benefit to this change. Converting a dwelling unit already requires either a Mandatory Discretionary Review or Conditional Use authorization hearing under Section 317; the proposed change is duplicative without any clear public benefit.

Accessory Uses: The proposed amendments would regulate accessory uses² by performance standards instead of numerical limits that may no longer be appropriate. It also rationalizes accessory use controls by grouping zoning districts with similar characteristics together. Other changes would be nonsubstantive in nature.

1. Accessory Uses In RC districts

The Way It Is Now:

Planning Code Section 204.2 governs Accessory Uses in Residential Districts. Currently, RC (Residential, Commercial) Districts are included under this section.

The Way It Would Be:

Under the proposed legislation, accessory uses in RC District would be governed under Section 204.3, which currently govern accessory uses in C, M and PDR Districts.

Basis for Recommendation:

This change recognizes the mixed use nature of the RC Districts by grouping them with other mixed use districts.

² An "accessory use" is defined in Planning Code Section 204 as "a related minor use which is either (a) necessary to the operation or enjoyment of a lawful principal use or conditional use, or (b) appropriate, incidental and subordinate to any such use."

2. Rationalizing Accessory Use Size Limits and Performance Standards

The Way It Is Now:

Section 204.3, which currently covers accessory uses in C, M and Production Distribution and Repair (PDR) Districts, sets specific limitations on accessory uses, such as engine horsepower. It also limits accessory uses to ¼ of the floor area in C Districts and prohibits accessory uses that employ more than 10 people in C-2 Districts.

The Way It Would Be:

The proposed legislation would change the specific restriction, such as horse power, to performance based restrictions (i.e, no noise, vibration or unhealthful emissions beyond the premises). It would also increase to 1/3 of the total square footage that an accessory use could occupy in C Districts and RC Districts (added to this section under this legislation) and remove any limit on the number of employees and accessory use could have. It also removes antennas as a permitted accessory use. It would not alter the accessory use size provisions in PDR Districts, which are currently at 1/3 to the total floor area.

Basis for Recommendation:

This change replaces arbitrary numerical limits on horse power with performance standards to limit disturbances to neighbors. The horsepower limits currently established in the Code can be violated by standard vacuums or coffee grinders. Limiting the number of employees as well as the allowable floor area adds an additional layer of restrictions that isn't necessary if the size restriction already ensures that the use is accessory to the main use. As with adding RC Districts to Section 204.3, this change recognizes the mixed use nature of C Districts.

Non-Conforming Uses: The proposed amendments would create a strong disincentive for retaining nonconforming parking in the C-3 District. While these changes appear to be generally consistent with contemporary planning, there have been concerns over eliminating surface parking lots from the downtown and as well as changes to the rules that govern the conversion of non-conforming uses in R Districts.

1. Nonconforming uses in Neighborhood Commercial Districts

The Way It Is Now:

Nonconforming uses in Neighborhood Commercial Districts can be changed to another use that is conditionally permitted in that district without Conditional Use authorization except where major work on the structure is involved.

The Way It Would Be:

The proposed legislation would require Conditional Use authorization if a nonconforming use sought to change to a use that would otherwise require a Conditional Use authorization in that zoning district.

Basis for Recommendation:

This change creates more consistency in how uses are permitted in Neighborhood Commercial Districts.

2. Conversion of Nonconforming Uses in R Districts

The Way It Is Now:

Per Section 182(e), a non-conforming use in an R District that is subject to termination³ per Section 185 may be converted to a dwelling unit without regard to the requirements of the Planning Code with respect to dwelling unit density under Article 2, dimensions, areas and open space under Article 1.2, or off-street parking under Article 1.5.

The Way It Would Be:

The proposed legislation changes Section 182 to allow "any nonconforming use to be converted to dwelling units or to group housing, in a district where such use is principally permitted, without regard to the requirements of this Code with respect to residential density or required off-street parking." Currently, only nonconforming uses in R Districts that are subject to termination under the provisions of Section 185 of the Planning Code may be converted to one dwelling unit without regard to dwelling unit density.

The ordinance maintains the exceptions to required off-street parking; however, it defers to the Zoning Administrator to review exceptions to dimensions, areas and open space under Section 307⁴.

Basis for Recommendation:

The Department finds that this change is too broad because it allows any nonconforming use in any zoning district where housing and group housing are principally permitted to be converted to an unspecified number of dwelling units. The Department believes that one housing unit as of right is acceptable, but anything more than that should require Conditional Use authorization. The Department also feels that that group housing should be excluded from this section.

3. Parking Lots in the Downtown

The Way It Is Now:

Per Section 184, permanent off-street parking lots in the C-3-O, C-3-R and C-3-G Districts are allowed to operate in perpetuity as non-conforming uses.

The Way It Would Be:

The proposed legislation would remove this provision, which would require off-street parking lots in the C-3-O, C-3-R and C-3-G Districts to cease operation within 5 years of the adoption of the proposed legislation. After the 5 year window, these parking lots could still apply for a 2-year temporary Conditional Use authorization and would have to come back to the commission every two years to have it renewed as a temporary use.

Basis for Recommendation:

This proposed change is consistent with the goals of the Downtown Plan and the City's Transit First policy. Please note that while there was concern expressed by some members of the public that the proposed change would require surface parking to go out of business immediately after

³ Section 185 requires that non-conforming uses be phased out within five years of the use becoming nonconforming.

⁴ Section 307, "Other Powers and Duties of the Zoning Administrator," is also being amended under this Ordinance; however, this topic will be discussed under Phase 3.

the adoption of this ordinance, this is not the Department's understanding of the intention of the legislation. To clear up any ambiguity the Department proposes the following change:

- (a) Any nonconforming commercial or industrial use of land where no enclosed building is involved in such use, ~~except for permanent off-street parking lots in the C-3-O, C-3-R, C-3-G Districts existing on the effective date of Ordinance 414-85, provided that such lots are screened in the manner required by Section 156(e)~~ shall be eliminated no later than five years and 90 days from the effective date of Ordinance No. [INSERT];

In addition to the modification listed above, the Department recommends modifying the Section 156 of the Code so that off-street parking lots in C-3 Districts require renewal by Conditional Authorization every 5 years instead of every 2 years as proposed in the Ordinance.

Washington-Broadway and Waterfront Special Use Districts: The proposed legislation combines the two Washington-Broadway SUDs into one SUD to remove duplicative controls as a way towards simplifying the Code. In addition, there are substantive changes that may affect Port property, mainly around the proposed map changes for the Waterfront SUDs.

1. Proposed Map Changes

See map for new boundaries of Washington-Broadway SUD and Waterfront SUD.

2. Combined Washington-Broadway SUD

The Way It Is Now:

There are two Washington-Broadway SUDs. The only difference is that Washington Broadway Special Use District 2 principally permits wholesale uses.

The Way It Would Be:

The two Washington-Broadway SUDs would be combined into one and remove any lots from the Washington Broadway SUD that are southwest of Columbus Street, which would remove all of Chinatown from the new SUD.

Basis for Recommendation:

This provision helps simplify the Code and provides greater consistency in the Washington-Broadway SUD. Based on current provisions in the Code, removing Chinatown from the Washington Broadway SUD would not have any substantial impact on controls in Chinatown. The Washington Broadway SUD appears to be obsolete now that Chinatown has its own controls that do the same thing. See the chart at the beginning of this report for more information.

3. Parking Exceptions for Washington-Broadway SUDs

The Way It Is Now:

Parking is only required for residential uses in the Washington-Broadway SUDs, but other uses are exempt per section 161(d).

The Way It Would Be:

The proposed legislation would make parking not required for any use under the rules in Code Section 161(d). Parking maximums would be set by zoning district in Section 151.1.

Basis for Recommendation:

The proposed changes are consistent with the way the Code treats other high density, mixed use districts.

4. Surface Parking Lots in the Washington-Broadway SUD

The Way It Is Now:

Surface parking lots open to the public are permitted with Conditional Use Authorization in the Washington-Broadway SUD.

The Way It Would Be:

The proposed legislation would no longer permit permanent parking lots; however temporary parking lots would be permitted as a temporary use for up to two years with Conditional Use authorization.

Basis for Recommendation:

Similar to the proposed prohibition on surface parking lots in the C-2, the Department recommends maintaining the CU provision for surface parking lots in the Washington-Broadway SUD. This will allow existing ones to remain and new ones to be looked at on a case by case basis.

5. Parking Exceptions in the Waterfront SUDs

The Way It Is Now:

Off-street parking requirements cannot be waived by Section 161 of this Code in the Waterfront Special Use District 2, but can be in the Waterfront Special Use Districts 1 and 3.

The Way It Would Be:

Parking for any principle or conditional use may be waived by the ZA per Code Section 161 in all three Waterfront Special Use Districts.

Basis for Recommendation:

The proposed changes are consistent with the way the Code treats other high density, mixed use districts. While the three SUDs vary slightly, their overall character and location are similar enough that they should all be subject to parking waivers under Section 161.

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.

BASIS FOR RECOMMENDATION

1. San Francisco's Planning Code has provided for reduced parking requirements in dense and transit-rich neighborhoods since the 1960s, as a way of reducing traffic congestion, encouraging walking, cycling, and public transit, and making efficient use of scarce land;

2. 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;
3. Off-street parking facilities increase building costs, which in turn are transferred to costs of housing and doing business. As a land use, off-street parking facilities compete with and displace land uses that provide greater social and economic benefit to the city;
4. A basic assumption of the Transportation Element is that a desirable living environment and a prosperous business environment cannot be maintained if traffic levels continue to increase in any significant way. A balance must be restored to the city's transportation system, and various methods must be used to control and reshape the impact of automobiles on the city. This includes limiting the city's parking capacity, especially long-term parking in commercial areas;
5. On October 26, 2010 the Board of Supervisors adopted the goal of having 20% of all trips be by bike by the year 2020;
6. The City of San Francisco's Housing Element seeks to remove unnecessary constraints to the construction and rehabilitation of housing;
7. 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.
8. 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;
9. Small businesses that combine office, production, retail, and even residential uses are increasingly common in San Francisco, but frequently do not fit into traditional zoning categories. Creating more flexibility in zoning around accessory uses will help add to the vibrancy of the City's neighborhoods and to the City's diverse economic base;
10. 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;

RECOMMENDATION

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

The proposed Modifications include:

Auto Uses

1. Modifying the proposed controls for parking lots in Section 223(l) - "parking lots" - for the C-2 District from "prohibited" to "Conditional Use Authorization".
2. Modify proposed Section 223(o) to require a CU for Storage Yards for Commercial Vehicles or Trucks in C-M Districts rather than prohibiting them outright.

LCCUs

3. Do not amend Section 231 to allow LCCUs to have 2,500 sq. ft. or allow them within 100' of a corner. This proposed change should be reviewed when the Market and Octavia Plan undergoes its scheduled 5 year review.
4. Do not add proposed Section 231(k), which requires Conditional Use authorization when converting a dwelling unit to establish a Limited Corner Commercial Use. Dwelling unit conversions are already controlled by Section 317.

Nonconforming Uses

5. Modify the proposed changes to Section 182 so that a nonconforming use can only be converted to one dwelling unit as of right, and require a CU for the conversion of more than one dwelling unit, and remove the provision that allows a non-conforming use to be converted to group housing as of right.
6. Add the following modifications to Section 184 to clarify when surface parking lots would need to cease operation:

Any nonconforming commercial or industrial use of land where no enclosed building is involved in such use, ~~except for permanent off street parking lots in the C-3-O, C-3-R, C-3-G Districts existing on the effective date of Ordinance 114-85, provided that such lots are screened in the manner required by Section 156(e)~~ shall be eliminated no later than five years and 90 days from the effective date of Ordinance No. [INSERT];

7. Modify Planning Code Section 156 to allow for a 5 year temporary use permit instead of a 2 year temporary use permit.

~~(f)(#)~~ No permanent parking lot shall be permitted in C-3-O, C-3-R, C-3-G and NCT Districts; temporary parking lots may be approved as conditional uses pursuant to the provisions of Section 303 for a period not to exceed two years from the date of approval in NCT Districts and five years from the date of approval in C-3 Districts; permanent parking lots in C-3-S Districts shall be permitted only as a conditional use.

Washington-Broadway SUD

8. Remove the provision in the proposed Ordinance that would change surface parking lots from a conditional use to "not permitted."

ENVIRONMENTAL REVIEW

The proposal to 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 would result in no physical impact on the environment. The proposed legislation was determined to be exempt from environmental review under the General Rule Exclusion (Section 15061(b)(3) of the CEQA Guidelines).

PUBLIC COMMENT

As of the date of this report, the Planning Department has received comments and questions on the proposed legislation from various members of the public, including the Port of San Francisco and the law firm Ruben and Junius.

Ruben and Junius is concerned about the legislation's changes to the parking requirements in the C-3 Zoning district, specifically the provision that would require CU for any parking beyond the 2 to 1 ratio. They felt that this added process without any clear benefit. They also expressed concern over the changes to Section 184 that would require surface parking lots to be removed after 5 years. Their concern is that it would make the operators cease operation immediately upon the adoption of the proposed ordinance. Staff's understanding is that they would have 5 years unit they ceased operation. Also, they expressed concern that several entitled projects that are currently on-hold would be required to go back through the entitlement process when they came to get their building permit if they did not meet the current Code requirements. As a remedy to this they wanted to see a grandfathering clause added to the legislation.

Steven L. Vettel, an Attorney with Farella Braun + Martel LLP expressed concern that the legislation would exempt any project with affordable housing units from the FAR calculations. In response Staff has clarified this section so that only units that are designated as Affordable are exempt from FAR calculations.

The Port of San Francisco contacted the Department about how the proposed project would affect their properties. Of particular concern were the changes to the parking requirements in the C-3 Districts.

RECOMMENDATION: Recommendation of Approval with Modification
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Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Map of SoMa C-M parcels
- Exhibit C: Map of Bernal Heights area C-M parcel
- Exhibit D: The draft Ordinance was originally distributed to the Commission on October 13, 2011 date for October 20 hearing. The public may view the proposed Ordinance online at: <http://commissions.sfplanning.org/cpcpackets/2011.0532T.pdf>



SAN FRANCISCO PLANNING DEPARTMENT

Draft Planning Commission Resolution

HEARING DATE: MAY 3, 2012

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

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
aaron.starr@sfgov.org, 415-558-6362

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

Recommendation: **Recommend Approval with Modifications Of "Phase Two" Including the Topics of Automotive Uses, Limited Corner Commercial Uses (LCCUs), Accessory Uses, Non-Conforming Uses, Washington Broadway and Waterfront SUDs and the Van Ness Avenue SUD**

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 December 15, 2011, 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 on March 1, 2012, the Planning Commission considered a portion of the proposed Ordinance, herein referred to as "Phase One", covering the subject areas of Clerical and Minor Modifications, Transfer of Development Rights (TDRS), Limited Commercial Uses, Bike Parking, and Signs; 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: The C-3 parking and FAR changes, 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 hearing, the Commission recommended approval with modifications of Phase One in Resolution Number 18553; and

Whereas, at this same hearing the Commission requested that the remainder of the proposed Ordinance be brought back for two later hearings; and

Whereas, the Commission requested that the next hearing consider the "Phase Two" topics of the same proposed Ordinance including the topics of changes to Automotive Uses, Limited Corner Commercial Uses (LCCUs), Accessory Uses, Non-Conforming Uses, Washington Broadway and Waterfront SUDs and the Van Ness Avenue SUD; and

Whereas, the Commission further requested that the remainder of the topics of the proposed Ordinance be considered at a later hearing called Phase Three” that would include the topics of changes to Parking, Opens Space for Commercial Uses, Gross Floor Area and Floor Area Ratio, Streetscape Improvements, Transportation Management, Powers of the Zoning Administrator and the Van Ness Special Sign District; and

Whereas, this hearing is to consider the topics described as “Phase Two”; 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 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 Planning Commission hereby recommends that the Board of Supervisors **approve with modifications** the proposed ordinance. Specifically, the Commission recommends the following modifications:

Auto Uses

1. Modifying the proposed controls for parking lots in Section 223(l) - “parking lots” - for the C-2 District from “prohibited” to “Conditional Use Authorization”.
2. Modify proposed Section 223(o) to require a CU for Storage Yards for Commercial Vehicles or Trucks in C-M Districts rather than prohibiting them outright.

LCCUs

3. Do not amend Section 231 to allow LCCUs to have 2,500 sq. ft. or allow them within 100’ of a corner. This proposed change should be reviewed when the Market and Octavia Plan undergoes its scheduled 5 year review.
4. Do not add proposed Section 231(k), which requires Conditional Use authorization when converting a dwelling unit to establish a Limited Corner Commercial Use. Dwelling unit conversions are already controlled by Section 317.

Nonconforming Uses

5. Modify the proposed changes to Section 182 so that a nonconforming use can only be converted to one dwelling unit as of right, and require a CU for the conversion of more than one dwelling unit, and remove the provision that allows a non-conforming use to be converted to group housing as of right.

6. Add the following modifications to Section 184 to clarify when surface parking lots would need to cease operation:

Any nonconforming commercial or industrial use of land where no enclosed building is involved in such use, ~~except for permanent off street parking lots in the C-3-O, C-3-R, C-3-G Districts existing on the effective date of Ordinance 114-85, provided that such lots are screened in the manner required by Section 156(e)~~ shall be eliminated no later than five years and 90 days from the effective date of Ordinance No. [INSERT];

7. Modify Planning Code Section 156 to allow for a 5 year temporary use permit instead of a 2 year temporary use permit.

~~(f)(#)~~ No permanent parking lot shall be permitted in C-3-O, C-3-R, C-3-G and NCT Districts; temporary parking lots may be approved as conditional uses pursuant to the provisions of Section 303 for a period not to exceed two years from the date of approval in NCT Districts and five years from the date of approval in C-3 Districts; permanent parking lots in C-3-S Districts shall be permitted only as a conditional use.

Washington-Broadway SUD

8. Remove the provision in the proposed Ordinance that would change surface parking lots from a conditional use to "not permitted."

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. San Francisco's Planning Code has provided for reduced parking requirements in dense and transit-rich neighborhoods since the 1960s, as a way of reducing traffic congestion, encouraging walking, cycling, and public transit, and making efficient use of scarce land;
2. 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;
3. Off-street parking facilities increase building costs, which in turn are transferred to costs of housing and doing business. As a land use, off-street parking facilities compete with and displace land uses that provide greater social and economic benefit to the city;
4. A basic assumption of the Transportation Element is that a desirable living environment and a prosperous business environment cannot be maintained if traffic levels continue to increase in any significant way. A balance must be restored to the city's transportation system, and various methods

must be used to control and reshape the impact of automobiles on the city. This includes limiting the city's parking capacity, especially long-term parking in commercial areas;

5. On October 26, 2010 the Board of Supervisors adopted the goal of having 20% of trips by bike by the year 2020;
6. The City of San Francisco's Housing Element seeks to remove unnecessary constraints to the construction and rehabilitation of housing;
7. 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.
8. 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;
9. Small businesses that combine office, production, retail, and even residential uses are increasingly common in San Francisco, but frequently do not fit into traditional zoning categories. Creating more flexibility in zoning around accessory uses will help add to the vibrancy of the City's neighborhoods and to the City's diverse economic base;
10. 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;
11. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

I. HOUSING ELEMENT

OBJECTIVE 1

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

POLICY 1.6

Consider greater flexibility in number and size of units within established building envelopes in community based planning processes, especially if it can increase the number of affordable units in multi-family structures.

POLICY 1.10

Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

OBJECTIVE 8

BUILD PUBLIC AND PRIVATE SECTOR CAPACITY TO SUPPORT, FACILITATE, PROVIDE AND MAINTAIN AFFORDABLE HOUSING.

OBJECTIVE 12

BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION

Policy 12.1

Encourage new housing that relies on transit use and environmentally sustainable patterns of movement.

Phase 2 of the proposed Ordinance changes Section 182 to allow "any nonconforming use to be converted to dwelling units or to group housing, in a district where such use is principally permitted, without regard to the requirements of this Code with respect to residential density or required off-street parking." The Commission finds that this change is too broad because it allows any nonconforming use in any Zoning District where housing and group housing are principally permitted to be converted to an unspecified number of dwelling units. The Commission believes that one housing unit is acceptable, but anything more than that should require Conditional Use Authorization. The Commission also feels that that group housing should be excluded from this section.

II. 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 2 of the proposed Ordinance would exempt Automotive Service Stations that are located on Primary Transit Streets or Citywide Pedestrian Network Streets from the conversion process for Automotive Service Station and guide decision makers to consider General Plan polices during this conversion .Similarly, changes recommended by this Commission to require Conditional Use authorization for certain parcel

delivery service and storage yards would still permit the use, but provide greater oversight to ensure that the district is still able to serve its primary function.

OBJECTIVE 7

DEVELOP A PARKING STRATEGY THAT ENCOURAGES SHORT-TERM PARKING AT THE PERIPHERY OF DOWNTOWN AND LONG-TERM INTERCEPT PARKING AT THE PERIPHERY OF THE URBANIZED BAY AREA TO MEET THE NEEDS OF LONG-DISTANT COMMUTERS TRAVELING BY AUTOMOBILE TO SAN FRANCISCO OR NEARBY DESTINATIONS.

Policy 7.1

Reserve a majority of the off-street parking spaces at the periphery of downtown for short term parking.

Phase 2 of the proposed Ordinance with the recommended modifications would increase scrutiny of parking lots in the C-2 district, by adding a requirement for Conditional Use authorization.

IV. MARKET & OCTAVIA AREA PLAN

In order to track implementation, the Planning Department will monitor vital indicators.

The existing controls for LCCUs were developed as part of an eight year community planning processes about what should be permitted in an RTO district. The intent of the corner store in these districts was to allow for neighborhood serving uses, with a very limited capacity and impact on the residential context. Accordingly the Commission feels that leaving the controls as currently drafted is appropriate. The Commission generally recommends that ideas specific to the community planning efforts be continued through the initial five-year post-plan adoption period, which for the Market Octavia Plan ends May 2013. The Planning Code provides an avenue for re-evaluating these controls after five years. It should be noted that while the LCCU concept was originated with the community planning efforts, these controls currently apply outside of the plan areas in the RM-3 and RM-4 districts.

IV. NORTHEAST WATERFRONT AREA PLAN

Policy 8.2

Limit additional parking facilities in the northeastern waterfront and minimize the impact of this parking. Discourage long-term parking for work trips which could be accommodated by transit. Restrict additional parking to: (a) short-term (less than four hour) parking facilities to meet needs of additional business, retail, restaurant, marina, and entertainment activities; (b) long-term parking facilities for maritime activities, hotel and residential uses. To the extent possible, locate parking away from areas of intense pedestrian activity. Encourage shared parking at adjacent or nearby facilities.

Policy 8.6

Remove or relocate inland those existing parking facilities on or near the water's edge or within areas of intense pedestrian activity.

Phase 2 of the proposed Ordinance allows parking for any principle or conditional use to be waived by the Zoning Administrator per Code Section 161 in all three Waterfront Special Use Districts. The proposed changes are consistent with the way the Code treats other high density, mixed use districts. While the three SUDs vary slightly, their overall character and location are similar enough that they should all be subject to parking waivers under Section 161.

COMMERCE AND INDUSTRY ELEMENT

Policy 6.1

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

Phase 2 of the proposed legislation would change the specific restriction, such as horse power, to performance based restrictions (i.e, no noise, vibration or unhealthy emissions beyond the premises). This change replaces arbitrary numerical limits with performance standards to limit disturbances to neighbors. The horsepower limits currently established in the Code can be violated by standard vacuums or coffee grinders. Limiting the number of employees as well as the allowable floor area adds an additional layer of restrictions that isn't necessary if the size restriction already ensures that the use is accessory to the main use.

12. 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 2 of the proposed Ordinance will not have any negative impact on neighborhood-serving retail uses.

- 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 2 of the proposed Ordinance would allow nonconforming uses to convert to housing without regard to specific requirements in the Planning Code, which will help add housing and preserve neighborhood character by allowing existing buildings to be more easily adapted to new uses.

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

Phase 2 of the proposed Ordinance will not have a negative impact 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:

Phase 2 of the proposed Ordinance will not have any negative impact on commuter traffic or MUNI.

- 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 2 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 the proposed amendments. 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 2 of the proposed ordinance would allow Landmark and historic buildings to be adaptively reused more easily by exempting them from certain provisions in the Planning Code, which would reduce the amount of change that is required to add housing to historic buildings and help preserve them for the future.

- 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 May 3, 2012

Linda Avery
Commission Secretary

AYES:

NAYS:

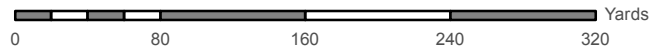
ABSENT:

ADOPTED: April 12, 2012

C-M Zoning (Area 1)

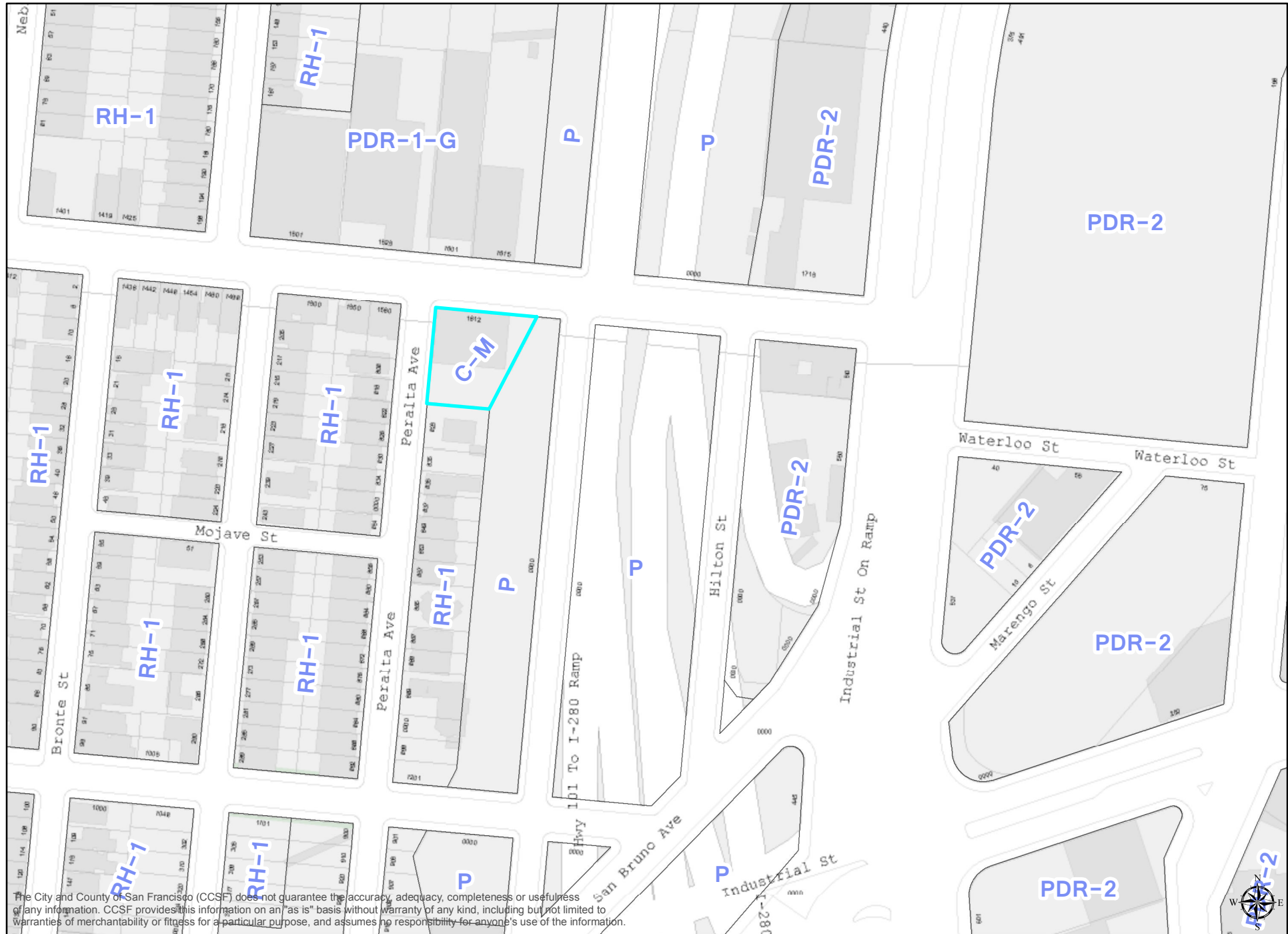


The City and County of San Francisco (CCSF) does not guarantee the accuracy, adequacy, completeness or usefulness of any information. CCSF provides this information on an "as is" basis without warranty of any kind, including but not limited to warranties of merchantability or fitness for a particular purpose, and assumes no responsibility for anyone's use of the information.



Printed: 10 April, 2012

C-M Zoning (Area 2)



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Printed: 10 April, 2012



President, Board of Supervisors
District 3
第三區
市參事會主席



City and County of San Francisco
三藩市市及縣政府

DAVID CHIU
邱信福

April 26, 2012

VIA PLANNING COMMISSION PACKET

Mr. Rodney Fong
President
San Francisco Planning Commission
1650 Mission Street, 4th Floor
San Francisco, CA 94103

RE: Case Nos. 2011.0532T and 2011.0533Z

Dear President Fong and Commissioners,

I write to provide you with an additional update on this legislation.

The attached Phasing Plan represents a revised version of the document that my office has been providing at hearings on this legislation in recent months. It charts a path forward that I believe respects the significant amount of time and energy that the Commission, Planning staff and my office have spent on this legislation while providing for additional outreach and policy discussion on the aspects of the legislation that generated questions among various stakeholders.

I also want to take this opportunity to emphasize my position related to the Floor Area Ratio (FAR) bonus for affordable housing and let you know that I am amending changes to parking ratios in RC-4 and other districts.

First, as stated before, I want to emphasize that I will not move forward for the foreseeable future on any legislation related to affordable housing exemptions from Floor Area Ratio requirements in either the Van Ness SUD or in C-3 districts. This FAR bonus is currently a topic of discussion in conversations around the proposed Housing Trust Fund and the City's review of its inclusionary housing policies.

Second, I intend to amend my proposal as it relates to parking in the RC-3 and RC-4 districts and the Van Ness SUD. I am amending my legislation to forego parking ratio changes in RC-4 districts other than removing minimum parking requirements. For the Van Ness SUD and RC-3 districts, I propose again eliminating minimum requirements as well as allowing up to .5 parking spaces per unit by right with a maximum of .75 per unit as a Conditional Use. This proposal still eliminates the existing 1 to 1 parking requirement in the Van Ness SUD. I would like to ask that

all remaining Van Ness SUD proposals be considered in Phase 3 with the miscellaneous parking provisions.

As always, I would greatly appreciate it if you make me or my staff aware of any specific issues that you would like us to respond to in advance of the next hearing.

Sincerely,



David Chiu

(attachment)

cc: Cindy Wu, Vice Chair
Michael J. Antonini, Commissioner
Gwyneth Borden, Commissioner
Ron Miguel, Commissioner
Hisashi Sugaya, Commissioner
Kathrin Moore, Commissioner
John Rahaim, Planning Director
Scott Sanchez, Zoning Administrator
Linda Avery, Commission Secretary
AnMarie Rodgers, SF Planning Department
Aaron Starr, SF Planning Department
Diane Oshima, Port of San Francisco

Board of Supervisors President David Chiu
Phasing Plan for Case Nos. 2011.0532T and 2011.0533Z
April 26, 2012

ORDINANCES 1-5 (to be introduced on 5/1 or 5/8)

PHASE 1 of Core Legislation - Recommended for Approval with Modifications by the Planning Commission on March 1, 2012

- 1 & 2 - Clerical Modifications and related Zoning Map Amendment
- 3 - TDRs
- 4 - LCUs & Signs, Awnings, Canopies
- 5 - Bike Parking

ORDINANCES 6 & 7 (to be introduced on 5/22)

Text Changes and Zoning Map Amendment for:

PHASES 2 & 3 of Core Legislation - Requesting Consideration of Approval with Modifications on May 3 & May 17 respectively:

Phase 2 (May 3):

- Automotive Uses
- Accessory Uses
- LCCUs
- Non-conforming Uses
- Washington-Broadway SUDs

Phase 3 (May 17):

- Van Ness SUD
- Various parking provisions
- Open Space for commercial
- Gross Floor Area
- Streetscape Improvements
- Floor Area Ratio (not the bonus)

ORDINANCE 8 – to be introduced no earlier than 5/22 following outreach

Waterfront Design Advisory Committee and other Port changes

ORDINANCE 9 - to be introduced no earlier than 5/22 following outreach to parking facility operators and SFMTA

155(g) changes – need ordinance that also changes Transportation Code

ORDINANCE 10 – introduction postponed indefinitely pending inclusionary policy update and community outreach and policy dialogue

Big C-3 Compromise and Van Ness FAR bonus