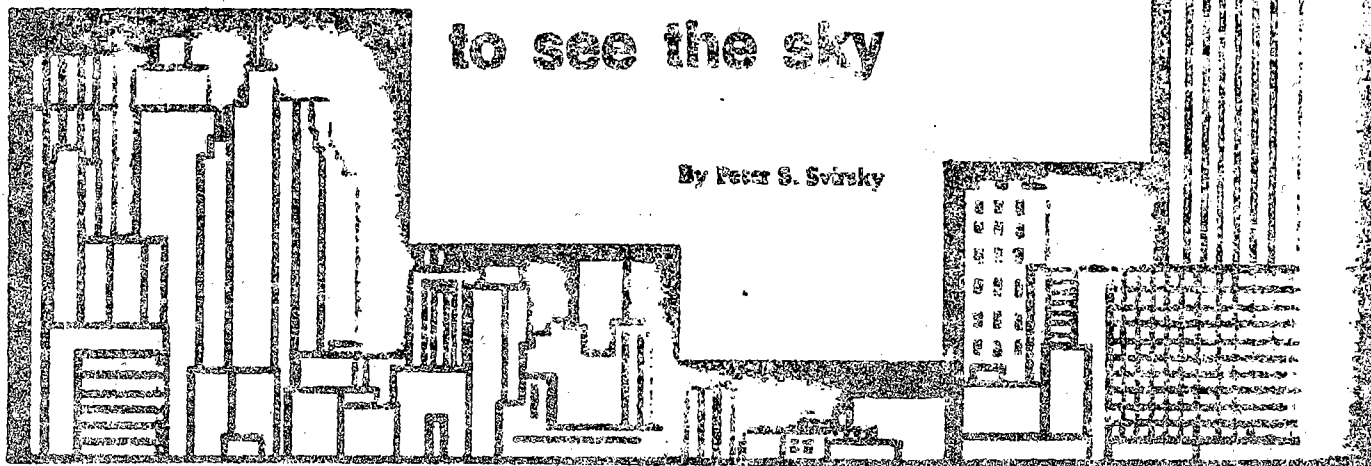


San Francisco limits the buildings

to see the sky

By Peter S. Svirsky



There appears to be a rediscovery in California of comprehensive planning as a policy basis for decisions about preservation and development. An expanding series of state laws prescribe elements for local master plans, emphasizing environmental questions and a genuine responsiveness to community needs.

At the same time, there is increasing interest in rapidly implementing the public policies expressed in such master plans. But if a policy has been adopted, why then is it not immediately carried out? And if the policies languish through lack of use, should the public conclude that plans are meaningless or that the officials and processes of government are inept or untrustworthy?

We are apt to find sage answers to such questions: assertions that the policies are too general and ambiguous, or that the government structure is not coordinated and purposeful, or that the political processes are too slow and divisive, or that the tools for implementation are not adequate. But, while these may be accurate observations, they are often excuses more than answers, a substitute for willingness to face the crunch of productive action.

A case in point. Last summer, policies in San Francisco's Urban Design Plan—part of its master plan—were successfully applied to zoning districts for control of the height and bulk of buildings. The new districts extend citywide, relating permitted size of new buildings to the city's visual qualities and the character of its neighborhoods. These districts continue a San Francisco tradition of concern about building size as it relates to both the city's past development and its magnificent natural setting, a tradition that first saw scattered height limits established in the 1920s.

Peter Svirsky is a lawyer and a staff member of the San Francisco Department of City Planning.

A new master plan for San Francisco is being developed and presented to the city planning commission as a series of elements. The first three elements—on housing, urban design, and transportation, have been adopted by the commission; and a fourth element—on recreation and open space—is now at the public hearing stage. Work has been completed toward policies for public facilities (schools, libraries, police, fire) and economic development. Certain state-mandated elements—on conservation, noise, and seismic safety—also are under way.

More than a proportional amount of public attention has been given to the urban design plan, and one senses that some people have thought of it as the whole master plan. Because the urban design plan has captured such attention, the public strongly believes that it presents a list that the city government ought to deliver. Here is a document that establishes policies concerning the city's physical character—how it looks and feels, what ought to be preserved, what needs improvement, and where and how future development might occur. These policies are intended as a continuing basis for rational decision making, a directive for defining quality and livability.

The urban design plan is divided into four sections which deal with the city pattern (the overall structure and types of broad features that give the city its image and character); conservation (identification of irreplaceable resources, including open space, buildings, and streets); neighborhood environment (the factors that contribute to the close-at-hand livability of individual neighborhoods); and major new development. This fourth section contains the policies for height and bulk of buildings.

Work began on the urban design plan in 1963, more than a year after Allan B. Jacobs came to San Francisco as Director of Planning. Jacobs had immediately perceived the

importance of a plan which would identify the physical attributes that characterize the city and which also would prescribe measures for their protection and improvement. For some time most of the major planning issues in San Francisco had involved urban design questions, but without a citywide plan there would have been little hope of resolving these issues or avoiding future crises.

A year had been required to fund the project. This was accomplished through 701 assistance of \$180,000 plus a local contribution. Department staff members were then added in the urban design field, and several consultants were employed for specific studies. Surveys and analyses were made in considerable detail, involving examination of every block in the city as well as photography, interviews, sketches, and development of a variety of concepts. Eight preliminary reports were published and distributed to interested people and organizations, including an advisory committee that met monthly.

In the fall of 1970 the last preliminary report was published, which contained in early draft form much of the material that was to go into the finished plan the following spring. A portion of this report was devoted to guidelines for height and bulk of buildings. Even at this tentative stage the design study took account of the means that could be used for implementation of the plan; and, in fact, the seventh preliminary report had been devoted to methods of implementation. That report took stock of the various city powers in urban design questions, both direct city actions and controls over private development. In the case of each power, the process of public involvement was reviewed and the relevant parties and their decisions were identified. This implementation report helped to gear the study to practical actions by which the plan could later be carried out.

When the finished urban design plan was ready, considerable effort was given to attracting community leaders to the first presentation. This presentation, given in a museum hall, consisted of a three-projector slide showing along with a narration lasting 40 minutes. A panel exhibit was put on display at the museum and later moved to other public places throughout the city. For a period of six weeks other presentations were given to interested groups, and several thousand copies of the urban design plan were distributed. Then three public hearings on its inclusion in the master plan were held by the city planning commission.

The overall reception was extremely favorable, even laudatory, though many of the people who commented spoke only on a general level. Some groups were more specific and asked for additions or changes in emphasis. There was special interest in the guidelines for height and bulk of buildings, which sought to relate building size to topographic form, to activity centers, to view protection, and to the established scale of structures in each part of the city. The guidelines for height were expressed as a height range that would be appropriate for each area, and the guidelines for bulk indicated a maximum width for buildings on the skyline. Both the width of each wall and the diagonal width of the building were considered in the bulk guidelines, and the limits established were applied to all parts of the building above the prevailing height of surrounding development.

These guidelines were roundly welcomed by the public, which had seen a new and much larger scale develop in the current generation of buildings, often dwarfing the older skyline and destroying its unity. The urban design plan promised in the future to avoid the unproductive confrontations associated with some of these building projects, confrontations that had usually come too late to influence the developments.

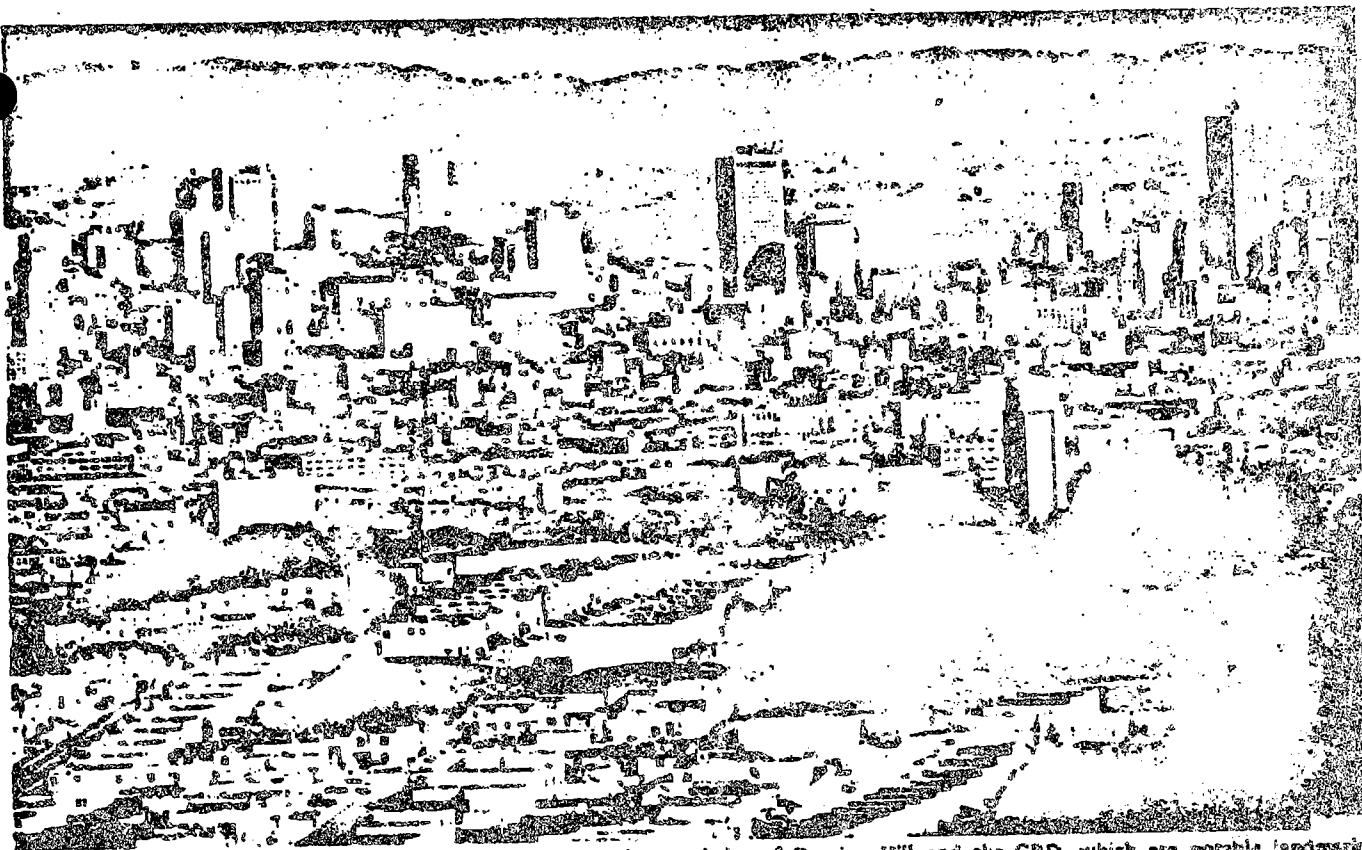
Throughout the hearings on the plan there was a strong concern about implementation. Many times it was stated that the policies of the plan were correct but that there was doubt about an effective follow-through. The speakers looked ahead toward more concrete city actions and indicated that the plan would not have meaning to them until it was carried out.

Comments at the hearings were thoroughly reviewed and answered by the department staff, and a variety of amendments to the plan were recommended. Among these were 25 changes in the height guidelines and a restructuring of the map for building bulk. In August 1971 the commission adopted the amended plan.

The overwhelming interest in implementation of the plan encouraged the commission to take immediate action on the most pressing matter covered by the plan, the height and bulk of buildings. On the same day that it adopted the plan the commission passed a resolution declaring its intention to hold future hearings on zoning proposals reflecting height and bulk guidelines. The department staff was then given six months to draw up specific zoning maps and ordinance standards.

This action had the effect, under normal procedures for rezoning in San Francisco, of putting the height and bulk guidelines of the urban design plan into effect as interim legal standards pending the development of more precise proposals for the coming hearings. Under these interim controls the height limits were set forth in ranges, with the commission having discretion within each range. For example, in a given area a builder might be permitted a height of 160 feet as of right, with commission discretion to be exercised above that to a maximum of 240 feet. The bulk control limits were fixed, though with commission discretion permission might be granted to exceed them in certain cases. These interim controls, and the more precise standards that were to supplant them six months later, had a maximum legal life of two years before final action on an ordinance had to be taken by the legislative body.

The interim controls did not have any effect upon building permit applications already on file at the time of the commission's resolution. This fact was to plague the commission and the staff all through the proceedings that followed. Two applications of particular note were already on file, one for a hotel on Van Ness Avenue (between Russian Hill and Pacific Heights) and another for an apartment building on Russian Hill. Both would be massive structures exceeding the height and bulk limitations of the urban design plan. Both were vigorously opposed, and in each case the staff recommended that the commission turn down the building through an extraordinary power it held under the city charter. The commission eventually approved both projects by split votes, with the Russian Hill project transformed into two more slender towers.



San Francisco's urban design plan will help preserve the characteristics of Russian Hill and the CBD, which are notable landmarks.

Grandfather provisions in zoning are not easily understood or tolerated by the public, and the whole urban design plan was cast in a bad light. Observers easily forgot that before the plan there were no controls at all over such projects. The public was also upset by the fact that other high buildings, most of them downtown, had been rushed through by developers in recent months to avoid either the urban design plan or a height-limit initiative that had been placed by petition on the November 1971 ballot. This initiative, the result of nearly 30,000 signatures, sought to impose a limit of six stories on the entire city. Its backers regarded it as a desperate move to slow development or, in the alternative, to force the city government to produce more rational controls of lasting significance. As might be expected, the debate for and against this initiative was varied and at times chaotic. The Department of City Planning stayed clear and redoubled its efforts to produce zoning limits for height and bulk on its own prescribed schedule. In November the petition made a respectable showing at the polls, getting 38 per cent of the vote.

An elaborate process was followed by the staff in drawing the zoning maps. The guidelines of the urban design plan were only a starting point, and a number of other factors were considered, the most important of which was the location of zoning-use districts. These existing use districts were not to be changed and, where possible, the new height and bulk districts were given comparable boundaries. The mapping study also took into consideration the prevailing scale of development block by block, existing buildings that either established or violated a norm in an

area, and known development projects. Area plans of the department and plans of the redevelopment agency were reviewed, and a relationship was established with other elements of the master plan. If special neighborhood sentiments were known, these, too, were considered. As refinements were made from the guidelines of the urban design plan on the basis of all these factors, more often than not they brought reductions in the prescribed limits.

The new districts were given fixed controls, with a precise set of height figures based upon existing building forms and also upon the breaks in height set for various construction materials by the building code. In the great majority of areas the limits were 40 and sometimes 50 feet; and in other districts they were 65, 80, 105, 130, 160, 200, and 240 feet. Central downtown areas ranged from 300 feet at the edges to 700 feet at the center of the core. In each district a set of bulk limits was also prescribed, and these had a letter symbol that was combined with the height limit figure to form a district name. Special treatment was given to public open space areas, which did not have height and bulk limits but rather were designated as open space districts with strict safeguards against development.

Some flexibility was provided in the bulk limits. Under special circumstances, the commission could grant exceptions through conditional use procedures if the result would be a distinctly better design, or if the building would have widespread public service benefits and significance to the community at large. Criteria were established for these exceptions, requiring reduction of the appearance of bulk by specific means, as well as measures to make the development compatible with the surrounding area.

Regarding height limits the commission was given very little discretion, since experience had indicated it was far better to require a rezoning action for any height change rather than to invite a major confrontation on a project by holding out the possibility of an increase in height through discretion. One exception to this rule was a special district for the crest of Russian Hill, designed to permit a few additional point towers at selected locations above predominantly lower development. This Russian Hill district was scrapped before final commission action on the proposals, and the height limit in that area became a flat 40 feet.

As the mapping was developed, the staff also drafted ordinance provisions. These included careful specification of the methods by which height was to be measured in all situations. Special problems were posed by the many sloping sites in the city, and in some cases the measurement methods resulted in stepping permitted height across the building site. Also, an extensive list was made of rooftop features, such as mechanical equipment, that were to be exempt from the height limits. The complex nature of bulk controls required several drafts and repeated testing of definitions and standards for flexibility. It was felt that in all these matters the ordinance text had to be nearly flawless when the zoning proposals were presented so that the controls would be understood and so that the debate would focus on the general nature of the districts rather than on the drafting details.

As the six-month preparation period was coming to an end, some of the staff's efforts focused upon the coming public hearing process. What was being undertaken was a citywide rezoning requiring mailed notice to all the owners of real property. This meant post cards with mailing labels had to be prepared by the tax collector. In addition, a full-page legal advertisement, including a small version of the proposed map, had to be placed in a newspaper. The \$14,000 bill for all this advertising required a special appropriation from the Board of Supervisors, San Francisco's city council. This request to the board provided an opportunity to inform the board members of the department's progress on the zoning controls and to point out that the proposals would be coming to the board after commission action. The board members responded quite positively and even expressed impatience with the fact that the zoning proposals would not come to them sooner.

In February 1972 the staff's refined proposals were presented to the commission, which passed a new resolution incorporating the refinements for its consideration in the hearings. The new proposals now had status as interim controls and dispelled the vagueness that had prevailed with the more general guidelines of the preceding six months.

Notices were then sent to the 150,000 property owners and to 148 citywide and neighborhood citizen organizations, and the department braced for a flood of inquiries which did not come. Most of the people who did call asked about the meaning of the notice rather than the substance of the controls. It appeared that the proposals might be getting widespread acceptance, or at least that interest would be largely confined to the public hearings.

As the hearings began, the testimony was forceful, and, as time went on, it became more and more spirited. A lightning rod was thus provided for expressions of dis-

content and of distrust for government processes. Much of the testimony was organized, and at every stage it was overwhelmingly in favor of greater control. Attendance approached 3,000 people, and there were nearly 200 speakers.

Four separate evening hearings were held in quadrants of the city. This tended to focus comments on given neighborhoods, though much of the concern was also citywide. By this time a second height-limit initiative campaign had been mounted, proposing 40 feet in most of the city and 160 feet downtown. The hearings became a forum for spokesmen of the new initiative, and the urban design plan was even characterized as reactionary and pro-development in a deliberate attempt to generate polarity and ill feeling. The staff and the commission were aware that an elaborate political game was being played. Ironically, in the midst of the public participation process it was even alleged that the public was prevented from having any effect upon government decisions.

When the initiative was not being discussed, the speakers did a remarkable job of sticking to the planning issues. Inevitably, there were some requests that the height limits be used for a great variety of purposes to which they might not be easily adapted: strict limitation of traffic, control of residential density, preservation of historic buildings, stimulation of socially oriented housing, maintenance of a population balance between homeowners and renters, discouragement of absentee landlords, and setting of an envelope for maximum city growth. The staff and the commissioners also found themselves explaining repeatedly that citywide height limits did not already exist and that the present scale of buildings had not been dictated by legal restrictions. However, the speakers were not interested in comparisons with what had been permitted before; they talked about what would be permitted in the future and focused upon the relatively small proportion of residentially zoned land—only five per cent—where limits higher than 40 feet were being proposed.

For all the fireworks at the hearings, the overall effect of the testimony was constructive and persuasive. Most neighborhood organizations presented their arguments well, and some made detailed written proposals for map changes. The urban design plan was often supported and cited as authority, but with an expanded emphasis upon preservation of existing scale and the character of older buildings. Concern was expressed about blocking any views. High buildings were opposed near all public open space. It was generally felt that activity centers and institutions in neighborhoods should not be permitted much growth, and in this respect traffic generation was often cited. Perhaps most interesting was the contention that, even where taller residential buildings were common, the height limits should be low to prevent an upsetting of the present contrast of scales and a saturation in density. This argument was made most often for Russian Hill and Pacific Heights.

Only seldom was a case made for increases in height. Business and labor groups that might be expected to favor relaxed restrictions appeared to be taken aback by the strength of neighborhood sentiment. Few arguments were made for either increases or decreases in the downtown area, where these groups were most vitally concerned. Individual property owners in all parts of the city urged

isolated increases, but the only concerted effort to raise a height limit was in the community of Glen Park. In Glen Park, owners of commercial property wished to capitalize on their new BART transit station and protested the 40-foot limit through a petition campaign; this was strongly countered by surrounding residents.

The hearings gave the commission and the staff an excellent reading of public concerns and opinions. Over the next several weeks, the staff analyzed every point raised and produced a lengthy report which recommended revisions in the mapping proposals. This report was considered in two other hearings, one of them devoted to the complex issues raised in Pacific Heights. The recommended revisions were extremely responsive, making widespread reductions in height where they appeared warranted. Reductions were even made where they were not strongly requested, since a uniform scaling-down was preferable to more haphazard amendments. Public reception of the staff report was good; and, even where neighborhoods felt the report did not go far enough, they agreed that it was fair and well reasoned.

Before the commission could vote on the revised staff proposals, the results came in for the second height-limit initiative campaign—43 per cent of the vote. The increase over the 38 per cent November vote was due to the smaller turnout in June, but this did not take away from the continuing strength of public sentiment.

In any event, the process of implementing the height and bulk guidelines of the urban design plan was all but over. A unanimous vote by the commission approved the revised zoning maps and standards with only two more changes, and the matter was sent on to the Board of Supervisors. Members of that body were well aware of the commission's long and deliberate hearing process, and they were anxious to move on to final action. One committee hearing was held, with certain neighborhoods making a further plea for amendments. Some board members were sympathetic to these requests, but it became apparent that efforts to amend might delay board action or cause a voting deadlock. The board voted for adoption without dissent, merely sending several amendments back to the commission for further consideration. In September 1972 the height and bulk districts formally went into effect.

How can the success of this long implementation effort be explained? These are some of the reasons:

1. *Thoroughness of professional work.* Both the original policy—the urban design plan—and the proposals to implement the policy were based upon detailed, step-by-step study done in a professional manner. Even the strongest critics of the zoning proposals recognized that the background work was there, and residual support existed throughout the community through respect for professional competence. In preparing the proposals, the department was aided by the fact that its staff combined both policy planning and practical zoning administration in the same office, with considerable interchange of experience. Finally, the zoning proposals were presented in very concrete map and ordinance form so that debate over minor details was minimized at the hearings.

2. *Anticipation of implementation.* The urban design plan was drawn up with the intention that every policy would be implemented. As with other proposed elements

for the master plan, the design report included a list of implementation measures corresponding to the policies. One of the preliminary reports of the design study was devoted entirely to implementation. In expressing the height and bulk guidelines in its plan, the staff was careful to make them readily convertible to zoning concepts. Since zoning is well understood by the public in San Francisco, and since the administrative structure to carry it out is well established, sound zoning concepts were known to have a reasonable chance for enactment.

3. *Timeliness and public awareness.* The zoning controls being proposed were clearly timely. There had never been such a unified and focused concern on one planning issue before. Both the growing general awareness of environmental questions and recent episodes involving single building projects contributed to that concern. Widespread notice of the hearings was given, and people were able to organize and lobby as neighborhoods. Because of the common suspicion of government and the importance attached to concrete controls, as evidenced by the two initiative campaigns for height limits, the outpouring of sentiment was unusually strong. In face of this outpouring, any opponents of the controls apparently were neutralized.

4. *Focus on the policy document.* It is probable that the height and bulk controls would have had less chance of adoption if the urban design plan itself had not been widely discussed in the community. In the heat of public argument, especially over the initiatives and the disputed building proposals, the urban design plan was quoted, ridiculed, and given symbolic importance. Whatever the context, the plan became a focus for well-established concerns about visual aspects of the environment, and when implementation was being discussed, the public was well aware of the policy role of the plan. Since this was policy, it followed that it ought to be implemented.

5. *Responsiveness of government.* If public views had not been thoroughly aired before the commission, analyzed by the staff, and incorporated in the final proposals, a height and bulk ordinance would not have been enacted. But while the commission and the Board of Supervisors, as decision makers on planning matters in San Francisco, have received their share of criticism, the fact is that they have been remarkably responsive to environmental issues. The commission members are well versed in their job and the goals of planning, and they have considerable experience among them. Board members are also perceptive in these issues, and, due to their at-large election, they respond both to citywide and to neighborhood concerns.

6. *Effect of interim controls.* On several occasions now, the San Francisco procedure of providing for interim controls in rezoning has aided in adoption of new zoning measures. With the proposed controls in force in the interim, the workability and severity of them can be tested during the study and hearing period. If defects are seen in actual practice, refinements can be made before adoption, avoiding the need for later amendments. A race for building permits is thwarted for the most part, and delaying tactics need not be employed. On the contrary, the use of interim controls may build up pressure for final action so that both developers and the public at large will know where they stand for the long run.

7. *Relative simplicity of action.* The work involved in bringing about the height and bulk controls was highly technical and time-consuming. Nevertheless, it did not have some of the complexities and hazards that are found in attempts to implement other types of master plan policies. Monetary costs were not high, once the urban design plan was completed and the zoning studies and hearings could be handled by existing staff. Other public agencies, except for the legislative body, did not have to make decisions or take positive actions. Programs of other administrative levels—federal, state, regional or special districts—were not involved. And, while the zoning measures required careful drafting, no new legal devices were called for. With the addition of any of these factors or others, the translation of policy to action might have had less of a chance for success.

Adoption of the height and bulk ordinance was regarded as highly significant by the public, so much so that it was commonly stated that the Board of Supervisors had "adopted the urban design plan." This action was only the beginning, however, of implementation of the plan. Some of the other matters that still require attention are these:

- *Major development projects.* In addition to setting height and bulk guidelines, the plan calls for a special review process for large developments, which also now come under the state environmental impact report law. It is applicable to both public and private projects under local jurisdiction.

- *Open space.* Much of what the urban design plan says about open space has been amplified in the recreation and open space element of the master plan. This element was developed with the cooperation of the Recreation and Park Department, which will be responsible for most of its implementation. Recent creation of the Golden Gate

National Recreation Area by Congress has been a major step of another kind, and progress is being made with the Port Commission to open up public access to San Francisco Bay.

- *Protected residential areas.* High priority is being given to implementation of the urban design plan concept of improving residential areas by diverting and slowing traffic. This effort will involve a combination of neighborhood planning, cooperative work by the Department of Public Works, and capturing of capital improvement funds.

- *Historic preservation.* There is a continuing program of landmarks designation, now helped by heightened public awareness. The first historic district has been created in Jackson Square.

- *Street vacation ordinance.* The plan prescribes an ordinance to govern vacating street areas. Little progress has been made on this matter, but new questions have been raised about valuation of vacated streets, further highlighting the importance of such an ordinance.

- *Projections over streets.* Bay windows and other projections from buildings are not well regulated, and they may result in excessively cutting down the open space in streets. A zoning amendment to set standards is in draft form, but further action has not yet been taken.

- *Special street improvements.* The plan advocates special public improvements along segments of streets in commercial areas. Most notable thus far are the brick sidewalks, trees, and street furniture along Market and Mission streets, where rapid transit stations will soon open.

Most important, the plan will be used as a guide for a great variety of design decisions made every day by public and private parties. That is what constitutes implementation in its fullest sense.

San Francisco's classical skyline will undergo change over the coming years but through continuing effort will maintain its classical beauty.

