



## **SF Housing Action Coalition's Recommended Planning Code Adjustments to Encourage New Housing Production**

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### **Introduction**

The San Francisco Housing Action Coalition convened a working group to research possible adjustments to the Planning Code to support the Mayor's Housing Action Plan. The group focused its efforts on modest changes that would help speed approvals and thereby support increased housing production, especially in the City's denser neighborhoods, while still upholding the intent of the rules that have made San Francisco such a distinct and livable city.

The resulting recommendations are intended to address:

- Regulations governing building form that are frequently granted exceptions and variances in the most recently rezoned denser neighborhoods near downtown. With the exception of the recommendation regarding PUD's, these recommendations apply only to C-3, NC-2, NC-3 Upper Market NCT, NC3T, RTO districts, RC-4 districts in the Van Ness corridor and the Tenderloin, and, where not already applicable, the Eastern Neighborhoods Mixed Use Districts and the South of Market Mixed Use Districts.
- Process-related regulations and unwritten procedures that, if adjusted, could reduce processing time. These recommendations would apply to all districts.

### **Design-Related Recommendations**

The recommendations in the section that follow are intended to introduce clarity and consistency by standardizing rules for all the City's denser neighborhood areas in order to facilitate housing supply where increased density has the least perceived impact on existing residents and is rarely contested. The final two recommendations are simple adjustments that would help promote good design and active streetscapes in residential and mixed-use buildings.

The working group observed that the intelligent adjustments to the base code contained in the Eastern Neighborhoods Plan ("ENP") promote density balanced with livability and public benefit.

These adjustments, the fruits of an extensive and rigorous community dialogue, should be used as a guide for other similarly dense districts.

Taking the ENP and draft Central SoMa plan as models, residential density limits and FAR regulations (when applicable) in the districts listed above should be eliminated and instead, density should be regulated by form-based restrictions such as height limits, bulk limits, open space requirements, etc. To illustrate, increased residential densities in the downtown area would be encouraged by eliminating the Conditional Use authorization requirement for increased dwelling unit density in the C-3 districts. See the Process Recommendations section below.

The availability of administrative exceptions should also be expanded for residential projects in the zoning districts listed above. For certain projects, the ENP currently allows administrative exceptions to be granted by the Zoning Administrator for rear yard, non-residential open space and off-street loading requirements and off-street parking limits. An exception may also be granted for dwelling unit exposure requirements for historic buildings. See Section 307(h), which pertains to the Eastern Neighborhood Mixed Use Districts. Similarly, in the South of Market Mixed Use Districts, administrative exceptions may be granted by the Zoning Administrator for parking, rear yard, open space and wind and shadow standards. See Section 307(g).

Exceptions, which provide criteria for departure from basic planning code regulations, have the benefit of offering clarity and predictability to the applicant and the community. Variances require proof of hardship unique to each application, and are therefore less predictable in outcome. As such, the San Francisco Housing Action Coalition recommends that at a minimum, administrative exceptions for rear yard (Section 134) usable open space (Section 135) and dwelling unit exposure (Section 140) requirements should be available for all residential projects in the zoning districts listed above.

Preferably, these and other Planning Code standards for which exceptions (when available) and variances are routinely granted would be amended to address the inherent problems with those standards. Specifically, the San Francisco Housing Action Coalition recommends that the following changes be made.

1. Omit density and FAR regulations in these districts in favor of form-based regulations, as is the case in the ENP.
2. Section 134, Rear Yards, was written to preserve the open space of the mid-block in smaller blocks with typical 25' x 100' lots. Almost all large projects require an exception or variance for these requirements. Replace the rear yard requirement for large projects with an 80% lot coverage maximum as in the Van Ness and Market Downtown Residential Special Use District.
3. Useable Open Space (Section 135):
  - a. Consider basing Open Space regulations on a percentage of unit area rather than a flat prescription of area per unit, regardless of unit size. Since density in most Zoning Districts is now governed by massing, rather than a prescribed

density limitation, the effect of this change would be to promote the production of a greater number of units within a given building form. We believe there would be no loss of livability; rather, the overall quantity of open space provided for a project would more closely match the number of people living in the building. [This is not the case for all of the zoning districts listed above]. The San Francisco Housing Action Coalition suggests that 8% would be a workable percentage, and look forward to Planning Staff input on the appropriate number.

4. Dwelling Unit (DU) Exposure (Section 140): current regulations require that units face on a rear yard, side yard, a street, an outer court or an Inner Court as defined in Section 135 for usable open space. For Inner Courts, Section 135 requires that the building be set back from the Inner Court as it gets higher. The DU Exposure requirements are typically achievable at 3-4 stories, which require a court width of 35' but are incrementally restrictive as the building height increases. Nearly all buildings in denser districts request and are granted a variance to these regulations, demonstrating that the Planning Department has found that this design approach is not detrimental to the public welfare.
  - a. Adopt a maximum required courtyard width of 25' to 30' and up to 40' for building over 50'm in height. Current Planning Code requires that at least one window in every dwelling unit face an open area that is wide enough to allow adequate light and air. This concept is critical to ensuring livable dwelling units and as such should stand, only with slight modifications to make it easier to implement and to encourage more housing development.

The code defines the different types of areas onto which the dwelling unit may face as either a public street or alley, an inner or outer court, or a side or rear yard. [See list above] Unfortunately, different widths are required for each of these types, and as a result the code is complicated and inconsistent, as well as unnecessarily restrictive for inner courts.

Consider the example of two 85' tall buildings, with dwelling units that face each other. Under the current code, if they are situated across a public street or alley from each other, or are separated by an outer court, the distance between them should be at least 25'. If they each face onto code-complying minimum-width rear yards, where each yard abuts the other, they should be at least 30' apart. However if the two buildings are on the same lot, facing each other across an inner court, they would need to be about 75' apart. This more onerous standard penalizes developments on single lots by forcing them to plan for overly large inner courts and, in fact, many current developments request variances (or, when available, an exception) from this anomalous restriction.

The San Francisco Housing Action Coalition recommends modifying the code to eliminate this discrepancy between required widths for different types of open areas, and setting the required width for all open areas at 25' to 40'.

5. Off-Street Loading (Section 152): Omit this requirement for residential projects in dense districts. Not having to devote ground floor to loading will prioritize active ground floor uses.
6. Obstructions over Streets and Alley (Section 136): The requirements of this section successfully regulate overhanging elements such as bay windows and cornices for the 40' high residential buildings that constitute the majority of San Francisco's neighborhood fabric. These regulations are less successful when applied to taller buildings, especially those where a more contemporary expression is appropriate.

Amendments to the rules for bay windows should be considered. For example, instead of limiting overhangs to no larger than the 3' deep and 15' wide traditional chamfered bay, allow a corresponding overhang footprint to be aggregated into wider bays that may have proportions more suited to taller buildings. Flexibility in the amount and configuration of glazing on bays should also be allowed.

Allow more flexibility with decorative architectural features. The stipulations in the current code effectively prohibit, for instance, vertical fins spanning multiple floors. Similarly, cornices that are deeper or of a different configuration than now strictly allowed by Section 136 would provide more opportunities for good design on tall buildings than the current restrictions.

7. Adopt the 5' height bonus with active ground floor areas now existing for NCT districts, Hayes-Gough and other areas to apply more broadly. This bonus allows an additional 5' with mixed uses [commercial] at the ground floor, permitting, for example, a 55' building in a 50-X zone, and promotes both vibrant streets and small scaled neighborhood commercial space. The San Francisco Housing Action Coalition recommends that this approach should start in the NC-3 Districts such as Lombard and Geary that have not been rezoned since the 1980s.
8. Reduce the minimum size of a Planned Unit Development. As described in the Planning Code,

*...the procedures for Planned Unit Developments are intended for projects on sites of considerable size, developed as integrated units and designed to produce an environment of stable and desirable character which will benefit the occupants, the neighborhood and the City as a whole. In cases of outstanding overall design, complementary to the design and values of the surrounding area, such a project may merit a well reasoned modification of certain of the provisions contained elsewhere in this Code.*

Currently, a PUD is allowed as a Conditional Use on sites of a half-acre or more. A PUD promotes a holistic evaluation of a building proposal, allowing exceptions to all the rules above to be considered in relationship to each other and to the overall merits of the project, rather than individually. If sites of less than a half-acre can be evaluated as PUDs, more development proposals would benefit from this holistic evaluation. The San Francisco Housing Action Coalition recommends allowing sites as small as a quarter acre (11,000 square feet) to be eligible for consideration as a PUD in the City's denser neighborhoods and other project sites in other zoning districts that are within close proximity to major transit nodes.

### **Process Recommendations:**

Modest adjustments to several review procedures governing the approvals process could similarly support housing production while still promoting full and thoughtful evaluation of development proposals. Recommended adjustments include the following:

- 1) Eliminate the requirement for Conditional Use authorization if dwelling unit density exceeds 1 unit per 125 square feet of lot area in C-3 districts (Section 215 (b)).
- 2) Eliminate the requirement for projects to get an exception to Section 148, Reduction of Ground-Level Wind Currents in C-3 Districts, when there are existing wind level exceedances on the project site and existing conditions on windy sites will not be "solved" through the project design.
- 3) Eliminate the requirement for Conditional Use authorization to exclude BMRs from FAR calculations in C-3 districts. (Section 124).
- 4) Universal noticing: too frequently, projects are scheduled for Commission only to learn that a flawed neighborhood noticing process will delay hearing and approval. A well-designed, universal noticing process would avoid such frustrating and inefficient delays. The San Francisco Housing Action Coalition recommends that the Planning Department pursue without delay the Universal Planning Notice, to reduce and standardize the types of notices, improve the consistency of notices, and streamline notices for some projects.

The San Francisco Housing Action Coalition supports the Planning Department's stated goals:

- Consolidate the number of notification types—from more than 40 to approximately 3 – 4 primary types
- Standardize mailing and posting time periods and recipients
- Improve consistency between mailed and posted notices
- Transition to providing online plans and materials
- Simplify or eliminate outdated noticing provisions

- Create a streamlined notification process for small and minor projects
- 5) Planning Department Design Review: Following the review of a project through either the RDT or UDT process, consider allowing a formal appeals process where the architect and owner have an opportunity to interact directly with the Planning staff responsible for review of the project in order to better understand design recommendations and propose solutions.

For example, consider hosting a 30 minute kick-off design presentation for large projects with the architect, which could include a 15 minute presentation on the project and 15 minutes for Q&A. This meeting would take place after PPA review (when required) but before the UDT calendar. If adopted, this approach could streamline the process and reduce back and forth between architect and planning department.