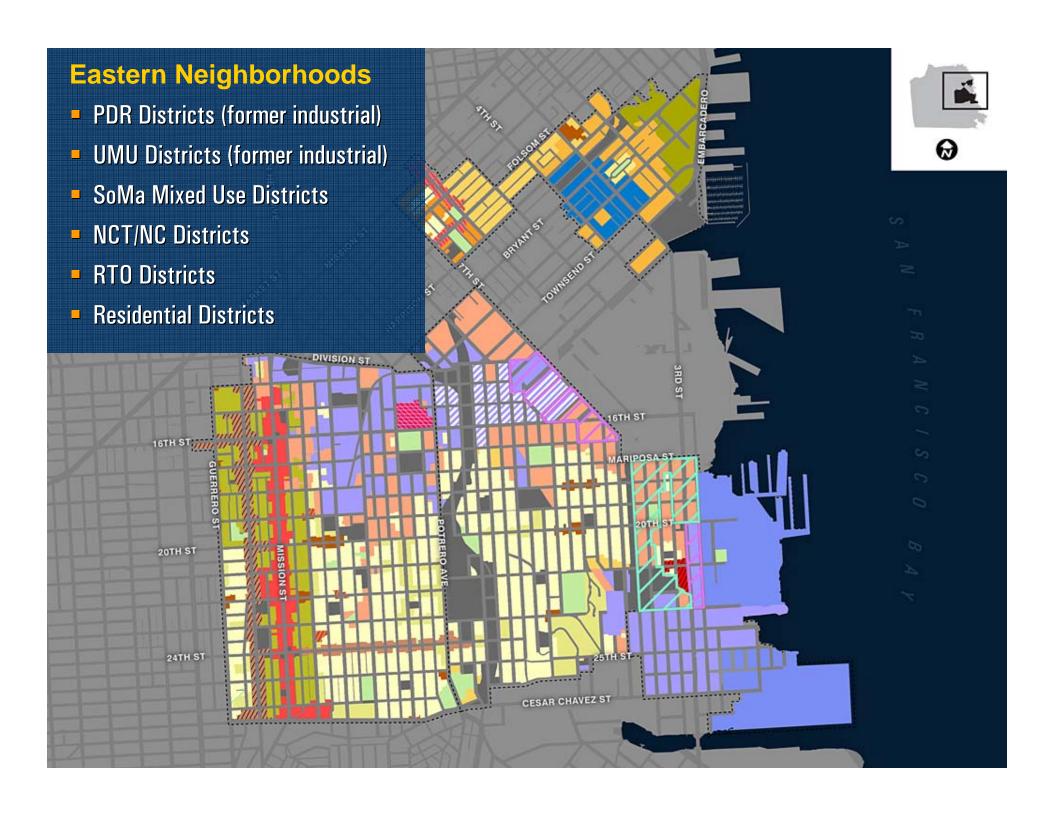


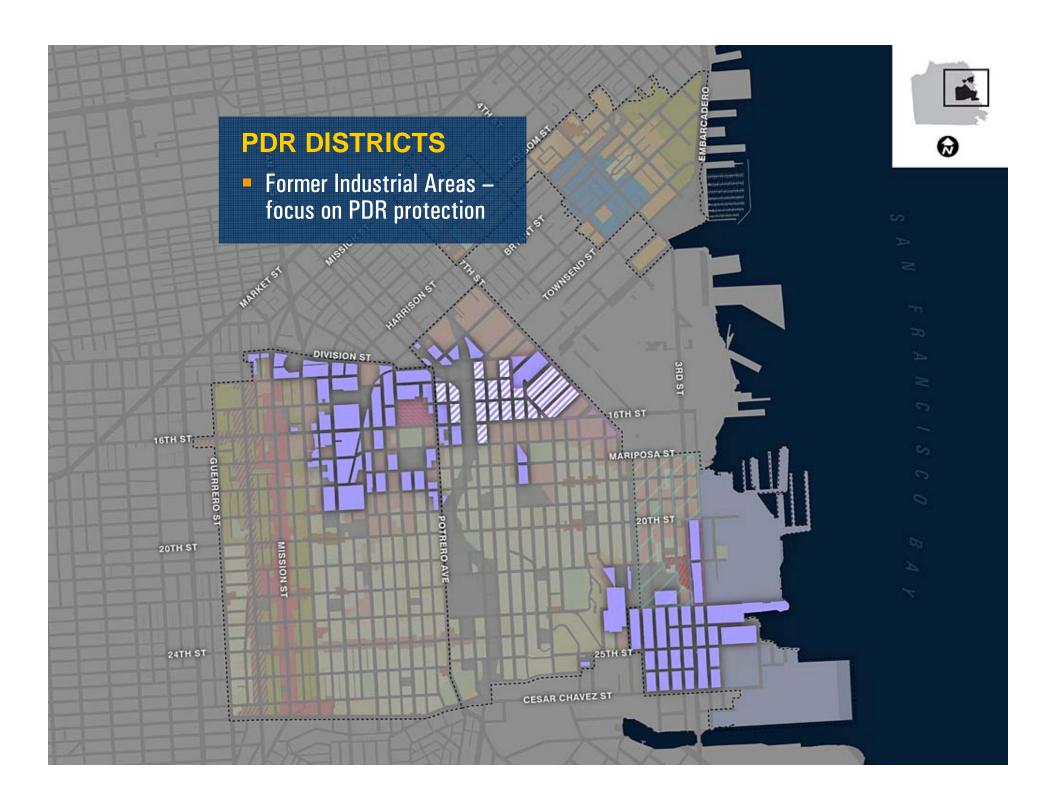
Introduction: Schedule of EN Workshops

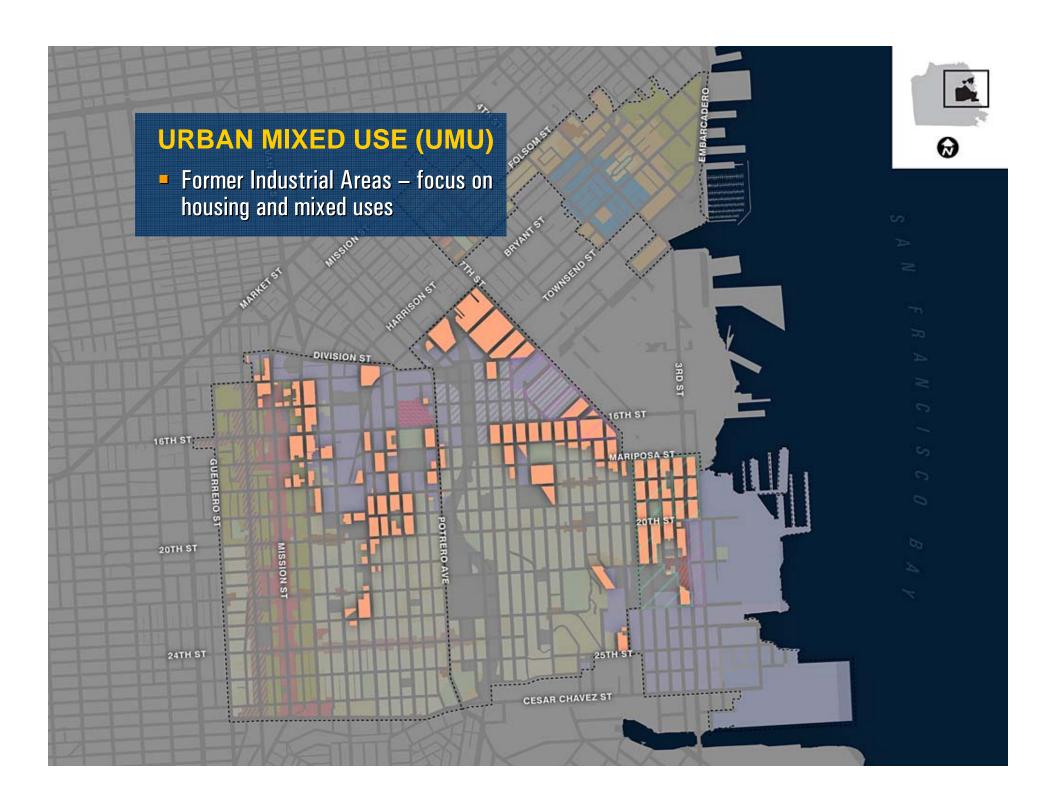
TOPIC (S)	COMMISSION DATE	BOARD LU COMM. DATE
Places for Jobs	May 15	May 19
Places to Live, Public Benefits	June 5	June 9
Complete Neighborhoods	June 12	June 23
Implementing the Plans; Pipeline	June 19	June 30
Further discussion	June 26	July 7
Further discussion	July 3	
Certification and Approvals	July 10	

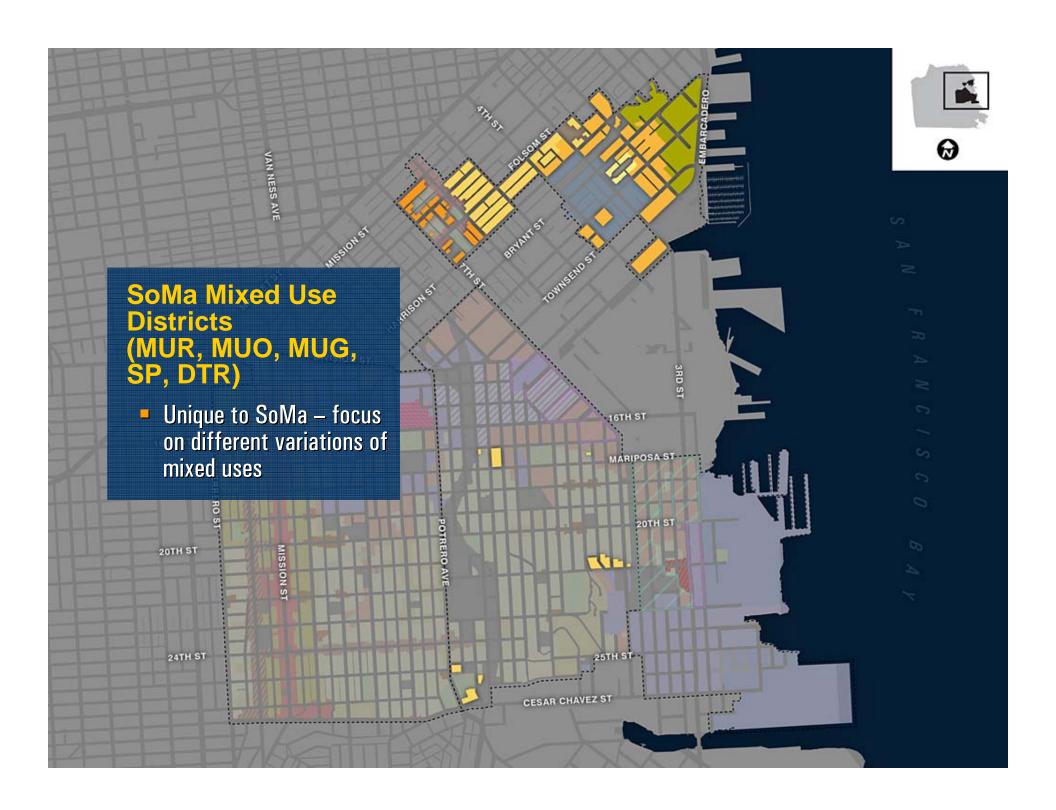
Tonight's Agenda: Implementing the Plans

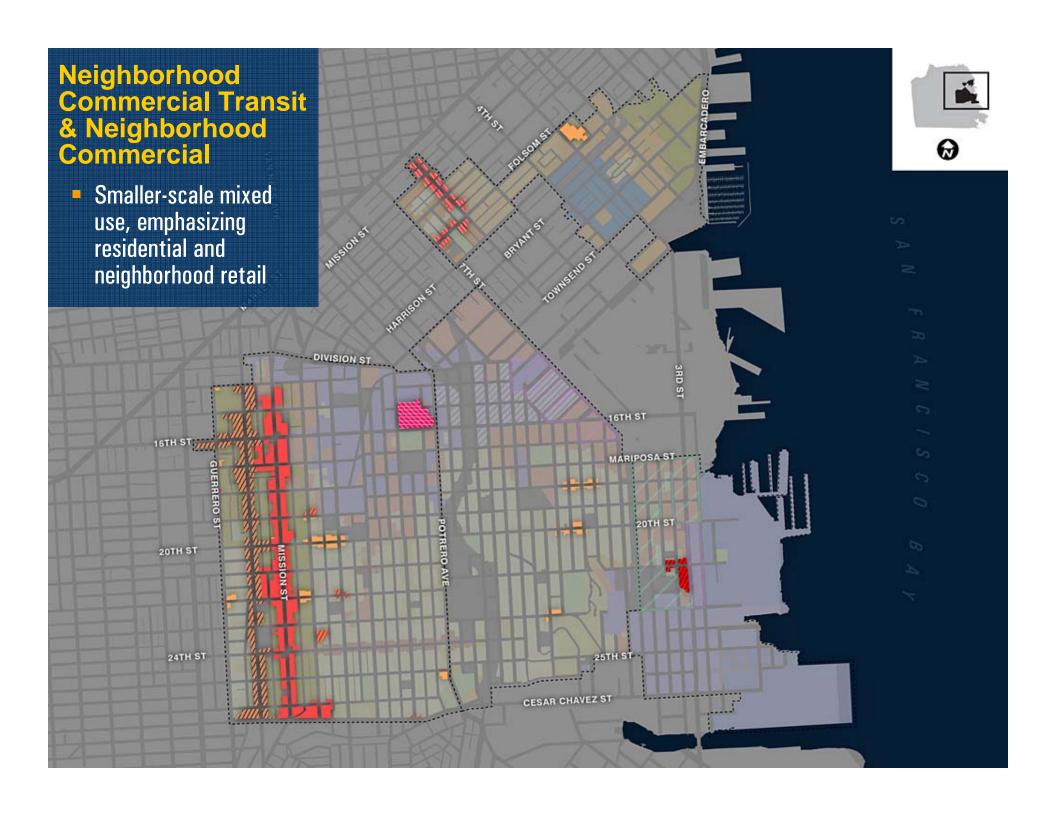
- Reviewing the Zoning Map
- Zoning Controls Remaining Issues
- Project Review Process and Legal Nonconforming Uses
- Implementation Program
- Pipeline

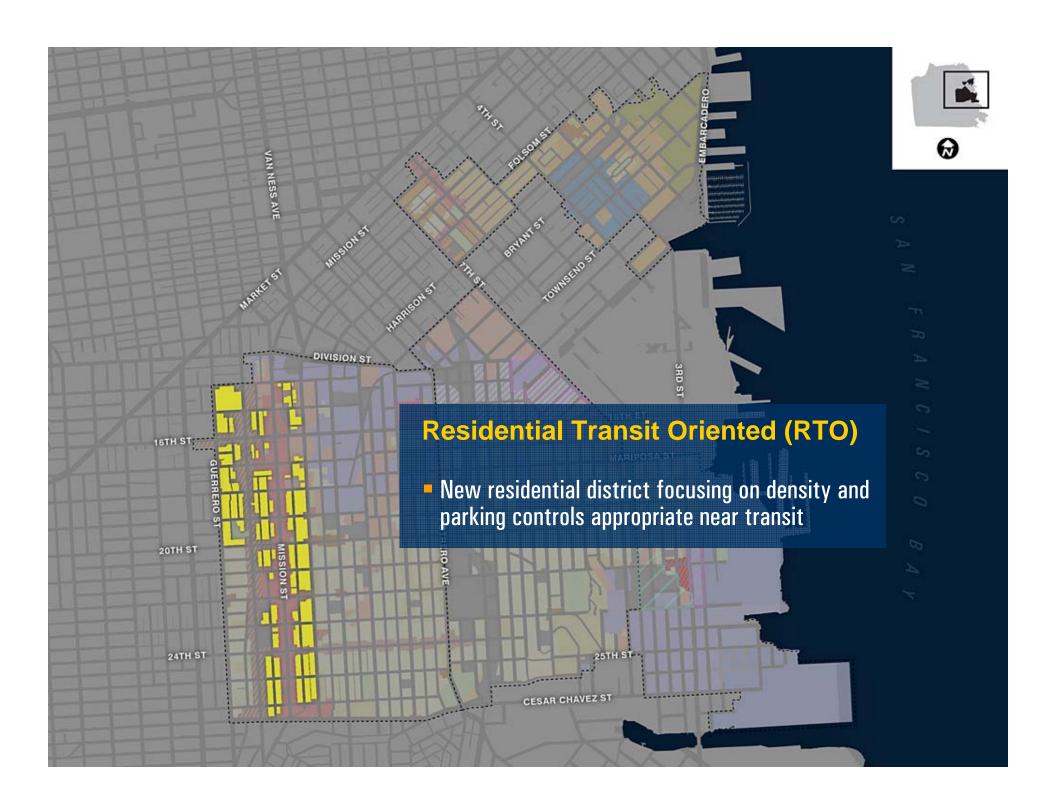


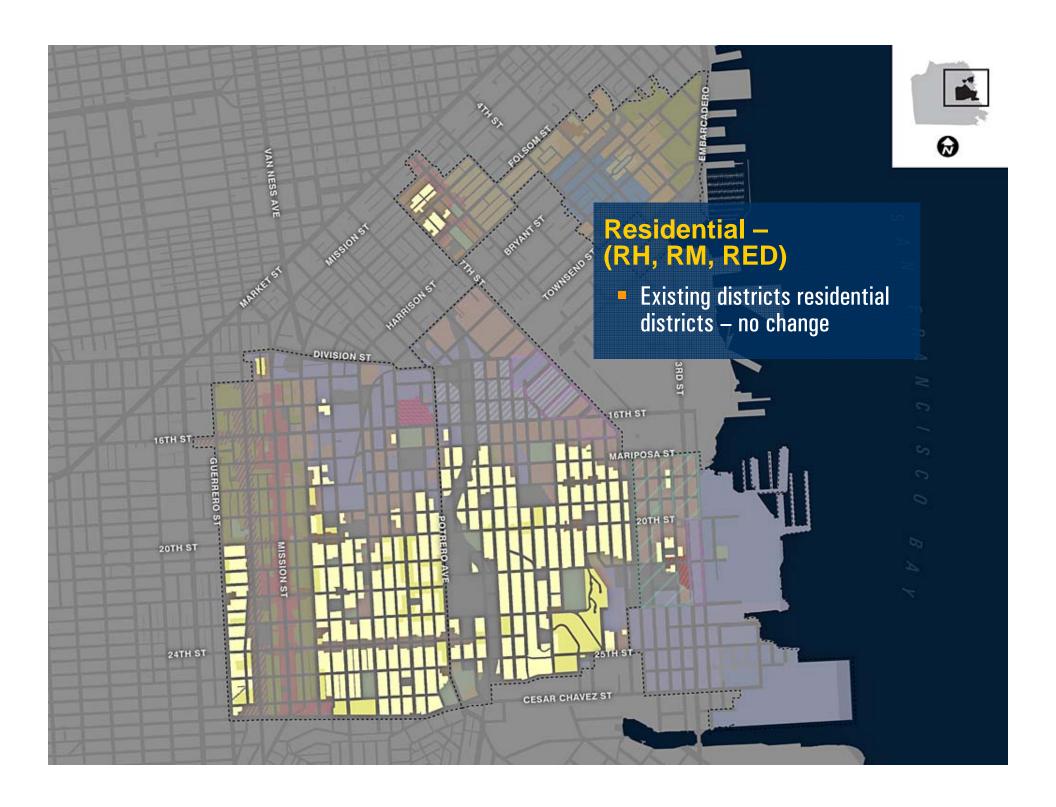














Zoning Controls Remaining Issues



Zoning Controls – Parking

Districts with no change:

- RH-1, RH-2, RH-3, RM-1, RM-2, RM-3, RED
- NC-1, NC-2, NC-3, NC-S, 24th St Mission NCD
- SLI, M-2

Zoning Controls – Parking

Residential Controls: None required, maximums vary as follows:

District	As-of-right		Maximum, with ZA/Commission Approval	
	1-bedroom	2+ bedroom	1-bedroom	2+ bedroom
MUG, MUR, MUO, SPD, SB DTR	0.25	0.25	0.75	1.00
UMU	0.75	1.00	None required	None required
RTO	0.75	0.75	1.00	1.00
NCT	0.50	0.50	0.75	0.75

Zoning Controls – Parking: Non-Residential

Existing control

Minimum requirements per Sec. 151



Proposed control

Maximum requirements per Sec. 151.1

Zoning Controls – Parking

Office Controls: None required, maximums vary as follows:

DISTRICT	CONTROL	
MUO, MUR, MUG, SPD	7% of gross floor area	
UMU & PDR-1 near transit	1 parking space per 1,000 sq. ft. of gross floor area	
UMU & PDR-1 away from transit	1 parking space per 500 sq. ft. of gross floor area	

[&]quot;Near transit" = 1/4 mile from Market, Mission, 3rd, and 4th Streets

Zoning Controls – Retail

Where can it go?

District	Small Retail	Medium Retail	Large Retail
RTO	P Corner lots only	NP	NP
Neighborhood Commercial	Р	С	C
MUG, MUR, MUO	Р	Р	P Must be part of mixed-use development
UMU	Ρ	С	C Must be part of mixed-use development
PDR	P limited by parcel	NP	NP

P = Permitted C= Conditional NP = Not Permitted

Zoning Controls – Retail

Formula Retail

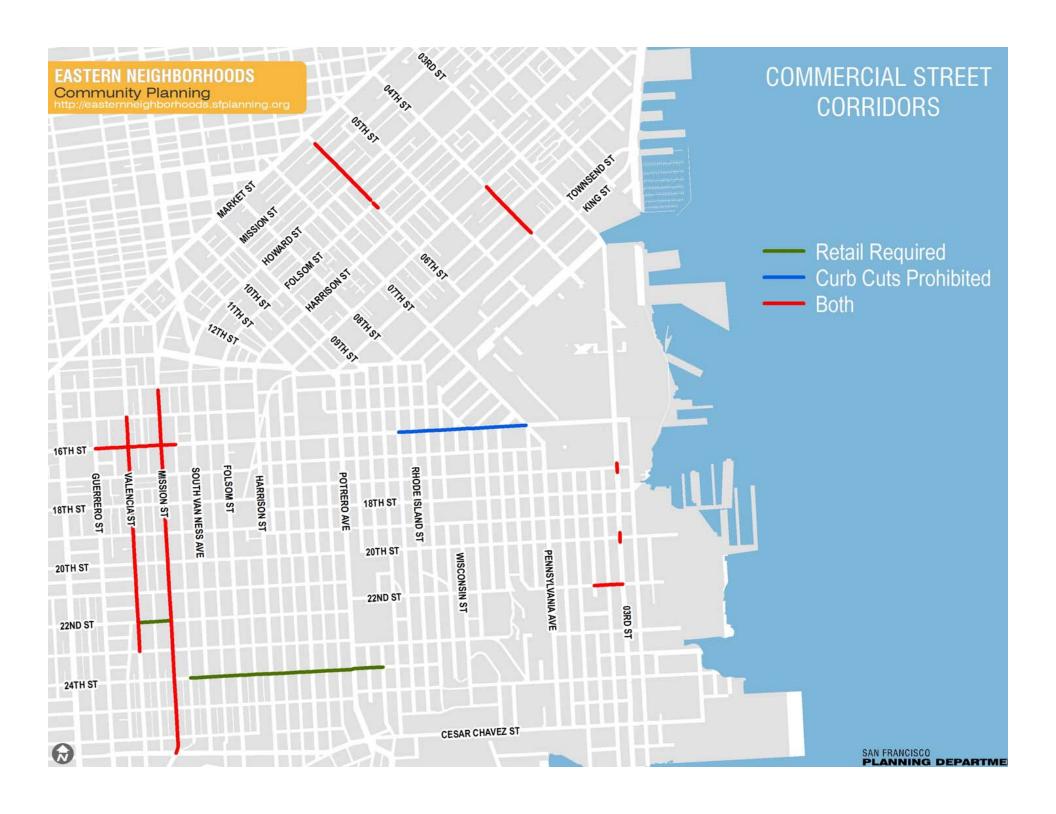
- Existing Controls: C in all Neighborhood Commercial Districts
- Proposed Controls: C in UMU and MUG

Zoning Controls – Retail

Neighborhood-Serving Commercial Streets



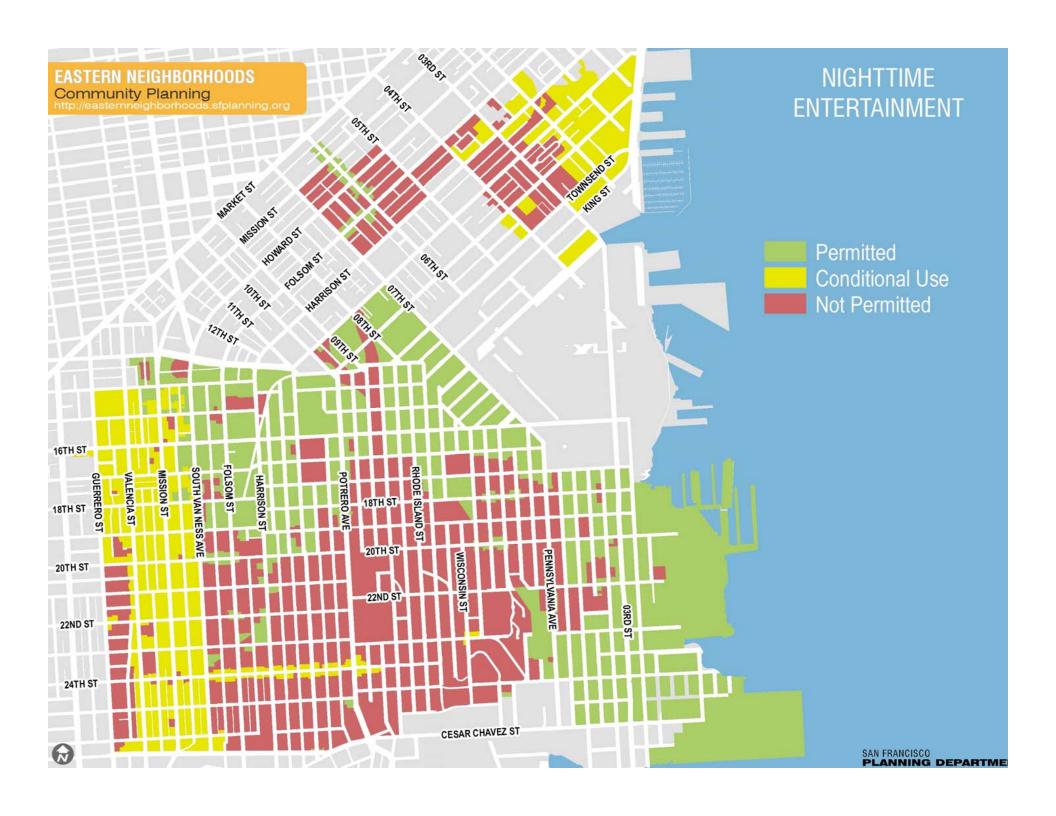




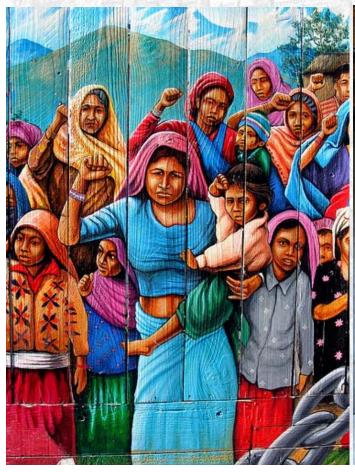








Zoning Controls – Arts





Zoning Controls – Arts

- Permit arts activities
- Reduce space competition
- PDR Demo controls

Zoning Controls – Single Room Occupancy

- SROs are less than 350 sq. ft. "affordable by design"
- Pay same fees, require inclusionary housing
- Market-rate allowed, except in the SLI
- Will be monitored

EN

Commission Discussion

EN

Conformity & Process

What is a nonconforming use?

 A use which was legally authorized at some point in the past which, due to a subsequent change of zoning, could not be authorized today

Case Study: A Crisis of Widgets

- Yesterday
 - Jane Doe obtained permits and built a widget shop
- Today
 - The City adopts anti-widget zoning
- Tomorrow
 - No new widget shops, but Jane Doe's existing shop is grandfathered

Real World Nonconformity

- Zoning changes Include:
 - Office limits
 - Housing limits
 - Retail limits
- Nonconforming Uses are Forward Looking:
 - Grandfathering extends indefinitely
 - Existing uses are exempted
 - Nonconforming uses are legally protected
 - Nonconformity often means steady-state

A Sampling of Major Rezoning Projects:

- Residential Down-Zoning
- NCRS
- SoMa







NONCONFORMING is not a dirty word

Rules for Nonconforming Uses Outside the Eastern Neighborhoods

- nonconforming uses either terminate after a set number of years or continue in perpetuity unless:
 - changed to a conforming use
 - abandoned for 3 years
 - other intent to abandon
- rules for residential NCU's:
 - cannot expand
 - cannot add new units
- rules for non-residential NCU's
 - can have new tenants within same use category
 - can generally change to a more widely permitted use
 - cannot generally expand

Rules for Nonconforming Uses in Outside the Eastern Neighborhoods

- nonconforming uses either terminate after a set number of years er continue in perpetuity unless:
 - changed to a conforming use
 - abandoned for 3 years
 - other intent to abandon
- rules for residential NCU's:
 - cannot expand
 - cannot add new units
- rules for non-residential NCU's
 - can have new tenants within same use category
 - can generally change to a more widely permitted use
 - cannot generally expand

On-The-Ground Eastern Neighborhoods Impacts

- Nonconforming houses and condos in PDR districts can expand, but new units cannot be created. No new housing projects.
- Nonconforming offices can accommodate new office tenants, but cannot enlarge unless consistent with floor-by-floor office controls
- Nonconforming retail uses can house new retail tenants, but cannot expand

Never-conforming ≠ **Nonconforming**

- Illegal uses stay illegal.
 - Dwelling units
 - Offices
 - All other uses
- Documentation of legality / Zoning Administrator
 Determination
- Amnesty for illegal uses is not proposed.

Never-conforming ≠ **Nonconforming**

Business service uses.

- radio and TV stations
- magazine publishing
- newspaper offices
- desktop publishing

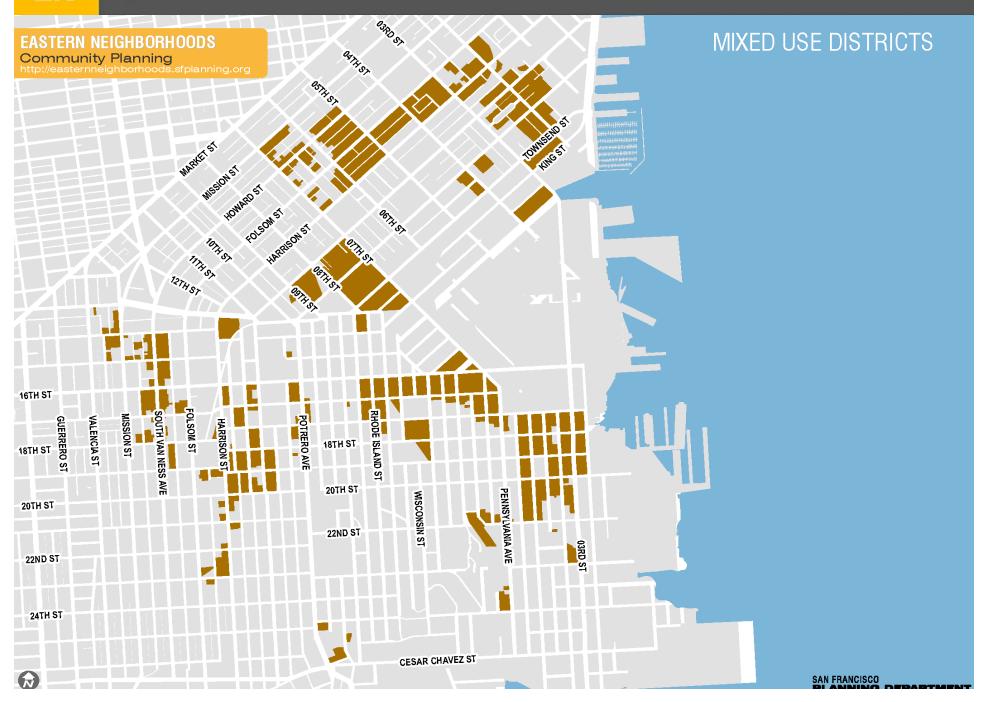
Current status.

- Legally permitted for a particular tenant
- De-facto office use
- Left in Limbo

Proposed future status.

- Exempt from new restrictions on location and size of office
- Subject to office allocation process for large offices
- Subject to all fees

PROPOSED EN APPLICATION REVIEW PROCESS



Process Methodology

- Sampled from existing processes
 - Downtown Review (309)
 - Conditional Use & PUD
 - Variance
 - Administrative Modification
- Commission input
- Scale and impact
- Public input

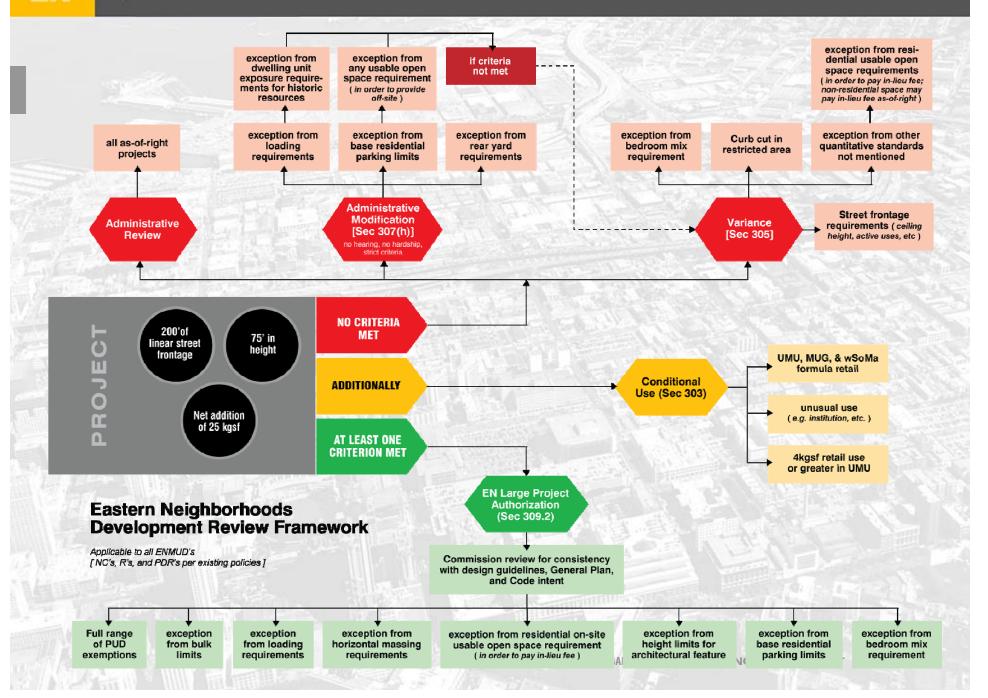
Structural Objectives

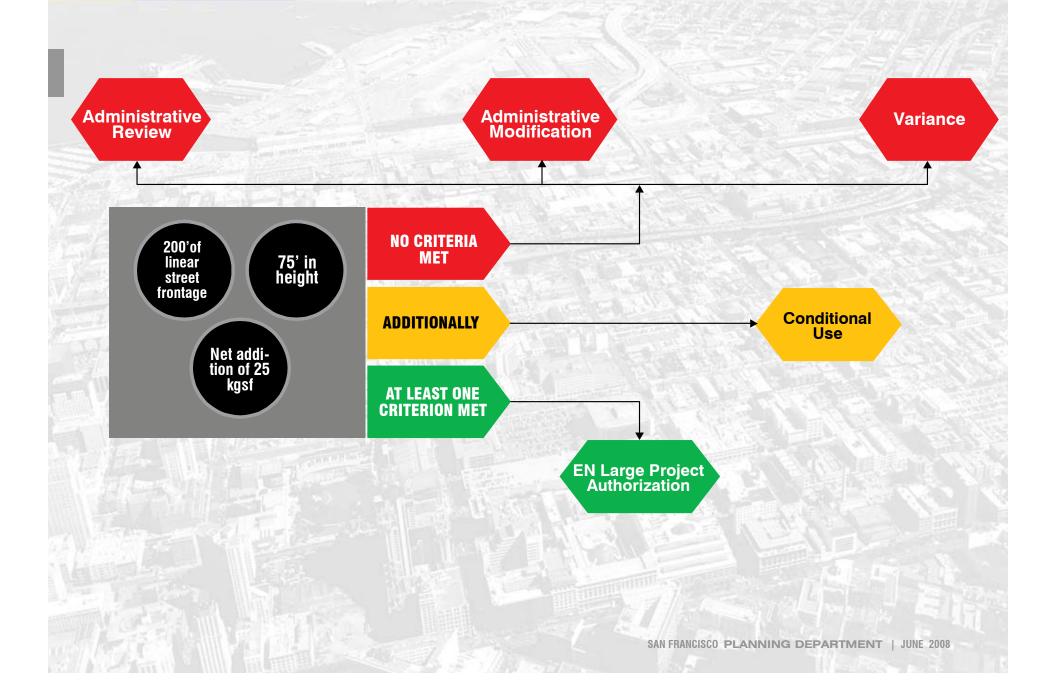
- MAKE THE APPROVAL PROCESS MORE STRAIGHTFORWARD
- Increase certainty
 - Neighbors
 - Development community
 - City
- Increase flexibility while supporting good design
- Allow appropriate projects to move ahead expeditiously

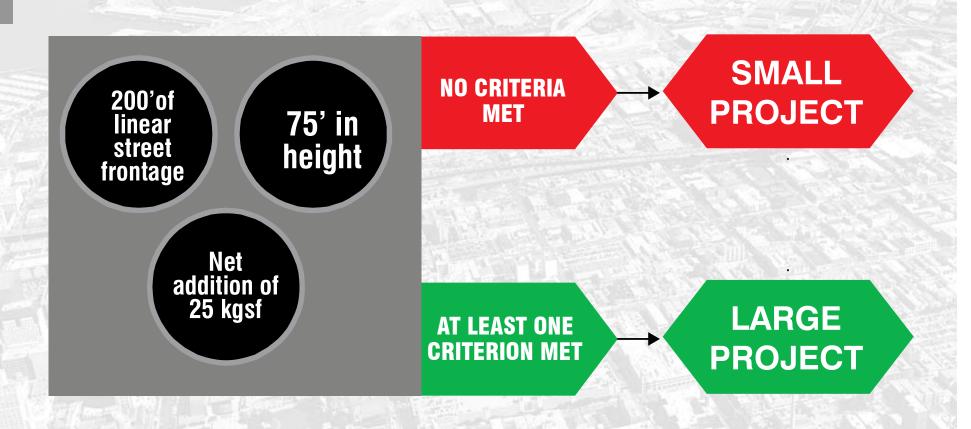
Practical Outcomes

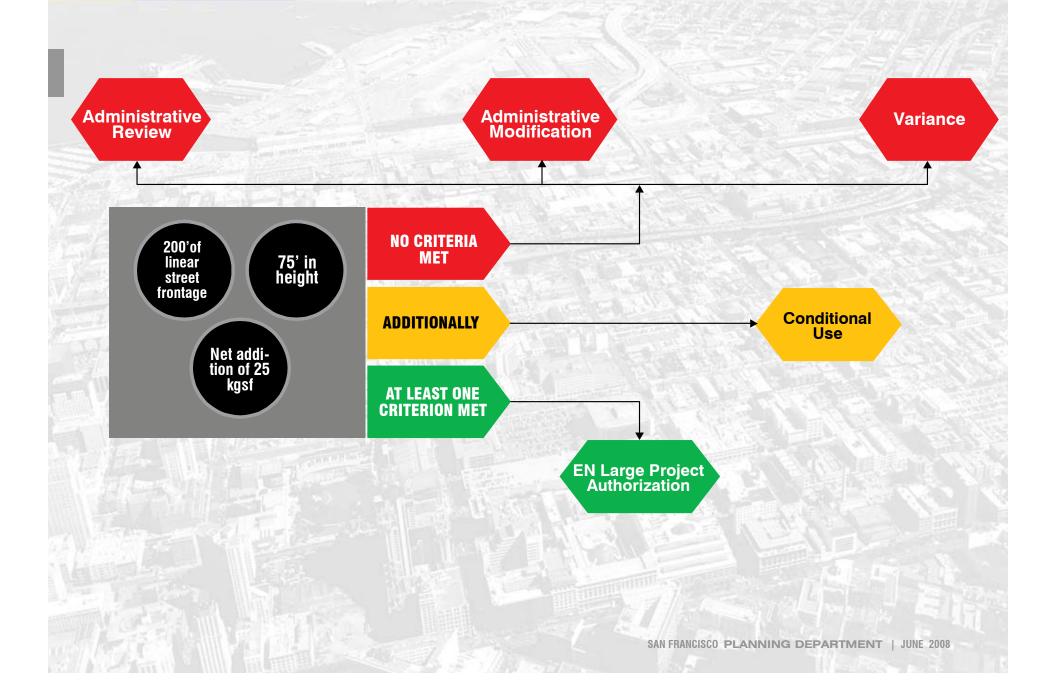
- Introduced the 'Eastern Neighborhoods Large Project Authorization' Process
 - Assumption that uses are appropriate
 - Strong design review component
 - Commission oversight & public input
 - Allows for physical flexibility
- Reduced the number of CU's
- Expanded the administrative modification process



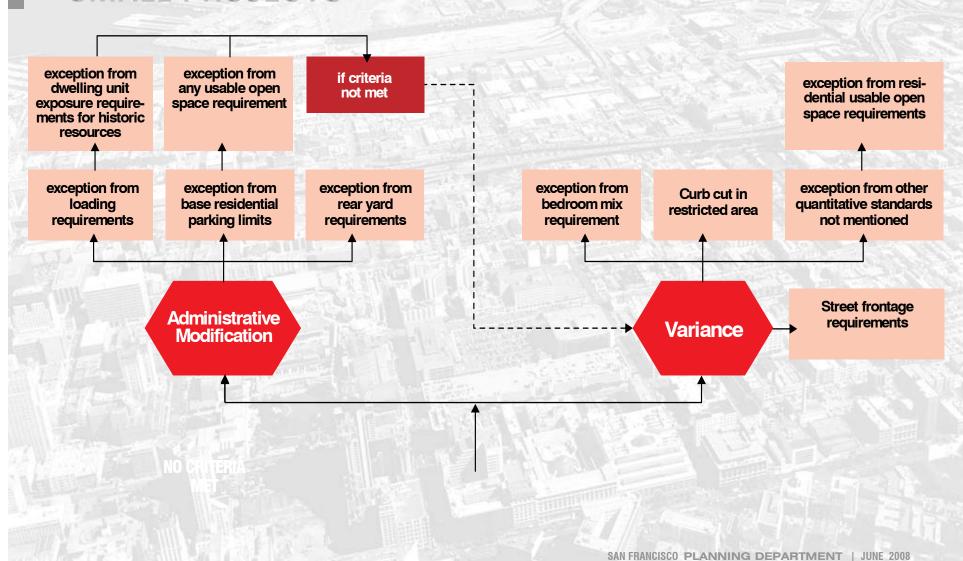


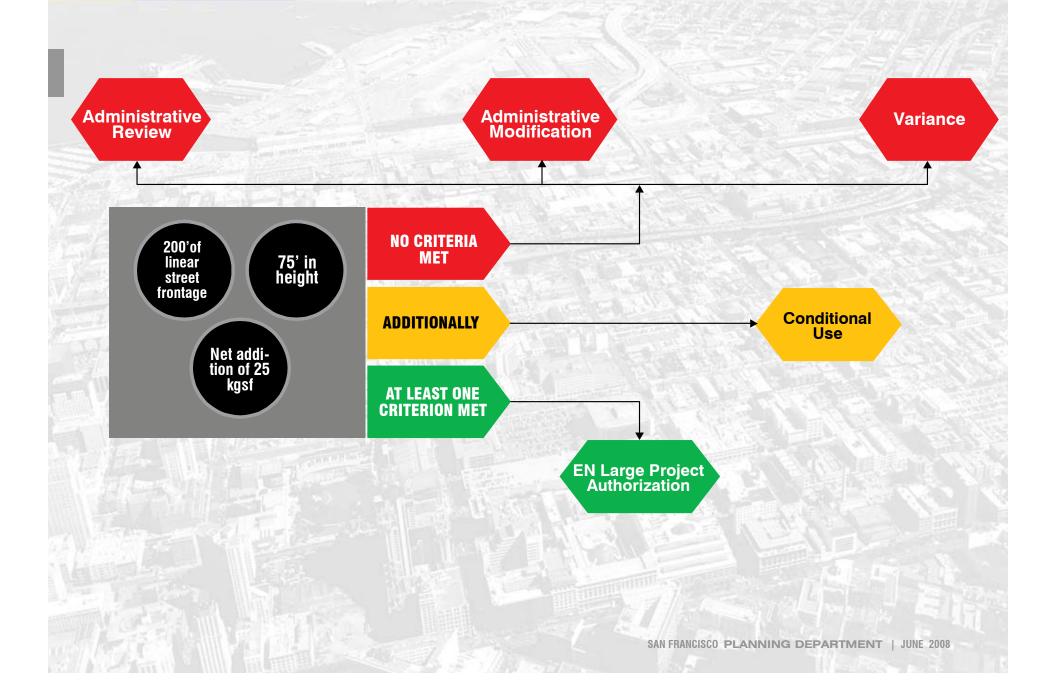


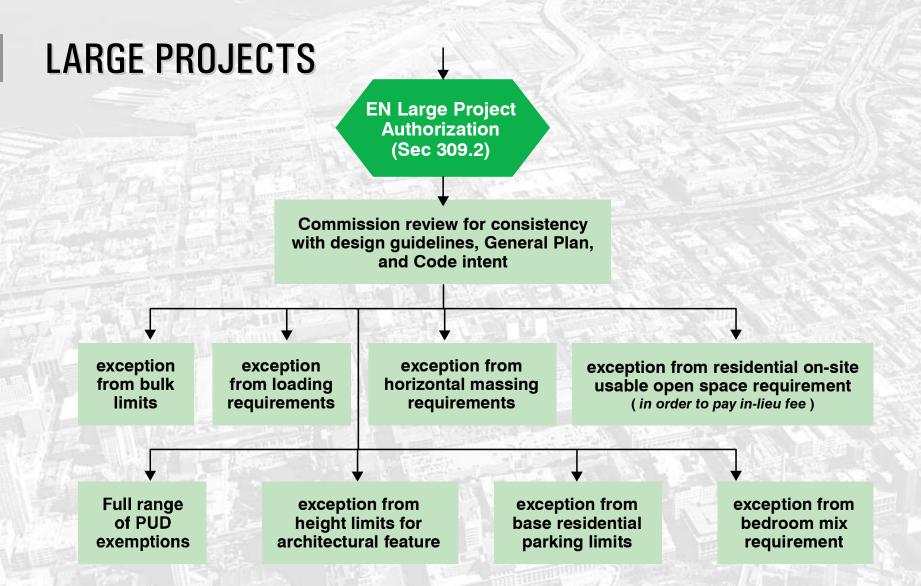


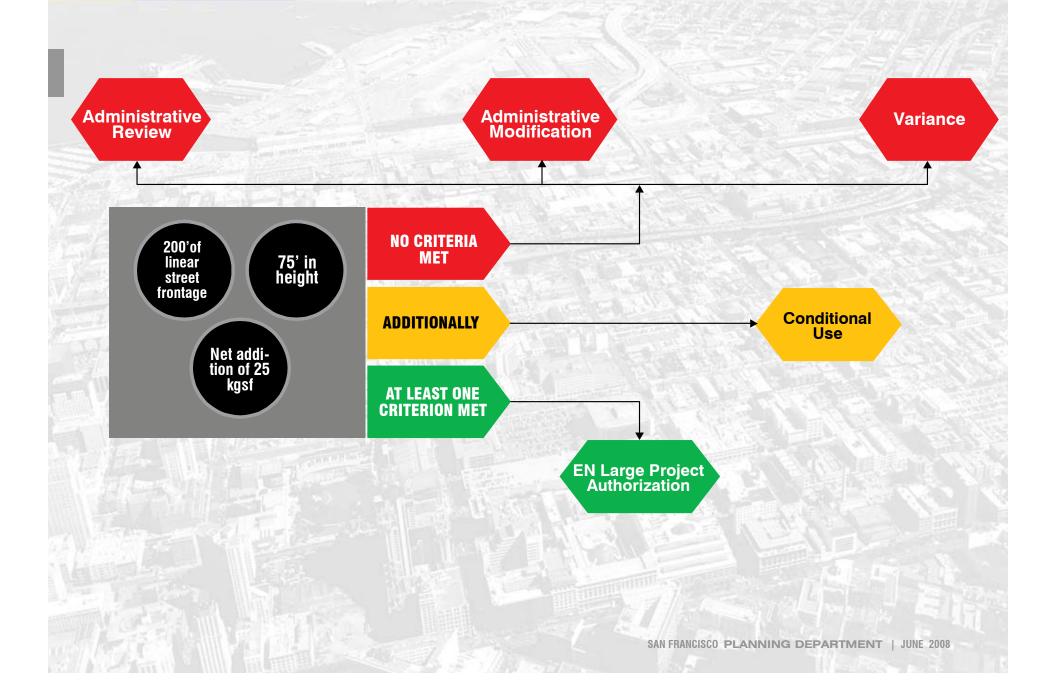


SMALL PROJECTS

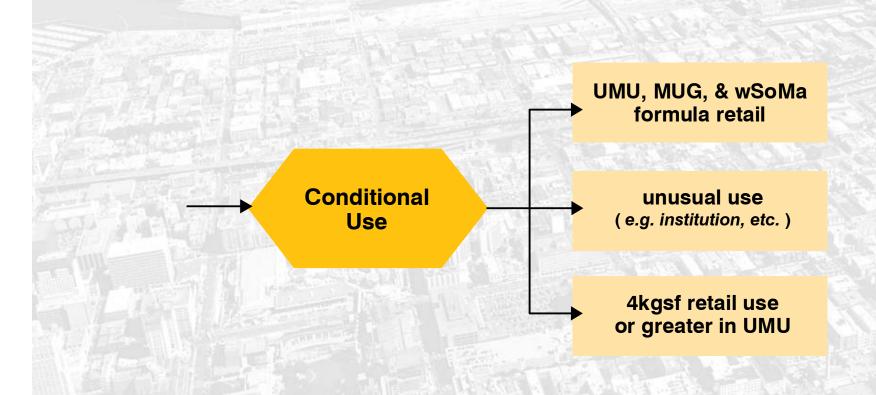


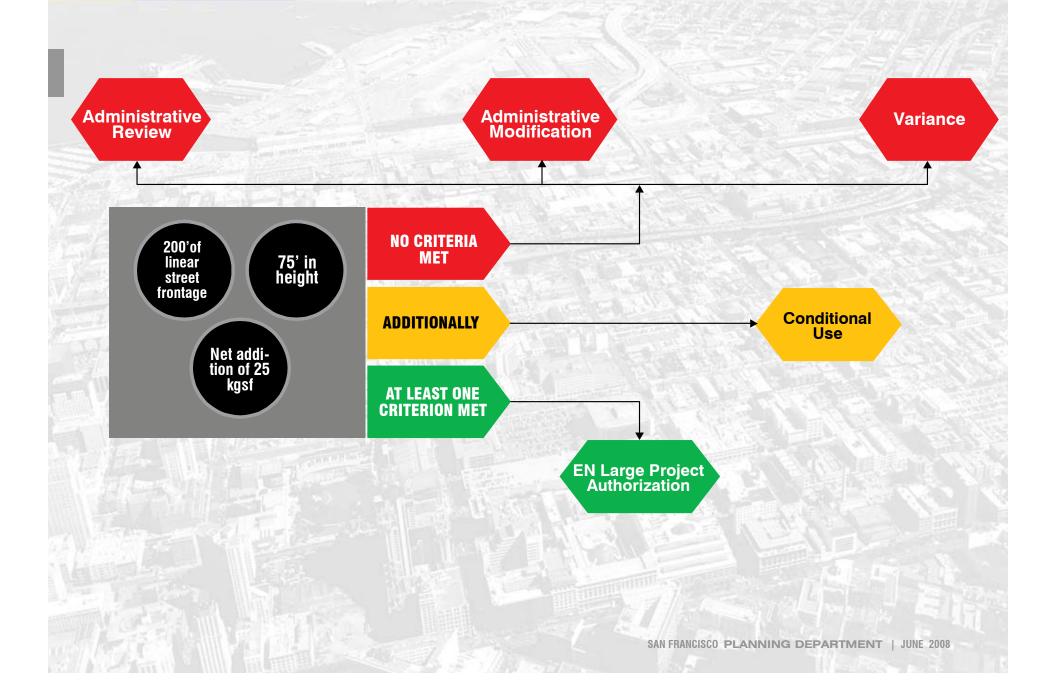






ALL PROJECTS - ADDITIONAL REQUIREMENTS





EN

Commission Discussion

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Implementation Program

IMPLEMENTATION

What good are the Plans if nothing happens?



Implementation Document

- Improvements Program
- Funding Strategy
- Program Administration

VOLUME 3

IV. Zoning Map Amendments (Z Case)

V. Interim Historic Preservation Procedures (Ú Case)

VI. Implementation Document (UU Case)

WHAT'S IN THE PLANS?

1. LAND USE STRATEGY

- Planning Code (zoning) Amendments
- Design Guidelines
- Historic Preservation Policies & Procedures
- Affordable Housing

2. PHYSICAL IMPROVEMENTS

- Parks & Open Space
- Transit & Transportation
- Streetscape & Greening

3. PROGRAMS

- Workforce Development
- Affordable Housing
- Arts Programs
- Community Programs
- Business Attraction & Retention

WHO IS REPONSIBLE?





Rec Park, DPW, MTA, TA, PUC, BART



Mayor's Offices (MOEWD, MOH, MOCD), SFUSD, DCYF, DEM, DPH, Arts Commission

WHAT'S IN THE PLANS?

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- Workforce Development
- Affordable Housing
- Arts Programs
- Community Programs
- Business Attraction & Retention

COORDINATION IS CRITICAL

Planning Department

Rec Park, DPW, MTA, TA, PUC, BART, Port

Mayor's Offices (MOEWD, MOH, MOCD), SFUSD, DCYF, DEM, DPH, Arts Commission

INTERAGENCY COORDINATION

Implementation document developed in close collaboration with:

- Planning Dept Neighborhood
 Planning, MEA, City
 Design Group,
 Preservation
 Specialists
- Over 20+ City and regional agencies















IMPLEMENTATION STRATEGIES

EVERY policy in Plans has an implementation action:



	POLICIES		IMPLEMENTATION	LEAD AGENCY	TIMELINE
#	Policy	#	Action	ELAD AGENCI	TIMELINE
1.1.1	Revise land use controls in the core PDR area generally south of 23rd Street, to protect and promote PDR activities, as well as the arts, by prohibiting construction of new housing and limiting the amount of office and retail uses that can be introduced.	1.1.1.1	Amend the Planning Code to establish a new "PDR-2" district in this area	Planning	Upon Plan adoption

ADOPTION HEARING 4: IMPLEMENTING THE PLANS

	OBJECTIVES	POLICIES		IMPLEMENTATION		LEAD AGENCY	TIMELINE
#	Objective	#	Policy	#	Action	LEAD AGENCT	TIWELINE
5.1	PROVIDE PUBLIC PARKS AND OPEN SPACES THAT MEET THE NEEDS OF RESIDENTS, WORKERS AND VISITORS	5.1.1	Identify opportunities to create new public parks and open spaces and provide at least one new public park or open space serving the East SoMa.		Evaluate sites for ability to provide opportunities for passive and active recreation. Work with the Recreation and Park Department to identify a site that is a minimum of 1/4 acre, but preferably up to one acre in East SoMa.	Planning and RPD	10 years
					Amend the Planning Code to require impact fees for new residential and non-residential development to address their impact on public open space.	Planning	Upon Plan adopt

IMPLEMENTATION: PARKS

5.1.1 Identify opportunities to create new public parks and open spaces and provide at least one new public park or open space serving the East SoMa.

5.1.1.1 Evaluate sites for ability to provide opportunities for passive and active recreation. Work with the Recreation and Park Department to identify a site that is a minimum of 1/4 acre, but preferably up to one acre in East SoMa.

Planning and RPD

10 years

			5.1.1.5	Work in cooperation with other City agencies, to support state law changes that will enable use of tax increment financing to support plan based improvements and explore how programs could be implemented in the Eastern Neighborhoods.	Planning
			5.1.1.6	Employ public, participatory process in design of and selection of facilities in new public open spaces.	RPD
	5.1.2	Require new residential and commercial development to contribute to the creation of public open space.	5.1.2.1	Amend the Planning Code to require impact fees for new residential and non-residential development to address their impact on public open space.	Planning
5.2 ENSURE THAT NEW DEVELOPMENT INCLUDES HIGH QUALITY PRIVATE OPEN SPACE	5.2.1	Require new residential and mixed- use residential development to provide on-site private open space designed to meet the needs of residents.	5.2.1.1	Amend the Planning Code to require that all residential developments provide 80 square feet of open space per unit, with an allowance of a 1/3 reduction in the requirement if the open space is publicly accessible.	Planning
	5.2.2	Strengthen requirements for commercial development to provide on-site open space.	5.2.2.1	Amend the Planning Code to apply requirements for open space for commercial development to all of the Eastern Neighborhoods but allow an in-lieu open space fee if project sponsors are unable to provide the space on-site due to site constraints.	Planning
East SoMa Area Plan	5.2.3	Encourage private open space to be provided as common spaces for residents and workers of the building wherever possible.	5.2.3.1	Amend the Planning Code to remove the current provision that disincentivizes common open space. Instead, allow sponsors the option to provide space as common or as private open space.	



ADOPTION HEARING 4: IMPLEMENTING THE PLANS

4.5	ESTABLISH PARKING POLICIES THAT IMPROVE	4.3.1	provide flexibility by eliminating	4.0.1.1	Amena the Flaming Gode.		
4.2		404	For new residential development,	4.3.1.1	Amend the Planning Code.		
		4.2.2	Provide comprehensive and real- time passenger information, both on vehicles and at stops and stations.	4.2.2.1	SFMTA, BART and Caltrain will establish programs for improved passenger information in the Eastern Neighborhoods.	SFMTA, BART, Caltrain	5 years
4.2	INCREASE TRANSIT RIDERSHIP BY MAKING IT MORE COMFORTABLE AND EASIER TO USE		Improve the safety and quality of streets, stops and stations used by transit passengers.		As part of Eastern Neighborhoods Transportation Implementation Study, SFMTA DPW and Planning will identify key transit streets, stops and stations to be prioritized for improvements.	SFMTA	2 years

IMPLEMENTATION: TRANSPORTATION

4.2.1 Improve the safety and quality of streets, stops and stations used by transit passengers. 4.2.1.1 As part of Eastern Neighborhoods
Transportation Implementation
Study, SFMTA DPW and Planning
will identify key transit streets, stops
and stations to be prioritized for
improvements.

SFMTA

2 years

	4.3.4	space for all new major development. Encourage, or require where appropriate, innovative parking arrangements that make efficient us of space, particularly where cars will not be used on a daily basis.		Amend the Planning Code to allow, and in some cases require, the use of mechanical parking lifts, tandem parking arrangements or valet services in lieu of independently accessible parking arrangements.			N EN		
	4.3.	5 Permit construction of new parking garages in Mixed Use districts only if they are part of shared parking arrangements that efficiently use space, are appropriately designed, and reduce the overall need for off- street parking in the area.	4.3.5.1	Amend the Planning Code to require that any new parking garages be part of mixed-use development, be wrapped in active uses, be generally available to the public, provide ample spaces for car sharing vehicles, and not be sited on key transit, neighborhood commercial, or pedestrian street frontages.				Cestro	
	4.3.6	Reconsider and revise the way that on-street parking is managed in both commercial and residential districts in order to more efficiently use street parking space and increase turnover and parking availability.		SFMTA and SFCTA will continue to study implementation of best practices in parking management.	SFI	I			
4.4 SUPPORT THE CIRCULATI NEEDS OF EXISTING AND NEW PDR USES IN SHOWPLACE SQUARE / POTRERO HILL	ON 4.4.	Provide an adequate amount of shor term, on-street curbside freight loading spaces in PDR areas of Showplace Square.	4.4.1.1	As part of Eastern Neighborhoods Transportation Implementation Planning Study, SFMTA, SFCTA and Planning will determine if adequate on-street truck parking spaces are provided in Showplace Square / Potrero. If needed, SFMTA will pursue implementation of new truck parking spaces and meters.				60	
SHOWPLACE SQUARE/PC		Continue to require off-street facilities for freight loading and service vehicles in new large non-residential developments.	4.4.2.1	Continue to enforce Planning Code provisions regarding off-street freight loading.			1		

MISSION AREA PLAN

ADOPTION HEARING 4: IMPLEMENTING THE PLANS

	6.1.2 Provide business assistance new and existing Knowledge businesses in the Eastern Neighborhoods.		IMPLEMENTATION: BUSINESS ASSISTANCE
6.1.3	Provide business assistance for new and existing small businesses in the Eastern Neighborhoods.	6.1.3.1 Develop a strategic plan in collaboration with MOEWD, the Mayor's Office of Community Development (MOCD), local Neighborhood Economic Development Organizations and the Small Business Commission. This strategic plan will focus on creating a system to manage small business interaction with the City, providing outreach to local businesses, exploring financial incentive programs, designating the roles and responsibilities of relevant city agencies and non-profit partners, and streamlining the permit and licensing process for new and existing small businesses.	MOEWD 2 years
	college degree.	industries were identified because they currently require a significant number of jobs, or are expected to in the near future. The seven industries are: Health Care and Social Assistance, Biotechnology, Information Technology, Hospitality, Retail, Construction, and Transportation. MOEWD and HSA will identify strategies to link low income and low skilled San Francisco residents to sector based training programs for skills development.	

ACCOUNTABILITY & MONITORING

Where are the "teeth"?

- Monitoring Program (2yrs, 5yrs, 10 yrs....)
- Establishment of Citizens Advisory Committee (ENCAC)
- IPIC (Interagency Plan Implementation Committee)
- Administrative Code (sec. 10E)

IMPLEMENTATION: Questions

How do we ensure agencies work to implement Plans?

- 1. Significant agency buy-in on Plans' proposals
- 2. Impact fee will generate revenue to fund projects
- Monitoring program/Admin Code are citywide policy for ALL agencies

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Commission Discussion



Pipeline

The Pipeline

- What is the Pipeline?
- How many units are in the pipeline?
- What is the "Post-Adoption" Pipeline
- What is the "Pre-Adoption" Pipeline

The Pipeline - controls

- Review Process
- PDR replacement (pre-adoption pipeline only)
- Impact fees
- Inclusionary housing requirements
- Permitted uses
- Other code requirements

The Pipeline - categories

- Project <u>could NOT be approved</u> under zoning at time of application
 - Approx. 15 projects and 1,979 units
- Project <u>could be approved</u> under zoning at time of application (i.e. code compliant)
 - · Filed before cut-off date
 - Approx 65 projects and 1,208 units
 - Filed <u>after</u> cut-off date
 - Approx 41 projects and 965 units

The Pipeline by Year of Application

- 1	Projects	Units
2003	5	14
2004	12	267
2005	32	467
2006	17	460
2007	42	965
TOTAL	108	2173

Includes only codecompliant projects not yet approved

Post-Adoption Pipeline Proposal

	Project could not be approved under zoning	Project <u>could be approved</u> under zoning in effect at time of application					
	in effect at time of application	Application date pre-January 19, 2007 ¹	Application date -January 19, 2007 ¹ through April 16, 2008				
Review Process		Entitlements required under pre-EN process continue to apply (e.g. CU or variance)					
Impact Fees	100	None	Full EN fees				
Inclusionary Housing		Pre- EN inclusionary requirements	Full EN inclusionary requirements				
Permitted Uses [©]	Full EN Controls	Pre-EN Planning Code use controls continue to apply					
Other Code Requirements ^{III}	and fees	All EN Article 1 and 2 code requirements apply. Height increase of up to 8 feet available when necessary to comply with these requirements. In cases where height limits have been reduced, limits in affect at time of application shall apply. Project sponsor may request relief from requirements (other than use through conditional use permit, if the requirements would require a					

Pre-Adoption Pipeline Proposal

	Project <u>could not be</u> approved under zoning	Project <u>could be approved</u> under zoning in	Project <u>could be approved</u> under zoning in effect at time of application				
	in effect at time of application	Application date pre-January 19, 2007 ¹	Application date -January 19, 2007 ¹ through April 16, 2008				
Review Process		Mandatory DR					
PDR Replacement	N/A – it is assumed that no independent rezonings will occur prior to the EN rezoning	Required in some cases [i]					
(Springing) Impact Fees		None	Full EN fees				
Inclusionary Housing		Pre- EN inclusionary requirements	Full EN inclusionary requirements				
Permitted Uses ^[i]		Pre-EN Planning Code use controls continue to apply					
Other Code Requirements		Compliance with EN requirements encouraged					

PDR Replacement Policy

- In NC and RED Districts: No replacement required
- In Housing/Mixed Use, Housing/PDR and Mixed Use Housing zones under policies: 1:1 replacement required
- In CORE PDR and Industrial Protection Zones under policies:
 1 FAR replacement required
- In Dogpatch Historic District: Replacement to be informed by historical appropriateness

PUBLIC BENEFITS: Projected Infrastructure Need

Source	Funding		
Secured Funding	\$30-50m		
Fee Revenue	\$100-150m		
Potential Grants	\$100-125m		
Agency Funding	varies		
Projected Revenue:	\$245m		
Tax increment, Other	\$100-200m		
Total Revenue/Need:	\$400m		

⁺ Does not include affordable housing revenue

Impact on Fees and Affordable Housing

Community Benefits Impact Fee:

 Staff proposal would result in foregoing \$11-12 million in fees from 65 projects and 1,208 units which filed before January 19, 2007.

Affordable Housing Impact Fee:

 Staff proposal would result in foregoing \$1-2 million in impact fees from about 200 units in MUR and Mission NCT which filed before January 19, 2007.

Inclusionary Units

Negligible impacts

Daly Ordinance – Key provisions

- Applies to the pre-adoption pipeline
- \$21 / sq. ft. impact fee on code-compliant pipeline housing projects filed <u>after March 31, 2006</u>
- PDR Replacement requirements in core PDR areas under res. 16727:
 - Construct or make available PDR space, in or out of EN, comparable in size and rent to that which is removed
 - Pay fee to city of \$125 per square foot of PDR removed
 - Pay to the city amount equivalent to 80% of construction cost of PDR space removed

Daly Ordinance – Key provisions (continued)

- Community Stabilization Fund (\$21/sq. ft on housing)
 - Can fund community facilities, infrastructure and community services
 - Reimburse city departments for costs incurred in processing the fees
 - Defend the fee against legal challenge

Daly Ordinance – Key provisions (continued)

- PDR Replacement Fund (\$125/sq. ft on PDR removed)
 - Can fund creation of new PDR space anywhere in the city to replace loss of PDR in Eastern Neighborhoods
 - Reimburse city departments for costs incurred in processing the fees
 - Defend the fee against legal challenge

Daly Ordinance – how it differs from staff pipeline proposal

- ONLY applies to pre-adoption pipeline (Sunsets at EN adoption)
- Would impose a \$21/ sq. ft fee on residential units, instead of \$10 staff proposal
- Would "grandfather" approx. 1,030 units from the fee, instead of 1,208 under staff proposal
- Would add option for \$125/ sq. ft PDR replacement fee not offered under staff proposal
- Would require 1:1 replacement of removed PDR space in <u>both Core</u>
 PDR areas and Housing/PDR Areas.

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Commission Discussion