

1 [Planning Code, Zoning Map - Upper Market Street Districts]

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3 **Ordinance amending the Planning Code to revise Sectional Map ZN07 of the Zoning**
 4 **Map to delete the Upper Market Street Neighborhood Commercial (NC) District and**
 5 **reclassify Assessor's Parcel Block No. 2623, Lot No. 006, at 376 Castro Street and**
 6 **Assessor's Parcel Block No. 2623, Lot No. 091, at 2416-2420 Market Street, from the**
 7 **Upper Market NC District to the Upper Market Street Neighborhood Commercial Transit**
 8 **(NCT) District; revising several sections of Article 4 to include the entirety of the Upper**
 9 **Market Street NCT District, including portions outside of the Market and Octavia Plan**
 10 **Area; affirming the Planning Department's determination under the California**
 11 **Environmental Quality Act; making findings of consistency with the General Plan, and**
 12 **the eight priority policies of Planning Code, Section 101.1; and adopting findings of**
 13 **public convenience, necessity, and welfare under Planning Code, Section 302.**

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

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

20 Section 1. Findings.

21 (a) The Planning Department has determined that the proposed amendments are
 22 not defined as a project under the California Environmental Quality Act (California Public
 23 Resources Code Sections 21000 et seq.) and CEQA Guidelines Section 15060(c)(2) and
 24 15378 because they do not result in a physical change to the environment. The Board affirms
 25 this determination.

1 (b) On September 29, 2016, the Planning Commission, in Resolution No. 19749,
2 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
3 with the City's General Plan and the eight priority policies of Planning Code Section 101.1.
4 The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk
5 of the Board of Supervisors in File No. 170003, and is incorporated herein by reference.

6 (c) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
7 ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in
8 Commission Resolution No. 19749 and the Board incorporates such reasons herein by
9 reference.

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11 Section 2. Planning Code is hereby amended by revising Sections 401, 416.3, 416.5,
12 421.3, and 421.5, to read as follows:

13 **SEC. 401. DEFINITIONS.**

14 In addition to the specific definitions set forth elsewhere in this Article, the following
15 definitions shall govern interpretation of this Article:

16 * * * *

17 "Market and Octavia Program Area." The Market and Octavia Plan Area in Map 1
18 (Land Use Plan) of the Market and Octavia Area Plan of the San Francisco General Plan,
19 which includes those districts zoned RTO, NCT, or any neighborhood specific NCT, a few
20 parcels zoned RH-1 or RH-2, and those parcels within the Van Ness and Market Downtown
21 Residential Special Use District (VMDRSUD). The Program Area *shall* also include *the*
22 *entirety of the Upper Market NCT District, which includes parcels one block west of the plan area*
23 *that front Market Street including any portions of such District that fall outside of the Market and*
24 *Octavia Plan Area.*

25 * * * *

1 **SEC. 416.3. APPLICATION OF AFFORDABLE HOUSING FEE REQUIREMENT.**

2 The requirements of Sections 415.1 through 415.9 shall apply in the Market and
3 Octavia Plan Area and *the entirety of* the Upper Market NCT District in addition to the following
4 additional affordable housing requirement:

5 * * * *

6 **SEC. 416.5. USE OF FUNDS.**

7 The additional affordable housing requirement specified in this Section for the Market
8 and Octavia Plan Area and the Upper Market NCT District shall be paid into the Citywide
9 Affordable Housing Fund, established in Administrative Code Section 10.100-49, but the
10 funds shall be separately accounted for. MOHCD shall expend the funds according to the
11 following priorities: First, to increase the supply of housing affordable to qualifying households
12 in the Market and Octavia Plan Area and the Upper Market NCT District; second, to increase
13 the supply of housing affordable to qualifying households within 1 mile of the boundaries of
14 the Plan Area and the Upper Market NCT District; third, to increase the supply of housing
15 affordable to qualifying households in the City and County of San Francisco. The funds may
16 also be used for monitoring and administrative expenses subject to the process described in
17 Section 415.5(f)

18 **SEC. 421.3. APPLICATION OF COMMUNITY IMPROVEMENTS IMPACT FEE.**

19 (a) **Application.** Section 421.1et seq. shall apply to any development project
20 located in the Market and Octavia Program Area, *as defined in Section 401.*

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22 **SEC. 421.5. MARKET AND OCTAVIA COMMUNITY IMPROVEMENTS FUND.**

23 (a) **Purpose.** There is hereby established a separate fund set aside for a special
24 purpose entitled the Market and Octavia Community Improvements Fund ("Fund"). All monies
25 collected by DBI pursuant to Section 421.3(b) shall be deposited in the Fund maintained by

1 the Controller. The receipts in the Fund shall be appropriated in accordance with law through
2 the normal budgetary process to fund public infrastructure and other allowable improvements
3 subject to the conditions of this Section.

4 (b) **Use of Funds.** The Fund shall be administered by the Board of Supervisors.

5 (1) **Infrastructure.** All monies deposited in the Fund shall be used to design,
6 engineer, acquire, improve, and develop neighborhood open spaces, pedestrian and
7 streetscape improvements, bicycle infrastructure, childcare facilities, and other improvements
8 that result in new publicly-accessible facilities and related resources within the Market and
9 Octavia Plan Area or within 250 feet of the Plan Area and within the Upper Market Street
10 Neighborhood Commercial *Transit* District, *portions of which are located is* outside the plan
11 area. Funds may be used for childcare facilities that are not publicly owned or publicly-
12 accessible. The improvements, where applicable, shall be consistent with the Market and
13 Octavia Civic Streets and Open Space System as described in Map 4 of the Market and
14 Octavia Area Plan of the General Plan, and Market and Octavia Improvements Plan. The
15 funds shall be allocated in accordance with Table 421.5A.

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18 Section 3. The Planning Code is hereby amended by revising Sectional Map ZN07 of
19 the Zoning Map of the City and County of San Francisco as follows:

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21 Delete the Upper Market Street Neighborhood Commercial District.

22 Reclassify the following property:
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<u>Description of Property</u>	<u>Use District to be Superseded</u>	<u>Use District hereby Approved</u>
Block 2623, Lots 006 and 091	Upper Market Street Neighborhood Commercial District	Upper Market Street Neighborhood Commercial Transit District

Section 4. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor’s veto of the ordinance.

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

By: _____
JUDITH A. BOYAJIAN
Deputy City Attorney
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