



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: OCTOBER 15, 2008
TO: MEMBERS OF THE BOARD LAND USE COMMITTEE
FROM: KEN RICH,
EASTERN NEIGHBORHOODS PROJECT MANAGER
RE: TECHNICAL CORRECTIONS AND OVERSIGHTS

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The purpose of this memo is to bring to the attention of Land Use Committee members two types of staff-requested changes to the Eastern Neighborhoods legislation as forwarded by the Planning Commission: 1) Purely technical corrections which do not introduce any substantive changes to controls as adopted by the Planning Commission; and 2) corrections that are in keeping with the intent of the Planning Commission's action and which remedy oversights made by staff during the Planning Commission process.

Technical Changes:

1. Clarify that the "Transit-Oriented Retail Special Use District" as imposed by the Planning Commission along 16th Street, should encompass all PDR-zoned parcels that touch 16th Street in BOTH the Mission and Showplace Square Plan areas. (The map that staff created had only shown this in the Mission.)
2. 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.
3. 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.)
4. Technical change to Section 145.4(b)(15) to reflect that the Planning Commission reclassified 24th Street in the Mission from Neighborhood Commercial to Neighborhood Commercial Transit.
5. 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
6. Technical change to Section 175.6 (Pipeline controls) to clarify the intent of this section, without making any substantive modifications.
7. 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

8. 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
9. Technical change to Section 309.2(a) to clarify that projects in the Eastern Neighborhoods Mixed Use Districts are subject to *all* applicable design guidelines.
10. Technical change to Section 309.2(b)(3) to remove extraneous “or” at the end of this subsection
11. Technical change to Sections 607.1(f)(2) and (3) (which relate to sign controls) to recognize new Mission NCT and SoMa NCT Districts.
12. Clarify a series of parcels along Harrison Street between 2nd and 3rd Street, originally intended to be rezoned to MUO, but decided by the Commission to remain SSO. The language omitted a series of parcels along Perry Street, an east-west alley to the south of Harrison Street. The block and lot numbers of these parcels, which should also remain SSO are as follows:

Block 3763, lots 78, 79, 80, 80A, 81, 113

13. Technical change to height map to correct parcel 3576-021, which was designated 85-X instead of 85-X/45-X. (This is a parcel along Mission Street which should have received the split 85-45 height limit, but was overlooked inadvertently.)

Oversights and Non-Technical Corrections:

1. *Floor to floor minimum ground floor heights (Sec. 145.1(c)(3)(C)(i):* The proposed new Eastern Neighborhoods controls require for the ground floor a minimum “unobstructed” 15-foot floor to ceiling clearance in UMU districts and 12-foot clearance in other districts. This control did not take into account mechanical equipment and other items that may be suspended from ceilings, making it difficult to measure the effective clearance and to implement this requirement over time as different tenants with different mechanical needs make improvements.

Staff recommends changing this control to require 14 or 17 feet *floor to floor* to avoid the difficulties described above. This would not increase the overall heights of buildings.

2. *Minimum ground floor heights (Sec. 145.1(c)(3)(C)(ii):* as written in proposed code amendments included residential projects. This was an oversight; staff intended only to specify minimum ground floor heights in non-residential projects. Ground floor residential development is required to be at least three feet above grade level.

3. *Parking for retail uses in the Eastern Neighborhoods Mixed Use Districts (Sec. 151)*: Staff has proposed tightening parking controls in the Eastern Neighborhoods Mixed Use Districts for retail uses within ¼ mile of major transit corridors (Market, Mission, 3rd and 4th Streets). The purpose is to emphasize alternative modes of transportation and to support the use of space for uses other than parking. This change would make the controls in these areas consistent with the NCT districts. An exception is made for large grocery stores, which are still permitted the previous amount of parking.
4. *Legitimization (179.1)* : Per the Planning Commission, to legitimize, a building owner must prove that a use has been in place for at least three years. In addition to this requirement, staff would propose to add a clause that enables uses to legitimize if the *tenant* has been there for more than three years, but the use changed to office before April 17, 2008. The rationale is that this change captures long-term tenants whose business model changed over the last several years.
5. *Parking in excess of minimum requirements (Sec. 204.5)*: Existing Section 204.5 provides that in districts where *minimum* parking requirements apply, project sponsors may provide a certain number of spaces over the minimum amount before the parking would be considered non-accessory and subject to controls on parking as a principal use.

In new Eastern Neighborhoods districts where parking would now be subject to *maximums* rather than minimums, staff suggests amending Section 204.5 to make it clear that where parking is subject to maximums, any number of spaces provided over the maximum would be considered non-accessory and subject to controls on parking as a principal use.

6. *Integrated PDR definition (Sec. 890.49)*: The Planning Code language should clarify that Integrated PDR uses shall not be considered as office space or office development pursuant to sections 320 et. sec. (Prop M). As written, Integrated PDR uses are required to be 1/3 PDR and 2/3 office or any use allowed in the underlying district, except housing. The proposed change would redefine what is allowed in the other 2/3 as any use permitted in the MUO district, except housing. The change would also specify that this use, as a non-office use, is not subject to Prop M.