



SAN FRANCISCO PLANNING DEPARTMENT

New Planning Code Change Summary: Eastern Neighborhoods Code Cleanup

Code Change: Sections 102.5, 121.8, 134, 135, 140, 145.1, 145.5, 151.1, 157.1, 175.8, 207.1, 218, 227, 231A, 249.36, 249.37, 249.38, 329, 352, 401, 411.3, 419.2, 419.5, 423.5, 607.2, 726, 734, 735, 736, 736.1, 781.5, 803.3, 803.8, 803.9, 814.31, 814.49, 840, 841, 842, 843, 890.49, and 890.54

Case Number: Board File No. 11-0786 (0196-11 adopted Ordinance)

Initiated By: Planning Commission, June 23, 2011

Effective Date: November 4, 2011

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The Eastern Neighborhoods Code Cleanup amended various sections of the San Francisco Planning Code sections to 1) improve the City's ability to implement the goals, objectives, and policies of the Eastern Neighborhoods Plan, 2) make technical corrections to the Code. Below is a summary of the non-technical corrections made to the Code.

Section 134 – Rear Yards, R, NC, C, SPD, M, MUG, MUO, MUR, UMU, RSD, SLR, SLI and SSO Districts.

The Way It Was: The language conflated rear yard and open space issues, set too low a bar for modifications combined with other changes to the rear yard, and incorrectly referred to criteria in 307(h) which is in fact in this section.

The Way It Is Now: Clarifies the concept of providing comparable rear yards without conflating with open space. Disallows modifications if other changes to the rear yard are sought – although the option for a Variance is maintained. Clarifies that the relevant criteria is in this section.

Section 135 – Usable Open Space for Dwelling Units and Group Housing, R, NC, Mixed Use, C, and M Districts.

The Way It Was: It was not clear how much open space should be required for SROs in the EN Mixed Use Districts.

The Way It Is Now: Changes language so that SROs should have 1/3 of otherwise required open space, in keeping with other districts.

Section 140b – All Dwelling Units in All Use Districts to Face on an Open Area.

The Way It Was: Section conveyed that modification can occur for small projects in historic buildings (through 307(h)), but not large projects.

The Way It Is Now: Includes in 140(b) and 329 that this is something that can be modified for large projects.

Section 145.1 – Street Frontages in Neighborhood Commercial, Residential-Commercial, Commercial, and Mixed Use Districts.

The Way It Was: South Park was not on the list of districts with ground floor height requirements.

The Way It Is Now: South Park has been added to the list of districts with ground floor height requirements.

Section 145.5 – Ground Floor Standards in Industrial Districts.

The Way It Was: Ceiling heights were still measured floor-to-ceiling, whereas floor-to-floor determined to be best practice, and used elsewhere.

The Way It Is Now: Makes the requirement 17 ft. floor-to-floor, instead of 15 floor-to-ceiling.

Section 151.1 – Schedule of Permitted Off-Street Parking Spaces in Specified Districts.

The Way It Was: Limited parking within ¼ mile of 4th St., but this should only be the transit-rich part of 4th St north of Berry, not the mellow part that wends through Mission Bay.

The Way It Is Now: Clarifies that this parking limit applies only to the SoMa portion of 4th St.

Section 157.1 – Conditional Use Applications for Non-Accessory Parking Garages in Eastern Neighborhoods Mixed Use Districts and DTR Districts.

The Way It Was: There was a lack of clarity as to how the Department will effectively enforce pooled residential parking.

The Way It Is Now: Adds language that requires NSRs to be placed on all relevant properties involved in pooled parking.

Section 218 – Retail Sales and Personal Services.

The Way It Was: As written, the Code implied that you could do 2,500 sf of retail, 2,500 sf of grocery, and 2,500 sf of gym.

The Way It Is Now: Nests grocery and gym under retail, so that the max is 2,500 per parcel across all three – unless there is a CU for gyms or grocery.

Section 227(h) – Other Uses – Wireless.

The Way It Was: Unlike every other C-M-PDR district, PDR-1-D did not allow wireless.

The Way It Is Now: Changes to allow this use in PDR-1-D.

Section 227(i) – Other Uses – Wireless.

The Way It Was: This use was “Conditional” everywhere but the PDR-1-D District.

The Way It Is Now: Changes to make this use Conditional in the PDR-1-D District.

Section 227(r) – Other Uses – Internet Service Exchange.

The Way It Was: Internet Service Exchange was, at the most restrictive, a Conditional Use everywhere in the City but PDR-1-D and PDR-1-G, where it was not permitted.

The Way It Is Now: Changes to make this use a Conditional Use in PDR-1-D and PDR-1-G.

Section 227(t) – Other Uses – Small Enterprise Workspace.

The Way It Was: The definition of uses that can be considered PDR included all of Section 227. However, many of these uses do not meet the understanding of what is PDR. Also, for SEW, it said that all workspaces must be accessed from building common areas.

The Way It Is Now: Changes language to reflect definition of PDR already utilized in Article 4. Changes to allow larger PDR spaces to be accessed from the street, for truck loading purposes.

Section 230 – Demolition of Industrial Buildings in PDR Districts, Replacement Requirements.

The Way It Was: The definition of uses that can be considered PDR included all of Section 227. However, many of these uses do not meet the understanding of what is PDR. Also, did not allow IPDR and SEW to replace.

The Way It Is Now: Changes to reflect definition of PDR already utilized in Article 4. Added IPDR and SEW as things that can replace PDR.

Section 249.38 – Transit-Oriented Retail Special Use District.

The Way It Was: In PDR Districts, groceries stores and gyms could be as large as they want, with a Conditional Use. In the UMU, they need to conform with per-

parcel limitations. Thus, in this SUD, grocery stores and gyms actually were more restrictive.

The Way It Is Now: Makes sure that grocery stores and gyms can exceed UMU levels in this SUD, in keeping with intent of the SUD.

Section 329 – Large Project Authorization in Eastern Neighborhoods Mixed Use Districts.

The Way It Was: The street frontage criteria for warranting an X case would not capture any new large projects, but could capture things like adding an awning on a building on a long parcel. The height threshold is also unclear as to whether buildings that were already taller than 75 feet would trigger an X case for vertical additions. Section conveyed that modification can occur for small projects in historic buildings (through 307(h)), but not large projects. Section lacks clear standards for allowing “flexible occupancy units”.

The Way It Is Now: Eliminates street frontage from the criteria for triggering an X case. Includes in Sections 140(b) and 329 that modifications in historic buildings is something that can be modified. Includes clear standards for “flexible occupancy units” through a modification of accessory uses for large projects. Clarifies that these units are foremost residential (and subject to appropriate controls and fees), that they must be on the ground floor, that they must be on a street (and not an alley), and that they are coordinated with other agencies which might have additional controls for such a hybrid use.

Section 352 – Commission and Zoning Administrator Hearing Applications.

The Way It Was: Unlike CU cases, the second 329 cases did not receive 50% off.

The Way It Is Now: Adds 329 to the list of cases for which the 2nd case can be 50% off.

Section 401 – Definitions.

The Way It Was: It was not clear what fees would be paid by uses contained in Section 227 (except subsections (a), (b), and (p), which were considered PDR).

The Way It Is Now: Adds all subsections except (a), (b), and (p) to the definition of Non-residential.

Section 411.3 – Application of TIDF.

The Way It Was: The sections that are absolved from TIDF were incorrect, reflecting changes to Section 227 that were not also made to Section 411 (which was in the Administrative Code until 2010).

The Way It Is Now: Revises the section to absolve only uses as originally intended in TIDF.

Section 419.2 – Definitions.

The Way It Was: The fee for changes to residential use within existing buildings was dependent upon the height granted by the Eastern Neighborhoods process. It was not clear what Tier land dedication in the Mission Street NCT should be. It was unclear what Tier projects fall into, given lack of definition of a “story”.

The Way It Is Now: All changes within existing buildings are charged Tier A fees. Clarifies that Mission Street NCT land dedication are subject to Tier A fees. Clarifies appropriate Tiers by relying on amount of feet granted by the Eastern Neighborhoods Plan, not “stories”.

Section 607.2 – Mixed Use Districts.

The Way It Was: DTR Districts not listed in sections where General Advertising signs were not allowed. Parcels in UMU were restricted to business signs no bigger than 150 sf per building.

The Way It Is Now: Adds DTR to list of districts where General Advertising is not allowed. Changes policy to create sign capacity appropriate for the UMU.

Section 734.1 – NCT-2 – Small-scale neighborhood commercial transit district.

The Way It Was: Controls for Tobacco Paraphernalia, Specialty Food – Self Service, and Amusement Arcades were missing for NCT-2.

The Way It Is Now: Tobacco Paraphernalia require a CU, Specialty-Food – Self-Service is P, and Amusement Arcades are NP.

Section 735.1 – SoMa Neighborhood Commercial Transit District.

The Way It Was: Controls for Tobacco Paraphernalia, Specialty Food – Self Service, and Amusement Arcades were missing for NCT-2.

The Way It Is Now: Tobacco Paraphernalia require a CU, Specialty-Food – Self-Service is P, and Amusement Arcades are NP.

Section 736.1 – Mission Street Neighborhood Commercial Transit District.

The Way It Was: Controls for Tobacco Paraphernalia, Specialty Food – Self Service, and Amusement Arcades were missing for NCT-2.

The Way It Is Now: Tobacco Paraphernalia require a CU, Specialty-Food – Self-Service require a CU, and Amusement Arcades require a CU.

Section 781.5 – Mission Street Fast-Food Subdistrict.

The Way It Was: This district was redundant with the Mission NCT.

The Way It Is Now: Changes this district to cover from Cesar Chavez to Randall

Section 803.8 – Housing in Mixed Use Districts.

The Way It Was: The section required a 3:1 ratio of housing in all projects.

The Way It Is Now: Clarified that the 3:1 ratio is only for new construction.

Section 803.9 – Commercial Uses in Mixed Use Districts.

The Way It Was: 803.9(b) and (c) said that office over 25,000 sf required a CU for applicable historic resources. In subsection (h), language lacked clarity around what certain “retail-like” office uses could be permitted on the ground floor.

The Way It Is Now: In 803.9(b) and (c), permits office as-of-right beyond 25,000 sf in applicable historic resources. In subsection (h), updates language to clarify which ground floor office uses can be considered retail, and makes it clear that such ground floor office use is not considered a “designated office story.”

Section 814 – SPD – South Park District.

The Way It Was: Retail definition and reference excluded personal service, although this was understood as an acceptable use in these districts.

The Way It Is Now: Clarifies that personal service is permitted.

Section 840 – MUG – Mixed Use-General District.

The Way It Was: Retail definition and reference excluded personal service, although this was understood as an acceptable use in these districts. Introduction incorrectly stated that movie theaters and hotels are permitted. In the table, it was unclear whether medical, financial, and professional services were a subset of office, retail, or both.

The Way It Is Now: Clarifies that personal service is permitted. Updates introduction regarding movie theaters and hotels. Clarifies that medical, financial, and professional services are generally office uses, and that the exception can only be for retail-oriented services.

Section 841 – MUR – Mixed Use – Residential District.

The Way It Was: Retail definition and reference excluded personal service, although this was understood as an acceptable use in these districts. Introduction incorrectly stated that movie theaters are not permitted, and that offices are

restricted to upper floors. It was unclear whether medical, financial, and professional services are a subset of office, retail, or both.

The Way It Is Now: Clarifies that personal service is permitted. Updates introduction regarding movie theaters and offices. Clarifies that medical, financial, and professional services are generally office uses, and that the exception can only be for retail-oriented services.

Section 842 – MUO – Mixed Use – Office District.

The Way It Was: Retail definition and reference excluded personal service, although this was understood as an acceptable use in these districts. In the table, it was unclear whether medical, financial, and professional services were a subset of office, retail, or both.

The Way It Is Now: Clarifies that personal service is permitted. Clarifies that medical, financial, and professional services are generally office uses, and that the exception can only be for retail-oriented services.

Section 843 – UMU – Urban Mixed Use District.

The Way It Was: Retail definition and reference excluded personal service, although this was understood as an acceptable use in these districts. In the table, it was unclear whether medical, financial, and professional services were a subset of office, retail, or both.

The Way It Is Now: Clarifies that personal service is permitted. Clarifies that medical, financial, and professional services are generally office uses, and that the exception can only be for retail-oriented services.

Section 890.49 – Integrated PDR.

The Way It Was: The definition of uses that can be considered PDR included all Section 227. Also, lacked clarity that personal services are also not permitted to count as PDR

The Way It Is Now: Changes language to reflect the definition of PDR already utilized in Article 4. Clarified that personal service is not permitted to count as PDR.

Section 890.54 – Light Manufacturing, Wholesale Sales, Storage.

The Way It Was: The definition of subsection (c) listed household goods under this definition, though we created 890.54(d) to specifically deal with household goods.

The Way It Is Now: Deletes reference in subsection (c).

Link to signed legislation:

Board File No. 110786	Ord. No. 0196-11	Planning Code – Eastern Neighborhoods Code Cleanup: Full text available at: http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/ordinances11/o0196-11.pdf
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