

**Pacific Avenue Neighborhood Association
(PANA)**

**San Francisco Planning Commission
Discretionary Review & Variance Hearing**

Date: February 11, 2016
Case No.: 2013.0915DRP
Project Add.: 1469 Pacific Avenue
BP App No.: 2012.1031.3210

PANA (Pacific Avenue Neighborhood Association) respectfully requests that the Planning Commission and Zoning Administrator deny the requested variances and building permits for proposed development at 1469 Pacific Avenue.

The proposed 1469 Pacific Avenue development violates San Francisco Planning Code §732 et seq. implemented on June 20, 2007, and establishing the Pacific Avenue Neighborhood Commercial District (NCD). The proposed development materially and adversely affects the core elements of the Pacific Avenue Zoning Controls and absolutely contradicts the legislation establishing it.

Details of the Proposed Development

- ❖ Ignores the required 45% rear yard set back at the first story and above and at all residential levels.
- ❖ Intrudes on the predominately low-rise, small-scale neighborhood character where buildings of greater height and mass are located at corners.
- ❖ Discontinues a nonconforming use and must conform to the Pacific Avenue NCD, the prevailing neighborhood plan, and the legislation establishing it.
- ❖ Significantly shadows public sidewalks and streets and deprives at least 40 residents along Larkin Street, McCormick Alley, and Pacific Avenue of solar access and privacy.
- ❖ Overwhelms an extremely narrow 12-foot McCormick Alley, which is lined with historic, post 1906 earthquake cottages and buildings. [Exhibit J]
- ❖ Would create a significant noise nuisance from the 9 planned terraces and decks.
- ❖ Would set a dangerous pattern of project approvals for planned and future neighborhood development that ignore neighborhood plans, legislation establishing them and the applicable zoning controls.

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“The Pacific Avenue NC-2 neighborhood commercial strip has a unique small scale neighborhood character and narrow street pattern that is at risk to development pressures of mixed-use development that are not in keeping with the desired neighborhood serving character.” Set forth in San Francisco Planning Commission Resolution April 5, 2007.” [Exhibit C, Direct quote]

The Proposal Does Not Meet Requirements for Approval of A Variance

Planning Code §305(c) outlines the five criteria that must be met in order for the Zoning Administrator to grant a variance. The §305(c) criteria are as follows:

1. That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district;

There are no “exceptional or extraordinary circumstances.” The subject property is one of four similarly situated warehouse style buildings on Pacific Avenue between Polk St. and Hyde St. DR Requestor has submitted alternatives to the project sponsor.

2. That owing to such exceptional or extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property;

There is no “practical difficulty or unnecessary hardship.” The project sponsor was aware of the requirements of the Pacific Avenue NCD and chose to pursue the current design. The proposed development can be modified to meet the requirements of the legislation, Ordinance 167-07 and associated zoning controls.

3. That such variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district;

“...substantial property right” does not mean maximum property return. The project sponsor is a developer entitled to a profit, but not at the expense of the

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community. In fact, properties of the size, area and nature of the project sponsor's property were specifically identified as ideal for opening up rear yards and continuing rear yard patterns as part of the Pacific Avenue NCD; especially since District 3 is the most densely populated in the City.

4. That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity;
As stipulated in this document, the proposed development will be "...materially detrimental to the public welfare and materially injurious to the property or improvements in the vicinity."

5. That the granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the Master Plan.

The proposed development is NOT in harmony with the general purpose and intent of the Pacific Avenue Neighborhood Commercial District. It violates the zoning controls and legislative intent in substantial and material ways. On April 5, 2007...the Planning Commission, in Resolution No. 17413...adopted findings that the legislation [creating the Pacific Avenue NCD] is consistent, on balance, with the City's General Plan and eight priority policies of Planning Code §101.1. This resolution was codified by the City Attorney and signed by the Mayor June 20, 2007. [Exhibits B, C, D,]

Planning Process and Purpose of the Pacific Avenue NCD

The Pacific Avenue Neighborhood Commercial District (NCD) was established in 2007 in response to the community's desire to preserve and enhance its small-scale community character and nature and to enhance open space in the City's most densely populated neighborhood.

The Pacific Avenue NCD was the result of a four-year process to address the outdated and patchwork zoning along Pacific Avenue. Because of the topography and narrow right-of-way (R-O-W) Pacific Avenue never developed into a major commercial thoroughfare. Rather, it developed into a predominately small-scale, residential neighborhood of three stories or less residential buildings, with commercial spaces at the ground level serving the neighborhood.

Pacific Avenue Neighborhood Association (PANA)

From 2004 to 2007 neighbors rallied to preserve the neighborhood character thru an initiative that was more than traditional re-zoning; it was a broad-based neighborhood and City team effort that included community engagement and neighborhood review, analysis and planning. This initiative required legislative action that put the Planning Department and City's imprimatur into action that resulted in "layering" new zoning over existing structures along Pacific Avenue: Staff [Planning] during this discussion of building heights also pointed out that "Pacific Avenue becomes narrower at Larkin Street. On the West side of Larkin Street the Pacific Avenue right of way (R-O-W) is approximately 68 feet wide and narrows to 49 feet wide to the East of Larkin Street. The more narrow portions of Pacific Avenue are the areas subject to height reductions for the purposes of maintaining solar access to the sidewalks and street R-O-W that is the public realm"

- to protect the existing scale and character of the neighborhood, which included recognition "that the vast majority of the existing building in the surrounding area and in the current NC-2 Zoning designation are 3 stories or less". [Exhibit B]
- to open up inner block space in the City's most densely populated neighborhood.

Pacific Avenue Is A Predominately Low-Rise Small Scale Neighborhood

The Pacific Avenue Project Team, composed of 10 neighborhood leaders and a Lead Planner assigned by the San Francisco Planning Department, met with residential and commercial neighbors along Pacific Avenue and the vulnerable alleys running perpendicular and parallel to it. The re-zoning was personally discussed with over 450 property owners, residents, business owners, and local shoppers. With the exception of three property owners and developers, the neighborhood overwhelmingly favored the re-zoning and was grateful that the initiative was being undertaken. [Exhibit A] The initiative establishing a neighborhood plan required legislative action. This took the form of legislation (Ordinance 167-07) establishing the Pacific Avenue Neighborhood Commercial District (NCD), which was vetted and passed by the Planning Commission, Board of Supervisors and signed into law by then Mayor Gavin Newsom. (Exhibits C, D)

Fast-forward almost a decade and the community's consensus - developed by a diverse ethnic, economic, and multi-generation community -- is being challenged by

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development that will adversely affect the small-scale nature of the neighborhood and its residents.

Properties of the size, area and nature of the project sponsor's property were specifically identified as ideal for opening up rear yards and continuing rear yard patterns as part of the Pacific Avenue NCD; especially since District 3 is the most densely populated in the City.

Opening up rear yards provides the community surrounding it with light, air, and privacy, e.g., in the present case, specifically those properties located around the perimeter on Pacific Avenue, McCormick Alley and Larkin and Jackson Streets.

McCormick Alley is especially vulnerable if mid-block development continues to ignore the predominately low-rise, small-scale neighborhood design and required 45% rear yard setback. **McCormick residents will feel like they are living in a fish bowl and at the bottom of an elevator shaft. [Exhibit I]**

Legislation, Intent, Application of the Pacific Avenue NCD

On April 5, 2007 the San Francisco Planning Commission adopted by Resolution the Pacific Avenue Neighborhood Commercial District's §732 et seq. of the San Francisco Planning Code. On June 20, 2007, these zoning controls were implemented by City Ordinance 167-07 adding §732 et seq. to the Planning Code. The legislative intent establishing the Pacific Avenue NCD is clearly set forth in the EXECUTIVE SUMMARY prepared for SF Planning Commission hearing on March 7, 2007 [by then Lead Planner Paul Lord], the San Francisco Planning Commission's Resolution, April 5, 2007 and in City Ordinance 167-07. [Exhibits B, C & D]

"Ordinance No. 167-07 Section 1. Findings. The Board of Supervisors of the City and County of San Francisco hereby finds and declares as follows [relevant sections]:

b. Rezoning of the existing NC-2 zoning district along Pacific Avenue between Polk and Jones Streets is necessary to preserve neighborhood character and environmental qualities that respond to the topography and narrow street right-of-way.

Ordinance 167-07 Section 3. The San Francisco Planning Code is hereby amended by adding Sections 732 et seq., to read as follows:"

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“Pacific Avenue Neighborhood Commercial District (NCD)

The Pacific Avenue Neighborhood Commercial District, on Pacific Avenue from just east of Polk Street to all four corners of Pacific Avenue and Jones Street, is situated on the north-slope of the Nob Hill neighborhood and south of the Broadway Tunnel. Pacific Avenue is a multi-purpose, small-scale, mixed-use neighborhood-shopping district on a narrow street that provides limited convenience goods to the adjacent neighborhoods.”

“The Pacific Avenue Neighborhood Commercial District Zoning Controls are designed to promote a small [scale] neighborhood serving mixed-use, commercial-street that preserves the surrounding neighborhood residential character. These controls are intended to preserve livability in a largely low-rise development residential neighborhood, enhance solar access on a narrow street right-of-way and protect residential rear yard patterns at the ground floor.”

Proposal Conflicts with the Pacific Avenue NCD - Materially and Adversely

The Legislative intent and resulting Pacific Avenue NCD are: **[Exhibits B, C, D]**

- open up rear yards by requiring a 45% rear yard setback,
- limit heights to 40 foot [or less]
- adhere design with the small scale, predominately low rise neighborhood character [consistent with three stories or less],
- specific small businesses that serve the community.

In addition, buildings of greater mass and height should be located at the corners of each block per San Francisco Residential Design Guidelines Section IV “Building Scale and Form” and per then assigned SF Lead Planner Paul Lord. **(Exhibits E, F)**

The proposed development has absolutely no rear yard setback. The proposed design includes a four story plus building from property line to property line to the North, West and East and a two story, two unit building in the rear yard at the rear property line. The front building’s design is massive in size, located mid-block, and will be much taller than the adjacent buildings. It disrupts the neighborhood’s staggered roofline design of one, two and three storied buildings, which enable maximum light, air, and views. **[Exhibit H]**

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The front building will directly impact and block the light, air and views of several buildings on Larkin Street from Pacific Avenue to Jackson Streets, McCormick Alley and adversely impact the light, air, views, and privacy of neighbors surrounding and across from the development and further shadow [darken] the public sidewalks and street. [Exhibit H]

Proposal Intensifies A Nonconforming Use

The project sponsor contends that the existing nonconforming use is carried over to the proposed development. This contention depends on accepting that retention of a perimeter wall is sufficient to warrant designation as continued nonconforming use and justifies noncompliance of prevailing zoning controls. The proposed development design does not support this contention as the current building would be significantly altered and intensified.

The proposed development changes the building use from commercial to mixed-use and intensifies the structure as it substantially alters and enlarges the building composition. These factors coupled with the legislative intent establishing the Pacific Avenue NCD should require conforming to the latter's Zoning Controls: specifically, with a 45% rear yard setback, and scale and massing that adheres to and complements the neighborhood design, character and scale, e.g., three stories or less and development of greater height and mass located at the corners.

To the extent that the proposed development consists of an intensification of an existing structure, Planning Code Section 181 prohibits any such intensification unless the result would be the elimination of the nonconforming use. Whether the use is determined nonconforming or conforming, the variance should be denied as the property is subject to the Pacific Avenue NCD Zoning Controls. They should override any arguments to the contrary.

[Please note that the San Francisco's City Planning Commission Resolution of April 5, 2007, makes clear that, "The Pacific Avenue NC-2 neighborhood commercial strip bounded by Polk Street Commercial District on the west and Taylor Street on the east has a unique small scale neighborhood character and narrow street pattern that is at risk to development pressures of mixed-use projects that are not in keeping

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with the desired neighborhood-serving character.” The Planning Department and Pacific Avenue Project Team saw an opportunity to open up inner block open space, to preserve the existing scale of buildings to allow for maximum exposure to air and light, and to identify the types of businesses that were needed and desired to serve the community.

Exhibit F affirms this zoning control: SF Lead Planner states in his recent letter to the SF Planning Commission that, “Even when the historic built environment did not provide the maximum rear yard open space, the intent of the 2007 NCD controls was to preserve and create, in new development proposals, these mid-block open spaces.”

Therefore, the proposed development should be required to strictly adhere to the Pacific Avenue NCD Zoning Controls.

Urban Design Team Review Upholds the Pacific Avenue NCD Controls

On three separate occasions – June 11 and June 30, 2013 and June 25, 2014--the Planning Department’s Urban Design Team (UDAT) reviewed the proposed design plans and reaffirmed the zoning controls applicable to the property. In all instances, UDAT “recommended a code complying rear yard that provides the minimum area, exposure, access and preservation of the mid-block open space, and usability. Based on the current mid-block pattern, the new construction [proposed for 1469 Pacific Avenue] further exacerbates the current lack of mid-block open space.”

Furthermore, “UDAT recommended a parking strategy that minimizes the parking footprint at the ground level... This may be achieved while retaining parking by providing sub-grade parking and/or stacked parking system.” (**Exhibit G**)

Summary: The Planning Commission Must Deny the Requested Variance and Building Permits

The proposed development does not further neighborhood livability and absolutely contradicts the purpose and zoning controls of the Pacific Avenue NCD.

It deprives over 100 residents along Larkin Street, McCormick Alley, and Pacific Avenue of solar access, privacy, and quiet enjoyment in their homes. [**Exhibit H**]

The proposed design is basically a concrete block building inconsistent with the

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neighborhood's historic design. The mass and height of proposed development at MID Block is contrary to San Francisco's Residential Design Guidelines, which encourage buildings of greater height and mass to be placed on corners. This design pattern has been in effect in the City for over a century and is evident in neighborhoods throughout. [Exhibit E, F]

Proposed Design Changes

The changes proposed by project sponsor, while appreciated, do NOT conform to the Pacific Avenue NCD and the legislative intent establishing it.

The DR requestor has presented alternative design concepts, which the project sponsor has not addressed except to say that he would not consider an alternative design. Alternative designs include a 45% rear yard setback at the ground story and at every level above, underground parking and removal of one story from the front building. The suggested design changes are consistent with the legislative intent, Pacific Avenue NCD Zoning Controls and UDAT's recommendations in 2013 and 2014. [Exhibit G]

Respectfully, Please Deny Variance and Building Permits

There are a significant number of official documents available that describe and explain the legislative rationale and intent for establishing the Pacific Avenue NCD.

Any questions regarding prevailing and applicable zoning controls should be resolved by legislative intent set forth in the Planning Commission Resolution and resulting City Ordinance 167-07.

PANA respectfully requests that the Planning Commission halt dismantling of the Pacific Avenue NCD Zoning Controls and preserve Pacific Avenue neighborhood's character. To do otherwise will set a precedent for planned and future development that disrupts the Neighborhood Plan embodied in the Pacific Avenue NCD Zoning Controls protecting rear yards, light, air, privacy, vulnerable alleys and community desires and livability.

The Pacific Avenue Neighborhood Association respectfully requests that variance and building permit requests be denied for 1469 Pacific Avenue.

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EXHIBITS

Exhibit A

Graphic representing block 0185 neighborhood support of 2007 legislation, Ordinance 167-07 – Check mark represents supporters

Exhibit B

Executive Summary, SF Lead Planner Paul Lord, prepared for SF Planning Commission

Exhibit C

Resolution Adoption April 2007, San Francisco Planning Commission

Exhibit D

Ordinance 167-07 establishing the new Pacific Avenue NCD, 2007 Legislation & Legislative Intent

Exhibit E

SF Residential Design Guideline Sect IV Building Scale & Form [Mid-Block], p. 23

Exhibit F

Letter from Paul Lord, San Francisco Lead Planner (currently Land Use Consultant) assigned to Pacific Avenue for rezoning review, analysis, and recommendation

Exhibit G

UDAT Meeting Notes Summaries prepared by San Francisco Planner Kate Conner [June 25, 2014, June 30, 2013, and June 11, 2013]

Exhibit H

Current Photos of 1469 Pacific Avenue – Front, Rear and Above Architect Graphic [with neighbor input] & Photos depicting 1469 Pacific Avenue now & after proposed development

Exhibit I

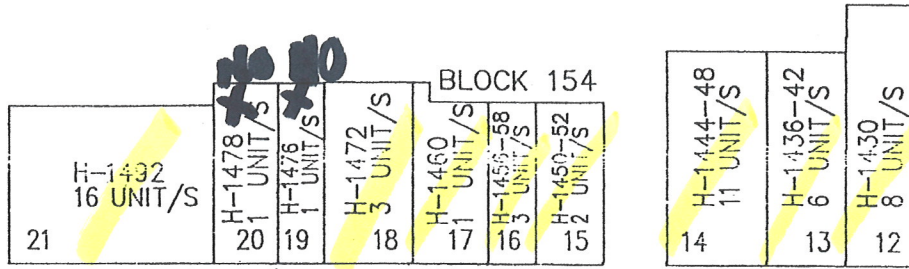
Photos of Pacific Avenue North and South Sides between Larkin & Hyde Streets

Exhibit J

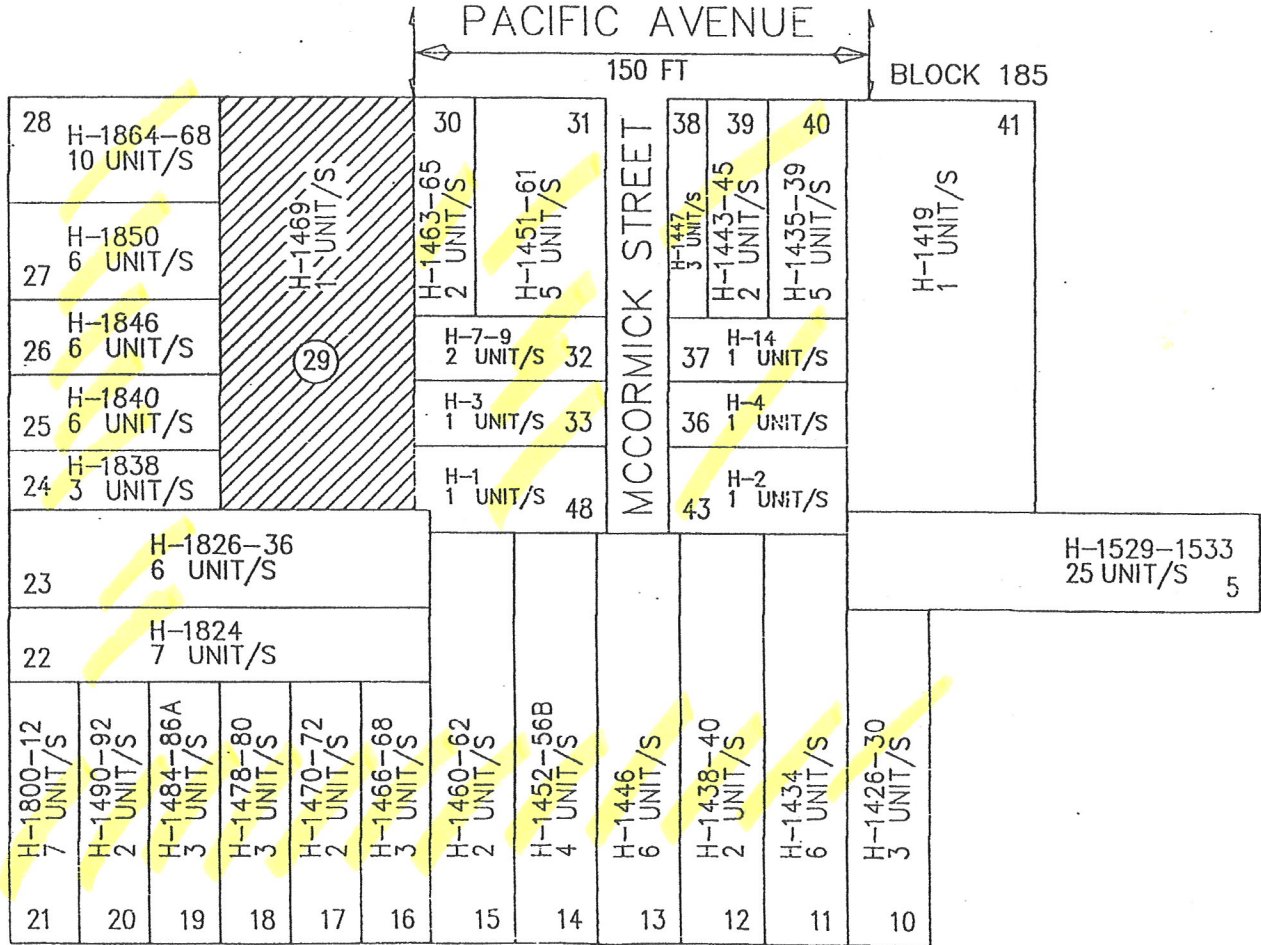
Photos of McCormick Alley – 12 feet wide curb to curb

EXHIBIT A

BLOCK 154



LARKIN STREET



JACKSON STREET

HYDE STREET



PLANNING DEPARTMENT

EXHIBIT B

City and County of San Francisco 1660 Mission Street, Suite 500 San Francisco, CA 94103-2414

(415) 558-6378

PLANNING COMMISSION
FAX: 558-6409

ADMINISTRATION
FAX: 558-6426

CURRENT PLANNING/ZONING
FAX: 558-6409

LONG RANGE PLANNING
FAX: 558-6426

EXECUTIVE SUMMARY for Hearing on March 1, 2007

Project Name: Proposed Rezoning the NC-2 Zoning District between Polk and Taylor to the Pacific Avenue Neighborhood Commercial District (NCD) and Small Scale Mixed Use Residential (RM-1)
Case Number: 2006.1275TZ
Initiated by: Planning Commission
Staff Contact: Paul Lord / 415.558.6311

Project Description

The proposed Ordinance would amend Planning Code and Zoning Maps for the City and County of San Francisco to create a new Neighborhood Commercial District on Pacific Avenue east of Polk Street to the east side of the intersection of Pacific Avenue and Jones Street. The remainder of the parcels east of Jones to Taylor Street would be rezoned to RM-1 (Small Scale Mixed Use Residential). This proposed rezoning would also eliminate the existing Planning Code Section 236 provisions for a Garment Manufacturing Special Use District in the neighborhood.

The Way It Is Now: Currently, there is a Small Scale Neighborhood Commercial district (NC-2) that begins just east of Polk Street on Pacific Avenue and runs nearly continuously east on both block faces to the west side of Taylor Street. In 2005, Supervisor Aaron Peskin initiated a rezoning for number of parcels on the south side of Pacific Avenue between Larkin and Hyde Street to RM-1. The Board of Supervisors subsequently enacted this 2005 rezoning. At the time of the 2005 Planning Commission rezoning hearing there was expressed interest in reevaluating the NC-2 zoning for the entire length of current NC-2 area of Pacific Avenue.

The Way It Would Be: A map representation a Pacific Avenue NCD and RM-1 zoning on the eastern end of the current NC-2 zoning district is attached as Appendix A to this report. The elimination of the existing Garment Manufacturing Special Use District will result from eliminating Section 236 from the Planning Code.

Following 2006 neighborhood meetings and presentations to neighbors of these proposed controls, Planning Commission initiation of the proposed Planning Code and Zoning Map amendments on March 29, 2007 (Resolution 17388), the Planning Commission action to adopt the proposed Planning Code modifications and rezoning are necessary to create the Pacific Avenue Neighborhood Commercial District, changing the NC-2 (Small Scale Neighborhood Commercial) to RM-1 (Small Scale Mixed Use Residential) between Taylor and Jones Streets, and elimination of the existing Garment Manufacturing District. A key part of these draft-zoning amendments will lower the existing 65 foot height district to 40 feet.

Required Commission Action

Adopt the proposed rezoning and forward recommendations to the Board of Supervisors for their consideration.

Issues and Other Considerations

The proposed Ordinance has been crafted to permit the continued use of the commercial portions of Pacific Avenue in a neighborhood commercial zoning district that has been tailored to meet the small scale operational needs and sentiments of local residential property owners and businesses. The

tailored controls for the Pacific Avenue NCD preserve the scale and existing character of the neighborhood by reducing allowable height limits, increased year yard requirements and limiting appropriate commercial uses on the street. The garment manufacturing Special Use District no longer has commercial viability or locational needs in this neighborhood.

Basis for Recommendation

After the 2005 rezoning between Larkin and Hyde Streets on Pacific Avenue, staff attended numerous neighborhood meeting and conducted a publicly noticed neighborhood meeting to hear from property owners and businesses. An analysis of the current commercial character of the street was evaluated on its own and in the context of numerous pipeline development proposals. During the next year, staff prepared a rezoning proposal, with consultations from the Pacific Avenue Neighborhood Association (PANA) that addresses many broader neighborhood development concerns and long term commercial needs.

During the Planning Commission Pacific Avenue rezoning initiation hearing on March 29, 2007, the Commission requested additional information and clarification from staff on a couple of issues.

First, the Commissioners inquired as to the prevailing and existing building heights on the block subject to the proposed rezoning. Based on Planning Department records as provided in Attachment D to this report, it is clear that the vast majority of the existing building in the surrounding area and in the current NC-2 Zoning designation are 3 stories or less. Staff during this discussion of building heights also pointed out the Pacific Avenue becomes narrower at Larkin Street. On the West side of Larkin Street the Pacific Avenue right of way (R-O-W) is approximately 68 feet wide and narrows to 49 feet wide to the East of Larkin Street. The more narrow portions of Pacific Avenue are the areas subject to height reductions for the purposes of maintaining solar access to the sidewalks and street R-O-W that is the public realm for this commercial strip.

Secondly, the Commissioners expressed the hope that the proposed new zoning controls would reduce the possible overall need for conditional use authorizations from the Commission. Based on the existing NC-2 Zoning there are 26 situations that would trigger the need for Conditional Use authorizations. The proposed Pacific Avenue NCD Zoning reduces the number of conditions where Conditional Uses would be needed to 16. The proposed new zoning therefore reduces the existing potential Conditional Use authorizations situations by 39 percent.

Finally the Commission requested general information regarding the number and types of existing businesses in this NC-2 Zoning District on Pacific Avenue. The following table summarizes some of these business activity characteristics. Residential uses surround the Pacific Avenue NC-2 District. Within the NC-2 zoning there are many neighborhood-serving businesses and residential uses. The general business characteristics are summarized in the table and map below. Additionally, a few representative contextual photographs have be attached.

PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT

General Characteristics and Attributes (Dunn & Bradstreet 2004 data)

Total Number of Businesses	42
Total Employment	292
Total Annual Sales (2004)	\$10,582,000
Total Square Footage	86,920
Average Number of Employees	7
Average Annual Sales (2004)	\$251,952
Average Square Footage	2,070

SAN FRANCISCO
CITY PLANNING COMMISSION
RESOLUTION NO.

ADOPTION OF AMENDMENTS TO THE ZONING MAP AND PLANNING CODE (ZONING ORDINANCE) BY MODIFYING THE CURRENT NC-2 ZONING IN THE VICINITY OF PACIFIC AVENUE BETWEEN POLK STREET AND TAYLOR STREET TO A NEW PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT. THESE MODIFIED CONTROLS ARE INTENDED AND DESIGNED TO DEAL WITH AND AMELIORATE THE PROBLEMS AND CONDITIONS ASSOCIATED WITH CONSERVING THE SCALE AND CHARACTER IN AND ABOUT THE PROPOSED PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

WHEREAS, in 1986, Planning Code the voters adopted Section 101.1 as an Initiative Ordinance known as Proposition M. Planning Code Section 101.1 recognizes preservation of neighborhood commercial character as an important and necessary goal. Preservation of neighborhood commercial character also is expressed in Objective 6 of the Commerce and Industry Element of the San Francisco General Plan.

Planning controls implemented in the City's Neighborhood Commercial Districts ("NCDs") recognize that certain uses which traditionally have been permitted to locate in neighborhood commercial areas can be beneficial to the NCDs in small or limited numbers, but can disrupt the balanced mix of neighborhood-serving retail stores and character if allowed to proliferate.

The Pacific Avenue NC-2 neighborhood commercial strip bounded by Polk Street Commercial District on the west and Taylor Street on the east has a unique small scale neighborhood character and narrow street pattern that is at risk to development pressures of mixed-use projects that are not in keeping with the desired neighborhood-serving character and scale of the area.

This legislation is intended to create a Pacific Avenue Neighborhood Commercial District and to provide a comprehensive and flexible zoning system for the Pacific Avenue Neighborhood Commercial District that is consistent with the objectives and policies set forth in the San Francisco General Plan.

The amendment of these zoning controls is necessary to preserve the status quo, if not to improve the status quo, and follows a study and a determination by the Department of City Planning and the Board of Supervisors of the appropriate permanent controls for uses in and about the Pacific Avenue Neighborhood Commercial District.

The Planning Department, in 2005, noted the concerns of local neighborhood organizations, residents and merchants about the current NC-2 zoning controls on Pacific Avenue during 2005 hearings on a Board of Supervisors proposal to rezone portions of the NC-2 district to RM-1 on Pacific Avenue to address height and rear yard dimensions in local development proposals. These new neighborhood commercial district controls are intended and designed to deal with and ameliorate the problems and conditions associated with development pressures of mixed-use projects that are not in keeping with the desired neighborhood-serving character and scale of the area.

On March 1, 2007, the Planning Commission conducted a regularly scheduled and legally noticed meeting to consider initiation of these proposed Zoning Code amendments.

On March 1, 2007, the Planning Commission adopted Resolution 17388 to initiate and to schedule a public hearing on April 5, 2007 to consider adoption of these proposed Zoning Code amendments.

On April 5, 2007, the Planning Commission conducted a regularly scheduled and legally noticed meeting. On January 12, 2007, the San Francisco Environmental Review Officer issued a General Rule Exclusion for the proposed rezoning. The Planning Commission determined during this April 5, 2007 meeting that the proposed rezoning action will not result in any physical changes to the environment, and therefore does not constitute a "project" under the California Environmental Quality Act and is therefore exempt from environmental review.

The proposed policies are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

- 1 That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The proposed policies promote the preservation of this important neighborhood-serving uses, local ownership and employment opportunities.

- 2 That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The proposed policies would facilitate the conservation of neighborhood character

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed policies would significantly enhance the retention of existing affordable housing and provide opportunities for new residential development in keeping with the existing scale and character of the neighborhood.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed policies could have positive direct impacts on traffic or transit service.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

The proposed policies would enhance the viability of an existing economic base and locally owned neighborhood businesses.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

The proposed policies would have no affect on the City's preparedness for an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed policies would have no immediate impact on landmarks or historic buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development;

The proposed policies would not impact or facilitate any development that could have any impact on our parks and open space or their access to sunlight and vistas.

THEREFORE BE IT RESOLVED THAT, the Commission APPROVES the Planning Code Amendments as presented in the draft ordinances signed by the City Attorney dated February 22, 2007 and attached to this draft resolution as Exhibit A and declares its intention to hold a legally noticed public hearing on April 5, 2007 to consider whether to recommend to the Board of Supervisors that the proposed amendment be adopted.

THEREFORE BE IT FURTHER RESOLVED THAT, only development proposals that have received Planning Commission project approvals prior to initiation of this proposed rezoning ordinance on March 29, 2007 are exempt from these proposed new Zoning controls.

FILE NO. 070681

ORDINANCE NO. 167-07

1 [Zoning - Pacific Avenue Individual Area Neighborhood Commercial District.]

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Ordinance adding Planning Code Sections 734 732 et seq. to establish the Pacific

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Avenue Individual Area Neighborhood Commercial District, as specifically defined

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herein and generally encompassing the length of Pacific Avenue from Polk Street to

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Taylor Street; deleting Section 236, the Garment Shop Special Use District; amending

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the City's Zoning Map Sectional Maps 1, 1H, 2, and 2H to reflect the boundaries of the

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Pacific Avenue Neighborhood Commercial District, other associated zoning changes,

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and related changes to height and bulk districts and amending Zoning Map Sectional

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Map 1 SU to delete the Garment Shop Special Use District; and making environmental

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findings and findings of consistency with the General Plan and priority policies of

12

Planning Code Section 101.1.

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

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

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Section 1. Findings. The Board of Supervisors of the City and County of San

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Francisco hereby finds and declares as follows:

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a. There is no longer an economic justification for a Garment Shop Special Use

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District.

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b. Rezoning of the existing NC-2 zoning district along Pacific Avenue between Polk

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and Jones Streets is necessary to preserve neighborhood character and environmental

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qualities that respond to the topography and narrow street right-of-way.

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c. Rezoning the existing NC-2 zoning district along Pacific Avenue between Jones and

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Taylor Streets is necessary to preserve the residential character of the block.

1 d. Condensing the NC-2 zoning district in the abovementioned areas to its commercial
2 core will be accomplished through establishment of a new individual area neighborhood
3 commercial district, specified Zoning Map amendments to Sectional Maps 1, 1H, 1SU, 2, and
4 2H, and other related zoning actions, including reclassification of specified properties from the
5 NC-2 District designation to RM-1 or RM-3.

6 Section 2. Environmental Findings, General Plan Findings, and Other Required
7 Findings.

8 a. The Planning Department has determined that the actions contemplated in this
9 Ordinance are in compliance with the California Environmental Quality Act (California Public
10 Resources Code sections 21000 et seq.). The Board hereby affirms said determination,
11 which is part of Planning Commission Resolution No. 17413, is on file with the Clerk of the
12 Board of Supervisors in File No. 070681, and is incorporated herein by
13 reference.

14 b. On April 5, 2007, after a duly noticed public hearing, the Planning Commission, in
15 Resolution No. 17413, approved and recommended for adoption by the Board, the Pacific
16 Avenue Individual Area Neighborhood Commercial District, associated Zoning Map
17 amendments, and other related zoning actions. In said Resolution, the Planning Commission
18 also adopted findings that the legislation is consistent, on balance, with the City's General
19 Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these
20 findings as its own and incorporates these findings herein by reference.

21 c. Pursuant to Planning Code Section 302, this Board of Supervisors finds that the
22 subject Neighborhood Commercial District, Zoning Map amendments, and other related
23 zoning actions will serve the public necessity, convenience, and welfare for the reasons set
24 forth in Planning Commission Resolution No. 17413 and incorporates such reasons herein by
25 reference.

1 Section 3. The San Francisco Planning Code is hereby amended by adding Sections
 2 ~~731~~ 732 et seq., to read as follows:

3 Section ~~731.4~~ 732.1 Pacific Avenue Neighborhood Commercial District

4 The Pacific Avenue Neighborhood Commercial District, on Pacific Avenue from just east of
 5 Polk Street to all four corners of Pacific Avenue and Jones Street, is situated on the north slope of the
 6 Nob Hill neighborhood and south of the Broadway Tunnel. Pacific Avenue is a multi-purpose, small-
 7 scale mixed-use neighborhood shopping district on a narrow street that provides limited convenience
 8 goods to the adjacent neighborhoods.

9 The Pacific Avenue Neighborhood Commercial District controls are designed to promote a
 10 small, neighborhood serving mixed-use commercial street that preserves the surrounding neighborhood
 11 residential character. These controls are intended to preserve livability in a largely low-rise
 12 development residential neighborhood, enhance solar access on a narrow street right-of-way and
 13 protect residential rear yard patterns at the ground floor.

14
 15 SEC. ~~731~~732. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT
 16 ZONING CONTROL TABLE

<i>Pacific Avenue NCD</i>			
<i>No.</i>	<i>Zoning Category</i>	<i>§ References</i>	<i>Controls</i>
<u>BUILDING STANDARDS</u>			
<u>731.10</u> <u>732.10</u>	<u>Height and Bulk Limit</u>	<u>§§ 102.12, 105, 106,</u> <u>250-252, 260, 270, 271</u>	<u>40-X</u> <u>See Zoning Map</u>
<u>731.11</u> <u>732.11</u>	<u>Lot Size [Per</u> <u>Development]</u>	<u>§§ 790.56, 121.1</u>	<u>P up to 9,999 sq. ft.;</u> <u>C 10,000 sq. ft. & above</u> <u>§ 121.1</u>

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731.12	<u>Rear Yard</u>	<u>§§ 130, 134, 136</u>	<u>45 % required at the first story and above and at all residential levels</u>
<u>732.12</u>			<u>§ 134(c)</u>
731.13	<u>Street Frontage</u>		<u>Required</u>
<u>732.13</u>			<u>§ 145.1</u>
731.14	<u>Awning</u>	<u>§ 790.20</u>	<u>P</u>
<u>732.14</u>			<u>§ 136.1(a)</u>
731.15	<u>Canopy</u>	<u>§ 790.26</u>	<u>P</u>
<u>732.15</u>			<u>§ 136.1(b)</u>
731.16	<u>Marquee</u>	<u>§ 790.58</u>	<u>P</u>
<u>732.16</u>			<u>§ 136.1(c)</u>
731.17	<u>Street Trees</u>		<u>Required</u>
<u>732.17</u>			<u>§ 143</u>
<u>COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES</u>			
731.20	<u>Floor Area Ratio</u>	<u>§§ 102.9, 102.11, 123</u>	<u>1.5 to 1</u>
<u>732.20</u>			<u>§ 124(a) (b)</u>
731.24	<u>Use Size [Non-Residential]</u>	<u>§ 790.130</u>	<u>P up to 1,999 sq. ft.;</u>
<u>732.21</u>			<u>C 2,000 sq. ft. & above</u>
			<u>§ 121.2</u>
731.22	<u>Off-Street Parking, Commercial/Institutional</u>	<u>§§ 150, 153-157, 159-160, 204.5</u>	<u>Generally, none required if occupied floor area is less than 2,000 sq. ft.</u>
<u>732.22</u>			<u>§§ 151, 161(g)</u>

1	<u>731.23</u>	<u>Off-Street Freight Loading</u>	<u>§§ 150, 153-155, 204.5</u>	<u>Generally, none required if</u>		
2	<u>732.23</u>			<u>gross floor area is less</u>		
3				<u>than 10,000 sq. ft.</u>		
4	<u>731.24</u>	<u>Outdoor Activity Area</u>	<u>§ 790.70</u>	<u>P if located in front;</u>		
5	<u>732.24</u>			<u>C if located elsewhere</u>		
6				<u>§ 145.2(a)</u>		
7	<u>731.25</u>	<u>Drive-Up Facility</u>	<u>§ 790.30</u>			
8	<u>732.25</u>					
9	<u>731.26</u>	<u>Walk-Up Facility</u>	<u>§ 790.140</u>	<u>P if recessed 3 ft.;</u>		
10	<u>732.26</u>			<u>C if not recessed</u>		
11				<u>§ 145.2(b)</u>		
12	<u>731.27</u>	<u>Hours of Operation</u>	<u>§ 790.48</u>	<u>P 6 a.m. - 10 p.m.;</u>		
13	<u>732.27</u>			<u>C 10 p.m. - 2 a.m.</u>		
14	<u>731.30</u>	<u>General Advertising Sign</u>	<u>§§ 262, 602-604, 608,</u>			
15	<u>732.30</u>		<u>609</u>			
16	<u>731.31</u>	<u>Business Sign</u>	<u>§§ 262, 602-604, 608,</u>	<u>P</u>		
17	<u>732.31</u>		<u>609</u>	<u>§ 607.1(f) 2</u>		
18	<u>731.32</u>	<u>Other Signs</u>	<u>§§ 262, 602-604, 608,</u>	<u>P</u>		
19	<u>732.32</u>		<u>609</u>	<u>§ 607.1(c) (d) (g)</u>		
20						
21				<u>Pacific Avenue NCD</u>		
22				<u>Controls by Story</u>		
23						
24	<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>1st</u>	<u>2nd</u>	<u>3rd+</u>
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		<u>§ 790.118</u>	<u>1st</u>	<u>2nd</u>	<u>3rd +</u>
731.38	<u>Residential Conversion</u>	<u>§ 790.84</u>	<u>C</u>		
<u>732.38</u>					
731.39	<u>Residential Demolition</u>	<u>§ 790.86</u>	<u>C</u>		
<u>732.39</u>					
<u>Retail Sales and Services</u>					
731.40	<u>Other Retail Sales and Services</u>	<u>§ 790.102</u>	<u>P</u>	<u>C</u>	
<u>732.40</u>	<u>[Not Listed Below]</u>				
731.41	<u>Bar</u>	<u>§ 790.22</u>			
<u>732.41</u>					
731.42	<u>Full-Service Restaurant</u>	<u>§ 790.92</u>	<u>C</u>		
<u>732.42</u>					
731.43	<u>Large Fast Food Restaurant</u>	<u>§ 790.90</u>			
<u>732.43</u>					
731.44	<u>Small Self-Service Restaurant</u>	<u>§ 790.91</u>			
<u>732.44</u>					
731.45	<u>Liquor Store</u>	<u>§ 790.55</u>			
<u>732.45</u>					
731.46	<u>Movie Theater</u>	<u>§ 790.64</u>			
<u>732.46</u>					
731.47	<u>Adult Entertainment</u>	<u>§ 790.36</u>			

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<u>732.47</u>					
731.48	<u>Other Entertainment</u>	<u>§ 790.38</u>			
<u>732.48</u>					
731.49	<u>Financial Service</u>	<u>§ 790.110</u>	<u>C</u>		
<u>732.49</u>					
731.50	<u>Limited Financial Service</u>	<u>§ 790.112</u>	<u>P</u>		
<u>732.50</u>					
731.51	<u>Medical Service</u>	<u>§ 790.114</u>	<u>C</u>	<u>C</u>	
<u>732.51</u>					
731.52	<u>Personal Service</u>	<u>§ 790.116</u>	<u>P</u>	<u>C</u>	
<u>732.52</u>					
731.53	<u>Business or Professional Service</u>	<u>§ 790.108</u>	<u>P</u>	<u>C</u>	
<u>732.53</u>					
731.54	<u>Massage Establishment</u>	<u>§ 790.60.</u> <u>§ 2700 Police Code</u>			
<u>732.54</u>					
731.55	<u>Tourist Hotel</u>	<u>§ 790.46</u>			
<u>732.55</u>					
731.56	<u>Automobile Parking</u>	<u>§§ 790.8, 156, 160</u>	<u>C</u>		
<u>732.56</u>					
731.57	<u>Automotive Gas Station</u>	<u>§ 790.14</u>			
<u>732.57</u>					

1	<u>731.58</u>	<u>Automotive Service Station</u>	<u>§ 790.17</u>			
2	<u>732.58</u>					
3	<u>731.59</u>	<u>Automotive Repair</u>	<u>§ 790.15</u>	<u>C</u>		
4	<u>732.59</u>					
5						
6	<u>731.60</u>	<u>Automotive Wash</u>	<u>§ 790.18</u>			
7	<u>732.60</u>					
8	<u>731.61</u>	<u>Automobile Sale or Rental</u>	<u>§ 790.12</u>			
9	<u>732.61</u>					
10	<u>731.62</u>	<u>Animal Hospital</u>	<u>§ 790.6</u>			
11	<u>732.62</u>					
12						
13	<u>731.63</u>	<u>Ambulance Service</u>	<u>§ 790.2</u>			
14	<u>732.63</u>					
15	<u>731.64</u>	<u>Mortuary</u>	<u>§ 790.62</u>			
16	<u>732.64</u>					
17	<u>731.65</u>	<u>Trade Shop</u>	<u>§ 790.124</u>	<u>C</u>		
18	<u>732.65</u>					
19						
20	<u>731.66</u>	<u>Storage</u>	<u>§ 790.117</u>			
21	<u>732.66</u>					
22	<u>731.67</u>	<u>Video Store</u>	<u>§ 790.135</u>	<u>C</u>		
23	<u>732.67</u>					
24	<u>Institutions and Non-Retail Sales and Services</u>					
25						

1	<u>731.70</u>	<u>Administrative Service</u>	<u>§ 790.106</u>			
2	<u>732.70</u>					
3	<u>731.80</u>	<u>Hospital or Medical Center</u>	<u>§ 790.44</u>			
4	<u>732.80</u>					
5	<u>731.81</u>	<u>Other Institutions, Large</u>	<u>§ 790.50</u>			
6	<u>732.81</u>					
7						
8	<u>731.82</u>	<u>Other Institutions, Small</u>	<u>§ 790.51</u>	<u>C</u>		
9	<u>732.82</u>					
10	<u>731.83</u>	<u>Public Use</u>	<u>§ 790.80</u>	<u>C</u>		
11	<u>732.83</u>					
12	<u>RESIDENTIAL STANDARDS AND USES</u>					
13						
14	<u>731.90</u>	<u>Residential Use</u>	<u>§ 790.88</u>	<u>P</u>	<u>P</u>	<u>P</u>
15	<u>732.90</u>					
16	<u>731.94</u>	<u>Residential Density,</u>	<u>§§ 207, 207.1,</u>	<u>Generally, 1 unit per</u>		
17	<u>732.91</u>	<u>Dwelling Units</u>	<u>790.88(a)</u>	<u>1,000 sq. ft. lot area</u>		
18				<u>§ 207.4</u>		
19	<u>731.92</u>	<u>Residential Density, Group</u>	<u>§§ 207.1, 790.88(b)</u>	<u>Generally, 1 bedroom per</u>		
20	<u>732.92</u>	<u>Housing</u>		<u>275 sq. ft. lot area</u>		
21				<u>§ 208</u>		
22	<u>731.93</u>	<u>Usable Open Space</u>	<u>§§ 135, 136</u>	<u>Generally, either</u>		
23	<u>732.93</u>	<u>[Per Residential Unit]</u>		<u>100 sq. ft if private, or</u>		
24				<u>133 sq. ft. if common</u>		
25				<u>§ 135(d)</u>		
	<u>731.94</u>	<u>Off-Street Parking,</u>	<u>§§ 150, 153-157, 159-</u>	<u>Generally, 1 space for</u>		
		<u>Residential</u>	<u>160, 204.5</u>	<u>each dwelling unit</u>		

1	<u>732.94</u>			<u> §§ 151, 161(a) (g)</u>		
2	<u>734.95</u>	<u>Community Residential</u>	<u> § 790.10</u>	<u>C</u>		
3	<u>732.95</u>	<u>Parking</u>				
4						

5
6 Section 4. The San Francisco Planning Code is hereby amended by deleting Section
7 236 in its entirety as follows:

8 ~~SEC. 236. GARMENT SHOP SPECIAL USE DISTRICT.~~

9 ~~In order to provide for garment shops of limited size in a recognized area of the City, there shall~~
10 ~~be a Garment Shop Special Use District as designated on Sectional Map No. 1 SU of the Zoning Map.~~

11 ~~The following provisions shall apply within such special use district:~~

12 ~~(a) A garment shop equipped with single head power or hand sewing machines and~~
13 ~~specialty machines, where the total number of such single head machines does not exceed 25, shall be~~
14 ~~permitted as a principal use on any lot in an NC District, C District or Residential Commercial~~
15 ~~Combined District therein at a location where commercial uses are permitted.~~

16 Section 5. Zoning Map Amendments.

17 a. Pursuant to Sections 106 and 302(c) of the Planning Code, the following change, as
18 shown and further delineated in attachments to Planning Commission Resolution No. 17413,
19 is hereby adopted as an amendment to the Zoning Map of the City and County of San
20 Francisco, Sectional Maps 1 and 2 as follows:

21	Description of Property	Use District to be Superseded	Use District Hereby Approved
22	Assessor's Block 0573, 23 Lots 004, 004A, 004B, 005, 24 006, 008, 009, 010, 25 Assessor's Block 0154, Lots 007, 008, 009, 010, 011, 012, 013, 014, 015,	NC-2	Pacific Avenue Neighborhood Commercial District, pursuant to Planning Code Sections 734

Planning Commission, Supervisor Peskin
BOARD OF SUPERVISORS

1	016, 017, 018, 019, 020, 021, Assessor's Block 0155, Lots 009, 010, 012, 013, 014, 015, 016, 017, 019, 020, 021, 022, 023, 024, 025, 026, 054, Assessor's Block 0156, Lots 007, 008, 009, 010, 011, 012, 013, 014, 015, 016, 017 (partial), 018 (partial), 019 (partial), 020 (partial), 021, 022, Assessor's Block 0157, Lot 021, Assessor's Block 0596, Lots 001, 002, 003, 004, 005, 026, 027, 031, 032, 033, Assessor's Block 0185, Lots 001, 002, 003, 004, 006, 007, 028, Assessor's Block 0184, Lots 021, 022, 023, 024, 025, 026, 027, 029, 030, 031, 035, 036 (partial), Assessor's Block 0183, Lots 001, 026, 027, 028, 029, 031, 032, 033, 034, 035, 036, 037, 038, 039, and Assessor's Block 0182, Lots 021.		<u>732</u> et seq.
18	Assessor's Block 0185, Lots 005, 029, 030, 031, 038, 039, 041	RM-1	
20	Assessor's Block 0157, Lots 007, 008, 009, 010, 011, 013, 014, 015, 016, 017, 018, 019, 020, 063, and Assessor's Block 0182, Lots 001, 022, 023, 024, 031, 031B, 031C, 032, 034, 035	NC-2	RM-1
25	Assessor's Block 0186, Lot 001, and	NC-2	RM-3

1	Assessor's Block 0187, Lots 025		
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2

3 b. Pursuant to Sections 106 and 302(c) of the Planning Code, the following change, as

4 shown and further delineated in attachments to Planning Commission Resolution No. 17413,

5 is hereby adopted as an amendment to the Zoning Map of the City and County of San

6 Francisco, Sectional Maps 1H and 2H as follows:

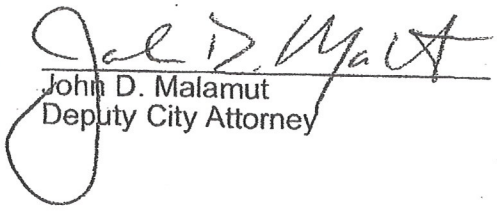
7	Description of Property	Use District to be Superseded	Use District Hereby Approved
8			
9	Assessor's Block 0573, Lots 004, 004A, 004B, 005, 10 006, 008, 009, 010, 11 Assessor's Block 0154, 12 Lots 007, 008, 009, 010, 13 011, 012, 013, 014, 015, 14 016, 017, 018, 019, 020, 15 021, 16 Assessor's Block 0155, 17 Lots 009, 010, 012, 013, 18 014, 015, 016, 017, 019, 19 020, 021, 022, 023, 024, 20 025, 026, 054, 21 Assessor's Block 0156, 22 Lots 007, 008, 009, 010, 23 011, 012, 013, 014, 015, 24 016, 017 (partial), 018 25 (partial), 019 (partial), 020 (partial), 021, 022, Assessor's Block 0157, Lots 007, 008, 009, 010, 011, 013, 014, 015, 016, 017, 018, 019, 020, 021, 063, Assessor's Block 0596, Lots 001, 002, 003, 004, 005, 026, 027, 028, 031, 032, 033, Assessor's Block 0185, Lots 001, 002, 003, 004, 005, 007, 028, 029, 030, 031, 038, 039, 041 Assessor's Block 0184,	Height District: 65-X	Height District : 40-X

1 Lots 021, 022, 023, 024, 2 025, 026, 027, 029, 030, 3 031, 035, 036 (partial), 4 Assessor's Block 0183, 5 Lots 001, 026, 027, 028, 6 029, 031, 032, 033, 034, 7 035, 036, 037, 038, 039, and Assessor's Block 0182, Lots 001, 021, 022, 023, 024, 031, 031B, 031C, 032, 034, 035.		
--	--	--

8
 9 c. Pursuant to Sections 106 and 302(c) of the Planning Code, the following change is
 10 hereby adopted as an amendment to the Zoning Map of the City and County of San
 11 Francisco: Sectional Map 1 SU shall delete all reference to the Garment Shop Special Use
 12 District, Planning Code Section 236.

13
 14 Section 6. This Section is uncodified. This Ordinance shall not apply to those
 15 development proposals that receive Planning Department or Zoning Administrator project
 16 approval prior to the effective date of this Ordinance.

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

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

22
 23
 24
 25
 Planning Commission, Supervisor Peskin
 BOARD OF SUPERVISORS



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 070681

Date Passed:

Ordinance adding Planning Code Sections 732 et seq. to establish the Pacific Avenue Individual Area Neighborhood Commercial District, as specifically defined herein and generally encompassing the length of Pacific Avenue from Polk Street to Taylor Street; deleting Section 236, the Garment Shop Special Use District; amending the City's Zoning Map Sectional Maps 1, 1H, 2, and 2H to reflect the boundaries of the Pacific Avenue Neighborhood Commercial District, other associated zoning changes, and related changes to height and bulk districts and amending Zoning Map Sectional Map 1 SU to delete the Garment Shop Special Use District; and making environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

June 26, 2007 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

July 10, 2007 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 070681

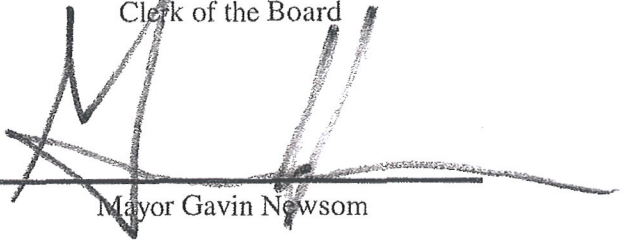
I hereby certify that the foregoing Ordinance was FINALLY PASSED on July 10, 2007 by the Board of Supervisors of the City and County of San Francisco.

JUL 20 2007

Date Approved



Angela Calvillo
Clerk of the Board



Mayor Gavin Newsom

EXHIBIT E

IV. Building Scale And Form

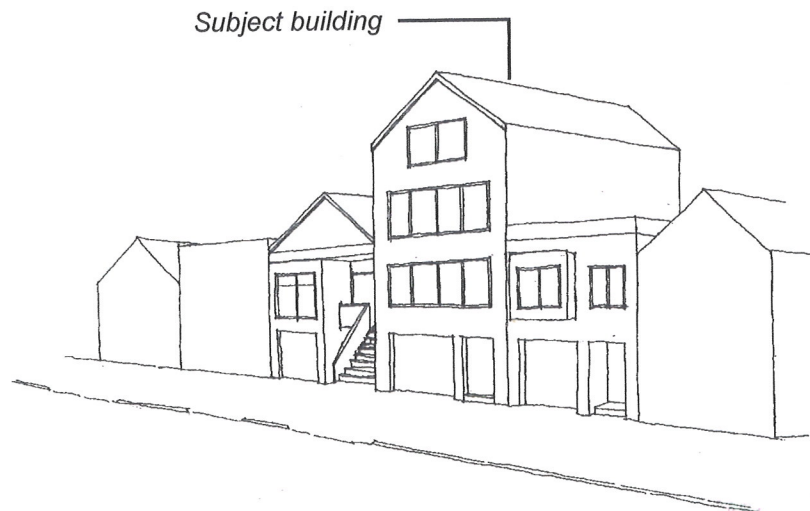
DESIGN PRINCIPLE: Design the building's scale and form to be compatible with that of surrounding buildings, in order to preserve neighborhood character.

BUILDING SCALE

GUIDELINE: Design the scale of the building to be compatible with the height and depth of surrounding buildings.

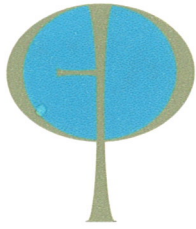
The building scale is established primarily by its height and depth. It is essential for a building's scale to be compatible with that of surrounding buildings, in order to preserve the neighborhood character. Poorly scaled buildings will seem incompatible (too large or small) and inharmonious with their surroundings.

A building that is larger than its neighbors can still be in scale and be compatible with the smaller buildings in the area. It can often be made to look smaller by facade articulations and through setbacks to upper floors. In other cases, it may be necessary to reduce the height or depth of the building.



This building is out of scale with surrounding buildings because it is not articulated to make it more compatible with the scale of surrounding two-story homes.

EXHIBIT F



Greenlight Plan – Land Use Consultants

Paul A. Lord, Jr.
PO Box 210106
San Francisco, CA 94121
415.314.8185
www.greenlightplan.com

November 16, 2015

San Francisco Planning Commission
C/O Commission Secretary
1650 Mission Street, Suite 400
San Francisco, CA 94103

**RE: Recommendations for the Proposed Development at 1469 Pacific Avenue
Case 2013.091DRP**

Dear Members of the San Francisco Planning Commission;

It has been a few years since I last addressed any specific professional hopes or concerns directly to this Commission. In my opinion, as a former San Francisco City Planner and original project manager for creating the 2007 Pacific Avenue NCD controls, the proposed plans for 1469 Pacific Avenue neither comply with the intent, nor the expected outcomes of the Pacific Avenue NCD zoning.

In my direct experience and professional opinion as a former San Francisco City Planner and current land use consultant, the proposed plans for 1469 Pacific Avenue neither complies with the intent, nor does the proposed development meet the expected outcomes of the current Pacific Avenue NCD zoning controls. I, therefore, urge the Planning Commission to:

1. reject the plans as proposed and ask the project sponsor to scale down the building height and massing (especially on this narrow portion of Pacific Avenue); and
2. to require any subsequent design to integrate the existing neighborhood character conditions; and
3. require a 45 percent open rear yard at the ground level and every level above.

BACKGROUND

I worked as staff to the Planning Commission for nearly 30 years. From 2004 through 2007, I was designated the lead Planner for re-zoning Pacific Avenue from just East of Polk Street to Taylor Street. I have recently been asked by concerned neighbors to summarize the reasons that prompted the 2007 re-zoning, the process, and the expected long term outcomes.

The Pacific Avenue neighborhood includes Nob Hill and Russian Hill properties and is located in District 3, the most densely populated neighborhood in San Francisco. At one time Pacific Avenue housed many garment and industrial businesses. It was expected that Pacific Avenue would further develop into a major commercial thoroughfare. However, this did not happen. Instead, the

neighborhood small business serving character maintained its low-scale neighborhood character supporting predominately two to three story single and multi-family housing with taller buildings placed at the corner of each block and staggered roof-lines lining a narrow street.

In 2004, the Pacific Avenue Neighborhood Association (PANA), representing property owners, residents, and neighbors from Polk Street to Taylor Street and Broadway to Jackson Street asked the Planning Department to consider re-zoning the neighborhood to conform, reflect and preserve the existing neighborhood scale, design and character. Critical in the adopted regulations was the need to preserve mid-block open space for the adjacent and juxtaposed residential zoned portions of the blocks and to retain open mid-block rear yards when new construction occurs.

Over nearly four years between 2004 and 2007, the Planning Department and PANA hosted numerous public meetings to obtain community input, concerns and ideas. The neighbors overwhelmingly voiced their support for maintaining the scale of their neighborhood and to create and retain rear yard mid-block open spaces. Even when the historic built environment did not provide the maximum rear yard open space, the intent of the 2007 NCD controls was to preserve and create, in new development proposals, these mid-block open spaces.

The expected outcome of the re-zoning was to preserve the small-scale nature of the existing neighborhood design and character. To accomplish this outcome, new zoning regulations were developed pursuant to legislation passed by the San Francisco Planning Commission, San Francisco Board of Supervisors and signed into law by Mayor Gavin Newsom. At the time, only three dissenters made known their opposition to the proposed re-zoning.

The named Pacific Avenue Neighborhood Commercial District was established by this public process and legislation. Critical elements of the zoning are:

- to limit new and modified nonconforming building development to 40 feet or less; and
- to require a 45 percent lot depth in open rear yard open spaces; and
- to identify new specific small businesses that can serve neighborhood needs while also maintaining existing businesses.

Sincerely,



Paul A. Lord, Jr.
plord@greenlightplan.com
Greenlight Plan



EXHIBIT G

SAN FRANCISCO PLANNING DEPARTMENT

UDAT MEETING NOTES

Project: 1469 Pacific Avenue

Planner: Kate Conner

Date: June 25, 2014

Attendees: Alexis Smith, David Winslow, Maia Small, Glenn Cabrerros, Kevin Guy, Jeff Joslin

1650 Mission St.
Suite 400
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CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Site Design, Open Space, and Massing.

UDAT recommends reconfiguring the massing by eliminating the units located in a separate structure in the rear yard and consolidating those units instead into a mass that comes from the back of the front structure with notches on either side for exposure. This reduction of the rear portion would extend to grade eliminating part of the parking in the ground level and would have the effect of providing a rear yard and common open space for the residents and opening up the mid-block open space for the adjacent properties.

Parking and Access.

UDAT recommends reducing the parking as indicated above.

Street Frontage.

UDAT recommends reducing the curb cut further to a maximum width of 10'.

Architecture.

UDAT recommends modifying the commercial glazing and entry to read as more commercial or storefront and less as a residential-type punched window. This could be accomplished by bringing the glazing further towards the ground, adding more that connects it with the doorway, or by adding verticality into its proportions.



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UDAT MEETING NOTES

Project: 1469 Pacific

Planner: Kate Conner

Date: 06/11/13; 06/30/13

Attendees: Glenn Cabrerros, Neil Hrushowy, Jeff Joslin, Alexis Smith, Sara Vellve

General

The proposed project is the construction of a new 4-story, 9-unit residential building over a ground floor lobby and parking in a NC-D / 40-X district.

Site Design, Open Space, and Massing

- UDAT recommends a code complying rear yard that provides the minimum required area, exposure, access and preservation of the mid-block open space, and usability. Based on the current mid-block pattern, the new construction at the rear of the property further exacerbates the current lack of mid-block open space.

Vehicle Circulation, Access and Parking

- UDAT recommends a parking strategy that minimizes the parking footprint at the ground level to allow for a deeper and a larger residential entrance at the street. This may be achieved while retaining parking by providing sub-grade parking and/or a stacked parking system.

Architecture

- The proposed bays are an appropriate way to break up the building's façade. UDAT recommends more variety in the width and configuration of the bays so as to create a more dynamic elevation. Likewise, the proportion and configuration of the windows within the bays should be reexamined.
- UDAT appreciates the recent changes that have been made to the elevation, specifically recessing the central vertical element, and reducing the amount of glazing on either side of this central element.



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UDAT MEETING NOTES

Project: 1469 Pacific

Planner: Kate Conner

Date: 06/11/13

Attendees: Glenn Cabrerros, Neil Hrushowy, Jeff Joslin, Alexis Smith, Sara Vellve

- **General**

The proposed project is new construction of a 4-story, 9- unit residential building over ground floor lobby and parking in a NC-D / 40-X district.

- **Site Design, Open Space, and Massing**

- UDAT recommends a code complying rear yard that provides the minimum area, exposure, access and preservation of the mid-block open space, and usability. Based on the current mid-block pattern, the new construction further exacerbates the current lack of mid-block opens space.

- **Vehicle Circulation, Access and Parking**

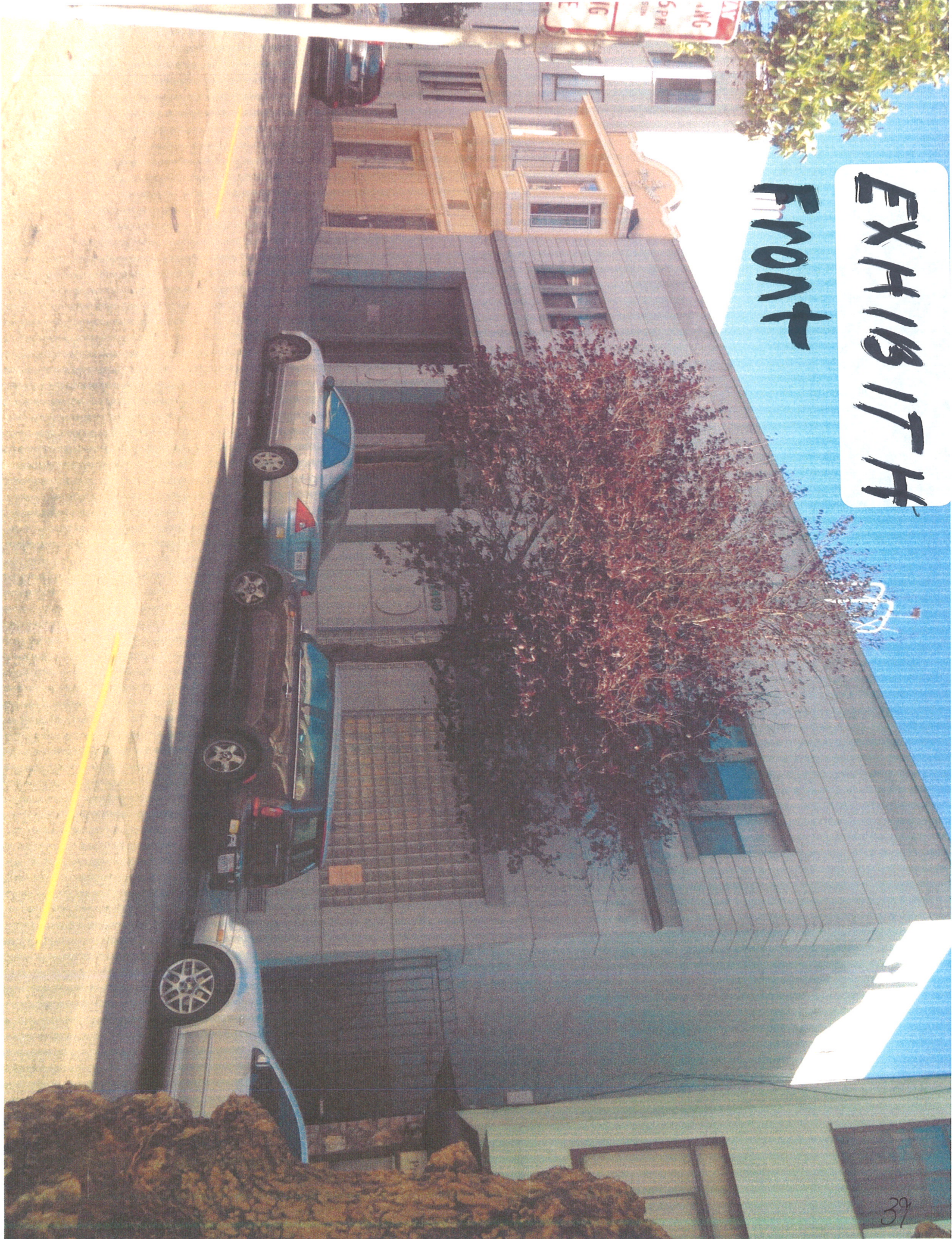
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Architecture

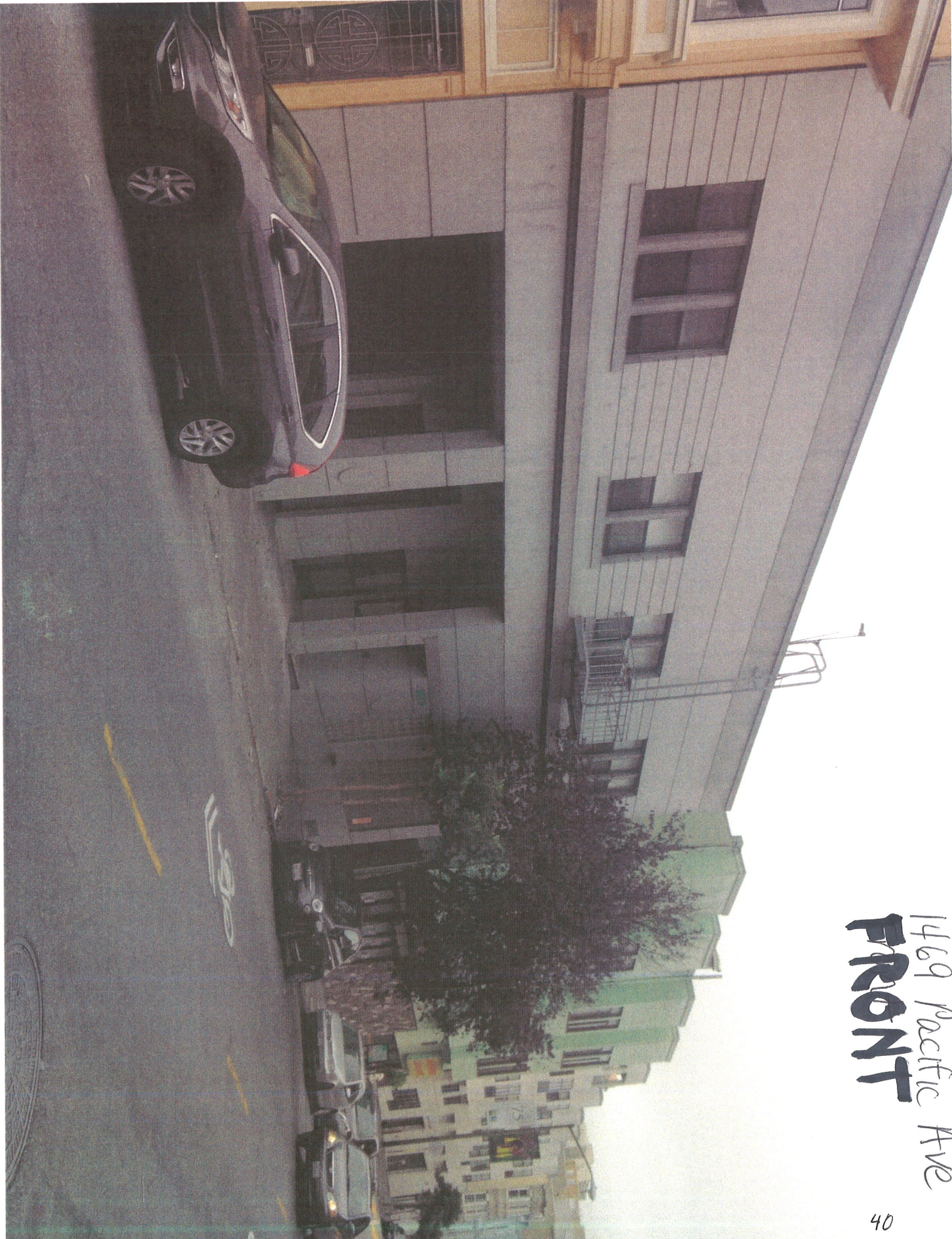
- The proposed bays are an appropriate way to break up the building's façade. UDAT recommends more variety in the width and configuration of the bays so as to create a more dynamic elevation. Likewise, the proportion and configuration of the windows within the bays should be reexamined.
- As currently designed, there is no relationship between the ground floor and the upper floors. UDAT recommends several adjustments to unify these two portions of the façade:
 - Pull the first floor back three feet so that it aligns with the recessed area between the bays, thus eliminating the ledge that currently exists over the ground floor. This will create the opportunity to link the ground level with the upper floors through the detailing of the recessed areas as they extend down to the ground level. Shifting the ground level back three feet will also establish a hierarchy

EXH 18 17H

Front



1469 Pacific Ave
FRONT





41
Pacifi
Review

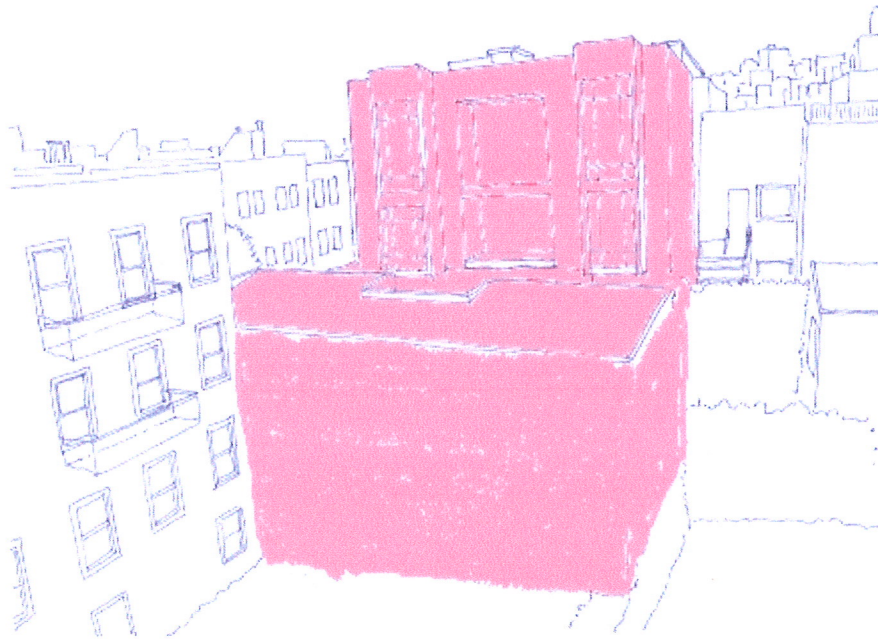


EXHIBIT H

1469 Pacific Ave

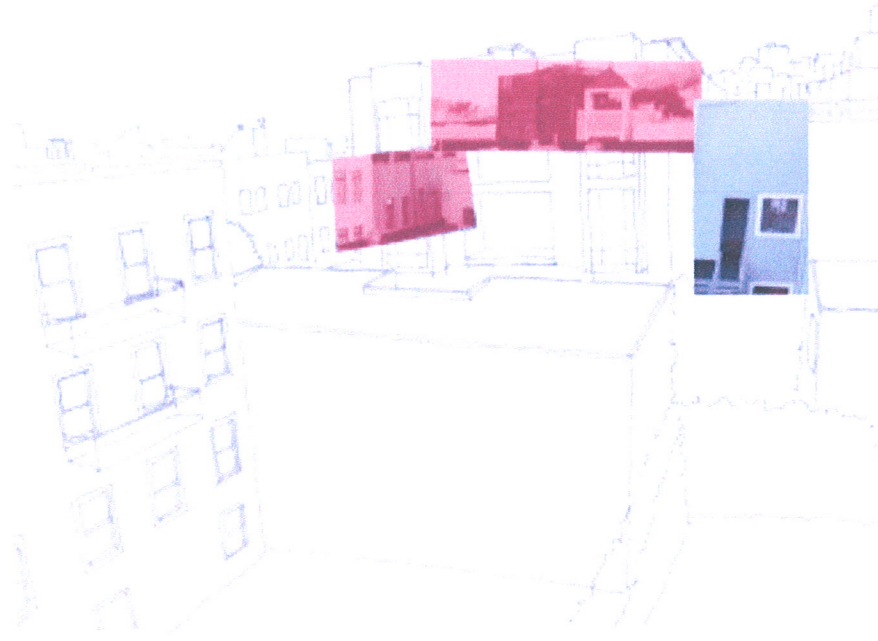


BUILDING NOW



BUILDING AFTER DEVELOPMENT

From Jackson Street North



BUILDINGS WITH LIGHT BLOCKED BY PROPOSED PROJECT



1469 Pacific Ave

BUILDINGS WITH LIGHT BLOCKED BY PROPOSED PROJECT

BUILDING NOW: Facing Pacific Ave



AFTER DEVELOPMENT:



4 South Side
Pacific Ave

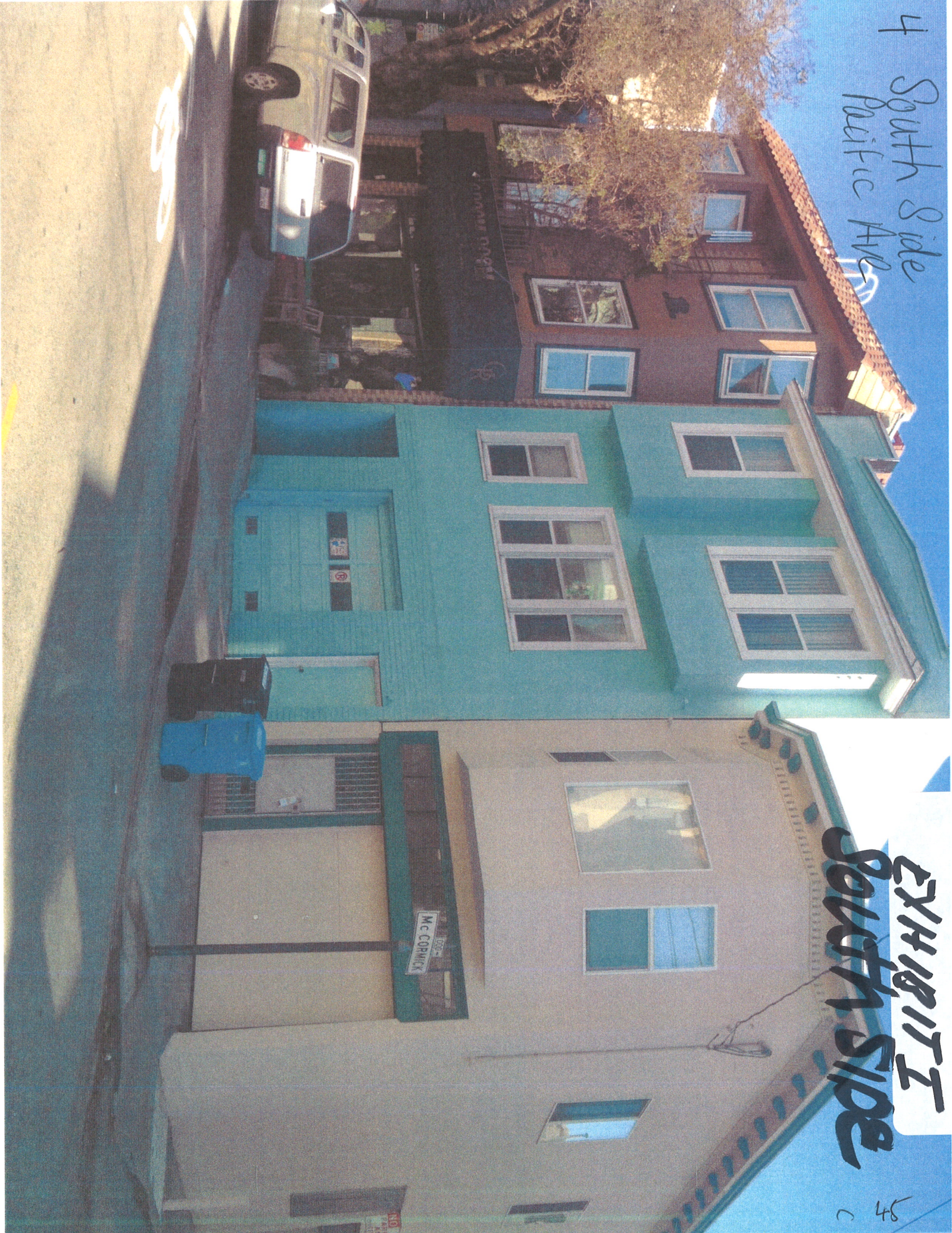


EXHIBIT I
SOUTH SIDE

EXHIBIT I
Northside





EXHIBIT J - 12' WIDE