



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Text Amendment

INITIATION HEARING DATE: JUNE 22, 2017
ADOPTION HEARING DATE: SEPTEMBER 7, 2017

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Project Name: **Definition of Gross Floor Area**
Case Number: **2017-004678PCA**
Initiated by: Planning Commission
Staff Contact: Audrey Butkus, Legislative Affairs
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Reviewed by: Aaron Starr, Manager of Legislative Affairs
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Recommendation: **Recommend Approval**

PLANNING CODE AMENDMENT

The proposed Ordinance would amend the Planning Code to make substantive amendments to the definition of Gross Floor Area and make clarifying, non-substantive amendments to the definition of Gross Floor Area. The proposed amendment seeks to include all space not specifically listed as exempt in Section (b), as included in the definition of Gross Floor Area. Required car-share parking spaces are being proposed to be exempt from the definition of Gross Floor Area in all districts. All other changes are considered corrective in nature and not substantive.

The Way It Is Now:

Section 102 of the Planning Code defines Gross Floor Area. Within this definition, Gross Floor Area is divided into subsections of what shall be included in its definition, and what shall be excluded.

1. Included in Gross Floor Area:
 - a. Floor space in accessory buildings, except for floor space in accessory buildings located in C-3 Districts (which are excluded from the Gross Floor Area definition).
 - b. Any floor area in C-3 Districts dedicated to accessory or non-accessory parking, except for bicycle parking (so long as the bicycle parking meets the standards of Section 155.1 – 155.4) and required off-street loading.
 - c. Required car-share parking spaces.
2. Excluded in Gross Floor Area:
 - a. Floor space that is dedicated to parking so long as this parking does not exceed the amount that is principally permitted as accessory parking, and the parking is located underground.

- b. Floor space in C-3 Districts that is dedicated to parking so long as this parking does not exceed the amount that is principally permitted as accessory parking, and the parking is located underground.

The Way It Would Be:

Both substantive and non-substantive changes would be made to the specific subsections of the definition of Gross Floor Area, which were described above.

1. Included in Gross Floor Area:

- a. Any floor space that is not specifically excluded in Section (b) of this definition would be included in the definition of Gross Floor Area. Floor space in “accessory buildings” located in C-3 Districts would now be included in the definition of Gross Floor Area. *This change is substantive.*
- b. Any floor area in all districts that is dedicated to accessory or non-accessory parking, except for bicycle parking (so long as the bicycle parking meets the standards of Section 155.1 – 155.4) and required off-street loading. *This change is not substantive: the amendment is intended to clarify and simplify the definition.*
- c. Remove required car-share parking spaces from the definition of Gross Floor Area, and move to Section (b) as excluded from Gross Floor Area. *This change is substantive.*

2. Excluded in Gross Floor Area:

- a. Floor space that is dedicated to accessory parking so long as this parking does not exceed the amount that is principally permitted as accessory parking, and the parking is located on any Basement Story. *This change is not substantive: the amendment is intended to clarify and simplify the definition.*
- b. Remove the repetitive language regarding floor space in C-3 Districts that is dedicated to parking so long as this parking does not exceed the amount that is principally permitted as accessory parking, and the parking is located underground as excluded from the definition of Gross Floor Area. *This change is not substantive.*

BACKGROUND

On June 22, 2017, this item came before the Commission to be initiated as a proposed Planning Code Amendment. The Commission voted 6:0 to approve the initiation of the proposed ordinance with Commissioners Hillis, Fong, Koppel, Melgar, Moore, and Richards voting in the affirmative and Commissioner Johnson being absent. There was no public comment or Commissioner comments made on the initiation of the proposed ordinance.

ISSUES AND CONSIDERATIONS

Gross Floor Area

Gross Floor Area is the sum of the floor areas of the spaces within a building. Measurements must be taken from the exterior faces of exterior walls or from the centerlines of walls separating two buildings.

The Planning Code uses the GFA measurements of a building or proposed project to determine size and density of a project, and as a set of guidelines for allowable size and density of buildings in various zoning districts. GFA is also used to calculate Floor Area Ratio (FAR). FAR is the ratio of the Gross Floor Area of all the buildings on a lot to the area of the lot. The Planning Code regulates maximum allowable FAR of a lot.

Substantive Changes

The following two changes are considered substantive in nature, meaning they could impact how Gross Floor Area is calculated in the Planning Code; however, as discussed below, the impact would be minor.

Accessory Buildings. The proposed ordinance removes the distinction of exempting “accessory buildings” in C-3 Districts from the definition of Gross Floor Area. C-3 Districts are currently exempt from including “accessory buildings” in a project’s calculation of Gross Floor Area. This provision is problematic for three reasons: 1. The Planning Code does not define “accessory buildings”; 2. The natural composition of most parcels in C-3 Districts prevents an “accessory building” from being constructed and ; 3. All other zoning districts include these types of accessory spaces in the definition of Gross Floor Area, and there is no distinctive characteristic of the C-3 District that differentiates it from all other zoning districts for the purposes of calculating gross floor area of accessory structures.

Excluding Car-share from Gross Floor Area. The proposed ordinance removes required car share parking from the definition of Gross Floor Area. Required car-share parking is a mandatory condition imposed by the City in order to increase residents’ sustainable transportation opportunities. Required car-share parking spaces are not only mandated for projects that meet certain conditions, but should be an encouraged use, therefore it is to the benefit of the public and the development community to exclude required car-share parking spaces from the definition of Gross Floor Area in all zoning districts.

Non-Substantive Changes

The following changes are considered to be non-substantive, meaning that they will not impact how GFA is calculated in the Planning Code. The changes either remove redundant language or correct undefined language.

C-3 Districts GFA Distinctions. Several sections in the definition of Gross Floor Area specifically call out C-3 Districts. While some specifications regarding the differences in zoning districts when determining Gross Floor Area are necessary, several provisions, such as calling out C-3 Districts and bicycle parking, are not necessary as C-3 Districts operate under the same provisions as all other zoning districts. All mentions of C-3 Districts are repetitive and/or unnecessary and are proposing to be amended to assist in creating a cleaner, and more digestible Planning Code.

Replacing “underground” with “Basement Story”. “Underground” is not defined in the Planning Code. “Basement Story” is a defined in the Planning Code as: “*Space located below the first story of a building when such space is of sufficient floor to ceiling height for legal occupancy*”, which was the intention of the term “underground” in the Gross Floor Area definition.

RECOMMENDATION

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

BASIS FOR RECOMMENDATION

The Department recommends adoption of the proposed ordinance because it will increase clarity and improve the organization and consistency of the Planning Code. A substantial portion of the proposed changes can be classified as “good government” measures meant to improve the clarity of the Planning Code. Such changes are meant to improve the ability of decision makers, Department staff, and the public to understand, interpret, and implement the requirements of the Code.

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.

IMPLEMENTATION

The Department determined that this Ordinance will impact our current implementation procedures; however the proposed changes can be implemented without increasing permit costs or review time. The proposed changes will also make the Planning Code more clear, which can help improve implementation.

ENVIRONMENTAL REVIEW

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c)(2) and 15378 because they do not result in a physical change in the environment.

PUBLIC COMMENT

As of the date of this report, the Planning Department has not received any public comment regarding the proposed Ordinance.

RECOMMENDATION:	Recommendation of Approval
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Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Board of Supervisors File No. TBD



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Resolution

HEARING DATE SEPTEMBER 7, 2017

Project Name: **Definition of Gross Floor Area**
Case Number: **2017-004678PCA [Board File No. TBD]**
Initiated by: **Planning Commission**
Staff Contact: **Aaron Butkus, Legislative Affairs**
audrey.butkus@sfgov.org, 415-575-9129
Recommendation: **Recommend Approval**

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RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO REVISE THE DEFINITION OF GROSS FLOOR AREA TO DELETE THE REFERENCE TO ACCESSORY BUILDINGS, EXEMPT REQUIRED CAR-SHARE SPACES, REMOVE REDUNDANT OFF-STREET LOADING PROVISIONS, AND MODIFY PROVISIONS REGARDING ACCESSORY AND NON-ACCESSORY PARKING; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on September 7, 2017; and,

WHEREAS, the proposed amendments would amend the Planning Code to make two substantive, but relatively minor amendments to the definition of Gross Floor Area; and

WHEREAS, the proposed amendments would make two clarifying, non-substantive amendments to the definition of Gross Floor Area; and

WHEREAS, the Environmental Review has determined that the proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c)(2) and 15378 because they do not result in a physical change in the environment; and

WHEREAS, the Planning 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 Department staff and other interested parties; and

WHEREAS, 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 Planning Commission has reviewed the proposed Ordinance; and

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors **approve** the proposed ordinance.

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:

The Commission recommends adoption of the proposed ordinance because it will increase clarity and improve the organization and consistency of the Planning Code. A substantial portion of the proposed changes can be classified as “good government” measures meant to improve the clarity of the Planning Code. Such changes are meant to improve the ability of decision makers, Department staff, and the public to understand, interpret, and implement the requirements of the Code.

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

GENERAL PLAN PRIORITIES

The General Plan seeks ensure that the qualities that make San Francisco unique are preserved and enhanced while also serving as the embodiment of the community's vision for the future of San Francisco. As a whole, the General Plan's goals are to: create and maintain the economic, social, cultural, and esthetic values that establish the desirable quality and unique character of the city; improve the city as a place for healthful, safe, and satisfying living by providing adequate open spaces, community facilities and affordable housing of a high standard; ensuring commerce and industry are able to thrive; coordinating the varied patterns of land use with circulation routes and facilities that are required for the efficient movement of people and goods; and reflecting the growth and development of the city with the surrounding region.

The proposed Ordinance will serve the General Plan by amending sections of the Planning Code to be consistent, clear, and concise. These amendments will improve the quality of the Planning Code and thereby make it easier for the objectives and policies of the Code to be carried out.

HOUSING ELEMENT

OBJECTIVE 10

ENSURE A STREAMLINED, YET THOROUGH, AND TRANSPARENT DECISION-MAKING PROCESS.

Policy 10.1

Create certainty in the development entitlement process, by providing clear community parameters for development and consistent application of these regulations.

The proposed Ordinance will bring more consistency to the Planning Code. The update to the definition of Gross Floor Area is intended to bring certainty to the development process by providing clear community parameters for development and consistent application of these regulations.

2. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The proposed Ordinance would not have a negative effect on housing or neighborhood character.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from

development;

The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

3. **Planning Code Section 302 Findings.** The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board ADOPT the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on September 7, 2017.

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: September 7, 2017

1 [Planning Code - Definition of Gross Floor Area]

2

3 **Ordinance amending the Planning Code to revise the definition of Gross Floor Area to**
 4 **delete the reference to accessory buildings, exempt required car-share spaces, remove**
 5 **redundant off-street loading provisions, and modify provisions regarding accessory**
 6 **and non-accessory parking; and making environmental findings and findings of**
 7 **consistency with the General Plan and the eight priority policies of Planning Code,**
 8 **Section 101.1, and public necessity, convenience, and welfare findings pursuant to**
 9 **Planning Code, Section 302.**

10 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
 11 **Additions to Codes** are in *single-underline italics Times New Roman font*.
 12 **Deletions to Codes** are in ~~*italics Times New Roman font*~~.
 13 **Board amendment additions** are in Arial font.
 14 **Board amendment deletions** are in ~~Arial font~~.
 15 **Asterisks (* * * *)** indicate the omission of unchanged Code
 16 subsections or parts of tables.

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

18 Section 1. Environmental and Land Use Findings.

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

23 (b) On _____, the Planning Commission, in Resolution No. _____, adopted
 24 findings that the actions contemplated in this ordinance are consistent, on balance, with the
 25 City's General Plan and eight priority policies of Planning Code, Section 101.1. The Board

1 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
2 Board of Supervisors in File No. _____, and is incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, this Board finds that this ordinance will
4 serve the public necessity, convenience, and welfare for the reasons set forth in Planning
5 Commission Resolution No. _____, and the Board incorporates such reasons herein by
6 reference.

7
8 Section 2. The Planning Code is hereby amended by revising Section 102, to read as
9 follows:

10 **SEC. 102. DEFINITIONS.**

11 * * * *

12 **Floor Area, Gross.** In Districts other than C-3, the sum of the gross areas of the several
13 floors of a building or buildings, measured from the exterior faces of exterior walls or from the
14 centerlines of walls separating two buildings. Where columns are outside and separated from
15 an exterior wall (curtain wall) that encloses the building space or are otherwise so arranged
16 that the curtain wall is clearly separate from the structural members, the exterior face of the
17 curtain wall shall be the line of measurement, and the area of the columns themselves at each
18 floor shall also be counted. In C-3 Districts and the Van Ness Special Use District, the sum of
19 the gross areas of the several floors of a building or buildings, measured along the glass line
20 at windows at a height of four feet above the finished floor and along a projected straight line
21 parallel to the overall building wall plane connecting the ends of individual windows, provided,
22 however, that such line shall not be inward of the interior face of the wall.

23 (a) Except as specifically excluded in this definition, "Gross Floor Area" shall include,
24 but not be limited to, the following:

25 * * * *

1 ~~(7) In districts other than C-3 Districts, floor space in accessory buildings; and~~

2 ~~(87) In C-3 Districts, a~~Any floor area dedicated to accessory or non-accessory
3 parking, except for ~~bicycle parking, required off-street loading, and~~ accessory parking as
4 specified in subsection (b)~~(67)~~; and

5 ~~(98)~~ Any other floor space not specifically excluded in this definition.

6 (b) "Gross Floor Area" shall not include the following:

7 * * * *

8 (6) Floor space dedicated to accessory parking that does not exceed the amount
9 principally permitted as accessory, and is located on any Basement Story underground;

10 ~~(7) In C-3 Districts, floor space dedicated to parking which does not exceed the~~
11 ~~amount principally permitted as accessory, and is located underground. Required off-street loading~~
12 ~~and required car-share parking.~~

13 (8) Bicycle parking that meets the standards of Sections 155.1 through 155.4 of
14 this Code;

15 * * * *

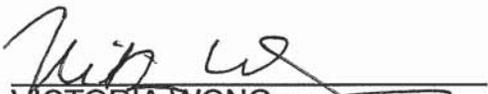
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17 Section 3. Effective Date. This ordinance shall become effective 30 days after
18 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
19 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
20 of Supervisors overrides the Mayor's veto of the ordinance.

21
22 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
23 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
24 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
25 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment

1 additions, and Board amendment deletions in accordance with the "Note" that appears under
2 the official title of the ordinance.

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

By: 
VICTORIA WONG
Deputy City Attorney

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Not defined as a project under CEQA Guidelines
Sections 15378 and 15060(c)(2) because it does not
result in a physical change in the environment.