



SAN FRANCISCO
PLANNING
DEPARTMENT

ZONING ADMINISTRATOR BULLETIN NO. 7

Planning Code Interpretations for the Eastern Neighborhoods

Section 307 of the Planning Code mandates the Zoning Administrator to issue and adopt such rules, regulations and interpretations as are in the Zoning Administrator's opinion, necessary to administer and enforce the provisions of the Planning Code. [Section 7.502 of the San Francisco Charter charges the Zoning Administrator with the responsibility of administering and enforcing the Planning Code.]

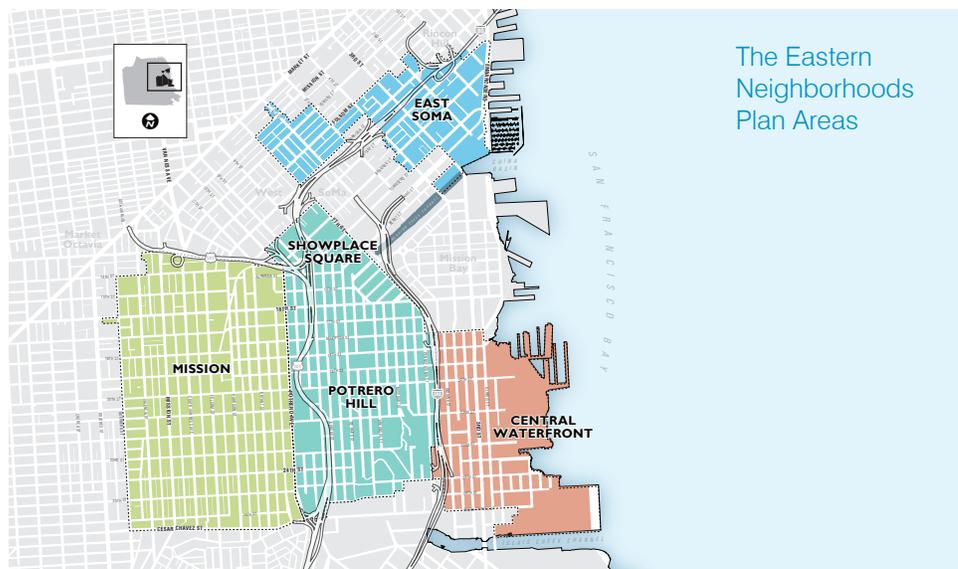
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Relevant Ordinance:
0298-08: Planning Code Amendments for the Eastern Neighborhoods Area Plans

Formerly Known as: Bulletin No. 2009-02

In December 2008, the City adopted the Eastern Neighborhoods Plan. The Plan affected more than 2,200 acres and comprised more than 1,800 pages of ordinance amending the Zoning Maps, Planning Code, and Administrative Code. While Department staff made every effort to ensure the efficacy and accuracy of the Plan's implementing provisions, any effort of this magnitude will inherently contain minor errors and omissions, and require interpretations. Accordingly, the Department intends to draft corrective trailing legislation and forward it to the Planning Commission and Board of Supervisors in the coming months. However, in order to avoid multiple and overlapping pieces of legislation, Zoning Administrator Bulletins will be issued from time to time to address outstanding issues until such time as subsequent legislation is in place, as well as clarifications, amplifications and interpretations that may remain in force even after cleanup legislation. This is the first such Bulletin.



Code Section: 102.29

Definition of Bedroom

Effective Date: 5/09

Interpretation:

The Eastern Neighborhoods Plan includes 'minimum dwelling unit mix' provisions in Section 207.6 which require a certain number of two- or three-bedroom units in new developments. In order to implement this requirement, it was necessary to define a 'bedroom'. Section 102.29 defines bedroom as "a 'sleeping room', as defined in the Building Code". However, the Building Code does not contain a single definition of "sleeping room", rather it – along with the Housing Code - contains several varied definitions, many of which relate to technical issues traditionally dealt with by the Department of Building Inspection (DBI). Therefore, a bedroom shall be defined as any room which meets all of the following criteria and which is subsequently determined by DBI to meet applicable Building and Housing Code standards: (1) contains at least 70 square feet, exclusive of closets, bathrooms, or similar spaces, (2) has at least one window opening to an area which leads either to a street or rear yard space, and (3) is clearly labeled as a 'bedroom' on submitted plans.

Code Section: 145.1(c)(3)(A)

Required above grade parking setback

Effective Date: 5/09

Interpretation:

In order to promote an active and attractive streetscape, the Eastern Neighborhoods Plan requires that ground floor off-street parking be set back 25 feet from a building facade. However, Section 151.1(c) establishes that all parking spaces, including those in tandem arrangements, count toward parking maximums and that the Zoning Administrator may count any garage area of adequate size as an off-street parking space if it could practically be used as a parking space. It is reasonably foreseeable that, in a circumstance where only one or two parking spaces are permitted and are proposed, the required parking setback would lead to an empty drive-aisle within the first 25 feet of the building. This area, in turn, could be considered an additional tandem parking space in excess of the permitted number of spaces. As such, the literal application of these two Code standards would conflict with off-street parking maximums and require the devotion of additional ground level space for off-street parking. Therefore, the following shall apply to projects subject to this Section:

- 1) When only one parking space is permitted, should a space be proposed it must be within the first 25 feet of the building.
- 2) When two or more parking spaces are proposed, one space may be within the first 25 feet of the building.
- 3) When three or more parking spaces are proposed, all parking spaces must be set back at least 25 feet from the front of the development.

Code Section: 151.1(c)

Required above grade parking setback

Effective Date: 5/09

Interpretation:

See interpretation 145.1(c)(3)(A)

Code Section: 175.6

Sunset of ‘Pipeline’ Provisions

Effective Date: 5/09

Interpretation:

The intent of this Section is to ‘provide an orderly transition from prior zoning’ [emphasis added] to the new Eastern Neighborhoods controls. While Section 175.9 requires that pipeline projects obtain a site or building permit within 36 months of receiving a final entitlement, there is no initial time limit for such projects to receive required entitlements from the Planning Commission. Nonetheless, it is implicit that the zoning ‘transition’ in question is not intended to continue in perpetuity. Accordingly, projects which seek authorization under this Section must receive required entitlements from the Planning Commission or Department prior to January 19, 2011, which is two years from the effective date of the Eastern Neighborhoods Plan. This date may be extended by the Zoning Administrator due to circumstances beyond the applicant’s controls, as set forth in Section 175.9(e)(2), such as appeals or court challenges. It should be noted that, together with the three-year authorization period set forth in Section 175.9, pipeline projects will be afforded a five-year window to receive required building permits.

Code Section: 179.1(b)(2)(D)(1)

Legitimization, “Continuous Basis”

Effective Date: 5/09

Interpretation:

As part of the Eastern Neighborhoods Plan, a “legitimization” program was established to address existing uses which lack the required permits. Specifically, certain uses which were previously allowable but no longer are may seek the required permits under pre-Eastern Neighborhoods zoning controls. A land use may be eligible to be “legitimized” under Section 179.1 if it has been “regularly operating or functioning on a continuous basis” for no less than two years. For purposes of this subsection, this criterion shall be considered satisfied even if a such continuous basis was interrupted by a period of vacancy so long as (1) the total period of vacancy was less than one year, (2) the space in question was actively being marketed for occupancy by the land use in question during such vacancy, and (3) the space in question has been occupied for at least two years by the land use in question.

Code Section: 231

PDR Replacement using Integrated PDR

Effective Date: 5/09

Interpretation:

To help preserve viable industrial buildings and maintain PDR space and the character of PDR Districts, Section 231 requires that demolished industrial buildings in PDR Districts be replaced by buildings containing a specific minimum amount of new industrial uses. Section 231 was established as part of the Bayview Rezoning Process and does not account for Integrated PDR uses which were created along with the more recent Eastern Neighborhoods Plan. Integrated PDR uses, despite being generally considered industrial, contain less square footage specifically devoted to conventional PDR activities than traditional industrial uses. Accordingly, Integrated PDR will be allowed to satisfy the replacement PDR requirements of Section 231 only in cases where at least twice the square footage of Integrated PDR space is provided relative to what would be required if the replacement space were typical PDR space.

Code Section: 803.8(d)

Housing Ratio in the MUR District

Effective Date: 5/09

Interpretation:

The MUR District is intended primarily to be a residential district. Accordingly, this Section requires that three residential gross square feet be created for every one nonresidential gross square foot. This requirement was adapted from a similar requirement in the RSD District (Section 803.8(c)) which applies only to new construction. Section 803.8(d) inadvertently fails to specify the types of projects to which it applies. Because of this unintentional omission and because existing buildings could not reasonably be expected to meet this provision, this Section shall only apply to new construction and not to existing buildings.



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FOR MORE INFORMATION: Call or visit the San Francisco Planning Department

Central Reception
1650 Mission Street, Suite 400
San Francisco CA 94103-2479

TEL: **415.558.6378**
FAX: **415 558-6409**
WEB: **<http://www.sfplanning.org>**

Planning Information Center (PIC)
1660 Mission Street, First Floor
San Francisco CA 94103-2479

TEL: **415.558.6377**
*Planning staff are available by phone and at the PIC counter.
No appointment is necessary.*