



# SAN FRANCISCO PLANNING DEPARTMENT

MEMO

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TO: Members of Board of Supervisors Land Use Committee

FROM: Ken Rich, Sarah Dennis, Claudia Flores, Jon Swae, Steve Wertheim - Planning Department Staff

RE: Eastern Neighborhoods – Summary of Adopted Planning Code Text Changes

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The following is a list of all the changes made to date by the Board of Supervisors Land Use Committee to the Eastern Neighborhoods Legislation that was approved on August 7, 2008 by the Planning Commission.

## Code Changes Regarding Residential Uses

- 1. Rental Housing Incentive in the Urban Mixed Use District (319.2(g) and 319.4(c)):** Created an incentive to develop rental housing by enabling projects that are comprised entirely of rental housing to receive a 3% reduction in their inclusionary housing requirements. If the rental housing project chooses land dedication and the site is less than 30,000 square feet, then the project will receive a 5% reduction in their requirements.
- 2. Land Dedication on Larger Sites in the Urban Mixed Use District (Table 319.4):** Incentivized land dedication on larger sites by reducing the land dedication requirement by 5% on sites of at least 30,000 square feet.
- 3. Vertical Land Dedication Alternative in the Urban Mixed Use (UMU) District (319.4(b)(2)(J)):** Enabled land dedication to be the dedication of "air rights," as long as this dedication is approved ahead of time by the Mayor's Office of Housing.
- 4. Dedicated Resources to Acquisition – Rehabilitation of Housing in the Dedicated Affordable Housing Zones (Sec. 327.6(c)(2)(C)):** Codified that, in the Designated Affordable Housing Zones (the Mission NCT and Mixed Use Residential District), the first \$10 million in housing fees collected collectively between these two zones is spent on the acquisition and rehabilitation of existing housing.
- 5. Building standards for new housing in PDR Districts (Sec. 175.6(e)(1)(D)):** Applied the buildings standards of the Urban Mixed Use District to any housing that has already submitted applications and therefore may be developed in PDR districts.

6. **Dwelling unit density (Sec. 207.6(c)(2)):** Enabled applicants to meet dwelling unit density requirements by providing 30% three-bedroom units, in addition to 40% two-bedroom units.
7. **Student housing (Sec. 215(d) and 315.1(38)):** Removed proposed right to develop student housing in the PDR-1-D District. Additionally, clarified that student housing is typically rental housing.
8. **Inclusionary housing exemptions for student housing (Sec. 315.3(c)(5)):** Removed proposed inclusionary housing exemption for student housing.
9. **Designated Affordable Housing Zones (Sec. 327.6(c)):** Within the “Designated Affordable Housing Zones” (Mission NCT and Mixed Use Residential Districts), increased the proportion of fees directed towards affordable housing from 50% to 75%.
10. **Restricting development of Single Room Occupancy dwelling units in the Mission NCT and UMU District (Sec. 736.90 and 843.22):** Removed ability to develop Single Room Occupancy dwelling units (SROs) in the Urban Mixed Use (UMU) and Mission NCT District.

### **Code Changes Regarding Commercial Development**

1. **Supporting PDR and enabling flexibility in Small Enterprise Workspace buildings (Sec. 227(t)):** Enabled merger/subdivision of units within Small Enterprise Workspace (SEW) buildings, as long as other size restrictions are still met. Also, enabled larger PDR units on the ground floor of SEW buildings.
2. **Retail provisions along 16<sup>th</sup> Street and 3<sup>rd</sup> Street (Sec. 249.38):** Removed the Transit-Oriented Retail Special Use District from 3<sup>rd</sup> Street in the Central Waterfront and from 16<sup>th</sup> Street east of Potrero Avenue.
3. **Restricted Integrated PDR Special Use District (Sec. 249.39):** Created a new Restricted Integrated PDR Special Use District in the Central Waterfront, which requires that newly constructed Integrated PDR receive a conditional use and provide twice as much PDR as existed on the site.

### *Code Changes Regarding Building and Design Standards*

1. **Floor to floor minimum ground floor heights (Sec. 145.1(c)(3)(C)(i)):** Determined that minimum ground floor height requirements for commercial uses should be measured from floor-to-floor, and not floor-to-ceiling.
2. **Minimum ground floor heights (Sec. 145.1(c)(3)(C)(ii)):** Removed minimum ground floor height requirements for residential uses.
3. **Parking for retail uses in the Eastern Neighborhoods Mixed Use Districts (Sec. 151):** In the Eastern Neighborhoods Mixed Use Districts, reduced maximum parking allowances for retail uses within ¼ mile of major transit corridors (Market, Mission, 3rd and 4th Streets) to one space per 1,500 square feet.
4. **Parking in excess of minimum requirements (Sec. 204.5):** Clarified that accessory use provisions of this section do not apply to districts with parking maximums.

### *Code Changes Regarding Process*

1. **Codifying how the “Legitimization” program will be implemented (Sec. 179.1):** Codified direction on how this program will be implemented, including direction on notification, application, decision making, and a fee deferment program.
2. **Fees for Integrated PDR and Small Enterprise Workspaces (Sec. 313.6 and Admin Code Sec. 38.1):** Codified development fees for Integrated PDR (IPDR) and Small Enterprise Workspaces (SEW).
3. **Timing of Fee Payment for the Integrated PDR Fee Discount Program (Sec. 313.6 and Admin Code Sec. 38.3):** Clarified that those participating in the Integrated PDR Fee Discount Program shall pay their fees in accordance with this Program, instead of the previously established fee schedule for the Transit Impact Development Fee and Jobs-Housing Linkage Fee.
4. **Codifying how the Integrated PDR Fee Discount Program will be implemented (Sec. 328, Admin Code 10.E.7):** Codified direction on for this

program will be implemented, including payment procedures and the criteria which must be met to receive the fee discount.

5. **Moving of Section 309.2 to Section 329:** Moved Section 309.2 of the Planning Code to become new Section 329. Accompanying reference changes were made throughout the Code.
6. **Fees for the Eastern Neighborhoods Design Review process (Sec. 352(a)):** Clarified that the fee schedule for this process will be the same as for projects that seek a Conditional Use authorization.
7. **Notice of Special Restrictions for Integrated PDR uses (Sec. 890.49(b)):** Clarified the purpose and requirements of the Notice of Special Restrictions (NSR) be placed on new Integrated PDR uses.
8. **Specificity for the implementation of the Citizens Advisory Committee (Sec. Admin Code 10.E.8):** Added details to the Citizens Advisory Committee (CAC) program, including how the CAC will be established, representation on the CAC, and subcommittees. Moved the CAC language from the Planning Code to the Administrative Code.

### **Changes to the Map – Zoning and Heights**

1. **Heights on Mission Street:** Reduced heights along Mission St. from the proposed 85 feet to their existing levels with the exception of those heights, primarily on the blocks around the BART stations, that are higher than 85 feet and were lowered to 85 feet.
2. **Remove Transit Oriented Retail Special Use District (SUD) from 3rd Street and parts of 16<sup>th</sup> Street:** Removed the Transit-Oriented Retail Special Use District from 3<sup>rd</sup> Street in the Central Waterfront and from 16<sup>th</sup> Street east of Potrero Avenue.
3. **Potrero Center Zoning:** Changed the Potrero Center (Block 3930A, Lot 002) zoning from NC-S to UMU, and increased the permitted height from 40 feet to 85 feet.
4. **Heights in PDR districts:** Reduced many of the proposed height limits in PDR Districts in Showplace Square and the Central Waterfront, typically from 68 feet to 58 feet or to existing heights, except on Block 4244 and Block 4241, Lot 004, where height was reduced to 40 feet (see Map Amendments for specific

parcels and revised heights). Heights on parcels fronting 16<sup>th</sup> Street typically stayed at 68 feet, and parcels fronting 3<sup>rd</sup> Street typically stayed at 85 feet.

5. **Heights in Dogpatch:** Reduced the heights of some Dogpatch parcels from 58 feet to 50 feet (Block 4042, Lots 003 and 004; Blocks 4043, Lots 012A and 013; Block 3996, Lots 012, 017 and 018).
6. **PDR-1-D Zoning Designation of parcels that front Hubbell Street in Showplace Square:** For the first 32 feet in depth of the “Daggett Triangle” site fronting Hubbell Street, changed the zoning from UMU to PDR-1-D (Block 3833, Lot 003).
7. **1717 17<sup>th</sup> Street Lot Line Adjustment:** Maintained the zoning at this location but revised its configuration to reflect a lot line adjustment.
8. **Restricted Integrated PDR Special Use District:** Created a Restricted Integrated PDR Special Use District on all area zoned PDR within the Central Waterfront Plan Area.
9. **Height on Bartlett Street side of the New Mission Theatre project:** Revised the height limits on the New Mission Theatre parcel (Block 3616, Lot 007) to be raised to 65 feet on the Bartlett Street side. Subsequent changes to heights along Mission Street reduce this lot to its existing height of 50 feet.
10. **Mission Street Error:** Revised the heights on Block 3576, Lot 021 to be 85'-X/45'-X from its current proposed 85'. Subsequent changes to heights along Mission Street reduce this split lot to 65'-B/45'-X'.
11. **Additional Deletion from Rezoning of Several Parcels along Harrison Street between Second and Third Streets in East SoMa:** Reverted the following parcels to their existing zoning designation and height limit: Block 3763, Lots 001, 099, 100, 101, and 105.

### Technical Changes to the Code

1. Correct a formatting mistake in Planning Code Section 121.8 and 121.9 to show clearly that these are not new sections, just re-numbered sections.

2. Technical change to Section 124 to indicate that there is a basic floor area ratio (FAR) of 3.0 to 1 for all 48 foot height districts. (The Planning Commission raised 45-foot height limits to a new 48-foot limit in several areas within the UMU zones; this was not reflected in the associated FAR tables.)
3. Technical change to Section 145.4(b)(15) to reflect that the Planning Commission reclassified 24<sup>th</sup> Street in the Mission from Neighborhood Commercial to Neighborhood Commercial Transit.
4. Technical change to Section 175.6(e)(1)(A) to clarify that pipeline projects must comply with controls contained in Article 1.2 of the Planning Code
5. Technical change to Section 175.6(d) and (e)(1)(B) to clarify the intent of this section, without making any substantive modifications.
6. Technical change to Section 175.6 to more precisely “Code Conforming Projects” that may be “grandfathered” by this Section. Additionally, language was added to ensure that projects undergoing environmental review can either benefit from the reduced fees of being “grandfathered,” or from the reduced fees of the utilizing the Eastern Neighborhoods EIR, but not both.
7. Technical change to Section 207.6(d)(4) needed to reflect that subsection (3) already existed.
8. Technical change to Section 210.9 to reflect that the Planning Commission removed the ability to establish new office space in the PDR-1-D District
9. Technical change to Section 210.10 to reflect that the Planning Commission removed the ability to establish new office space in the PDR-1-G District
10. Technical change to Table 327.3 in Section 327.3 to eliminate a redundancy in the table for non-residential fees.
11. Technical change to Sec. 327.3(a) to clarify that all new non-residential construction is subject to the Eastern Neighborhoods Program fees.
12. Technical change to Section 329(a) (formerly 309.2(a)) to clarify that projects in the Eastern Neighborhoods Mixed Use Districts are subject to *all* applicable design guidelines.
13. Technical change to Section 329(b)(3) (formerly 329(b)(3)) to remove extraneous “or” at the end of this subsection
14. Technical change to Section 315.1.38 to correct grammatical mistake.

15. Technical change to Sections 607.1(f)(2) and (3) (which relate to sign controls) to recognize new Mission NCT and SoMa NCT Districts.
16. Technical change to 843.24 to reference change made to dwelling unit mix requirements in Section 207.6(c)(2). Parallel changes will be made to Sections 814.04, 840.24, 841.24. 842.24.
17. Technical change to 890.49(a)(3) and (c) clarifying what may constitute an Integrated PDR use, and substantiating that Integrated PDR uses are not subject to the office limit controls of Section 320-324 (Prop M).