



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Planning Code Text Amendment

INITIATION HEARING DATE: JUNE 22, 2017

*Project Name:* Definition of Gross Floor Area  
*Case Number:* 2017-004678PCA  
*Initiated by:* Planning Commission  
*Staff Contact:* Audrey Butkus, Legislative Affairs  
[audrey.butkus@sfgov.org](mailto:audrey.butkus@sfgov.org), (415) 575-9129  
*Reviewed by:* Aaron Starr, Manager of Legislative Affairs  
[aaron.starr@sfgov.org](mailto:aaron.starr@sfgov.org), 415-558-6362  
*Recommendation:* **Initiate and Schedule for Adoption on or After July 13, 2017**

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Reception:  
**415.558.6378**

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The action before the Commission is initiation of the code amendments described below. Initiation does not involve a decision on the substance of the amendments; it merely begins the required 20 day notice period, after which the Commission may hold a hearing and take action on the proposed Code amendments.

### PLANNING CODE AMENDMENT

The proposed Ordinance would amend the Planning Code to make substantive amendments to the definition of Gross Floor Area and make clarifying, non-substantive amendments to the definition of Gross Floor Area. The proposed amendment seeks to include all space not specifically listed as exempt in Section (b), as included in the definition of Gross Floor Area. Required car-share parking spaces are being proposed to be exempt from the definition of Gross Floor Area in all districts. All other changes are considered corrective in nature and not substantive.

#### The Way It Is Now:

Section 102 of the Planning Code defines Gross Floor Area. Within this definition, Gross Floor Area is divided into subsections of what shall be included in its definition, and what shall be excluded.

1. Included in Gross Floor Area:
  - a. Floor space in accessory buildings, except for floor space in accessory buildings located in C-3 Districts (which are excluded from the Gross Floor Area definition).
  - b. Any floor area in C-3 Districts dedicated to accessory or non-accessory parking, except for bicycle parking (so long as the bicycle parking meets the standards of Section 155.1 – 155.4) and required off-street loading.
  - c. Required car-share parking spaces.
2. Excluded in Gross Floor Area:
  - a. Floor space that is dedicated to parking so long as this parking does not exceed the amount that is principally permitted as accessory parking, and the parking is located underground.

- b. Floor space in C-3 Districts that is dedicated to parking so long as this parking does not exceed the amount that is principally permitted as accessory parking, and the parking is located underground.

### The Way It Would Be:

Both substantive and non-substantive changes would be made to the specific subsections of the definition of Gross Floor Area, which were described above.

1. Included in Gross Floor Area:
  - a. Any floor space that is not specifically excluded in Section (b) of this definition would be included in the definition of Gross Floor Area. Floor space in “accessory buildings” located in C-3 Districts would now be included in the definition of Gross Floor Area. *This change is substantive.*
  - b. Any floor area in all districts that is dedicated to accessory or non-accessory parking, except for bicycle parking (so long as the bicycle parking meets the standards of Section 155.1 – 155.4) and required off-street loading. *This change is not substantive.*
  - c. Remove required car-share parking spaces from the definition of Gross Floor Area, and move to Section (b) as excluded from Gross Floor Area. *This change is substantive.*
2. Excluded in Gross Floor Area:
  - a. Floor space that is dedicated to accessory parking so long as this parking does not exceed the amount that is principally permitted as accessory parking, and the parking is located on any Basement Story. *This change is not substantive.*
  - b. Remove the repetitive language regarding floor space in C-3 Districts that is dedicated to parking so long as this parking does not exceed the amount that is principally permitted as accessory parking, and the parking is located underground as excluded from the definition of Gross Floor Area. *This change is not substantive.*

## ISSUES AND CONSIDERATIONS

### Gross Floor Area

Gross Floor Area is the sum of the floor areas of the spaces within a building. Measurements must be taken from the exterior faces of exterior walls or from the centerlines of walls separating two buildings. The Planning Code uses the GFA measurements of a building or proposed project to determine size and density of a project, and as a set of guidelines for allowable size and density of buildings in various zoning districts. GFA is also used to calculate Floor Area Ratio (FAR). FAR is the ratio of the Gross Floor Area of all the buildings on a lot to the area of the lot. The Planning Code regulates maximum allowable FAR of a lot.

### Substantive Changes

The following two changes are considered substantive in nature, meaning they could impact how Gross Floor Area is calculated in the Planning Code; however, as discussed below, the impact would be minor.

**Accessory Buildings.** The proposed ordinance removes the distinction of exempting “accessory buildings” in C-3 Districts from the definition of Gross Floor Area. C-3 Districts are currently exempt from including “accessory buildings” in a project’s calculation of Gross Floor Area. This provision is

problematic for three reasons: 1. The Planning Code does not define “accessory buildings”, 2. The natural composition of most parcels in C-3 Districts prevents an “accessory building” from being constructed, 3. All other zoning districts include these types of accessory spaces in the definition of Gross Floor Area, and there is no distinctive characteristic of the C-3 District that differentiates it from all other zoning districts for the purposes of calculating gross floor area of accessory structures.

**Excluding Car-share from Gross Floor Area.** The proposed ordinance removes required car share parking from the definition of Gross Floor Area. Required car-share parking is a mandatory condition imposed by the City in order to increase residents’ sustainable transportation opportunities. Required car-share parking spaces are not only mandated for projects that meet certain conditions, but should be an encouraged use, therefore it is to the benefit of the public and the development community to exclude required car-share parking spaces from the definition of Gross Floor Area in all zoning districts.

### **Non-Substantive Changes**

The following changes are considered to be non-substantive, meaning that they will not impact how GFA is calculated in the Planning Code. The changes either remove redundant language or correct undefined language.

**C-3 Districts GFA Distinctions.** Several sections in the definition of Gross Floor Area specifically call out C-3 Districts. While some specifications regarding the differences in zoning districts when determining Gross Floor Area are necessary, several provisions, such as calling out C-3 Districts and bicycle parking, are not necessary as C-3 Districts operate under the same provisions as all other zoning districts. All mentions of C-3 Districts are repetitive and/or unnecessary and are proposing to be amended to assist in creating a cleaner, and more digestible Planning Code.

**Replacing “underground” with “Basement Story”.** “Underground” is not defined in the Planning Code. “Basement Story” is defined in the Planning Code as: “*Space located below the first story of a building when such space is of sufficient floor to ceiling height for legal occupancy*”, which was the intention of the term “underground” in the Gross Floor Area definition.

## **RECOMMENDATION**

The Department recommends that the Commission recommend approval of the resolution of intent to initiate the Planning Code amendments on or after July 13, 2017.

## **BASIS FOR RECOMMENDATION**

The Department recommends that the Commission initiate the proposed ordinance because it will increase clarity and improve the organization and consistency of the Planning Code.

## **REQUIRED COMMISSION ACTION**

The proposed Ordinance is before the Commission so that it may initiate the proposed Ordinance and schedule a time for the ordinance to be heard for adoption.

## **IMPLEMENTATION**

The Department determined that this Ordinance will impact our current implementation procedures; however the proposed changes can be implemented without increasing permit costs or review time.

## **ENVIRONMENTAL REVIEW**

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c)(2) and 15378 because they do not result in a physical change in the environment.

## **PUBLIC COMMENT**

As of the date of this report, the Planning Department has not received any public comment regarding the proposed Ordinance.

<b>RECOMMENDATION:</b> <b>Recommendation of Approval</b>
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### **Attachments:**

- Exhibit A:     Draft Planning Commission Resolution
- Exhibit B:     Board of Supervisors File No. TBD



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Draft Resolution

HEARING DATE JUNE 22, 2017

*Project Name:* **Definition of Gross Floor Area**  
*Case Number:* **2017-004678PCA [Board File No. TBD]**  
*Initiated by:* **Planning Commission**  
*Staff Contact:* **Aaron Butkus, Legislative Affairs**  
**audrey.butkus@sfgov.org, 415-575-9129**  
*Recommendation:* **Initiate and Schedule for Adoption on or After July 13, 2017**

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**INITIATING AMENDMENTS TO THE PLANNING CODE TO REVISE THE DEFINITION OF GROSS FLOOR AREA TO DELETE THE REFERENCE TO ACCESSORY BUILDINGS, EXEMPT REQUIRED CAR-SHARE SPACES, REMOVE REDUNDANT OFF-STREET LOADING PROVISIONS, AND MODIFY PROVISIONS REGARDING ACCESSORY AND NON-ACCESSORY PARKING; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.**

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider initiation of the proposed Ordinance on June 22, 2017; and,

WHEREAS, the proposed amendments would amend the Planning Code to make two substantive, but relatively minor amendments to the definition of Gross Floor Area; and

WHEREAS, the proposed amendments would make two clarifying, non-substantive amendments to the definition of Gross Floor Area; and

WHEREAS, the Environmental Review has determined that the proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c)(2) and 15378 because they do not result in a physical change in the environment; and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

**MOVED**, that pursuant to Planning Code Section 302(b), the Planning Commission Adopts a Resolution to Initiate amendments to the Planning Code;

**AND BE IT FURTHER RESOLVED**, that pursuant to Planning Code Section 306.3, the Planning Commission authorizes the Department to provide appropriate notice for a public hearing to consider the above referenced Planning Code amendments contained in the draft ordinance, approved as to form by the City Attorney in Exhibit A, to be considered at a publicly noticed hearing on or after **July 13, 2017**.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on June 22, 2017.

Jonas P. Ionin  
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED:

FILE NO.

ORDINANCE NO.

1 [Planning Code - Definition of Gross Floor Area]

2

3 **Ordinance amending the Planning Code to revise the definition of Gross Floor Area to**  
 4 **delete the reference to accessory buildings, exempt required car-share spaces, remove**  
 5 **redundant off-street loading provisions, and modify provisions regarding accessory**  
 6 **and non-accessory parking; and making environmental findings and findings of**  
 7 **consistency with the General Plan and the eight priority policies of Planning Code,**  
 8 **Section 101.1, and public necessity, convenience, and welfare findings pursuant to**  
 9 **Planning Code, Section 302.**

10 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
 11 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
 12 **Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.  
 13 **Board amendment additions** are in double-underlined Arial font.  
 14 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
 15 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
 16 subsections or parts of tables.

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

18 Section 1. Environmental and Land Use Findings.

19 (a) The Planning Department has determined that the actions contemplated in this  
 20 ordinance comply with the California Environmental Quality Act (California Public Resources  
 21 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
 22 Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference.

23 (b) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_, adopted  
 24 findings that the actions contemplated in this ordinance are consistent, on balance, with the  
 25 City's General Plan and eight priority policies of Planning Code, Section 101.1. The Board

1 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the  
2 Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, this Board finds that this ordinance will  
4 serve the public necessity, convenience, and welfare for the reasons set forth in Planning  
5 Commission Resolution No. \_\_\_\_\_, and the Board incorporates such reasons herein by  
6 reference.

7  
8 Section 2. The Planning Code is hereby amended by revising Section 102, to read as  
9 follows:

10 **SEC. 102. DEFINITIONS.**

11 \* \* \* \*

12 **Floor Area, Gross.** In Districts other than C-3, the sum of the gross areas of the several  
13 floors of a building or buildings, measured from the exterior faces of exterior walls or from the  
14 centerlines of walls separating two buildings. Where columns are outside and separated from  
15 an exterior wall (curtain wall) that encloses the building space or are otherwise so arranged  
16 that the curtain wall is clearly separate from the structural members, the exterior face of the  
17 curtain wall shall be the line of measurement, and the area of the columns themselves at each  
18 floor shall also be counted. In C-3 Districts and the Van Ness Special Use District, the sum of  
19 the gross areas of the several floors of a building or buildings, measured along the glass line  
20 at windows at a height of four feet above the finished floor and along a projected straight line  
21 parallel to the overall building wall plane connecting the ends of individual windows, provided,  
22 however, that such line shall not be inward of the interior face of the wall.

23 (a) Except as specifically excluded in this definition, "Gross Floor Area" shall include,  
24 but not be limited to, the following:

25 \* \* \* \*



1 ~~(7) In districts other than C-3 Districts, floor space in accessory buildings; and~~

2 ~~(87) In C-3 Districts, a~~Any floor area dedicated to accessory or non-accessory  
3 parking, except for ~~bicycle parking, required off-street loading, and~~ accessory parking as  
4 specified in subsection (b)~~(67)~~; and

5 ~~(98)~~ Any other floor space not specifically excluded in this definition.

6 (b) "Gross Floor Area" shall not include the following:

7 \* \* \* \*

8 (6) Floor space dedicated to accessory parking that does not exceed the amount  
9 principally permitted as accessory, and is located on any Basement Story underground;

10 ~~(7) In C-3 Districts, floor space dedicated to parking which does not exceed the~~  
11 ~~amount principally permitted as accessory, and is located underground. Required off-street loading~~  
12 ~~and required car-share parking;~~

13 (8) Bicycle parking that meets the standards of Sections 155.1 through 155.4 of  
14 this Code;


15 \* \* \* \*

16  
17 Section 3. Effective Date. This ordinance shall become effective 30 days after  
18 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
19 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
20 of Supervisors overrides the Mayor's veto of the ordinance.

21  
22 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
23 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
24 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
25 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment

1 additions, and Board amendment deletions in accordance with the "Note" that appears under  
2 the official title of the ordinance.

3  
4  
5 APPROVED AS TO FORM:  
6 DENNIS J. HERRERA, City Attorney

7 By:   
8 VICTORIA WONG  
9 Deputy City Attorney

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10  
11 Not defined as a project under CEQA Guidelines  
12 Sections 15378 and 15060(c)(2) because it does not  
13 result in a physical change in the environment.  
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