

FILE NO.

ORDINANCE NO.

1 [Eastern Neighborhoods Area Plans – large project authorization in Mixed Use Districts.]

2
3 **Ordinance amending the San Francisco Planning Code by adding Section 329 to**
4 **establish large project authorization in Eastern Neighborhoods Mixed Use Districts;**
5 **and making various findings, including environmental findings and findings of**
6 **consistency with the General Plan and priority policies of Planning Code Section 101.1.**

7 Note: Additions are *single-underline italics Times New Roman*;
8 deletions are ~~*strikethrough italics Times New Roman*~~.
9 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

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

11 Section 1. Findings. The Board of Supervisors of the City and County of San
12 Francisco hereby finds and determines that:

13 (a) Under Planning Code Section 302, the Board of Supervisors finds that this
14 ordinance will serve the public necessity, convenience and welfare for the reasons set forth in
15 Planning Commission Resolution No. _____ recommending the approval of this
16 Planning Code Amendment and incorporates such reasons by this reference thereto. A copy
17 of said resolution is on file with the Clerk of the Board of Supervisors in File No. _____
18 and is incorporated here by reference.

19 (b) Under Planning Code Section 101.1, the Board of Supervisors finds that this
20 ordinance is consistent with the Priority Policies of Planning Code Section 101.1(b) of the
21 Planning Code and with the General Plan as proposed to be amended in companion
22 legislation and hereby adopts the findings of the Planning Commission, as set forth in
23 Planning Commission Resolution No. _____. A copy of said Resolution is on file with
24 the Clerk of the Board of Supervisors in File No. _____ and is incorporated herein by
25 reference.

1 (c) In accordance with the actions contemplated herein, this Board adopted
2 Resolution No. _____, concerning findings pursuant to the California Environmental
3 Quality Act (California Public Resources Code sections 21000 et seq.). A copy of said
4 Resolution is on file with the Clerk of the Board of Supervisors in File No. _____ and is
5 incorporated by reference herein.

6 Section 2. The San Francisco Planning Code is hereby amended by adding Section
7 329, to read as follows:

8 **SEC. 329. LARGE PROJECT AUTHORIZATION IN EASTERN NEIGHBORHOODS**
9 **MIXED USE DISTRICTS.**

10 (a) Purpose. The purpose of this Section is to ensure that all large projects proposed in
11 the Eastern Neighborhoods Mixed Use Districts are reviewed by the Planning Commission, in
12 an effort to achieve the objectives and policies of the General Plan, the applicable Design
13 Guidelines, and the purposes of this Code.

14 (b) Applicability. This Section applies to all new construction and proposed alterations
15 of existing buildings in the Eastern Neighborhoods Mixed Use Buildings that meet at least one
16 of the following criteria:

17 (1) The project includes the construction of a new building greater than 75 feet in height
18 (excluding any exceptions permitted per Section 260(b)), or includes a vertical addition to an
19 existing building resulting in a total building height greater than 75 feet; or

20 (2) The project involves a net addition or new construction of more than 25,000 gross
21 square feet; or

22 (3) The project has 200 or more linear feet of contiguous street frontage on any public
23 right of way.

24

25

1 (c) Planning Commission Design Review: As set forth in Subsection (e), below, the
2 Planning Commission shall review and evaluate all physical aspects of a proposed project at
3 a public hearing. At such hearing, the Director of Planning shall present any recommended
4 project modifications or conditions to the Planning Commission, including those which may be
5 in response to any unique or unusual locational, environmental, topographical or other
6 relevant factors. The Commission may subsequently require these or other modifications or
7 conditions, or disapprove a project, in order to achieve the objectives and policies of the
8 General Plan or the purposes of this Code. This review shall address physical design issues
9 including but not limited to the following:

10 (1) Overall building massing and scale;

11 (2) Architectural treatments, facade design and building materials;

12 (3) The design of lower floors, including building setback areas, commercial space,
13 townhouses, entries, utilities, and the design and siting of rear yards, parking and loading
14 access;

15 (4) The provision of required open space, both on- and off-site. In the case of off-site
16 publicly accessible open space, the design, location, access, size, and equivalence in quality
17 with that otherwise required on-site;

18 (5) The provision of mid-block alleys and pathways on frontages between 200 and 300
19 linear feet per the criteria of Section 270, and the design of mid-block alleys and pathways as
20 required by and pursuant to the criteria set forth in Section 270.2;

21 (6) Streetscape and other public improvements, including tree planting, street
22 furniture, and lighting;

23 (7) Circulation, including streets, alleys and mid-block pedestrian pathways;

24 (8) Bulk limits;

1 (9) Other changes necessary to bring a project into conformance with any relevant
2 design guidelines, Area Plan or Element of the General Plan.

3 (d) Exceptions. As a component of the review process under this Section 329,
4 projects may seek specific exceptions to the provisions of this Code as provided for below:

5 (1) Exceeding the principally permitted accessory residential parking ratio described in
6 Section 151.1 and pursuant to the criteria therein;

7 (2) Exception from residential usable open space requirements. In circumstances
8 where such exception is granted, a fee shall be required pursuant to the standards in Sections
9 135(j), pursuant to the criteria of Section 305(c).

10 (3) Modification of the horizontal massing breaks required by Section 270.1 in light of
11 any equivalent reduction of horizontal scale, equivalent volume of reduction, and unique and
12 superior architectural design, pursuant to the criteria of Section 270.1(d).

13 (4) Exception from satisfaction of loading requirements per Section 152.1 pursuant to
14 the criteria contained therein.

15 (5) Exception to height limits for vertical non-habitable architectural elements described
16 in Section 263.21 and pursuant to the criteria therein;

17 (6) Provision of the required minimum dwelling unit mix, as set forth in Section 207.6,
18 pursuant to the criteria of Section 305(c);

19 (7) Exception for rear yards, pursuant to the requirements of Section 134(f);

20 (8) The number of Designated Office Stories for projects which are subject to vertical
21 office controls pursuant to 219.1 or 803.9(h) and contain more than one building on the project
22 site, so long as

1 (A) an increase in the number of Designated Office Stories would result in a total
2 square footage of office space no greater than that which would otherwise be permitted by the
3 project.

4 (B) office uses are consolidated within a lesser number of buildings than would
5 otherwise be the case, and

6 (C) the resulting location and mix of uses increases the project's consistency
7 with nearby land uses;

8 (9) Where not specified elsewhere in this Subsection (d), modification of other Code
9 requirements which could otherwise be modified as a Planned Unit Development (as set forth
10 in Section 304), irrespective of the zoning district in which the property is located.

11 (e) Hearing and Decision.

12 (1) Hearing. The Planning Commission shall hold a public hearing for all projects that
13 are subject to this Section.

14 (2) Notice of Hearing. Notice of such hearing shall be provided pursuant to the same
15 requirements for Conditional Use requests, as set forth in Section 306.3 and 306.8.

16 (3) Director's Recommendations on Modifications and Exceptions. At the hearing, the
17 Planning Director shall review for the Commission key issues related to the project based on
18 the review of the project pursuant to Subsection (c) and recommend to the Commission
19 modifications, if any, to the project and conditions for approval as necessary. The Director
20 shall also make recommendations to the Commission on any proposed exceptions pursuant
21 to Subsection (d).

22 (4) Decision and Imposition of Conditions. The Commission, after public hearing and,
23 after making appropriate findings, may approve, disapprove or approve subject to conditions,
24 the project and any associated requests for exception. As part of its review and decision, the

25

1 Planning Commission may impose additional conditions, requirements, modifications, and
2 limitations on a proposed project in order to achieve the objectives, policies, and intent of the
3 General Plan or of this Code.

4 (5) Appeal. The decision of the Planning Commission may be appealed to the Board
5 of Appeals by any person aggrieved within 15 days after the date of the decision by filing a
6 written notice of appeal with that body, setting forth wherein it is alleged that there was an
7 error in the interpretation of the provisions of this Code or abuse of discretion on the part of
8 the Planning Commission.

9 (6) Discretionary Review. No requests for discretionary review shall be accepted by
10 the Planning Department or heard by the Planning Commission for projects subject to this
11 Section.

12 (7) Change of Conditions. Once a project is approved, authorization of a change in
13 any condition previously imposed by the Planning Commission shall require approval by the
14 Planning Commission subject to the procedures set forth in this Section.

15
16
17 APPROVED AS TO FORM:
18 DENNIS J. HERRERA, City Attorney

19 By: _____
20 John D. Malamut
21 Deputy City Attorney