File No. 120665 Committee Item No. 1
Board Item No. 22

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Land Use and Economic Development **Date** July 16, 2012

Board of Supervisors Meeting **Date** July 24, 2012

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☒	☒	Planning Commission Resolution No. 18613
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☒	☒	Notice of Public Hearing

Completed by: Alisa Miller **Date** July 13, 2012
Completed by: Alisa Miller **Date** July 19, 2012

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

[Planning Code - Transit Center District Plan]

Ordinance: 1) amending the San Francisco Planning Code by amending and adding sections consistent with the Transit Center District Plan, including the establishment of the Transit Center District Plan open space and transportation fees and the expansion and renaming of the New Montgomery-Mission-Second Street Conservation District, and 2) making findings, including environmental findings and findings of consistency with the General Plan, as proposed for amendment, and Planning Code Section 101.1.

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

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

Section 1. Findings.

(a) California Environmental Quality Act Findings.

(1) The Planning Commission, in Motion No. 18628 certified the Final Environmental Impact Report for the Transit Center District Plan and related actions as in comply with the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.). A copy of said Motion is on file with the Clerk of the Board of Supervisors in File No. 120665 and is incorporated herein by reference.

(2) On May 24, 2012, the Planning Commission conducted a duly noticed public hearing and, by Motion No. 18629, adopted findings pursuant to the California Environmental Quality Act for the Transit Center District Plan and related actions. A copy of Planning Commission Resolution No. 18629, including its attachment and mitigation monitoring and reporting program, is on file with the Clerk of the Board of Supervisors in File No. 120665 and

is incorporated herein by reference. The Board of Supervisors hereby adopts the Planning Commission's environmental findings as its own.

(b) Historic Preservation Commission Findings, General Plan Consistency, and Other Findings.

(1) On May 24, 2012, the Planning Commission held a duly noticed public hearing on the attached Planning Code amendments. At said meeting, the Planning Commission, in Resolution No. 18631, recommended to this Board the adoption of the Planning Code amendments related to the Transit Center District Plan. A copy of said Planning Commission Resolution is on file with the Clerk of the Board of Supervisors in File No. 120665 and is incorporated herein by reference.

(2) At its May 24, 2012 meeting, the Planning Commission, in Resolution No. 18631, also recommended to the Historic Preservation Commission that it support the proposed amendments to Article 11 of the Planning Code, including the addition of certain properties to the amended New Montgomery-Mission-Second Street Conservation District that also will be listed in the City's Zoning Map.

(3) On June 6, 2012, the Historic Preservation Commission held a duly noticed public hearing on the amendments proposed herein to Article 11 of the Planning Code, including the addition of certain properties to the amended New Montgomery-Mission-Second Street Conservation District that also will be listed in the City's Zoning Map. At said meeting, the Historic Preservation Commission adopted Resolution Nos. 679, 680, and 681 that recommended to the Board of Supervisors that it adopt these amendments. Copies of said Historic Preservation Commission Resolutions are on file with the Clerk of the Board of Supervisors in File No. 120665 and are incorporated herein by reference.

(4) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this Ordinance will serve the public necessity, convenience, and welfare for the reasons set forth

in Planning Commission Resolution No.18631, and incorporates those reasons herein by reference.

(5) The Board of Supervisors finds that this Ordinance is, on balance, consistent with the General Plan as proposed for amendment and the Priority Policies of Planning Code Section 101.1(b) for the reasons set forth in Planning Commission Resolution No. 18631, and incorporates those reasons herein by reference.

(6) Notwithstanding any contrary technical requirements that may exist in the Planning or Administrative Codes, the Board hereby finds that the Planning Department provided adequate notice for all documents and decisions, including environmental documents, related to the Transit Center District Plan. This finding is based on the extensive mailed, posted, electronic, and published notices that the Planning Department provided. In addition, all notification requirements for amendments to Article 11 were conducted in conformance with the version of Article 11 of the Planning Code in effect on May 2, 2012, the day the Historic Preservation Commission initiated the amendments proposed herein to Article 11. The Board hereby determines that said amendments are exempt from the current notification requirements of Article 11 of the Planning Code as amended by an Ordinance pending before the Board of Supervisors in Clerk of the Board of Supervisors File No. 123031. The draft recommendations and justification for the expansion of the Conservation District and the designation of architecturally significant buildings under Article 11 of the Planning Code was published and made available to the public in November of 2009. Beginning in 2007, community outreach and owner notification regarding the Transit Center District Plan has provided a number of opportunities for owner input through at least twelve (12) publicly-noticed workshops, hearings, and presentations. Copies of all notices and other public materials related to the Transit Center District Plan and the amendments to Article 11 set forth

herein are available for review through the Custodian of Records at the Planning Department, 1650 Mission Street, San Francisco.

Section 2. The San Francisco Planning Code is hereby amended by amending Sections 102.5, 102.9, 102.11, 123, 132.1, 136, 138, 151.1, 152.1, 155, 155.4, 156, 163, 201, 210.3, 215, 216, 217, 218, 218.1, 219, 220, 221, 222, 223, 224, 225, 226, 248, 260, 270, 272, 303, 309, 321, 412.1, 427, 1103.1, and Appendices A, C, D, and F to Article 11 and adding Sections 424.6, 424.7, 424.8, to read as follows:

SEC. 102.5. DISTRICT.

A portion of the territory of the City, as shown on the Zoning Map, within which certain regulations and requirements or various combinations thereof apply under the provisions of this Code. The term "district" shall include any use, special use, height and bulk, or special sign district. The term "R District" shall mean any RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-1, RM-2, RM-3, RM-4, RTO, RTO-M, RC-1, RC-2, RC-3, RC-4 or RED District. The term "C District" shall mean any C-1, C-2, C-3, or C-M District. The term "RTO District" shall be that subset of R Districts which are the RTO and RTO-M District. The term "M District" shall mean any M-1 or M-2 District. The term "PDR District" shall mean any PDR-1-B, PDR-1-D, PDR-1-G, or PDR-2 District. The term "RH District" shall mean any RH-1(D), RH-1, RH-1(S), RH-2, or RH-3 District. The term "RM District" shall mean any RM-1, RM-2, RM-3, or RM-4 District. The term "RC District" shall mean any RC-1, RC-2, RC-3, or RC-4 District. The term "C-3 District" shall mean any C-3-O, *C-3-O(SD)*, C-3-R, C-3-G, or C-3-S District. For the purposes of Section 128 and Article 11 of this Code, the term "C-3 District" shall also include the Extended Preservation District designated on Section Map 3SU of the Zoning Map. The term "NC District" shall mean any NC-1, NC-2, NC-3, NC-T, NC-S, and any Neighborhood Commercial District and Neighborhood Commercial Transit District identified by street or area name in Section 702.1. The term "NCT" shall mean any district listed in Section 702.1(b),

including any NCT-1, NCT-2, NCT-3 and any Neighborhood Commercial Transit District identified by street or area name. The term "Mixed Use" District shall mean all Chinatown Mixed Use, South of Market Mixed Use, Eastern Neighborhoods Mixed Use, and Downtown Residential Districts. The term "Chinatown Mixed Use District" shall mean any Chinatown CB, Chinatown VR, or Chinatown R/NC District named in Section 802.1. The term "South of Market Mixed Use Districts" shall refer to all RED, RSD, SLR, SLI, or SSO Districts named in Section 802.1. The term "Eastern Neighborhoods Mixed Use Districts" shall refer to all SPD, MUG, MUO, MUR, and UMU Districts named in Section 802.1. The term "DTR District" or "Downtown Residential District" shall refer to any Downtown Residential District identified by street or area name in Section 825, 827, 828, and 829. The term "PM District" or "Parkmerced District" shall refer to any PM-R, PM-MU1, PM-MU2, PM-S, PM-CF, or PM-OS District named in Section 249.64. The terms "TI District" and "YBI District" shall refer to any TI-R, TI-MU, TI-OS, TI-PCI, YBI-R, YBI-MU, YBI-OS, YBI-PCI, as set forth in Section 249.52.

SEC. 102.9. FLOOR AREA, GROSS.

In districts other than C-3, the sum of the gross areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the centerlines of walls separating two buildings. Where columns are outside and separated from an exterior wall (curtain wall) which encloses the building space or are otherwise so arranged that the curtain wall is clearly separate from the structural members, the exterior face of the curtain wall shall be the line of measurement, and the area of the columns themselves at each floor shall also be counted.

In C-3 Districts and the Van Ness Special Use District, the sum of the gross areas of the several floors of a building or buildings, measured along the glass line at windows at a height of four feet above the finished floor and along a projected straight line parallel to the

overall building wall plane connecting the ends of individual windows; provided, however, that such line shall not be inward of the interior face of the wall.

(a) Except as specifically excluded in this definition, "gross floor area" shall include, although not be limited to, the following:

(1) Basement and cellar space, including tenants' storage areas and all other space except that used only for storage or services necessary to the operation or maintenance of the building itself;

(2) Elevator shafts, stairwells, exit enclosures and smokeproof enclosures, at each floor;

(3) Floor space in penthouses except as specifically excluded in this definition;

(4) Attic space (whether or not a floor has been laid) capable of being made into habitable space;

(5) Floor space in balconies or mezzanines in the interior of the building;

(6) Floor space in open or roofed porches, arcades or exterior balconies, if such porch, arcade or balcony is located above the ground floor or first floor of occupancy above basement or garage and is used as the primary access to the interior space it serves;

(7) Floor space in accessory buildings, except for floor spaces used for accessory off-street parking or loading spaces as described in Section 204.5 of this Code, and driveways and maneuvering areas incidental thereto; and

(8) Any other floor space not specifically excluded in this definition.

(b) "Gross floor area" shall not include the following:

(1) Basement and cellar space used only for storage or services necessary to the operation or maintenance of the building itself;

(2) Attic space not capable of being made into habitable space;

(3) Elevator or stair penthouses, accessory water tanks or cooling towers, and other mechanical equipment, appurtenances and areas necessary to the operation or maintenance of the building itself, if located at the top of the building or separated therefrom only by other space not included in the gross floor area;

(4) Mechanical equipment, appurtenances and areas, necessary to the operation or maintenance of the building itself (i) if located at an intermediate story of the building and forming a complete floor level; or (ii) in C-3 Districts, if located on a number of intermediate stories occupying less than a full floor level, provided that the mechanical equipment, appurtenances and areas are permanently separated from occupied floor areas and in aggregate area do not exceed the area of an average floor as determined by the Zoning Administrator;

(5) Outside stairs to the first floor of occupancy at the face of the building which the stairs serve, or fire escapes;

(6) Floor space used for accessory off-street parking and loading spaces as described in Section 204.5 of this Code and up to a maximum of one hundred fifty percent (150%) of the off-street accessory parking permitted by right in Section 151.1 of this Code for C-3 Districts, and driveways and maneuvering areas incidental thereto;

(7) Arcades, plazas, walkways, porches, breezeways, porticos and similar features (whether roofed or not), at or near street level, accessible to the general public and not substantially enclosed by exterior walls; and accessways to public transit lines, if open for use by the general public; all exclusive of areas devoted to sales, service, display, and other activities other than movement of persons;

(8) Balconies, porches, roof decks, terraces, courts and similar features, except those used for primary access as described in Paragraph (a)(6) above, provided that:

(A) If more than 70 percent of the perimeter of such an area is enclosed, either by building walls (exclusive of a railing or parapet not more than three feet eight inches high) or by such walls and interior lot lines, and the clear space is less than 15 feet in either dimension, the area shall not be excluded from gross floor area unless it is fully open to the sky (except for roof eaves, cornices or belt courses which project not more than two feet from the face of the building wall).

(B) If more than 70 percent of the perimeter of such an area is enclosed, either by building walls (exclusive of a railing or parapet not more than three feet eight inches high), or by such walls and interior lot lines, and the clear space is 15 feet or more in both dimensions, (1) the area shall be excluded from gross floor area if it is fully open to the sky (except for roof eaves, cornices or belt courses which project no more than two feet from the face of the building wall), and (2) the area may have roofed areas along its perimeter which are also excluded from gross floor area if the minimum clear open space between any such roof and the opposite wall or roof (whichever is closer) is maintained at 15 feet (with the above exceptions) and the roofed area does not exceed 10 feet in depth; (3) in addition, when the clear open area exceeds 625 square feet, a canopy, gazebo, or similar roofed structure without walls may cover up to 10 percent of such open space without being counted as gross floor area.

(C) If, however, 70 percent or less of the perimeter of such an area is enclosed by building walls (exclusive of a railing or parapet not more than three feet eight inches high) or by such walls and interior lot lines, and the open side or sides face on a yard, street or court whose dimensions satisfy the requirements of this Code and all other applicable codes for instances in which required windows face upon such yard, street or court, the area may be roofed to the extent permitted by such codes in instances in which required windows are involved;

(9) On lower, nonresidential floors, elevator shafts and other life-support systems serving exclusively the residential uses on the upper floors of a building;

(10) One-third of that portion of a window bay conforming to the requirements of Section 136(d)(2) which extends beyond the plane formed by the face of the facade on either side of the bay but not to exceed seven square feet per bay window as measured at each floor;

(11) Ground floor area in the C-3-0, C-3-O(SD), C-3-S, C-3-S(SU) and C-3-G Districts devoted to building or pedestrian circulation and building service;

(12) In the C-3-0, C-3-O(SD), C-3-S, C-3-S(SU) and C-3-G Districts, space devoted to personal services, restaurants, and retail sales of goods intended to meet the convenience shopping and service needs of downtown workers and residents, not to exceed 5,000 occupied square feet per use and, in total, not to exceed 75 percent of the area of the ground floor of the building plus the ground level, on-site open space. Said uses shall be located on the ground floor, except that, in order to facilitate the creation of more spacious ground floor interior spaces, a portion of the said uses, in an amount to be determined pursuant to the provisions of Section 309, may be located on a mezzanine level;

(13) An interior space provided as an open space feature in accordance with the requirements of Section 138;

(14) Floor area in C-3, South of Market Mixed Use Districts, and Eastern Neighborhoods Mixed Use Districts devoted to child care facilities provided that:

(A) Allowable indoor space is no less than 3,000 square feet and no more than 6,000 square feet, and

(B) The facilities are made available rent free, and

(C) Adequate outdoor space is provided adjacent, or easily accessible, to the facility. Spaces such as atriums, rooftops or public parks may be used if they meet licensing requirements for child care facilities, and

(D) The space is used for child care for the life of the building as long as there is a demonstrated need. No change in use shall occur without a finding by the City Planning Commission that there is a lack of need for child care and that the space will be used for a facility described in Subsection 15 below dealing with cultural, educational, recreational, religious, or social service facilities;

(15) Floor area in C-3, South of Market Mixed Use Districts, and Eastern Neighborhoods Mixed Use Districts permanently devoted to cultural, educational, recreational, religious or social service facilities available to the general public at no cost or at a fee covering actual operating expenses, provided that such facilities are:

(A) Owned and operated by a nonprofit corporation or institution, or

(B) Are made available rent free for occupancy only by nonprofit corporations or institutions for such functions. Building area subject to this subsection shall be counted as occupied floor area, except as provided in Subsections 102.10(a) through (f) of this Code, for the purpose of calculating the off-street parking and freight loading requirements for the project;

(16) In C-3 Districts, floor space used for short-term parking and aisles incidental thereto when required pursuant to Section 309 in order to replace short-term parking spaces displaced by the building or buildings;

(17) Floor space in mezzanine areas within live/work units where the mezzanine satisfies all applicable requirements of the San Francisco Building Code;

(18) Floor space suitable primarily for and devoted exclusively to exhibitions or performances by live/work tenants within the structure or lot, provided that such facilities will be available rent-free to live/work tenants within the property for the life of the structure; and

(19) In South of Market Mixed Use Districts, live/work units and any occupied floor area devoted to mechanical equipment or appurtenances or other floor area accessory to live/work use provided that:

(A) The nonresidential use within each live/work unit shall be limited to uses which are principal permitted uses in the district or otherwise are conditional uses in the district and are approved as a conditional use,

(B) The density, enforcement, open space, parking and freight loading and other standards specified in Sections 124(j), 135.2, 151 and 152.1 shall be satisfied, along with all other applicable provisions of this Code, and

(C) For the purpose of calculating the off-street parking and freight loading requirement for the project, building area subject to this subsection shall be counted as occupied floor area, except as provided in Subsections 102.10(a) through (f) of this Code.

(20) In the C-3-O(SD) District, space devoted to personal services, eating and drinking uses, or retail sales of goods and that is located on the same level as the rooftop park on the Transbay Transit Center and directly accessible thereto by a direct publicly-accessible pedestrian connection meeting the standards of Section 138(j)(1).

(21) In the C-3-O(SD) District, publicly-accessible space on any story above a height of 600 feet devoted to public accommodation that offers extensive views, including observation decks, sky lobbies, restaurants, bars, or other retail uses, as well as any elevators or other vertical circulation dedicated exclusively to accessing or servicing such space. The space must be open to the general public during normal business hours throughout the year, and may charge a nominal fee for access.

SEC. 102.11. FLOOR AREA RATIO.

The ratio of the gross floor area of all the buildings on a lot to the area of the lot. In cases in which portions of the gross floor area of a building project horizontally beyond the lot lines, all such projecting gross floor area shall also be included in determining the floor area ratio.

~~*If the height per story of a building, when all the stories are added together, exceeds an average of 15 feet, then additional gross floor area shall be counted in determining the floor area ratio of the building, equal to the gross floor area of one additional story for each 15 feet or fraction thereof by which the total building height exceeds the number of stories times 15 feet; except that such additional gross floor area shall not be counted in the case of live/work units or a church, theater or other place of public assembly.*~~

SEC. 123. MAXIMUM FLOOR AREA RATIO.

(a) The limits upon the floor area ratio of buildings, as defined by this Code, shall be as stated in this Section and Sections 124 through 128. The maximum floor area ratio for any building or development shall be equal to the sum of the basic floor area ratio for the district, as set forth in Section 124, plus any premiums and floor area transfers which are applicable to such building or development under Sections 125, 127 and 128, and as restricted by the provisions of Sections 123(c) and (d) and 124(b) and (j).

(b) No building or structure or part thereof shall be permitted to exceed, except as stated in Sections 172 and 188 of this Code, the floor area ratio limits herein set forth for the district in which it is located.

(c) The amount of TDR that may be transferred to a development lot, as allowed by Section 128, is limited as follows:

(1) The gross floor area of a structure on a lot in the C-3-O ~~*and C-3-O (SD) Districts*~~ may not exceed a floor area ratio of 18 to 1;

(2) The gross floor area of a structure on a lot in the C-3-R, C-3-G and C-3-S Districts may not exceed a floor area ratio that is 1½ times the basic floor area limit for the district as provided in Section 124. This section shall not apply to the C-3-S (SU) District.

(d) The gross floor area of a structure on a lot on which is or has been located a Significant or Contributory Building may not exceed the basic floor area ratio limits stated in Section 124 except as provided in Sections 128(c)(2) and 124(f).

*(e) **C-3-O(SD) District.** To exceed the basic floor area ratio limit of 6.0:1 up to a ratio of 9.0:1, TDR must be transferred to the development lot as described in Section 128. The use of TDR to exceed a floor area ratio of 9.0:1 shall not be allowed in the C-3-O(SD) district. In order to exceed a floor area ratio of 9.0:1, all projects must participate in the Transit Center District Mello-Roos Community Facilities District as described in Section 424.8. The gross floor area of a structure on a lot in the C-3-O(SD) District shall not otherwise be limited.*

SEC. 132.1. SETBACKS *AND STREETWALL ARTICULATION*: C-3 DISTRICTS.

(a) **Upper-Level Setbacks.** Setbacks of the upper parts of a building abutting a public sidewalk in any C-3 District may be required, in accordance with the provisions of Section 309, as deemed necessary:

(1) To preserve the openness of the street to the sky and to avoid the perception of overwhelming mass that would be created by a number of tall buildings built close together, with unrelieved vertical rise; or

(2) To maintain the continuity of a predominant street wall along the street, provided however, that the setback required pursuant to this Paragraph may not exceed the following dimensions:

	Street Width			

	64' - 67'	68' - 71'	72' - 75'	76' - 80'
Height of Street Wall	**Depth of Setback (In Feet)**			
68' or less	18'	20'	22'	24'
69' - 81'	14'	16'	18'	20'
82' - 94'	10'	12'	14'	16'
95' - 107'	8'	10'	12'	14'
108' - 120'	6'	8'	10'	12'

(b) **Market Street Setback.** In order to preserve the predominant street wall, structures on the southeast side of Market Street between the southerly extension of the easterly line of the Powell Street right-of-way and Tenth Street shall be set back 25 feet from the Market Street property line at 90 feet.

(c) C-3-O(SD) District.

(1) Streetwall Base. In order to establish an appropriate street wall in relation to the width of the street and to adjacent structures and to avoid the perception of overwhelming mass that would be created by a number of tall buildings built close together with unrelieved vertical rise, new buildings taller than 150 feet on development lots in the C-3-O(SD) district facing a street wider than 35 feet shall establish a distinctive streetwall, even where no distinct cornice line or streetwall exists, at a height between 50 and 110 feet for not less than 40 percent of the linear frontage of all street frontages of such development lot. Such streetwall shall be established, by an upper story setback or by a

combination of upper story setback and horizontal projection (either occupied or decorative, as allowed in Section 136), creating horizontal relief totaling at least 10 feet as indicated in Figure 132.1B, however the upper story setback shall not be less than 5 feet. In the New Montgomery-Mission-Second Street Conservation District, such streetwall height shall be set by the prevailing cornice line of the buildings on the subject block face and the minimum dimension of the upper story setback shall be increased to not less than 15 feet. Exceptions to this subsection (c)(1) may be allowed in accordance with the procedures of Section 309 if the Planning Commission affirmatively determines that all of the following criteria have been met: (i) the design of the proposed project successfully creates a clearly defined building base that establishes or maintains an appropriate streetwall at the height or height range described above, (ii) the base is not defined solely by recessing the base, (iii) the overall building mass tapers or steps away from the street above the streetwall reducing any sense of unrelieved vertical rise directly from the sidewalk edge, and (iv) the overall architectural expression of the proposed project is exceptional, unique, and consistent with the intent of the streetwall requirement.

*(2) **Pedestrian Zone.** In order to establish an appropriate and inviting relationship to the pedestrian realm at street level and create visual and varied interest for pedestrians, all new structures in the C-3-O(SD) district shall incorporate architectural features, awnings, marquees, or canopies, that project from the building face at least one foot at height of between 15 and 25 feet above grade, for at least 20 percent of the linear frontage of all street facing facades.*

*(3) **Building setbacks.** In order to provide necessary and sufficient area for pedestrian circulation, building facades on new development facing certain street frontages are required to be setback from the street-facing property line.*

(A) Building setbacks are required on the following frontages:

(i) Mission Street, south side, between 1st and Fremont Streets (minimum 12.5 feet).

(B) A setback of up to 10 feet may be required by the Planning Commission pursuant to the procedures of Section 309 on the following streets if the Commission finds that such setback is

necessary, desirable and will not result in an undesirable sawtooth condition of building frontages along the sidewalk due to existing intervening building between the subject lot and the nearest street corner:

(i) Mission Street, north side between 1st Street and Anthony Street;

(ii) 1st Street, west side between Mission and Stevenson Streets;

(iii) Howard Street, north side, between 1st and 2nd Streets.

*(C) **Design Requirements.** Setbacks provided pursuant to this subsection (3) shall be:*

(i) Designed and treated as a seamless extension of the adjacent public sidewalk, providing for pedestrian circulation and/or other activities typically expected on a public sidewalk;

(ii) Free and clear of all permanent building elements from sidewalk grade to a minimum height of 35 feet above sidewalk grade, except as otherwise allowed as obstructions over streets according to Section 136 or as allowed by the Planning Department as an exception according to the procedures of Section 309, and

(iii) Available to the public.

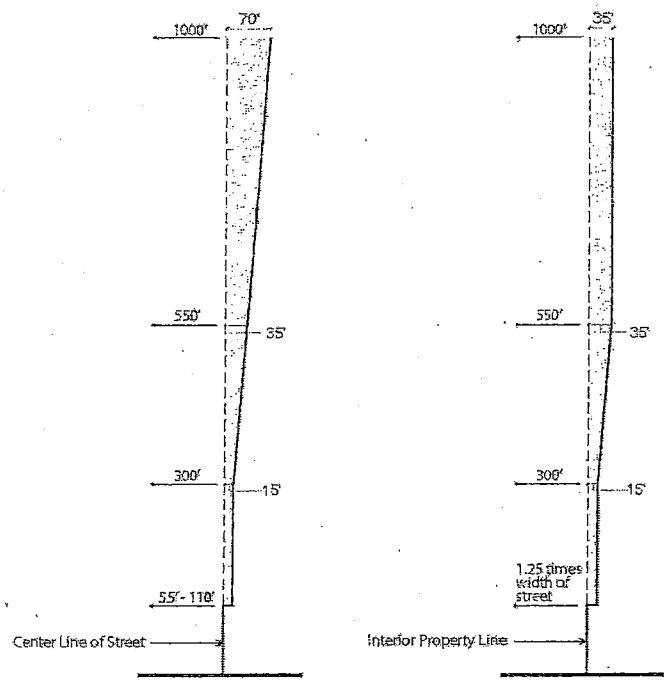
(D) The area of setbacks provided pursuant to this subsection (3) shall be counted toward the open space requirements of Section 138. If the subject development does not rely on this area to meet its Section 138 requirements, and the area of the setback is dedicated in fee title to the City for public use or, under exceptional circumstances, dedicated to the City via easement for public use, the value of the setback may be credited as an in-kind improvement toward the satisfaction of the development's fee requirements per Sections 424.6 or 424.7.

(*d*~~e~~) **Separation of Towers.**

(1) **Requirement.** In order to provide light and air between structures, all structures in the S *and S-2* Bulk Districts shall be set back from an interior property line which does not abut a public sidewalk and from the property line abutting the right-of-way of a public street or alley. The setback shall be a minimum of 15 horizontal feet measured from the

interior property line or the center of a public right-of-way, as the case may be, beginning at a height which is 1.25 times the width of the principal street on which the building faces, and increasing to the widths indicated in Chart A as the building increases in height. *Where there are two or more structures on any lot that are taller than 1.25 times the width of the adjacent principal street(s), each structure above such height shall also be set back from the other structures on the same lot according to Chart A as if there is an assumed interior property line half-way between the closest exterior points of each structure.*

NOTE TO EDITOR: Delete existing Chart A and replace with the following:



(2) **Exceptions.** Exceptions to the requirements of Paragraph (*de*)(1) above may be allowed in accordance with the provisions of Section 309 as provided below:

(A) Encroachments of building volume on the setback may be approved as follows: (i) for the portion of the building over 300 feet from the ground, encroachments may be allowed provided that (1) there are compensating recesses beyond the required setback below and within approximately 100 vertical feet of the encroachment, which recesses are at least equal in volume to the volume of the encroachment, and (2) it is found that, overall, access to light and air and the appearance of separation between buildings will not be impaired; and (ii) between the top of the base and 300 feet above the ground encroachments may be allowed provided that (1) there are compensating recesses beyond the required setback at the same level or within approximately 50 vertical feet above or below the encroachment, which recesses are at least equal in volume to the volume of the encroachment, (2) that the encroachment extends no more than five feet horizontally into the area otherwise required for a setback, (3) the encroachment extends for less than 1/3 of the horizontal length of the structure, and (4) it is found that, overall, access to light and air and the appearance of separation between buildings will not be impaired.

(B) Exceptions may be allowed to the extent that it is determined that restrictions on adjacent properties make it unlikely that development will occur at a height or bulk which will, overall, impair access to light and air or the appearance of separation between buildings, thereby making full setbacks unnecessary. *The minimum setback for such facades shall be partially or fully reduced as appropriate by the Planning Commission as an exception according to the procedures of Section 309 for any of the following conditions:*

(i) For lots on Assessor's Blocks 3719, 3720, and 3721 which have property lines that directly abut the Transbay Transit Center or directly face it across Minna or Natoma Streets.

(ii) For development lots abutting preservation lots that have transferred all potential development rights according to the procedures of Section 128.

(C) Exceptions may be allowed on lots with a frontage of less than 75 feet provided that (i) it is found that, overall, access to light and air will not be impaired and (ii) the granting of the exception will not result in a group of buildings the total street frontage of which is greater than 125 feet without a separation between buildings which meets the requirements of Chart A.

(d) **Permitted Obstructions.** Obstructions above the horizontal plane or planes of the setback required pursuant to Subsections (a), (b), *(c)* and (*de*) which will create limited blockage of light and air and which will not be inconsistent with the purpose of the setback may be permitted within the setback area, in accordance with the provisions of Section 309. Such obstructions may include, but are not limited to, open railings, decorative spires and finials, flagpoles and flags, sparse landscaping, unroofed recreation facilities with open fencing, and unenclosed seating areas.

SEC. 136. OBSTRUCTIONS OVER STREETS AND ALLEYS AND IN REQUIRED SETBACKS, YARDS AND USABLE OPEN SPACE.

(d) Notwithstanding the limitations of Subsection (c) of this Section, the following provisions shall apply in C-3 districts:				
				(1) **Decorative Architectural Features.** Decorative architectural features not increasing the interior floor area or volume of the space enclosed by the building are permitted over streets and alleys and into setbacks within the maximum vertical and horizontal dimensions described as follows:
				(A) At roof level, decorative features such as cornices, eaves, and brackets may project four

			feet *in districts other than C-3-O(SD) and 10 feet in the C-3-O(SD) district* with a maximum vertical dimension no greater than six feet.
			(B) At all levels above the area of minimum vertical clearance required in Subsection (a)(1) above, decorative features, such as belt courses, entablatures, and bosses, may project two feet, with a maximum vertical dimension of four feet, *except that in the C-3-O(SD) district at all levels above a minimum vertical clearance of 20 feet from sidewalk grade, decorative features may project half the width of the sidewalk up to a maximum projection of 10 feet.*
			(C) At all levels above the area of minimum vertical clearance required by Subsection (a)(1) above, vertical decorative features, such as pilasters, columns, and window frames (including pediment and sills), with a cross-sectional area of not more than three square feet at midpoint, may project one foot horizontally.

SEC. 138. OPEN SPACE REQUIREMENTS IN C-3 DISTRICTS.

(a) **Requirement.** An applicant for a permit to construct a new building or an addition of gross floor area equal to 20 percent or more of an existing building (hereinafter "building") in C-3 Districts shall provide open space in the amount and in accordance with the standards set forth in this Section. All determinations concerning the adequacy of the amount of open space to be provided and its compliance with the requirements of this Section shall be made in accordance with the provisions of Section 309.

(b) **Amount Required.** *Except in the C-3-O(SD) District,* ~~O~~open space shall be provided in the amounts specified below for all uses except (i) residential uses, which shall be governed by Section 135 of this Code; (ii) institutional uses; and (iii) uses in a predominantly retail building. *In the C-3-O(SD) District open space shall be provided in the amounts below for all*

non-residential uses. For the purposes of this section, a "predominantly retail building" is one in which 2/3 or more of the occupied floor area is in retail use.

Minimum Amount of Open Space Required	
Use District	**Ratio of Square Feet of Open** Space to Gross Square Feet of Uses with Open Space **Requirement**
C-3-O	1:50
C-3-R	1:100
C-3-G	1:50
C-3-S	1:50
C-3-O (SD)	1:50

(c) **Location.** The open space required by this Section may be on the same site as the building for which the permit is sought, or within 900 feet of it on either private property or, with the approval of all relevant public agencies, public property, provided that all open space must be located entirely within the C-3 District. Open space is within 900 feet of the building within the meaning of this Section if any portion of the building is located within 900 feet of any portion of the open space. Off-site open space shall be developed and open for use prior to issuance of a temporary permit of occupancy of the building whose open space requirement is being met off-site. The procedures of Section 149(d) governing issuance of a temporary permit of occupancy shall apply to this subsection.

(d) **Types and Standards of Open Space.** Except as otherwise provided in Subsection (e), the project applicant may satisfy the requirements of this Section by providing one or more of the following types of open space: A plaza, an urban park, an urban garden, a

view terrace, a sun terrace, a greenhouse, a small sitting area (a snippet), an atrium, an indoor park, or a public sitting area in a galleria, in an arcade, or in a pedestrian mall or walkway, as more particularly defined in the table entitled "Guidelines for Open Space" in the Open Space Section of the Downtown Plan, or any amendments thereto, provided that the open space meets the following minimum standards. The open space shall:

(1) Be of adequate size;

(2) Be situated in such locations and provide such ingress and egress as will make the area easily accessible to the general public;

(3) Be well-designed, and where appropriate, be landscaped;

(4) Be protected from uncomfortable wind;

(5) Incorporate various features, including ample seating and, if appropriate, access to food service, which will enhance public use of the area;

(6) Have adequate access to sunlight if sunlight access is appropriate to the type of area;

(7) Be well-lighted if the area is of the type requiring artificial illumination;

(8) Be open to the public at times when it is reasonable to expect substantial public use;

(9) Be designed to enhance user safety and security;

(10) If the open space is on private property, provide toilet facilities open to the public;

(11) Have at least 75 percent of the total open space approved be open to the public during all daylight hours.

(e) **Approval of Open Space Type and Features.** The type, size, location, physical access, seating and table requirements, landscaping, availability of commercial services, sunlight and wind conditions and hours of public access shall be reviewed and

approved in accordance with the provisions of Section 309, and shall generally conform to the "Guidelines for Open Space."

The Commission may, by resolution, declare certain types of open space ineligible throughout C-3 Districts, or in certain defined areas, if it determines that a disproportionate number of certain types of open space, or that an insufficient number of parks and plazas, is being provided in order to meet the public need for open space and recreational uses. Such resolution may exempt from its application projects whose permit applications are on file with the Department of City Planning. Over time, no more than 20 percent of the space provided under this Section shall be indoor space and at least 80 percent shall be outdoor space. Once an indoor space has been approved, another such feature may not be approved until the total square footage of outdoor open space features approved under this Section exceeds 80 percent of the total square footage of all open spaces approved under this Section.

(f) **Open Space Provider.** The open space required by this Section may be provided: (i) individually by the project sponsor; (ii) jointly by the project sponsor and other project sponsors; provided, that each square foot of jointly developed open space may count toward only one sponsor's requirement; or (iii) with the approval of the City Planning Commission, by a public or private agency which will develop and maintain the open space and to which a payment is made by the sponsor for the cost of development of the number of square feet the project sponsor is required to provide, and with which provision is made, satisfactory to the Commission, for the continued maintenance of the open space for the actual lifetime of the building giving rise to the open space requirement, provided that the Commission finds that there is reasonable assurance that the open space to be developed by such agency will be developed and open for use by the time the building, the open space requirement of which is being met by the payment, is ready for occupancy.

(g) **Nonresidential/Residential Open Space.** In mixed nonresidential/residential projects, open space which meets the requirements of Section 135 regarding common usable open space for residential uses, and the requirements of Section 138 regarding open space for nonresidential uses, may be counted against the open space requirements of both Sections 135 and 138.

(h) **Maintenance.** Open spaces shall be maintained at no public expense. Conditions intended to assure continued maintenance of the open space for the actual lifetime of the building giving rise to the open space requirement may be imposed in accordance with the provisions of Section 309.

(i) **Informational Plaque.** Prior to issuance of a permit of occupancy, a plaque shall be placed in a publicly conspicuous location outside the building at street level, or at the site of an outdoor open space, identifying the open space feature and its location, stating the right of the public to use the space and the hours of use, describing its principal required features (e.g., number of seats, availability of food service) and stating the name and address of the owner or owner's agent responsible for maintenance.

(j) Notwithstanding the requirements established in subsections (b)-(d) above, the following additional standards shall apply in the C-3-O(SD) district:

(1) Public connections directly to the rooftop park on the Transbay Transit Center from adjacent buildings shall be counted toward the open space required per subsection (b) above provided that they meet all the following criteria:

(A) Such connections shall provide both horizontal connection (i.e. pedestrian bridge) from the subject development lot to the Transit Center Park as well as vertical connection to access such park connection from a publicly-accessible space at street level;

(B) Such connections described in (A), both vertical and horizontal, and any related circulation spaces, shall be publicly-accessible at any time the Transit Center park is open to the public;

(C) Horizontal connections shall have a minimum clear walking path of 12 feet;

(D) The project sponsor shall provide a letter, prior to project approval subject to Section 309, from the Executive Director of the Transbay Joint Powers Authority or any successor agency or agencies with jurisdiction over the Transit Center park indicating tentative approval of the horizontal connection as designed;

(E) Any vertical connection shall be clearly and prominently signed from a public sidewalk or public space as described in (A) above, and shall feature an informational plaque meeting the standards in subsection (i) above and further established in the "Guidelines for Open Space."

(F) The square footage equivalency of such park connections for the purpose of meeting Section 138 open space requirements shall be calculated to include:

(i) The area of the bridge structure from face of building to furthest point of connection on the rooftop park;

(ii) The area set aside for public circulation on or adjacent to the development lot, within or outside of the building envelope, that provides access to the park connection and is not otherwise necessary for general building circulation;

(iii) The area on any floor devoted to vertical circulation dedicated specifically to provide public access to the park connection, except for any features that are otherwise necessary for the general circulation or support of the building; and

(iv) An additional 5,000 square feet bonus.

(G) Approval of such connections by the Planning Department or Commission is conditioned on obtaining the necessary easements, permits or approvals otherwise required by other governmental agencies or authorities.

(H) Such connections must satisfy all applicable permit and governmental approval requirements and be completed and available for public use prior to issuance of the first Temporary Certificate of Occupancy for the project.

(I) Building connections that are designed primarily to provide access to the rooftop park for tenants of the subject building and not to either provide public access through the subject building to the park or to provide public access to retail in the subject building at the level of the park shall not be eligible for credit toward open space required under this Section.

(2) Any observation deck or sky lobby or similar space of public accommodation on any story above a height of 600 feet that is open to the general public shall be counted toward the open space required by subsection (b). Such spaces shall not include any space that requires a fee for access, a bar, restaurant or other primarily-commercial use, except that a space qualifying under this subsection may include ancillary retail or eating and drinking activities not to exceed 50% of the publicly-accessible floor area of such space.

(3) Any mid-block public pedestrian pathway that meets the design criteria of Section 270.2(e) whether required or not, shall be counted toward the open space required by subsection (b), except that any mid-block pathway constructed on Assessor's Block 3721 connecting Howard and Natoma Streets need not be open to the sky provided that it has vertical clearance of at least 25 feet, is open to the public at all times, and is open to the air at both ends such that it does not require opening of doors for access.

(4) In-lieu of providing open space per the requirements of this Section 138, developments in the C-3-O(SD) District may pay the fee as described in Section 427(b).

SEC. 151.1. SCHEDULE OF PERMITTED OFF-STREET PARKING SPACES IN SPECIFIED DISTRICTS.

Amend the Table 151.1 language under the "Number of Off-Street Car Parking Spaces or Space Devoted to Off-Street Car Parking Permitted" heading associated with the Use and Activity category of "All non-residential uses in C-3 and C-M Districts" as follows:

Not to exceed 7% of gross floor area of such uses, *except not to exceed 3.5% of gross floor area in the C-3-O(SD) district.* See requirements in Section *204.5.*

SEC. 152.1. REQUIRED OFF-STREET FREIGHT LOADING AND SERVICE VEHICLE SPACES IN C-3, EASTERN NEIGHBORHOODS MIXED USE DISTRICTS, AND SOUTH OF MARKET MIXED USE DISTRICTS.

In C-3, Eastern Neighborhoods Mixed Use Districts, and South of Market Mixed Use Districts, off-street freight loading spaces shall be provided in the minimum quantities specified in the following Table 152.1, except as otherwise provided in Sections 153(a)(6), 161, and as stated below in this Section. *Notwithstanding the requirements of this Section, including Table 152.1, no building in the C-3-O(SD) district shall be required to provide more than six off-street freight loading or service vehicle spaces in total.* The measurement of gross floor area shall be as defined in this Code, except that non-accessory parking spaces and driveways and maneuvering areas incidental thereto shall not be counted.

For projects in the Eastern Neighborhoods Mixed Use Districts that are subject to Section 329, the Planning Commission may waive these requirements per the procedures of Section 329 if it finds that the design of the project, particularly ground floor frontages, would be improved and that such loading could be sufficiently accommodated on adjacent streets and alleys. For projects in the Eastern Neighborhoods Mixed Use Districts that are not subject to Section 329, the Zoning Administrator may administratively waive these requirements pursuant to Section 307(h) and the criteria identified above which apply to projects subject to Section 329.

Table 152.1

OFF-STREET FREIGHT LOADING SPACES REQUIRED (IN C-3, EASTERN NEIGHBORHOODS MIXED USE DISTRICTS, AND SOUTH OF MARKET MIXED USE DISTRICTS)

Use or Activity	Gross Floor Area of Structure or Use (sq. ft.)	Number of Off-Street Freight Loading Spaces Required
Offices and Banks		0.1 space per 10,000 sq. ft. of gross floor area (to closest whole number per Section 153)
Retail stores, restaurants, bars, nighttime entertainment and drugstores	0 - 10,000	0
	10,001 - 30,000	1
	30,001 - 50,000	2
	over 50,000	1 space per 25,000 sq. ft. of gross floor area (to closest whole number per Section 153)
Wholesaling, manufacturing, and all other uses primarily engaged in handling goods, and live/work units within existing buildings, within Eastern Neighborhoods Mixed Use Districts, and South of Market Mixed Use Districts	0 - 10,000	0
	10,001 - 50,000	1
	over 50,000	0.21 spaces per 10,000 sq. ft. of gross floor area (to closest whole

		number per Section 153)
Hotels, apartments, live/work units not included above, and all other uses not included above	0 - 100,000	0
	100,001 - 200,000	1
	200,001 - 500,000	2
	over 500,000	3 plus 1 space for each additional 400,000 sq. ft.

SEC. 155. GENERAL STANDARDS AS TO LOCATION AND ARRANGEMENT OF OFF-STREET PARKING, FREIGHT LOADING AND SERVICE VEHICLE FACILITIES.

Required off-street parking and freight loading facilities shall meet the following standards as to location and arrangement. In addition, facilities which are not required but are actually provided shall meet the following standards unless such standards are stated to be applicable solely to required facilities. In application of the standards of this Code for off-street parking and loading, reference may be made to provisions of other portions of the Municipal Code concerning off-street parking and loading facilities, and to standards of the Bureau of Engineering of the Department of Public Works. Final authority for the application of such standards under this Code, and for adoption of regulations and interpretations in furtherance of the stated provisions of this Code shall, however, rest with the Planning Department.

(a) Every required off-street parking or loading space shall be located on the same lot as the use served by it, except as provided in Sections 159, 160 and 161 of this Code.

(b) Every required off-street parking or loading space shall be located in its entirety within the lot lines of private property.

(c) Every off-street parking or loading space shall have adequate means of ingress from and egress to a street or alley. Access to off-street loading spaces shall be from alleys in preference to streets, except where otherwise specified in this code.

Adequate reservoir space shall be provided on private property for entrance of vehicles to off-street parking and loading spaces, except with respect to spaces independently accessible directly from the street.

(1) For residential uses, independently accessible off-street parking spaces shall include spaces accessed by automated garages, or car elevators, lifts or other space-efficient parking as defined in Section 154(a)(4) and Section 154(a)(5) provided that no more than one car needs to be moved under its own power to access any one space.

(d) All off-street freight loading and service vehicle spaces in the C-3, DTR, MUO, MUG, MUR, and South of Market Mixed Use Districts shall be completely enclosed and access from a public street or alley shall be provided by means of a private service driveway, which is totally contained within the structure. Such a private service driveway shall include adequate space to maneuver trucks and service vehicles into and out of all provided spaces, and shall be designed so as to facilitate access to the subject property while minimizing interference with street and sidewalk circulation. Any such private service driveway shall be of adequate width to accommodate drive-in movement from the adjacent curb or inside traffic lane but shall in no case exceed 30 feet. Notwithstanding the foregoing, if an adjacent street or alley is determined by the Zoning Administrator to be primarily used for building service, up to four off-street freight or loading spaces may be allowed to be individually accessible directly from such a street or alley, pursuant to the provisions of Section 309 in a C-3 District, the provisions of Section 307(g) in a South of Market Mixed Use District, the provisions of Section 309.1 in a DTR District, the provisions of Section 329 for projects subject to Section 329 in a

MUO, MUG, or MUR District, or by administrative decision of the Zoning Administrator for projects that are not subject to Section 329 in a MUO, MUG, or MUR District.

(e) In a C-3 or South of Market District, where site constraints would make a consolidated freight loading and service vehicle facility impractical, service vehicle spaces required by Sections 153(a)(6) and 154(b)(3) of this Code may be located in a parking garage for the structure or other location separate from freight loading spaces.

(f) In a C-3, Eastern Neighborhood Mixed Use District or South of Market Mixed Use District, whenever off-street freight loading spaces are provided, freight elevators immediately accessible from the loading dock shall be provided to all floors which contain uses that are included in the calculation of required number of freight loading spaces. If freight loading facilities are subterranean, the location and operation of freight elevators shall be designed, where feasible, to discourage use of freight elevators for deliveries from the ground floor. Directories of building tenants shall be provided at all freight elevators. A raised loading dock or receiving area shall be provided with sufficient dimensions to provide for short-term storage of goods. All required freight loading and service vehicle spaces shall be made available only to those vehicles at all times, and provision shall be made to minimize interference between freight loading and service operations, and garbage dumpster operations and storage.

(g) In order to discourage long-term commuter parking, any off-street parking spaces provided for a structure or use other than residential or hotel in a C-3, C-M, DTR, SLR, SSO, SPD, MUG, MUR, or MUO District, whether classified as an accessory or conditional use, which are otherwise available for use for long-term parking by downtown workers shall maintain a rate or fee structure for their use such that the rate charge for four hours of parking duration is no more than four times the rate charge for the first hour, and the rate charge for eight or more hours of parking duration is no less than 10 times the rate charge for the first

hour. Additionally, no discounted parking rate shall be permitted for weekly, monthly or similar time-specific periods.

(h) The internal layout of off-street parking and loading spaces, driveways, aisles and maneuvering areas shall be according to acceptable standards, and all spaces shall be clearly marked.

(i) For each 25 off-street parking spaces provided, one such space shall be designed and designated for persons with disabilities.

(j) Except as provided by Section 155.1 and Section 155.2 below, for each 20 off-street parking spaces provided, one space shall be provided for parking of a bicycle. The most restrictive provisions of 155(j) or 155.4 shall prevail.

(k) Off-street parking and loading facilities shall be arranged, designed and operated so as to prevent encroachments upon sidewalk areas, bicycle lanes, transit-only lanes and adjacent properties, in the maneuvering, standing, queuing and storage of vehicles, by means of the layout and operation of facilities and by use of bumper or wheel guards or such other devices as are necessary.

(l) Driveways crossing sidewalks shall be no wider than necessary for ingress and egress, and shall be arranged, to the extent practical, so as to minimize the width and frequency of curb cuts, to maximize the number and size of on-street parking spaces available to the public, and to minimize conflicts with pedestrian and transit movements.

(m) Every off-street parking or loading facility shall be suitably graded, surfaced, drained and maintained.

(n) Off-street parking and loading spaces shall not occupy any required open space, except as specified in Section 136 of this Code.

(o) No area credited as all or part of a required off-street parking space shall also be credited as all or part of a required off-street loading space, or used as all or part of an

unrequired off-street loading space. No area credited as all or part of a required off-street loading space shall also be credited as all or part of a required off-street parking space, or used as all or part of an unrequired off-street parking space.

(p) Any off-street freight loading area located within 50 feet of any R District shall be completely enclosed within a building if such freight loading area is used in regular night operation.

(q) Rooftop parking shall be screened as provided in Section 141(d) of this Code.

(r) **Protected Pedestrian-, Cycling-, and Transit-Oriented Street Frontages.** In order to preserve the pedestrian character of certain downtown and neighborhood commercial districts and to minimize delays to transit service, garage entries, driveways or other vehicular access to off-street parking or loading (except for the creation of new publicly-accessible streets and alleys) shall be regulated on development lots as follows on the following street frontages:

(1) Folsom Street, from Essex Street to the Embarcadero, not permitted except as set forth in Section 827.

(2) Not permitted:

(A) The entire portion of Market Street from The Embarcadero to Castro Street,

(B) Hayes Street from Franklin Street to Laguna Street, Church Street in the NCT-3 and Upper Market NCT Districts,

(C) Van Ness Avenue from Hayes Street to Mission Street,

(D) Mission Street from *The Embarcadero to Annie Street and from* 10th Street to Division Street,

(E) Octavia Street from Hayes Street to Fell Street,

(F) Embarcadero in the DTR Districts,

(G) 22nd Street between 3rd Street and Minnesota Streets within the NCT-2 District,

(H) Valencia Street between 15th and 23rd Streets in the Valencia Street NCT District,

(I) Mission Street for the entirety of the Mission Street NCT District,

(J) 24th Street for the entirety of the 24th Street-Mission NCT,

(K) 16th Street between Guerrero and Capp Streets within the Valencia Street NCT and Mission Street NCT Districts,

(L) 16th Street between Kansas and Mississippi Streets in the UMU and PDR-1-D Districts,

(M) 6th Street for its entirety within the SoMa NCT District,

(N) 3rd Street, in the UMU districts for 100 feet north and south of Mariposa and 100 feet north and south of 20th Streets, and 4th Street between Bryant and Townsend in the SLI and MUO District,

(O) Ocean Avenue within the Ocean Avenue NCT District,

(P) Geneva Avenue from I-280 to San Jose Avenue within the NCT-2 District,

(Q) Columbus Avenue between Washington and North Point Streets.,

(R) Broadway from the Embarcadero on the east to Polk Street on the west, and

(S) All alleyways in the Chinatown Mixed Use Districts.

(T) Natoma Street from 300 feet westerly of 1st Street to 2nd Street.

(U) Ecker Alley in its entirety.

(V) Shaw Alley in its entirety.

(W) 2nd Street from Market to Folsom Streets.

(3) Not permitted except with a Conditional Use authorization, *except that in the C-3-O(SD) District, the Planning Commission may grant such permission as an exception pursuant to Section 309 in lieu of a Conditional Use authorization where the amount of parking proposed does not exceed the amounts permitted as accessory according to Section 151.1*.

(A) The entire portion of California Street, The Embarcadero, Folsom Street, Geary Street, Mission Street, Powell Street and Stockton Street in the C-3 Districts,

(B) Grant Avenue from Market Street to Bush Street,

(C) Montgomery Street from Market Street to Columbus Avenue,

(D) Haight Street from Market Street to Webster Street,

(E) Church Street and 16th Street in the RTO District,

(F) Duboce Street from Noe Street to Market Street,

(G) Duboce Street from Noe Street to Market Street, and

(H) Octavia Street from Fell Street to Market Street.

(I) 1st, Fremont and Beale Streets from Market to Folsom Street.

(4) In C-3, NCT and RTO Districts, no curb cuts accessing off-street parking or loading shall be created or utilized on street frontages identified along any Transit Preferential, Citywide Pedestrian Network or Neighborhood Commercial Streets as designated in the Transportation Element of the General Plan or official City bicycle routes or bicycle lanes, where an alternative frontage is available. For bicycle lanes, the prohibition on curb cuts applies to the side or sides of the street where bicycle lanes are located; for one-way bicycle routes or lanes, the prohibition on curb cuts shall apply to the right side of the street only, unless the officially adopted alignment is along the left side of the street. Where an alternative frontage is not available, parking or loading access along any Transit Preferential, Citywide Pedestrian Network or Neighborhood Commercial Streets as designated in the Transportation Element of the General Plan or official City bicycle lane or bicycle route, may be allowed on

streets not listed in subsection (2) above as an exception in the manner provided in Section 309 for C-3 Districts and in Section 303 for NCT and RTO Districts in cases where it can be clearly demonstrated that the final design of the parking access minimizes negative impacts to transit movement and to the safety of pedestrians and bicyclists to the fullest extent feasible.

(5) A "development lot" shall mean any lot containing a proposal for new construction, building alterations which would increase the gross square footage of a structure by 20 percent or more, or change of use of more than 50 percent of the gross floor area of a structure containing parking. Pre-existing access to off-street parking and loading on development lots that violates the restrictions of this Section 155(r) may not be maintained.

(s) Off-Street Parking and Loading in C-3 Districts. In C-3 Districts, restrictions on the design and location of off-street parking and loading and access to off-street parking and loading are necessary to reduce their negative impacts on neighborhood quality and the pedestrian environment.

(1) Ground floor or below-grade parking and street frontages with active uses.

(A) All off-street parking in C-3 Districts (both as accessory and principal uses) shall be built no higher than the ground-level (up to a maximum ceiling height of 20 feet from grade) unless an exception to this requirement is granted in accordance with Section 309 and subsection 155(s)(2) or a conditional use is authorized in accordance with Section 303 and subsections 155(s)(2) or 155(s)(3) below.

(B) Parking located at or above ground level shall conform to the street frontage requirements of Section 145.1(c), and shall be lined with active uses, as defined by Section 145.4 (e), to a depth of at least 25 feet along all ground-level street frontages, except for space allowed for parking and loading access, building egress, and access to mechanical systems.

(i) Where a non-accessory off-street parking garage permitted under Section 223(m) - (p) is located in the Mid-Market area described below in subsection 155(s)(3)(B) and fronts more than one street of less than 45 feet in width, a conditional use may be granted in accordance with Section 303 that allows an exception to this requirement for one of the street frontages. The above provision authorizing such conditional use shall sunset eight years from the effective date of the ordinance enacting this subsection 155(s)(1)(A)(i).

(C) Parking allowed above the ground-level in accordance with an exception under Section 309 or a conditional use in accordance with Section 303 as authorized by subsections 155(s)(2) or 155(s)(3) shall be entirely screened from public rights-of-way in a manner that accentuates ground floor retail and other uses, minimizes louvers and other mechanical features and is in keeping with the overall massing and architectural vocabulary of the building's lower floors. So as not to preclude conversion of parking space to other uses in the future, parking allowed above the ground-level shall not be sloped and shall have a minimum clear ceiling height of nine feet.

(2) Residential accessory parking. For residential accessory off-street parking in C-3 Districts, two additional floors of above-grade parking beyond the at-grade parking allowed by Section 155(s)(1), to a maximum ceiling height of 35 feet from grade, may be permitted subject to the provisions of subsections 155(s)(2)(A) or 155(s)(2)(B) below:

(A) In a manner provided in Section 309 of this Code provided it can be clearly demonstrated that transportation easements or contaminated soil conditions make it practically infeasible to build parking below-ground. The determination of practical infeasibility shall be made based on an independent, third-party geotechnical assessment conducted by a licensed professional and funded by the project sponsor. The Planning Director shall make a determination as to the objectivity of the study prior to the Planning Commission's consideration of the exception application under Section 309.

(B) As a conditional use in accordance with the criteria set forth in Section 303 of this Code, provided it can be clearly demonstrated that constructing the parking above-grade instead of underground would allow the proposed housing to meet affordability levels for which actual production has not met ABAG production targets as identified in the Housing Element of the General Plan.

(3) Non-accessory off-street parking garages. For non-accessory off-street parking garages in C-3 Districts permitted under Section 223(m) - (p), two additional floors of above-grade parking beyond the at-grade parking allowed by Section 155(s)(1), to a maximum ceiling height of 35 feet from grade, may be permitted subject to the provisions of subsections 155(s)(3)(A) or 155(s)(3)(B) below:

(A) As a conditional use in accordance with the criteria set forth in Section 303, provided it can be clearly demonstrated that transportation easements or contaminated soil conditions make it practically infeasible to build parking below-ground. The determination of practical infeasibility shall be made based on an independent, third-party geotechnical assessment conducted by a licensed professional and funded by the project sponsor. The Planning Director shall make a determination as to the objectivity of the study prior to the Planning Commission's consideration of the conditional use permit application.

(B) As a conditional use in accordance with the criteria set forth in Section 303, provided the site contains an existing non-accessory off-street surface parking lot with valid permits for such parking as of the effective date of the ordinance enacting this subsection and the site is located in the following Mid-Market area: Assessor's Block 0341, Lots 4 through 9 and 13; Block 0342, Lots 1, 2, 4, 7, 11, 12 and 13; Block 0350, Lots 1 through 4; Block 0355, Lots 3 through 12 and 15; Block 3507, Lot 39; Block 3508, Lots 1, 13, 18, 19, 22, 24 through 27, 39 and 40; Block 3509, Lots 18, 19, 36, 37 and 40 through 43; Block 3510, Lot 1; Block 3701, Lots 5, 8, 10, 11, 12, 20 through 24, 53, 59, 60, 63 and 64;

Block 3702, Lots 1, 2, 37, 38, 39, 44, 44A, 45, 46, 47, 48, 48A, 51, 52, 53, 54, 56; Block 3703, Lots 1, 2, 3, 7, 10, 11, 12, 25, 26, 33, 40, 41, 50, 53, 56 through 68, 70, 74, 75, 76, 78 through 81, 84, 85 and 86; Block 3704, Lots 1, 3, 6, 9 through 13, 15, 17 through 22, 24, 35, 38, 39, 42, 43, 45, 62 and 67 through 79, Block 3725, Lot 78, 82, 86 through 91 and 93; Block 3727, Lot 1, 91, 94, 96, 97, 109, 117, 118, 120, 134, 168 and 173; Block 3728, Lot 1, 72, 75, 76, 81, 82, 83, 89, 103 and 105; and Block 0351, Lots 1, 22, 32, 33, 37, 39, 41, 43, 46, 47, 49, 50 and 51 This subsection 155(s)(3)(B) shall sunset on July 22, 2014.

(4) Parking lots permitted in C-3 Districts as temporary uses according to Section 156(h) and expansions of existing above-grade publicly accessible parking facilities are not subject to the requirements of subsections 155(s)(1) - (3).

(5) Parking and Loading Access.

(A) Width of openings. Any single development is limited to a total of two facade openings of no more than 11 feet wide each or one opening of no more than 22 feet wide for access to off-street parking and one facade opening of no more than 15 feet wide for access to off-street loading. Shared openings for parking and loading are encouraged. The maximum permitted width of a shared parking and loading garage opening is 27 feet.

(B) Porte cocheres to accommodate passenger loading and unloading are not permitted except as part of a hotel, inn or hostel use. For the purpose of this Section, a "porte cochere" is defined as an off-street driveway, either covered or uncovered, for the purpose of passenger loading or unloading, situated between the ground floor facade of the building and the sidewalk.

SEC. 155.4. BICYCLE PARKING REQUIRED IN NEW AND RENOVATED COMMERCIAL BUILDINGS.

(a) **Definitions.**

(1) All definitions set forth in Section 155.1(a) and Section 155.3(a) are incorporated into this Section.

(2) **New Commercial Building.** A commercial or industrial building for which a building permit is issued on or at least six months after the effective date of this Section.

(3) **Major Renovation.** Any construction or renovation project (i) for which a building permit is issued commencing on or at least six months after the effective date of this Section (ii) which involves an enlargement of an existing commercial building and (iii) which has an estimated construction cost of at least $1,000,000.00.

(b) **Requirements for New Commercial Buildings and Commercial Buildings with Major Renovations.** New commercial buildings and commercial buildings with major renovations, as a condition of approval, shall provide bicycle parking in that building in accordance with this Section. Where a building undergoes major renovations, its total square footage after the renovation shall be used in calculating how many, if any, bicycle parking spaces are required.

(c) **Types of Bicycle Parking.** New commercial buildings and commercial buildings with major renovations shall offer either Class 1 bicycle parking, as defined in Section 155.1(a)(6), or Class 2 bicycle parking, as defined in Section 155.1(a)(7), or a combination of Class 1 and Class 2 bicycle parking.

(d) **Bicycle Parking Spaces - Professional Services.** *Except in the C-3-O(SD) district,* ~~F~~for new commercial buildings and commercial buildings with major renovations, including individual buildings of large, multiple-building developments, whose primary use consists of medical or other professional services, general business offices, financial services, general business services, business and trade schools, colleges and universities, research and development or manufacturing, the following schedule of required bicycle parking applies:

(1) Where the gross square footage of the floor area exceeds 10,000 square feet but is no greater than 20,000 feet, 3 bicycle spaces are required.

(2) Where the gross square footage of the floor area exceeds 20,000 square feet but is no greater than 50,000 feet, 6 bicycle spaces are required.

(3) Where the gross square footage of the floor area exceeds 50,000 square feet, 12 bicycle spaces are required.

(4) In the C-3-O(SD) district, the following bicycle parking requirements apply: One Class 1 space for every 3,000 square feet for buildings containing less than 75,000 gross square feet of the uses described in subsection (d) above. For buildings containing greater than 75,000 gross square feet of such uses, 20 Class 1 spaces plus one Class 1 space for every 5,000 square feet in excess of 75,000. Additionally, one Class 2 space is required for every 50,000 gross square feet of such uses. Class 2 spaces are intended for short-term use by visitors and shall be located in a highly-visible publicly-accessible location at street grade, or no more than one level above or below street grade if accessible by ramp and clear directional signage is available at street level.

(e) **Bicycle Parking Spaces - Retail.** For new commercial buildings and commercial buildings with major renovations whose primary use consists of retail, eating and drinking or personal service, the following schedule of required bicycle parking applies:

(1) Where the gross square footage of the floor area exceeds 25,000 square feet but is no greater than 50,000 feet, 3 bicycle spaces are required.

(2) Where the gross square footage of the floor area exceeds 50,000 square feet but is no greater than 100,000 feet, 6 bicycle spaces are required.

(3) Where the gross square footage of the floor area exceeds 100,000 square feet, 12 bicycle spaces are required.

(f) **Notice of Bicycle Parking.** New commercial buildings and commercial buildings with major renovations subject to this Section must provide adequate signs or notices to advertise the availability of bicycle parking.

(g) **Layout of Spaces.** Owners of new commercial buildings and commercial buildings with major renovations subject to this Section are encouraged to follow the requirements set forth in Section 155.1(d) (Layout of Spaces) in installing Class 1 and Class 2 bicycle parking. The number of required automobile parking spaces may be lowered in buildings where Class 1 bicycle parking is provided. The number of otherwise required automobile parking spaces may be reduced, commensurate with the space necessary to provide Class 1 or Class 2 bicycle parking spaces, in an amount that meets or exceeds the requirements of this section. This provision only applies to the explicit area used for Class 1 or Class 2 bicycle parking.

(h) **Owners of Existing Buildings Encouraged to Provide Bicycle Parking Spaces.** The City encourages building owners whose buildings are not subject to this Section to provide bicycle parking spaces in such buildings.

(i) **Exemption.** Where a new commercial building or building with major renovations includes residential uses, the building's total non-residential square footage shall be used in calculating how many, if any, bicycle parking spaces are required. Building owners shall be required to allow tenants to bring their bicycles into buildings unless Class 1 bicycle parking is provided.

(j) This Section shall not be interpreted to interfere with the Department of Planning's authority to require more than the minimum bicycle parking spaces required by this Section as a condition of approval of a project, where appropriate.

(k) For the purposes of this Section, commercial shall mean commercial and industrial.

SEC. 156. PARKING LOTS.

(a) A "parking lot" is hereby defined as an off-street open area or portion thereof solely for the parking of passenger automobiles. Such an area or portion shall be considered a parking lot whether or not on the same lot as another use, whether or not required by this Code for any structure or use, and whether classified as an accessory, principal or conditional use.

(b) Where parking lots are specified in Articles 2 or 7 of this Code as a use for which conditional use approval is required in a certain district, such conditional use approval shall be required only for such parking lots in such district as are not qualified as accessory uses under Section 204.5 of this Code. The provisions of this Section 156 shall, however, apply to all parking lots whether classified as accessory, principal or conditional uses.

(c) In considering any application for a conditional use for a parking lot for a specific use or uses, where the amount of parking provided exceeds the amount classified as accessory parking in Section 204.5 of this Code, the Planning Commission shall consider the criteria set forth in Section 157.

(d) Any vehicle use area that is less than 25 linear feet adjacent to a public right-of-way or parking lot for the parking of two or more automobiles which adjoins a lot in any R District, or which faces a lot in any R District across a street or alley, shall be screened from view therefrom, except at driveways necessary for ingress and egress, by a solid fence, a solid wall, or a compact evergreen hedge, not less than four feet in height.

(e) Any vehicle use area that has more than 25 linear feet adjacent to a public right-of-way or is a parking lot for the parking of 10 or more automobiles shall be screened in accordance with the standards described in Section 142, Screening and Greening of Parking and Vehicle Use Areas.

(f) All artificial lighting used to illuminate a parking lot for any number of automobiles in any District shall be so arranged that all direct rays from such lighting fall entirely within such parking lot.

(g) No parking lot for any number of auto-mobiles shall have conducted upon it any dead storage or dismantling of vehicles, or any repair or servicing of vehicles other than of an emergency nature.

(h) No permanent parking lot shall be permitted in C-3-O, *C-3-O(SD)*, C-3-R, C-3-G and NCT Districts; temporary parking lots may be approved as conditional uses, *except in C-3-O(SD) district,* pursuant to the provisions of Section *303* for a period not to exceed two years from the date of approval; permanent parking lots in C-3-S Districts shall be permitted only as a conditional use. *No new parking lots may be approved in the C-3-O(SD) district, however conditional use approval for a two-year extension of existing parking lots in the C-3-O(SD) district may be approved pursuant to this Subsection provided that they meet the requirements of subsection (l).*

(i) Any parking lot approved pursuant to zoning categories .25, .27 and .29 of Sections 813 through 818 of this Code shall be screened in accordance with the standards described in Section 142, Screening and Greening of Parking and Vehicle Use Areas except where this requirement would prevent otherwise feasible use of the subject lot as an open space or play area for nearby residents.

(j) **Interior Landscaping.** All permanent parking lots are required to provide 1 tree per 5 parking spaces in a manner that is compliant with the applicable water use requirements of Administrative Code Chapter 63 and a minimum of 20% permeable surface, as defined by Section 102.33 Permeable Surfaces. The trees planted in compliance with this Section shall result in canopy coverage of 50% of the parking lots' hardscape within 15 years of the installations of these trees. Permeable surfaces and grading shall be coordinated so that stormwater can infiltrate the surface in areas with less than 5% slope.

(k) **Street Tree Requirement.** All parking lots shall meet the street tree requirements specified in Section *143*.

(l) The conditions of approval for the extension an existing parking lot in the C-3-O(SD) district shall include the following:

(A) a minimum of one parking space for car sharing vehicles meeting all of the requirements in Section 166 for every 20 spaces in said lot;

(B) a minimum of two Class 2 bicycle parking spaces for every 50 linear feet of frontage in a highly visible area on the property adjacent to a public sidewalk or shall attain approval from the appropriate City agencies to install such bicycle parking on a public sidewalk on the same block;

(C) interior landscaping compliant with the requirements in subsection (j) above, provided that if a site permit has been approved by the Planning Department for construction of building on the subject lot that would replace the parking lot in less than 2 years, the trees may be planted in movable planters and the lot need not provide permeable surfaces described in subsection (j).

SEC. 163. TRANSPORTATION MANAGEMENT PROGRAMS AND TRANSPORTATION BROKERAGE SERVICES IN C-3, EASTERN NEIGHBORHOODS MIXED USE, AND SOUTH OF MARKET MIXED USE DISTRICTS.

(a) **Purpose.** This Section is intended to assure that adequate measures are undertaken and maintained to minimize the transportation impacts of added office employment in the downtown and South of Market area, in a manner consistent with the objectives and policies of the General Plan, by facilitating the effective use of transit, encouraging ridesharing, and employing other practical means to reduce commute travel by single-occupant vehicles.

(b) Applicability. The requirements of this Section apply to any project meeting one of the following conditions:

(1) In the C-3, Eastern Neighborhoods, Mixed Use and South of Market Mixed Use Districts, projects where the gross square feet of new construction, conversion, or added floor area for office use equals at least 100,000 square feet;

(2) In the C-3-O(SD) District, where new construction, conversion, or added floor area for residential use equals at least 100,000 square feet equals at least 100 dwelling units;

(3) In the C-3-O(SD) District, projects where the gross square feet of new construction or added floor area for any non-residential use equals at least 100,000 square feet; or

(4) In the case of the SSO or MUO District, where the gross square feet of new, converted or added floor area for office use equals at least 25,000 square feet.

(~~b~~c) **Requirement.** ~~*For any new building or additions to or conversion of an existing building in C-3, Eastern Neighborhoods Mixed Use, and South of Market Mixed Use Districts where the gross square feet of new, converted or added floor area for office use equals at least 100,000 square feet, or, in the case of the SSO or MUO District, 25,000 square feet,*~~*For all applicable projects,* the project sponsor shall be required to provide on-site transportation brokerage services for the actual lifetime of the project, as provided in this Subsection. Prior to the issuance of a temporary permit of occupancy (for this purpose Section 149(d) shall apply), the project sponsor shall execute an agreement with the Planning Department for the provision of on-site transportation brokerage services and preparation of a transportation management program to be approved by the Director of Planning and implemented by the provider of transportation brokerage services. The transportation management program and transportation brokerage services shall be designed:

(1) To promote and coordinate effective and efficient use of transit by tenants and their employees, including the provision of transit information and sale of transit passes on-site;

(2) To promote and coordinate ridesharing activities for all tenants and their employees within the structure or use;

(3) To reduce parking demand and assure the proper and most efficient use of on-site or off-site parking, where applicable, such that all provided parking conforms with the requirements of Article 1.5 of this Code and project approval requirements;

(4) To promote and encourage the provision and proliferation of car-sharing services convenient to tenants and employees of the subject buildings in addition to those required by Section 166, and to promote and encourage those tenants and their employees to prioritize the use of car-share services for activities that necessitate automobile travel, including the promotion and sale of individual and business memberships in certified car-sharing organizations, as defined by Section 166(b)(2).

(5) To promote and encourage project occupants to adopt a coordinated flex-time or staggered work hours program designed to more evenly distribute the arrival and departure times of employees within normal peak commute periods;

(6) To participate with other project sponsors in a network of transportation brokerage services for the respective downtown, South of Market area, or other area of employment concentration in the Eastern Neighborhoods Mixed Use Districts;

(7) To carry out other activities determined by the Planning Department to be appropriate to meeting the purpose of this requirement.

SEC. 201. CLASSES OF USE DISTRICTS.

Amend the Commercial Districts table under Section 201 as follows:

Commercial Districts	
C-1	Neighborhood Shopping Districts
C-2	Community Business Districts

C-M	Heavy Commercial Districts
C-3-O	Downtown Office District
C-3-O(SD)	*Downtown Office Special Development District*
C-3-R	Downtown Retail District
C-3-G	Downtown General Commercial District
C-3-S	Downtown Support District

SEC. 210.3. C-3 DISTRICTS: DOWNTOWN COMMERCIAL.

Downtown San Francisco, a center for City, regional, national and international commerce, is composed of four separate districts, as follows:

C-3-O District: Downtown Office. This district, playing a leading national role in finance, corporate headquarters and service industries, and serving as an employment center for the region, consists primarily of high-quality office development. The intensity of building development is the greatest in the City, resulting in a notable skyline symbolizing the area's strength and vitality. The district is served by City and regional transit reaching its central portions and by automobile parking at peripheral locations. Intensity and compactness permit face-to-face business contacts to be made conveniently by travel on foot. Office development is supported by some related retail and service uses within the area, with inappropriate uses excluded in order to conserve the supply of land in the core and its expansion areas for further development of major office buildings.

C-3-O(SD) District: Downtown Office Special Development. This area south of Market Street and east of 3rd Street comprises the southern side of the core central business district, and is similar to and generally indistinguishable from the C-3-O District in terms of uses and character. The area is centered on the Transbay Transit Center. This district permits densities that exceed those in the C-3-O

district and contains the tallest height limits in the City, reflecting its unparalleled public transportation access and geographically central position in the downtown.

C-3-R District: Downtown Retail. This district is a regional center for comparison shopper retailing and direct consumer services. It covers a compact area with a distinctive urban character, consists of uses with cumulative customer attraction and compatibility, and is easily traversed by foot. Like the adjacent Downtown Office District, this district is well-served by City and regional transit, with automobile parking best located at its periphery. Within the district, continuity of retail and consumer service uses is emphasized, with encouragement of pedestrian interest and amenities and minimization of conflicts between shoppers and motor vehicles. A further merging of this district with adjacent, related districts is anticipated, partially through development of buildings which combine retailing with other functions.

C-3-G District: Downtown General Commercial. This district covers the western portions of downtown and is composed of a variety of uses: Retail, offices, hotels, entertainment, clubs and institutions, and high-density residential. Many of these uses have a Citywide or regional function, although the intensity of development is lower here than in the downtown core area. As in the case of other downtown districts, no off-street parking is required for individual commercial buildings. In the vicinity of Market Street, the configuration of this district reflects easy accessibility by rapid transit.

C-3-S District: Downtown Support. This district encompasses Yerba Buena Gardens, which includes San Francisco's Convention Center, hotels, museums and cultural facilities, housing, retail, and offices arranged around public gardens and plazas. The district continues to accommodate important supporting functions such as wholesaling, printing, building services, and secondary office space. It also contains unique housing resources. The district is within walking distance of rapid transit on Market Street, and is served by transit lines on Third, Fourth, Mission and Folsom streets.

SEC. 215. DWELLINGS.

C-1	C-2	C-3-O	*C-3-O(SD)*	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	PDR-1-G	PDR-1-D	PDR-1	PDR-2	
														SEC. 215. DWELLINGS.
P	P	P	*P*	P	P	P	C	C	C					(a) Dwelling at a density ratio not exceeding the number of dwelling units permitted in the nearest R District, with the distance to such R District measured from the midpoint of the front lot line or from a point directly across the street therefrom, whichever permits the greater density; provided, that the maximum density ratio in a C-1, C-2, M-1 or M-2 District shall in no case be less than for an RM-1 District, the maximum density ratio in a C-3 or C-M District shall in no

														case be less than for an RM-4 District, and the maximum density ratio in a C-3 District shall in no case be less than one dwelling unit for each 125 square feet of lot area. The rules for calculation of dwelling unit densities set forth in Section 207.1 of this Code shall apply in C and M Districts, except that any remaining fraction of ½ or more of the minimum amount of lot area per dwelling unit shall be adjusted upward to the next higher whole number of dwelling units.
		C		C	C	C								(b) Dwelling at a density ratio greater than that set forth in Subsection (a), to be determined by the City

														Planning Commission pursuant to Section *303*(c) of this Code.
			P											*(c) Dwelling at a density ratio not limited by lot area.*
							C	C	C					(~~c~~*d*) Mobile home park for house trailers, motor homes, campers and similar vehicles or structures used for dwelling purposes. Each vehicle or structure in any such park shall be regulated by this Code in the same manner as a dwelling unit.

SEC. 216. OTHER HOUSING.

C-1	C-2	C-3-O	*C-3-O(SD)*	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	PDR-1-G	PDR-1-D	PDR-1	PDR-2	
														SEC. 216. OTHER HOUSING.
P	P	P	*P*	P	P	P	P	C	C					(a) Group housing, providing lodging or both meals and lodging,

															without individual cooking facilities, by prearrangement for a week or more at a time, in a space not defined by this Code as a dwelling unit. Such group housing shall include but not necessarily be limited to a boardinghouse, guesthouse, rooming house, lodging house, residence club, commune, fraternity or sorority house, monastery, nunnery, convent or ashram. It shall also include group housing affiliated with and operated by a medical or educational institution, when not located on the same lot as such institution, which shall meet the applicable provisions of Section 304.5 of this Code

														concerning institutional master plans. The density limitations for all group housing described in this subsection shall be based in this subsection shall be based upon the density limitations for group housing in the nearest R District, following the same rules as those set forth in Section 215(a) of this Code for dwelling unit densities in C and M Districts.
														(b) Hotel, inn or hostel containing rooms or suites of rooms, none with individual cooking facilities, which are offered for compensation and are primarily for the accommodation of transient overnight guests. A hotel, inn or

														hostel shall not include a motel as described in Subsection 216(c) below:
C	C	C	C	C	C	C	C	C	C					(i) 200 rooms or less;
C	C	C	C	C	C	C	C	C	C					(ii) More than 200 rooms.
C	NA			NA	NA	NA	NA	NA	NA					(c) Motel, including an auto court, motor lodge, tourist court or other facility similarly identified, containing rooms or suites of rooms, none with individual cooking facilities, which are offered for compensation and are primarily for the accommodation of transient guests traveling by automobile, and where each sleeping unit is independently accessible from the outside; provided, that the entrance to such motel is within 200 feet of and immediately

														accessible from a major thoroughfare as designated in the General Plan.
	C				C	C	C	C	C					(d) Motel, as described in Subsection 216(c) above but without restriction as to location of its entrance.

SEC. 217. INSTITUTIONS.

C-1	C-2	C-3-O	*C-3-O(S) D*	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	PDR-1-G	PDR-1-D	PDR-1-B	PDR-2	
														SEC. 217. INSTITUTIONS.
C	C	C	*C*	C	C	C	C	C						(a) Hospital, medical center or other medical institution which includes facilities for inpatient or outpatient medical care and may also include medical offices, clinics, laboratories, and employee or student dormitories

														and other housing, operated by and affiliated with the institution, which institution has met the applicable provisions of Section 304.5 of this Code concerning institutional master plans.
P	P	P	P	P	P	C	P	P						(b) Residential care facility providing lodging, board and care for a period of 24 hours or more to persons in need of specialized aid by personnel licensed by the State of California. Such facilities shall include but not necessarily be limited to a board and care home, family care home, long-term nursery, orphanage, rest home or home for the treatment of addictive, contagious or other diseases or

														psychological disorders.
P	P	P	P	P	P	P	P	P	P	P under 5,000 gsf, C above	P under 5,000 gsf, C above	P under 7,500 sf	P under 5,000 sf	(c) Clinic primarily providing outpatient care in medical, psychiatric or other healing arts and not a part of a medical institution as specified in Subsection 217(a) above.
P	P	P	P	P	P	P	P	P	P	P under 5,000 gsf, C above	P under 5,000 gsf, C above	P under 5,000 sf	P under 5,000 sf	(d) Social service or philanthropic facility providing assistance of a charitable or public service nature.
P	P	P	P	P	P	C	P	P			P			(e) Child-care facility providing less than 24-hour care for children by licensed personnel and meeting the open-space and other requirements of the State of California and other authorities.
P	P	P	P	P	P	P	P	P			P under 20,000 gsf if no housing	P under 20,000 sf if no housing		(f) Elementary school, either public or private. Such institution may include employee or

														student dormitories and other housing operated by and affiliated with the institution.
P	P	P	*P*	P	P	P	P	P			P under 20,000 sf if no housing	P under 20,000 sf if no housing		(g) Secondary school, either public or private, other than a school having industrial arts as its primary course of study. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution.
P	P	P	*P*	P	P	P	P	P			P under 20,000 sf if no housing	P under 20,000 sf if no housing		(h) Postsecondary educational institution for the purposes of academic, professional, business or fine-arts education, which is required to submit an institutional master plan pursuant to Section *304.5* of this Code. Such institution may

														include employee or student dormitories and other housing operated by and affiliated with the institution. Such institution shall not have industrial arts as its primary course of study.
						P	P	P	P	P under 20,000 sf if no housing	P under 20,000 sf if no housing	P under 20,000 sf if no housing	P under 20,000 sf if no housing	(i) Secondary or postsecondary educational institution, other than as specified in Subsection 217(g) and (h) above.
P	P	P	*P*	P	P	P	P	P	P	P under 20,000 sf if no housing	P under 20,000 sf if no housing	P under 20,000 sf if no housing	P under 20,000 sf if no housing	(j) Church or other religious institution. Such institution may include, on the same lot, the housing of persons who engage in supportive activity for the institution.
P	P	P	*P*	P	P	P	P							(k) Medical cannabis dispensary as defined by Section 3301(f) of the San Francisco Health Code.
														(a)

														Requirements. MCDs must meet the following requirements:
														1. the parcel containing the MCD cannot located within 1,000 feet from a parcel containing:
														a. a public or private elementary or secondary school and
														b. a community facility and/or recreation center that primarily serves persons under 18 years of age; and
														2. the MCD is not located on the same parcel as a facility providing substance abuse services that is licensed or certified by the State of California or funded by the Department of Public Health;
														3. no alcohol is sold or distributed on the premises for

														on or off-site consumption;
														4. if medical cannabis is smoked on the premises the dispensary shall provide adequate ventilation within the structure such that the doors and windows are not left open for such purposes, resulting in odor emission from the premises;
														5. in addition to these requirements, an MCD must meet all of the requirements in Article 33 of the San Francisco Health Code.
														(b) Application and Referral Process. The Department of Public Health is the lead agency for regulating MCDs. Final City permits are issued by the Department of Public Health. No dispensary

														may open without final authorization from the Department of Public Health. The Planning Department will review an application for a Medical Cannabis Dispensary only upon receipt of (1) a valid referral from the Department of Public Health pursuant to DPH Code Section 3304 and 3305; (2) supplemental application materials designated by the Planning Department; and (3) a building permit application.
														(c) Notice. Once the Department has determined that the application is complete, a 30-day notice of application shall be mailed to owners and occupants within a 300 foot radius of

the subject property. Notice shall be posted on the project site for no less than 30 days.

(d) Hearing. A Mandatory Discretionary Review hearing will be scheduled at the Planning Commission, which may choose to exercise its discretionary review powers and disapprove, modify, or approve the dispensary.

(e) Signage. Signage for the medical cannabis dispensary shall be limited to one wall sign not to exceed ten square feet in area, and one identifying sign not to exceed two square feet in area; such signs shall not be directly illuminated. Any wall sign, or the identifying

														sign if the medical cannabis dispensary has no exterior wall sign, shall include the following language: "Only individuals with legally recognized Medical Cannabis Identification Cards or a verifiable, written recommendation from a physician for medical cannabis may obtain cannabis from medical cannabis dispensaries." The required text shall be a minimum of two inches in height.
														(f) If an MCD closes for a duration longer than 18 months or if the MCD's license is revoked by DPH pursuant to Health Code Section 3315, the MCD will be considered abandoned

														and any Planning Commission authorization for the parcel shall be null and void.
														(g) Any permit issued for a medical cannabis dispensary shall contain the following statement in bold-face type: "Issuance of this permit by the City and County of San Francisco is not intended to and does not authorize the violation of State or Federal law."

SEC. 218. RETAIL SALES AND PERSONAL SERVICES.

C-1	C-2	C-3-O	C-3-O(SD)	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	PDR-1-G	PDR-1-D	PDR-1-B	PDR-2	
														SEC. 218. RETAIL SALES AND PERSONAL SERVICES.
														The uses specified in this Section

														shall not include any use first specifically listed in a subsequent Section of this Code.
P	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	(a) Retail business or personal service establishment, of a type which supplies new commodities or offers personal services primarily to residents in the immediate vicinity.
	P	P	P	P	P	P	P	P	P	P under 2,500 gsf per lot; C above for Grocery stores, as defined in Section 790.102(a) and Health club, fitness, gymnasium, or exercise facility	P under 5,000 gsf per lot; C above for Grocery stores, as defined in Section 790.102(a) and Health club, fitness, gymnasium, or exercise facility	P under 2,500 gsf	P under 2,500 gsf per lot* #	(b) Retail business or personal service establishment not limited to sales or services primarily for residents in the immediate vicinity,

										when including equipment and space for weight-lifting and cardiovas cular activities.	when including equipment and space for weight-lifting and cardiovas cular activities			and not restricted to sale of new commoditi es.
														*Subject to the limitations of Section 121.8.

SEC. 218.1. MASSAGE ESTABLISHMENTS.

C-1	C-2	C-3-O	*C-3-O (SD)*	C-3-R	C-3-R	C-3-G	C-3-S	C-M	M-1	PDR-1	PDR-2	
												SEC. 218.1 MASSAGES ESTABLISHMENTS.
C	C	C	*C*	C	C	C	C	C	C	C	C	Massage establishments, as defined by Section 1900 of the San Francisco Health Code, except a use that is a sole proprietorship, as defined in California Business and Professions Code Section 4612(b)(1), and where the sole proprietor is certified pursuant to the California Business and Professions Code Section 4600 et seq., or one that employs or uses only persons certified by the state's Massage Therapy Organization, pursuant to the California Business

												and Professions Code Section 4600 et seq., provided that the massage establishment has first obtained a permit from the Department of Public Health pursuant to Section 1908 of the San Francisco Health Code, and provided that:
												(a) the massage use is accessory to a principal use, if the massage use is accessed by the principal use and:
												(1) the principal use is a dwelling unit and the massage use conforms to the requirements of Section 204.1, for accessory uses for dwelling units in R or NC districts; or
												(2) the principal use is a tourist hotel as defined in Section 790.46 of this Code, that contains 100 or more rooms, a large institution as defined in Section 790.50 of this Code, or a hospital or medical center, as defined in Section 790.44 of this Code, or
												(b) the only massage service provided is chair massage, such service is visible to the public, and customers are fully-clothed at all times.
												(c) If the massage

												use does not meet the requirements of (a) or (b), above, then the massage use shall obtain a conditional use permit from the Planning Commission, pursuant to Section 303 of this Code. When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the following criteria
												(1) Whether the applicant has obtained, and maintains in good standing, a permit for a Massage Establishment from the Department of Public Health pursuant to Section 1908 of the San Francisco Health Code;
												(2) Whether the use's facade is transparent and open to the public. Permanent transparency and openness are preferable. Elements that lend openness and transparency to a facade include: i) active street frontage of at least 25' in length where 75% of that length is

												devoted to entrances to commercially used space or windows at the pedestrian eye-level; ii) windows that use clear, untinted glass, except for decorative or architectural accent; iii) any decorative railings or decorative grille work, other than wire mesh, which is placed in front of or behind such windows, should be at least 75 percent open to perpendicular view and no more than six feet in height above grade;
												(3) Whether the use includes pedestrian-oriented lighting. Well-lit establishments where lighting is installed and maintained along all public rights-of-way adjacent to the building with the massage use during the post-sunset hours of the massage use are encouraged;
												(4) Whether the use is reasonably oriented to facilitate public access. Barriers that make entrance to the use more difficult than to an average service-provider in the area are to be strongly

												discouraged. These include (but are not limited to) foyers equipped with double doors that can be opened only from the inside and security cameras.
												(d) Nothing herein shall preclude the Board of Supervisors from adopting more restrictive provisions for Massage Establishments, or prohibiting Massage Establishments in specific areas of the City.

SEC. 219. OFFICES.

C-1	C-2	C-3-O	*C-3-O(SD)*	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	PDR-1-G	PDR-1-D	PDR-1-B	PDR-2	
														SEC. 219. OFFICES.
P	P	P	*P*	P	P	P	P	P	P	NP	NP	P*#	P*#	(a) Professional and business offices, as defined in 890.70, not more than 5,000 gross square feet in size and offering on-site services to the general public.
P	P	P	*P*	C	P	P	P	P	P	NP	NP			(b) Professional and business offices, as defined in 890.70, larger than

														5,000 gross square feet in size and offering on-site services to the general public.
P	P	P	*P*	C	P	P	P	P	P	NP	NP	P under 5,000 gsf *#	P under 5,000 gsf*#	(c) Other professional and business offices, as defined in 890.70, above the ground floor. In the C-3-R District, in addition to the criteria set forth in Section 303, approval shall be given upon a determination that the use will not detract from the district's primary function as an area for comparison shopper retailing and direct consumer services.
P	P	C	*C*		C	C	P	P	P	NP	NP	P under 5,000 gsf*#	P under 5,000 gsf *#	(d) Other professional and business offices, as defined in 890.70, at or below the ground floor.
										P	P			(e) Offices in designated landmark

														buildings.

SEC. 220. LAUNDERING, CLEANING AND PRESSING.

C-1	C-2	C-3-O	*C-3-O(SD)*	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	PDR-1-G	PDR-1-D	PDR-1-B	PDR-2	
														SEC. 220. LAUNDERING, CLEANING AND PRESSING.
P	P	P	*P*	P	P	P	P	P	P	P	P	P	P	(a) Automatic laundry, as defined in Part II, Chapter V (Health Code) of the San Francisco Municipal Code.
	P	P	*P*	P	P	P	P	NA	NA	P	P	P	P	(b) Establishment for hand-ironing only, not employing more than five persons.
P	NA	NA	*NA*	NA	NA	NA	NA	NA	NA	P	P	P under 2,500 gsf	P	(c) Dry-cleaning establishment, including pressing and other miscellaneous processing of clothes, where no portion of a building occupied by such use shall have any ventilating flue, exhaust pipe or other opening except fixed windows and

														exits required by law within 50 feet of any lot in any R District, and where:
														(1) The establishment has only a central cleaning unit with a rated load factor of no more than 40 pounds and operated by employees of the establishment; or
														(2) The dry cleaning is done by the customer using self-service cleaning units or equivalent equipment, where the total number of units does not exceed eight and their total aggregate capacity does not exceed 40 cubic feet; or
														(3) The establishment is a combination of the two foregoing types, with a central cleaning unit with a rated load factor of no more than 40 pounds, and

														no more than four self-service units the aggregate capacity of which shall not exceed 20 cubic feet.
	P	P	P	P	P	P	P	NA	NA	P	P	P under 2,500 gsf	P	(d) Dry-cleaning establishment, including pressing and other miscellaneous processing of clothes, where no portion of a building occupied by such use shall have any ventilating flue, exhaust pipe or other opening except fixed windows and exits required by law within 50 feet of any lot in any R District, and where:
														(1) The establishment has only a central cleaning unit with a rated load factor of no more than 60 pounds and operated by employees of the establishment; or
														(2) The dry cleaning is done by the

															customer using self-service cleaning units or equivalent equipment where the total number of units does not exceed 16 and their total aggregate capacity does not exceed 80 cubic feet; or
															(3) The establishment is a combination of the two foregoing types, with a central cleaning unit with a rated load factor of no more than 60 pounds, and no more than eight self-service units the aggregate capacity of which shall not exceed 40 cubic feet.
								P	P	P	P	P under 2,500 gsf	P		(e) Steam laundry, when conducted within a completely enclosed building; provided, that no part of a building so occupied shall have any opening, other than fixed windows or

														exits required by law, within 50 feet of any R District.
								P	P	P	P	P under 2,500 gsf	P	(f) Cleaning or dyeing plant, when conducted within a completely enclosed building; provided, that no part of a building so occupied shall have any opening, other than fixed windows or exits required by law, within 50 feet of any R District.
								P	P	P	P	P under 2,500 gsf	P	(g) Bag, carpet or rug cleaning, when conducted within a completely enclosed building; provided, that no part of a building so occupied shall have any opening, other than fixed windows or exits required by law, within 50 feet of any R District.

SEC. 221. ASSEMBLY AND ENTERTAINMENT.

C-1	C-2	C-3	C-3-O(SD)	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	PDR-1-G	PDR-1-D	PDR-1-B	PDR-2	

1	2	3 - O	*D)*	3 - R	3 - G	3 - S								
														SEC. 221. ASSEMBLY AND ENTERTAINMENT.
P	P	P	*P*	P	P	P	P	P	P	P	P	P	P	(a) Clubhouse.
P	P	P	*P*	P	P	P	P	P	P	P	P	P	P	(b) Lodge building.
P	P	P	*P*	P	P	P	P	P	P	P	P	P	P	(c) Meeting hall.
	P	P	*P*	P	P	P	P	P	P	P if no more than 3 screens	P if no more than 3 screens	P if no more than 3 screens	P if no more than 3 screens	(d) Theater, except as specified under Subsection (k), below.
P	P	P	*P*	P	P	P	P	P	P	P	P	P	P	(e) Recreation building.
	P	P	*P*	P	P	P	P	P	P	P	P	P under 5,000 sf	P	(f) Amusement enterprise, including billiard hall, dance hall, nightclub, other nighttime entertainment activities as defined in Section 102.17, bowling alley, skating rink, shooting gallery, when conducted within a completely enclosed building; provided, (1) that incidental noise is reasonably confined to the premises by adequate soundproofing or other device, and (2) that no portion of a

														building occupied by such use shall have any opening, other than fixed windows and exits required by law, within 50 feet of any R District.
P*	P*				P	P	P	P	P	P	P	P	P	(g) Private noncommercial recreational open use.
	P*						NA	NA	NA	P	P		P	(h) Amusement park, and related commercial amusement enterprises not conducted in completely enclosed buildings; provided, that the use lawfully existed at the effective date of this Code, or is so located that (1) the premises are not less than 200 feet from any R District, and (2) the aggregate area in the same or adjoining blocks occupied by existing amusement enterprises is in excess of five acres.
						C	P	P	P	C	C		C	(i) Commercial open-air sports stadium or arena, if

														conducted on premises not less than 200 feet from any R District.
						C	P	P	P	P	P		P	(j) Circus, carnival, or other amusement enterprise not conducted within a building, if conducted on premises not less than 200 feet from any R District.
P	P	P	P	P	P	P	P	P	P	P	P		P	(k) Adult entertainment enterprise, so specified in (i), (ii) and (iii) below, provided that the use is so located that the premises upon which it is conducted are not less than 1,000 feet from the premises of any other adult entertainment enterprise:
														(i) Adult bookstore, as defined by Section 791 of Part II, Chapter VIII of the San Francisco Municipal Code (Police Code);
														(ii) Adult theater, as defined by Section 791 of Part II, Chapter VIII of the San

														Francisco Municipal Code (Police Code);
														(iii) Encounter studios, as defined by Section 1072.1 of Part II, Chapter VIII of the San Francisco Municipal Code (Police Code). [See Section 212(a)]

SEC. 222. HOME AND BUSINESS SERVICES.

C-1	C-2	C-3-O	*C-3-O(SD)*	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	PDR-1-G	PDR-1-D	PDR-1-B	PDR-2	
														SEC. 222. HOME AND BUSINESS SERVICES.
														The term "shop" as used in this section shall include only the establishments of artisans dealing at retail directly with the consumer and concerned primarily with custom trade.
	P	P	*P*	P	P	P	P	P	P	P	P	P	P	(a) Household repair shop.
	P	P	*P*	P	P	P	P	P	P	P	P	P	P	(b) Interior decorating shop.
	P	P	*P*	P	P	P	P	P	P	P	P	P	P	(c) Upholstering shop.
	P	P	*P*	P	P	P	P	P	P	P	P	P	P	(d) Sign-painting shop.

	P				P	P	P	P	P	P	P	P	P	(e) Carpenter shop.
	P				P	P	P	P	P	P	P	P	P	(f) Office of a building, plumbing, electrical, painting, roofing, furnace or pest-control contractor, including storage of incidental equipment and supplies entirely within the same building, where provision is also made entirely within the structure for parking, loading and unloading of all vehicles used. (See also Section 225.)
	P	P	P	P	P	P	P	P	P	P	P	P under 5,000 gsf	P	(g) Catering establishment.
	P	P	P	P	P	P	P	P	P	P	P	P under 5,000 gsf	P	(h) Printing shop.
	P	P	P	P	P	P	P	P	P	P	P	P under 5,000 gsf	P	(i) Newspaper publication.
	P	P	P	P	P	P	P	P	P	P	P	P under 5,000 gsf	P	(j) Blueprinting shop.
P	P	P	P	P	P	P	P	P	P	P	P	P	P	(k) Hardware stores and contractor

														supply operations.

SEC. 223. AUTOMOTIVE.

All automotive uses that have vehicular use areas defined in Section 102.31 shall meet the screening requirements for vehicular use areas in Section 142.

C-2	C-3-O	*C-3-O(SD)*	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	PDR-1-G	PDR-1-D	PDR-1-B	PDR-2	
													SEC. 223. AUTOMOTIVE.
P	P	*P*	P	P	P	P	P	P	P	P	P	P	(a) Sale or rental of new or used automobiles, when conducted entirely within an enclosed building.
P				P	P	P	P	P	P	P	P	P	(b) Sale or rental of new or used trucks, when conducted entirely within an enclosed building.
C*				C	C	P	P	P	P		P	P	(c) Lot for sale or rental of new or used automobiles.
C*				C	C	P	P	P	P		P	P	(d) Lot for sale or rental of new or used trucks.
C*				C	C	P	P	P	P		P	P	(e) Sale or rental of new or used automobile trailers.
NA				NA	NA	NA	NA	NA	P	P	P	P	(f) Automobile service station for the sale and dispensing of gasoline, other motor fuels and

													lubricating oil directly into motor vehicles. The following activities shall be permitted at such a service station if normally conducted entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet of any R District:
													(1) The sale and dispensing of greases and brake fluids, including motor vehicle lubrication; and the sale or installation of tires, batteries and other accessories;
													(2) Miscellaneous minor servicing and adjusting, which may include brakes, electrical equipment, fan belt, headlamps, sparkplugs, air filter, distributor points, carburetor, and generator charging rate;
													(3) Installation of lamp globes,

													sparkplugs, oil filter or filtering element, windshield wiper blades and motors, radiator hose (without removal of radiator or water pump), battery cables and fan belt;
													(4) The servicing and repairing of tires and batteries;
													(5) The installation and servicing of smog control devices; and
													(6) Automobile washing and polishing of an incidental nature, when performed primarily by hand and not including the use of any mechanical conveyor blower or steam-cleaning device.
P*				P	P	P	P	P	P	P	P	P	(g) Automobile service station as described above, with the following minor automobile repairs permitted therewith if conducted entirely within an enclosed

													building having no openings other than fixed windows or exits required by law within 50 feet on any R District:
													(1) Tuneup, including the repair or replacement of distributors, sparkplugs and carburetors;
													(2) Brake repair;
													(3) Shock absorber replacement;
													(4) Muffler exchange, with no open flame or torch;
													(5) Wheel balancing and alignment;
													(6) Wheel bearing and seals replacement;
													(7) Replacement of universal joints;
													(8) Radiator mounting and dismounting, with repairs done elsewhere;
													(9) Clutch adjustments;
													(10) Repair or replacement of water pumps;
													(11) Repair or replacement of generators, alternators and

													voltage regulators;
													(12) Repair or replacement of starters;
													(13) Repair or replacement of fuel pumps;
													(14) Such other repairs as may be designated by the Chief of the San Francisco Fire Department as minor repairs under Paragraph 8.09(a)(5)(o) of Part II, Chapter IV (Fire Code) of the San Francisco Municipal Code.
P				P	P	P	P	P	P	P	P under 7,500 gsf	P	(h) Repair garage for minor automobile repairs, limited to those repairs and other activities permitted at an automobile service station as described above, and in addition the following minor automobile repairs; all such repairs and other activities shall be conducted entirely within an enclosed building having no openings

													other than fixed windows or exits required by law within 50 feet of any R District.
													(1) Body and fender repair limited to replacement of parts and spot paint spraying; and
													(2) Removal and replacement of engines, transmissions and differentials, with repairs to these components done elsewhere.
					P		P	P	P	P	P under 5,000 gsf	P	(i) Repair garage for the following major automobile repairs, if conducted entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet of any R District:
													(1) Internal engine repair or rebuilding;
													(2) Repair or rebuilding of transmissions, differentials or radiators;
													(3)

													Reconditioning of badly worn or damaged motor vehicles or trailers;
													(4) Collision service, including body, frame or fender straightening or repair; and
													(5) Full body paint spraying.
C*				C	C	C	P	P	P	P	P	P	(j) Automobile wash, when providing on the premises a reservoir of vehicle storage and standing area, outside the washing facilities, equal to at least ¼ the hourly capacity in vehicles of such facilities; provided,
													(1) that incidental noise is reasonably confined to the premises by adequate soundproofing or other device, and
													(2) that complete enclosure within a building may be required as a condition of approval, notwithstanding any other provision of this Code; but the

													foregoing provisions shall not preclude the imposition of any additional conditions pursuant to Section 303 of this Code.
					P	P	P	P	P			P	(k) Tire recapping, if conducted on premises not less than 200 feet from any R District.
P*					C	P	P	P	C		C	C	(l) Parking lot, as regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code.
P	C	C	C	C	C	P	P	P	C	C	C	C	(m) Storage garage open to the public for passenger automobiles, as regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code, where such storage garage is not a public building requiring approval by the Board of Supervisors under other provisions of law and is completely enclosed.

C*	C	*C*	C	C	C	P	P	P	C	C	C	C	(n) Storage garage open to the public for passenger automobiles, as regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code, where such storage garage is not a public building requiring approval by the Board of Supervisors under other provisions of law and is not completely enclosed.
P*	P	*P*	P	P	P	P	P	P	P	P	P	P	(o) Storage garage open to the public for passenger automobiles, as regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code, where such storage garage is a public building requiring approval by the Board of Supervisors under other provisions of law.
P	C	*C*	C	C	C	P	P	P	C	C	C	C	(p) Major (nonaccessory)

													parking garage not open to the public, as defined in Section 158 and as regulated therein and in Sections 155 and 157 and other provisions of Article 1.5 of this Code.
C	C	C	C	C	NA	NA	NA	NA	P	P		P	(q) Parcel delivery service, limited to facilities for the unloading, sorting and reloading of local retail merchandise for home deliveries, where the operation is conducted entirely within a completely enclosed building; including garage facilities for local delivery trucks, but excluding repair shop facilities.
					P	P	P	P	P	P		P	(r) Parcel delivery service, not subject to the above limitations.
C				C	P	P	P	P	P	P		P	(s) Ambulance service.
				C	P	P	P	P	P	P		P	(t) Storage garage for commercial

													passenger vehicles and light delivery trucks.
					C	P	P	P	P	P		P	(u) Storage yard for commercial vehicles or trucks, if conducted within an area completely enclosed by a wall or concealing fence not less than six feet high.
							C	C	P	P		P	(v) Truck terminal facility, if located not less than 200 feet from any R District.

SEC. 224. ANIMAL SERVICES.

C-1	C-2	C-3-O	*C-3-O(SD)*	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	PDR-1-G	PDR-1-D	PDR-1-B	PDR-2	
														SEC. 224. ANIMAL SERVICES.
	C				C	C	C	P	P	P	P	P	P	(a) Animal hospital or clinic, if conducted entirely within an enclosed building; not including a commercial kennel as specified below.
							P	P	P	P	P	P	P	(b) Animal hospital or clinic, if conducted on premises not

														less than 200 feet from any R District.
							P	P	P	P	P		P	(c) Commercial kennel, if conducted on premises not less than 200 feet from any R District. A "commercial kennel" shall mean any commercial or business premises or other premises where dogs are boarded for compensation, or are cared for or trained for hire, or are kept for sale or bred for sale, where the care, breeding or sale of the dogs is the principal means of livelihood of the occupants of the premises.
							P	P	P	P	P		P	(d) Riding academy or livery stable, if conducted on premises not less than 200 feet from any R District.
P	P	*P*	P	P	P	P	P	P	P	P	P	P	P	(e) Cat boarding.

SEC. 225. WHOLESALING, STORAGE, DISTRIBUTION AND OPEN-AIR HANDLING OF MATERIALS AND EQUIPMENT.

C-1	C-2	C-3-O	*C-3-O(SD)*	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	PDR-1-G	PDR-1-D	PDR-1-B	PDR-2	
														SEC. 225. WHOLESALING, STORAGE, DISTRIBUTION AND OPEN-AIR HANDLING OF MATERIALS AND EQUIPMENT.
	C			C	C	P	P	P	P					(a) Storage building for household goods.
		P	*P*	P	P	P	P	P	P	P	P	P under 5,000 gsf	P	(b) Wholesale establishment when conducted entirely within an enclosed building, not including a storage warehouse.
						P	P	P	P	P	P	P under 5,000 gsf	P	(c) Wholesale storage warehouse, except for storage of inflammables.
									P				C	(d) Bulk storage of inflammable or highly combustible materials, if conducted not less than 500 feet from any R or NC District.
									C				C	(e) Bulk storage of explosives, if

														conducted not less than 500 feet from any R or NC District.
								P	P	P			P	(f) Cold storage plant, when conducted within a completely enclosed building; provided, that no part of a building so occupied shall have any opening, other than fixed windows or exits required by law, within 50 feet of any R District.
									P		P		P	(g) Grain elevator.
						C	C	NA	NA	P			P	(h) Dairy products distribution plant, where provision is made for off-street parking of all vehicles used and all operations including loading and unloading are conducted entirely within an enclosed building. (See also Section 226.) □
							P	P	P	P		P under 5,000 gsf	P	(i) Lot for sale of new or used merchandise, not including any use first specifically listed below.

							P	P	P	P	P	P under 5,000 gsf	P	(j) Service yard for public utility, or public use of a similar character, if conducted entirely within an area completely enclosed by a wall or concealing fence not less than six feet high.
								P	P	P	P	P under 5,000 gsf	P	(k) Contractor's storage yard or yard for rental of contractors' equipment if conducted within an area enclosed by a wall or concealing fence not less than six feet high.
								P	P	P	P	P under 5,000 gsf	P	(l) Yard for storage or sale of building materials or lumber, livestock feed, or coal, if conducted within an area enclosed by a wall or concealing fence not less than six feet high.
								P	P	P	P		P	(m) Stone or monument yard, if conducted within an area enclosed by a wall or a concealing

														fence not less than six feet high.
								P	P				P	(n) Storage within a completely enclosed building of junk, waste, secondhand, discarded or salvaged materials, excluding automobile wrecking operations as defined in this Section 225; and if conducted not less than 200 feet from any R or NC District.
									P				P	(o) Junkyard, if located not less than 200 feet from any R or NC District. Junkyard shall mean an outdoor space where junk, waste, discarded or salvaged materials are stored or handled, including house-wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment;

														excluding automobile wrecking operations as defined in this Section 225, yards or establishments for the sale, purchase or storage of used cars or machinery in operable condition, and the processing of used, discarded or salvaged materials as part of a permitted manufacturing operation in the same premises.
								C	C				C	(p) Automobile wrecking operation; provided, (1) that there shall be sufficient working space on the property to permit proper functioning of the operation without use of any public right-of-way for storage of inoperable vehicles or parts, (2) that the operation shall be clearly separated from adjacent properties and public rights-of-way, and (3) that the

operation be conducted not less than 500 feet from any R or NC District. No automobile wrecking operation lawfully existing at the effective date hereof shall be continued more than three years from said date unless a conditional use authorization for such operation has been granted pursuant to this Code; provided, however, that no such automobile wrecking operation eligible for governmental payments to assist relocation shall be continued more than 1½ years from said effective date unless a conditional use authorization for such operation has been granted pursuant to this Code. The term "automobile wrecking operation" as used herein shall mean the disassembling, dismantling,

														junking or "wrecking" of motor vehicles of any type, or the storage of such vehicles not in operable condition.
									C				C	(q) Hazardous waste facility, when conducted not less than 200 feet from any R or NC District, which shall mean all contiguous land and structures, other appurtenances and improvements on the land used for treatment, transfer, storage, resource recovery, disposal or recycling of hazardous waste that is produced at an off-site facility, but shall not include a facility that: (1) manages only used oil, used oil filters, latex paint, antifreeze, small household batteries or lead acid batteries; or (2) establishes that it is not required to obtain a hazardous waste facility

														permit from the State of California. The terms "hazardous waste," "treatment," "transfer," "storage," "disposal," "off-site facility," and "used oil" as used herein shall have the meaning given those terms in the California Health and Safety Code, Division 20, Chapter 6.5, Articles 2 and 13, which are hereby incorporated by reference.

SEC. 226. MANUFACTURING AND PROCESSING.

C-1	C-2	C-3-O	*C-3-O(SD)*	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	PDR-1-G	PDR-1-D	PDR-1-B	PDR-2	
														SEC. 226. MANUFACTURING AND PROCESSING.
		P	*P*	P	P	P	P	NA	NA	P	P	P under 5,000 gsf	P	(a) Light manufacturing uses, involving only the assembly, packaging, repairing or processing of previously prepared materials, which are conducted

														within a building but do not occupy the ground story of any building; provided:
														(1) That no part of a building so occupied shall have any opening, other than fixed windows and exits required by law, within 50 feet of any R District;
														(2) That the mechanical equipment required for such uses, together with related floor space used primarily by the operators of such equipment, shall not in the aggregate occupy more than ¼ of the gross floor area of the building in which the uses are located; and
														(3) That no machine shall be used that has more than five horsepower capacity.
						P	P	NA	NA	P	P	P under 5,000 gsf	P	(b) Light manufacturing which occupies not more than ½ the ground story of the building and involves or requires no machine that has more than five horsepower capacity, if

														conducted entirely within an enclosed building; provided, that no part of a building so occupied shall have any opening, other than fixed windows and exits required by law, within 20 feet of any R District.
						P	P	NA	NA	P	P	P under 5,000 gsf	P	(c) Light food-processing for delicatessen, catering or restaurant supply, if conducted entirely within an enclosed building; provided, that no part of a building so occupied shall have any opening, other than fixed windows or exits required by law, within 20 feet of any R District.
								P	P	P	P	P under 5,000 gsf	P	(d) Light manufacturing, not including any use first specifically listed below.
		P	P	P	P	P	P	P	P	P	P	P under 2,500 gsf	P	(e) Industrial or chemical research or testing laboratory, not involving any danger of explosions.
		P	P	P	P	P	P	P	P					(f) Life Science laboratory (as defined in Sections 890.52 and 890.53)
							P	P	P				C	(g) Battery manufacture, if conducted on

														premises not less than 200 feet from any R District.
								P	P	C	C		C	(h) Any of the following uses, when conducted within a completely enclosed building; provided, that no part of a building so occupied shall have any opening, other than fixed windows or exits required by law, within 50 feet of any R District:
														(1) Automobile assembling.
														(2) Bottling plant, brewery, dairy products plant, malt manufacturing or processing or malt products plant;
														(3) Ice manufacturing plant;
														(4) Concrete mixing, concrete products manufacture;
														(5) Electric foundry or foundry for nonferrous metals;
														(6) Metal working or blacksmith shop; excluding presses of over 20 tons' capacity and machine-operated drophammers.
														(7) Enameling, lacquering, wholesale paint mixing from

														previously prepared pigments and vehicles;
														(8) Woodworking mill, manufacture of wood-fibre, sawdust or excelsior products not involving chemical processing.
									P	C	C		C	(i) Manufacture of cereals, distilled liquors, felt or shoddy, hair or hair products, pickles, sauerkraut, vinegar, yeast, soda or soda compounds, structural clay products, meat products, not including any use first specifically listed below.
									P	C	C		C	(j) Flour mill.
									P	C	C		C	(k) Sugar refinery.
									P	C	C		C	(l) Wool pulling or scouring.
									C	C	C		C	(m) Blast furnace, rolling mill, smelter.
									C				C	(n) Manufacture of corrosive acid or alkali, cement, gypsum, lime, plaster of paris, explosive, fertilizer, glue or gelatine from fish or animal refuse.
									C	C			C	(o) Production or refining of petroleum products.
								P	P	C			C	(p) Steam power plant.

									P				C	(q) Shipyard.
							P	P	NA				C	(r) Live storage, killing or dressing of poultry or rabbits for retail sale on the premises, if conducted on premises not less than 200 feet from any R District.
									P				C	(s) Live storage, killing or dressing of poultry or rabbits, if conducted on premises not less than 200 feet from any R District, without limitation as to nature of sale.
									C					(t) Stockyard, livestock feed yard, abattoir.
								C	C	C			C	(u) Rendering or reduction of fat, bones or other animal material, where adequate provision is made for the control of odors through the use of surface condensers and direct-flame afterburners or equivalent equipment.
									C					(v) Incineration of garbage, refuse, dead animals or parts thereof.
									P				C	(w) The following uses, when conducted not less than 500 feet from any R or NC District:
														(1) Manufacture,

refining, distillation or treatment of any of the following: abrasives, acid (noncorrosive), alcohol, ammonia, asbestos, asphalt, bleaching powder, candles (from tallow), celluloid, chlorine, coal, coke, creosote, dextrine, disinfectant, dye, enamel, gas carbon or lampblack, gas (acetylene or other inflammable), glucose, insecticide, lacquer, linoleum, matches, oilcloth, oil paint, paper (or pulp), perfume, plastics, poison, potash, printing ink, refuse mash or refuse grain, rubber (including balata or gutta percha or crude or scrap rubber), shellac, shoe or stove polish, soap, starch, tar, turpentine, varnish;

(2) Curing, smoking or drying fish, manufacture of fish oil;

(3) Tanning or curing of raw hides or skins;

(4) Foundry, structural iron or pipe works,

														boilermaking where riveting is involved, locomotive works, roundhouse or railroad shop.

SEC. 248. ~~*DOWNTOWN OFFICE SPECIAL DEVELOPMENT DISTRICT.*~~ ***TRANSIT CENTER C-3-O(SD) COMMERCIAL SPECIAL USE DISTRICT.***

~~*(a) Purpose. In order to provide for an orderly expansion of the financial district in a way that will maintain a compact downtown core, and to create an area in which to direct unused development potential of lots containing Significant or certain Contributory Buildings, there shall be a special use district known as the "Downtown Office Special Development District" (also referred to as the "C-3-O (SD) District") as designated on Sectional Map No. 1 of the Zoning Map. Development at densities above the base floor area ratio in this area is appropriate only if there is a commensurate reduction in the allowable density of development on other sites in the downtown by the transfer of development rights from eligible sites as provided in Section 128.*~~

~~*(b) Requirements. The basic floor area ratio within the C-3-O (SD) District shall be 6.0 to 1. All other provisions of this Code applicable to the C-3-O District shall apply in the C-3-O (SD) District.*~~

A Special Use District entitled the "Transit Center C-3-O(SD) Commercial Special Use District" is hereby established for a portion of the C-3-O(SD) district in the downtown area around the Transbay Transit Center within the City and County of San Francisco, the boundaries of which are designated on Sectional Map No. 1 SU of the Zoning Maps of the City and County of San Francisco. The following provisions shall apply within the Special Use District:

*(a) **Purpose**. There are limited remaining development sites in the core of the downtown large enough to be feasibly developed with workplace-oriented uses, particularly adjacent to the region's premier concentration of regional and local public transit infrastructure, such as the Transbay*

Transit Center, BART, Muni Metro, and the Ferry Building. Significant areas surrounding and within walking distance of the downtown, including Rincon Hill and Zone 1 of the Transbay Redevelopment Area along Folsom Street, have been zoned and planned almost exclusively for residential neighborhoods to the exclusion of major commercial uses. Many academic studies have shown that locating jobs immediately proximate to regional transit is a greater influence on use of public transit than is proximity of housing to regional transit, and decentralization of jobs is one of the leading factors increasing auto commuting in the Bay Area. Further, very few districts outside of the C-3 district allow high-density job uses, so it is important to ensure that the few sites large enough for high-density workplace uses in the Transit Center area are preserved primarily for that purpose.

*(b) **Definitions.***

(1) "Commercial Use" shall mean any use other than dwellings and other housing uses permitted in the underlying zoning district, and shall include any permitted or conditional use described in Sections 217 through 226 and shall also include hotel uses permitted as conditional uses per Sections 216(b) and 303(g).

*(c) **Controls.***

(1) All new development on lots larger than 15,000 square feet in the Special Use District shall include not less than 2 gross square feet of principally or conditionally permitted commercial uses for every 1 gross square foot of dwellings or other housing uses.

*(d) **Exceptions.** Exceptions to the controls in subsection (c) may be granted by the Planning Commission according to the procedures in Section 309 only if the Commission makes one of the following affirmative findings:*

(1) That the development consists of multiple buildings on a single lot or adjacent lots that are entitled as a single development project pursuant to Section 309, and that commercial uses account for greater than 50% of the project's aggregate total gross floor area for all buildings and where the project sponsor demonstrates that it is infeasible or impractical to construct commercial uses on the

footprint of the portion of the site dedicated to dwellings and/or other housing uses due to the size and configuration of that portion of the lot; or

(2) That the footprint of the portion of the site dedicated to dwellings and/or other housing uses is less than 15,000 square feet and the lot contains existing buildings which are to be retained.

SEC. 260. HEIGHT LIMITS: MEASUREMENT.

(a) **Method of Measurement.** The limits upon the height of buildings and structures shall be as specified on the Zoning Map. In the measurement of height for purposes of such limits, the following rules shall be applicable:

(1) The point above which such measurements shall be taken shall be as specified in the definition of "height" in this Code.

(2) The upper point to which such measurement shall be taken shall be the highest point on the finished roof in the case of a flat roof, and the average height of the rise in the case of a pitched or stepped roof, or similarly sculptured roof form, or any higher point of a feature not exempted under Subsection (b) below. *For any building taller than 550 feet in height in the S-2 Bulk District, the height of the building shall be measured at the upper point of all features of the building and exempted features in such cases shall be limited to only those permitted in subsection (b)(1)(M) and which are permitted by the Planning Commission according to the procedures of Section 309.*

(3) In cases where the height limit is 65 feet or less and a street from which height measurements are made slopes laterally along the lot, or the ground slopes laterally on a lot that also slopes upward from the street, there shall be a maximum width for the portion of the building or structure that may be measured from a single point at curb or ground level, according to the definition of "height," as specified in the following table. These requirements shall not apply to any property to which the bulk limitations in Section 270 of this Code are applicable.

TABLE 260

HEIGHT MEASUREMENT

ON LATERAL SLOPES WHERE

HEIGHT LIMIT IS 65 FEET OR LESS

Average Slope of Curb or Ground From Which Height is Measured	Maximum Width for Portion of Building that May Be Measured from a Single Point
5 percent or less	No requirement
More than 5 percent but no more than 15 percent	65 feet
More than 15 percent but no more than 20 percent	55 feet
More than 20 percent but no more than 25 percent	45 feet
More than 25 percent	35 feet

NOTE TO EDITOR: Retain graphic.

(b) **Exemptions.** In addition to other height exceptions permitted by this Code, the features listed in this Subsection shall be exempt from the height limits established by this Code, in an amount up to but not exceeding that which is specified.

(1) The following features shall be exempt; provided the limitations indicated for each are observed; provided further that the sum of the horizontal areas of all features listed in this Paragraph (b)(1) shall not exceed 20 percent of the horizontal area of the roof above which they are situated, or, in C-3 Districts, and in the Rincon Hill Downtown Residential District, where the top of the building has been separated into a number of stepped elements to reduce the bulk of the upper tower, of the total of all roof areas of the upper towers; and provided further that in any R, RC-1, RC-2, RC-3 or RC-4 District the sum of the horizontal areas of all such features located within the first 10 feet of depth of the building, as measured from the front wall of the building, shall not exceed 20 percent of the horizontal area of the roof in such first 10 feet of depth.

As an alternative, the sum of the horizontal areas of all features listed in this Paragraph (b)(1) may be equal but not exceed 20 percent of the horizontal area permitted for buildings and structures under any bulk limitations in Section 270 of this Code applicable to the subject property.

Any such sum of 20 percent heretofore described may be increased to 30 percent by unroofed screening designed either to obscure the features listed under (A) and (B) below or to provide a more balanced and graceful silhouette for the top of the building or structure.

(A) Mechanical equipment and appurtenances necessary to the operation or maintenance of the building or structure itself, including chimneys, ventilators, plumbing vent stacks, cooling towers, water tanks, panels or devices for the collection of solar or wind energy and window-washing equipment, together with visual screening for any such features. This exemption shall be limited to the top 10 feet of such features where the height limit is 65 feet or less, and the top 16 feet of such features where the height limit is more than 65 feet.

(B) Elevator, stair and mechanical penthouses, fire towers, skylights and dormer windows. This exemption shall be limited to the top 10 feet of such features where the height limit is 65 feet or less, and the top 16 feet of such features where the height limit is more than 65 feet. However, for elevator penthouses, the exemption shall be limited to the top 16 feet and limited to the footprint of the elevator shaft, regardless of the height limit of the building. The design of all elevator penthouses in Residential Districts shall be consistent with the "Residential Design Guidelines" as adopted and periodically amended for specific areas or conditions by the City Planning Commission.

The Zoning Administrator may, after conducting a public hearing, grant a further height exemption for an elevator penthouse for a building with a height limit of more than 65 feet but only to the extent that the Zoning Administrator determines that such an

exemption is required to meet state or federal laws or regulations. All requests for height exemptions for elevator penthouses located in Residential or Neighborhood Commercial Districts shall be subject to the neighborhood notification requirements of Sections 311 and 312 of this Code.

(C) Stage and scenery lofts.

(D) Ornamental and symbolic features of public and religious buildings and structures, including towers, spires, cupolas, belfries and domes, where such features are not used for human occupancy.

(E) In any C-3 District, enclosed space related to the recreational use of the roof, not to exceed 16 feet in height.

(F) In any C-3 *District except as otherwise allowed in the S-2 Bulk district according to subsection (M) below*, Eastern Neighborhoods Mixed Use Districts. or South of Market Mixed Use District, additional building volume used to enclose or screen from view the features listed under Subsections (b)(1)(A) and (B) above. The rooftop form created by the added volume shall not be subject to the percentage coverage limitations otherwise applicable to this subsection but shall meet the requirements of Section 141 and shall not exceed 20 feet in height, measured as provided in Subsection (a) above, and may not exceed a total volume, including the volume of the features being enclosed, equal to ¾ of the horizontal area of all upper tower roof areas of the building measured before the addition of any exempt features times 20.

(G) In any C-3 *District except as otherwise allowed in the S-2 Bulk district according to subsection (M) below*, vertical extensions to buildings, such as spires, which enhance the visual appearance of the structure and are not used for human occupancy may be allowed, pursuant to the provisions of Section 309, up to 75 feet above the height otherwise allowed. The extension shall not be subject to the percentage coverage limitations

otherwise applicable to this subsection, provided that the extension is less than 100 square feet in cross-section and 18 feet in diagonal dimension.

(H) In the Rincon Hill Downtown Residential District, enclosed space related to the recreational use of the roof, not to exceed 16 feet in height.

(I) In the Rincon Hill Downtown Residential District, additional building volume used to enclose or screen from view the features listed under Subsections (b)(1)(A) and (b)(1)(B) above. The rooftop form created by the added volume shall not be subject to the percentage coverage limitations otherwise applicable to this subsection but shall meet the requirements of Section 141, shall not exceed 10 percent of the total height of any building taller than 105 feet, shall have a horizontal area not more than 85 percent of the total area of the highest occupied floor, and shall contain no space for human occupancy. The features described in (b)(1)(B) shall not be limited to 16 feet for buildings taller than 160 feet, but shall be limited by the permissible height of any additional rooftop volume allowed by this Subsection.

(J) In the Van Ness Special Use District, additional building volume used to enclose or screen from view the features listed under Subsections (b)(1)(A) and (b)(1)(B) above and to provide additional visual interest to the roof of the structure. The rooftop form created by the added volume shall not be subject to the percentage coverage limitations otherwise applicable to this Subsection, but shall meet the requirements of Section 141 and shall not exceed 10 feet in height where the height limit is 65 feet or less or 16 feet where the height limit is more than 65 feet, measured as provided in Subsection (a) above, and may not exceed a total volume, including the volume of the features being enclosed, equal to ¾ of the horizontal area of all upper tower roof areas of the building measured before the addition of any exempt features times 10 where the height limit is 65 feet or less or times 16 where the height limit is more than 65 feet.

(K) In the Northeast China Basin Special Use District, light standards for the purpose of lighting the ballpark.

(L) [Reserved.]

(M) In any S-2 Bulk District for any building which exceeds 550 feet in height, unoccupied building features including mechanical and elevator penthouses, enclosed and unenclosed rooftop screening, and unenclosed architectural features not containing occupied space that extend above the height limit, only as permitted by the Planning Commission according to the procedures of Section 309 and meeting all of the following criteria:

(i) such elements are demonstrated to not add more than insignificant amounts of additional shadow compared to the same building without such additional elements on any public open spaces as deemed acceptable by the Planning Commission; and

(ii) such elements are limited to a maximum additional height equivalent to 7.5 percent of the height of the building to the roof of the highest occupied floor, except that in the case of a building in the 1,000-foot height district such elements are not limited in height, and any building regardless of building height or height district may feature a single spire or flagpole with a diagonal in cross-section of less than 18 feet and up to 50 feet in height in addition to elements allowed according to this subsection (M); and

(iii) such elements are designed as integral components of the building design, enhance both the overall silhouette of the building and the City skyline as viewed from distant public vantage points by producing an elegant and unique building top, and achieve overall design excellence.

SEC. 270. BULK LIMITS: MEASUREMENT.

(a) The limits upon the bulk of buildings and structures shall be as stated in this Section and in Sections 271 and 272. The terms "height," "plan dimensions," "length" and "diagonal dimensions" shall be as defined in this Code. In each height and bulk district, the

maximum plan dimensions shall be as specified in the following table, at all horizontal cross-sections above the height indicated.

Insert into Table 270 BULK LIMITS after the District Symbol on Zoning Map Column designation "S" a new designation as follows: S-2. The column adjacent to the new "S-2" designation should include the following language: "This table not applicable. But see Section 270(d)."

(b) These limits shall not apply to the buildings, structures and equipment listed in Section 260(b)(2) (K), (L), (M) and (N) of this Code, subject to the limitations expressed therein.

(c) Maximum plan lengths and diagonal dimensions do not apply to cornices or other decorative projections.

(d) The bulk limits contained in this subsection shall apply in S *and S-2* Bulk Districts as designated on Sectional Map Nos. 1H, 2H and 7H of the Zoning Map.

(1) **Base.** The base is the lowest portion of the building extending vertically to a streetwall height up to 1.25 times the width of the widest abutting street or 50 feet, whichever is more. There are no length or diagonal dimension limitations applicable to the base. The building base shall be delineated from the lower and upper tower and related to abutting buildings by a setback, cornice line or equivalent projection or other appropriate means. *In the C-3-O(SD) district additional requirements for building base and streetwall articulation and setbacks are described in Section 132.1.*

(2) **Lower Tower.**

(A) **Dimensions.** Bulk controls for the lower tower apply to that portion of the building height above the base as shown on Chart B. For buildings of less than 160 feet in height, the lower tower controls are the only bulk controls above the base of the building. The

bulk controls for the lower tower are a maximum length of 160 feet, a maximum floor size of 20,000 square feet, and a maximum diagonal dimension of 190 feet.

NOTE TO EDITOR: Retain existing Chart B BULK LIMITS

(B) **Additional Bulk for Elevators.** Solely in order to accommodate additional elevators required by tall buildings the lower portion (up to the height shown on Chart B) of the lower tower of a building 500 feet tall or taller may be enlarged up to a maximum length of 190 feet, a maximum diagonal dimension of 230 feet and a maximum floor size of up to 25,000 square feet without a corresponding reduction in upper floor size.

(3) **Upper Tower.**

(A) **Dimensions.** Upper tower bulk controls apply to buildings taller than 160 feet. They apply to the upper tower portion of a building up to the height shown on Chart B, which height excludes the vertical attachment and other features exempted by Section 260 and excludes the extended upper tower height exceptions provided for in Section 263.7 of this Code. The bulk controls for the upper tower are: a maximum length of 130 feet; a maximum average floor size of 12,000 square feet; a maximum floor size for any floor of 17,000 square feet; and a maximum average diagonal measure of 160 feet. In determining the average floor size of the upper tower, areas with a cross-sectional area of less than 4,000 square feet may not be counted and sculptured architectural forms that contain large volumes of space but no usable floors shall be included in average floor size calculation by computing the cross section at 12.5-foot intervals.

(B) **Volume Reduction.** When the average floor size of the lower tower exceeds 5,000 square feet, the volume of the upper tower shall be reduced to a percentage of the volume that would occur if the average floor size of the lower tower were extended to the proposed building height. The percentage varies with the bulk of the lower tower and with whether or not a height extension is employed pursuant to Section 263.7 and is shown on

Chart C. In achieving the required volume reduction, a setback or change in profile at a specific elevation is not required.

(C) **Extensions.** Extension of the upper tower above the otherwise allowable height limits may be permitted as provided in Section 263.9.

(D) **Termination of the Tower.** The top of the tower shall be massed in a manner that will create a visually distinctive roof or other termination of the building facade. Modifications to a proposed project may be required, in the manner provided in Section 309, to achieve this purpose.

*(4) **Buildings Taller than 650 Feet in the S-2 Bulk District.** For buildings taller than 650 feet in height in the S-2 Bulk District, the following controls shall apply in lieu of the controls of subsections (1)-(3):*

*(A) **Lower Tower.** There are no bulk controls for the lower tower except as required by Section 132.1. The lower tower for such buildings shall be defined as the bottom two-thirds of the building from sidewalk grade to roof of the uppermost occupied floor.*

*(B) **Upper Tower.** The average floor size of the upper tower shall not exceed 75 percent of the average floor size of the lower tower, and the average diagonal dimension shall not exceed 87 percent of the average diagonal dimension of the lower tower.*

(i) In determining the average floor size and average diagonal of the upper tower, unoccupied architectural elements permitted according to Section 260(b)(1)(M), except for levels consisting of singular spires with a diagonal in cross-section of less than 18 feet, may be included in the calculations if the Planning Commission determines, according to the procedures of Section 309, that such unoccupied architectural elements produce a distinct visual tapering of the building as intended by the controls of subsection (B) and create an elegant profile for the upper tower from key public vantage points throughout the City and beyond. In calculating the floor size and diagonal of

such architectural elements, a cross section floor proscribed by the most distant outside points of all elements shall be assumed at 12.5-foot intervals.

(e) **Rincon Hill and South Beach.** In Bulk District R (Rincon Hill and South Beach DTR Districts), bulk limitations are as follows:

(1) There are no bulk limits below the podium height as described in Section 263.19, except for the lot coverage limitations and setback requirements described in Sections 825 and 827.

(2) **Tower Bulk and Spacing.** All portions of structures above the podium height as described in Section 263.19 shall meet the following bulk limitations, as illustrated in Chart C.

(A) Buildings between the podium height limit and 240 feet in height may not exceed a plan length of 90 feet and a diagonal dimension of 120 square feet.

(B) Buildings between 241 and 300 feet in height may not exceed a plan length of 100 feet and a diagonal dimension of 125 feet, and may not exceed a maximum average floor area of 8,500 gross square feet.

(C) Buildings between 301 and 350 feet in height may not exceed a plan length of 115 feet and a diagonal dimension of 145 feet. They may not exceed a maximum average floor are of 9,000 toss square feet.

(D) Buildings between 351 and 550 feet in height may not exceed a plan length of 115 feet and a diagonal dimension of 145 feet. They may not exceed a maximum average floor area of 10,000 gross square feet.

(E) To allow variety in the articulation of towers, the floor plates of individual floors may exceed the maximums described above by as much as 5 percent, provided the maximum average floor plate is met.

(F) To encourage tower sculpting, the gross floor area of the top one-third of the tower shall be reduced by 10 percent from the maximum floor plates described in (A) - (D) above, unless the overall tower floor plate is reduced by an equal or greater volume.

(G) In order to provide adequate sunlight and air to streets and open spaces, a minimum distance of 115 feet must be preserved between all structures above 110 feet in height at all levels above 110 feet in height. Spacing shall be measured horizontally from the outside surface of the exterior wall of the subject building to the nearest point on the closest structure above 110 feet in height. Any project that is permitted pursuant to the exception described in Section 270(e)(3) shall not be considered for the purposes of measuring tower spacing pursuant to this Section.

(H) The procedures for granting special exceptions to bulk limits described in Section 271 shall not apply; exceptions may be granted pursuant to Sections 270(e)(3) and 270(e)(4).

(I) Additional setback, lot coverage, and design requirements for the DTR Districts are described in Sections 825 and 827.

(3) **Exceptions to tower spacing and upper tower sculpting requirements in Rincon Hill DTR.** An exception to the 115 feet tower spacing requirement and the upper tower sculpting requirement described in (F) and (G) above may be granted to a project only on Block 3747 on a lot formed by the merger of part or all of Lots 001E, 002 and 006, pursuant to the procedures described in 309.1 of this Code provided that projects meet the following criteria:

(i) Applications for environmental review and conditional use related to a building above 85 feet in height on the subject lot have been filed with the Department prior to March 1, 2003 and February 1, 2005, respectively;

(ii) Given the 115 tower spacing requirement described in (F) above, the existence of an adjacent building greater than 85 feet in height precludes the development of a tower on the subject lot;

(iii) The subject lot has a total area of no less than 35,000 square feet;

(iv) The proposed project is primarily residential and has an area of no more than 528,000 gross square feet;

(v) The proposed project conforms to all other controls described or referenced in Section 827 and any other controls in this Code related to the Rincon Hill DTR District.

(vi) For the purposes of subsection (iv) above, the term "gross square feet" shall be the sum of the gross areas of all floors of a building or buildings above street grade measured from the exterior faces of exterior walls or from the center lines of walls separating two buildings, excluding area below street grade. Where columns are outside and separated from an exterior wall (curtain wall) which encloses the building space or are otherwise so arranged that the curtain wall is clearly separated from the structural members, the exterior face of the curtain wall shall be the line of measurement, and the area of the columns themselves at each floor shall also be counted.

(4) **Allowance for limited reduction in spacing from existing towers in Rincon Hill DTR.** To allow limited variation in tower placement from towers for which a certificate of occupancy has been issued prior to February 1, 2005, a reduction in tower spacing described in (G) above may be granted pursuant to the procedures described in *309.1* of this Code if all the following criteria are met:

(i) For every percent reduction from the maximum average floor area as described in (2) above, an equal percent reduction in tower separation may be granted subject to the following limits:

(ii) Up to a height of one-and-one-half times the maximum permitted podium height, tower spacing described in (G) above may be reduced by not more than 15 percent; (iii) up to a height of 180 feet, tower spacing described in (G) above may be reduced by not more than 10 percent; and (iv) all floors above 180 feet achieve the full 115-foot minimum tower spacing requirement described in (G) above. A project may average the tower separation of all floors below 180 feet so long as the requirements of (iii) and (iv) are satisfied.

NOTE TO EDITOR: Retain existing Chart C:

(f) **Van Ness and Market Downtown Residential Special Use District.** In Bulk District R-2 (Van Ness and Market Downtown Special Use District), bulk limitations are as follows:

(1) **Tower Bulk and Spacing.** In height districts 120/200-R-2, 120/300-R-2, 120/320-R-2, and 120/400-R-2, there are no bulk limitations below 120 feet in 7 height, and structures above 120 feet in height shall meet the bulk limitations described in subsection (e)(2)(A)-(F). In height district 85/250-R-2 there are no bulk limitations below 85 feet in height, and structures above 85 feet in height shall meet the bulk limitations described in subsections (e)(2)(A) - (F).

(2) In order to provide adequate sunlight and air to streets and open spaces, a minimum distance of 115 feet must be preserved between all structures above 120 feet in height at all levels above 120 feet in height. Spacing shall be measured horizontally from the

outside surface of the exterior wall of the subject building to the nearest point on the closest structure above 120 feet in height.

(3) No exceptions shall be permitted. The procedures for granting special exceptions to bulk limits described in Section 272 shall not apply.

SEC. 272. BULK LIMITS: SPECIAL EXCEPTIONS IN C-3 DISTRICTS.

(a) **General.** The bulk limits prescribed by Section 270 have been carefully considered in relation to objectives and policies for conservation and change in C-3 Districts. However, there may be some exceptional cases in which these limits may properly be permitted to be exceeded to a certain degree, provided, however, that there are adequate compensating factors. Exceptions to the bulk limits may be approved in the manner provided in Section 309, provided that at least one of the following criteria is met:

(1) Achievement of a distinctly better design, in both a public and a private sense, than would be possible with strict adherence to the bulk limits, avoiding an unnecessary prescription of building form while carrying out the intent of the bulk limits and the principles and policies of the Master Plan;

(2) Development of a building or structure with widespread public service benefits and significance to the community at large, where compelling functional requirements of the specific building or structure make necessary such a deviation; and provided further that all of the following criteria are met:

(A) The added bulk does not contribute significantly to shading of publicly accessible open space,

(B) The added bulk does not increase ground level wind currents in violation of the provisions of Section 148 of this Code;

(3) The added bulk does not significantly affect light and air to adjacent buildings;

(4) If appropriate to the massing of the building, the appearance of bulk in the building, structure or development is reduced to the extent feasible by means of at least one and preferably a combination of the following factors, so as to produce the impression of an aggregate of parts rather than a single building mass:

(A) Major variations in the planes of wall surfaces, in either depth or direction, that significantly alter the mass,

(B) Significant differences in the heights of various portions of the building, structure or development that divide the mass into distinct elements,

(C) Differences in materials, colors or scales of the facades that produce separate major elements,

(D) Compensation for those portions of the building, structure or development that may exceed the bulk limits by corresponding reduction of other portions below the maximum bulk permitted, and

(E) In cases where two or more buildings, structures or towers are contained within a single development, a wide separation between such buildings, structures or towers;

(5) The building, structure or development is made compatible with the character and development of the surrounding area by means of all of the following factors:

(A) A silhouette harmonious with natural land-forms and building patterns, including the patterns produced by height limits,

(B) Either maintenance of an overall height similar to that of surrounding development or a sensitive transition, where appropriate, to development of a dissimilar character,

(C) Use of materials, colors and scales either similar to or harmonizing with those of nearby development, and

(D) Preservation or enhancement of the pedestrian environment by maintenance of pleasant scale and visual interest.

(6) Exceptions to bulk limits shall not result in a building of greater total gross floor area than would be permitted if the bulk limits were met.

SEC. 303. CONDITIONAL USES.

(a) **General.** The City Planning Commission shall hear and make determinations regarding applications for the authorization of conditional uses in the specific situations in which such authorization is provided for elsewhere in this Code. The procedures for conditional uses shall be as specified in this Section and in Sections 306 through 306.6, except that Planned Unit Developments shall in addition be subject to Section 304, medical institutions and post-secondary educational institutions shall in addition be subject to the institutional master plan requirements of Section 304.5, and conditional use and Planned Unit Development applications filed pursuant to Article 7, or otherwise required by this Code for uses or features in Neighborhood Commercial Districts, and conditional use applications within South of Market Districts, shall be subject to the provisions set forth in Sections 316 through 316.8 of this Code, in lieu of those provided for in Sections 306.2 and 306.3 of this Code, with respect to scheduling and notice of hearings, and in addition to those provided for in Sections 306.4 and 306.5 of this Code, with respect to conduct of hearings and reconsideration.

(b) **Initiation.** A conditional use action may be initiated by application of the owner, or authorized agent for the owner, of the property for which the conditional use is sought. For a conditional use application to relocate a general advertising sign under subsection (I) below, application shall be made by a general advertising sign company that has filed a Relocation Agreement application and all required information with the Planning Department pursuant to Section 2.21 of the San Francisco Administrative Code.

(c) **Determination.** After its hearing on the application, or upon the recommendation of the Director of Planning if the application is filed pursuant to Sections 316 through 316.8 of this Code and no hearing is required, the City Planning Commission shall approve the application and authorize a conditional use if the facts presented are such to establish:

(1) That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community:

(A) In Neighborhood Commercial Districts, if the proposed use is to be located at a location in which the square footage exceeds the limitations found in Planning Code § 121.2(a) or 121.2(b), the following shall be considered:

(i) The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-servicing uses in the area; and

(ii) The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function; and

(iii) The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district; and

(2) That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:

(A) The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

(B) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading and of proposed alternatives to off-street parking, including provisions of car-share parking spaces, as defined in Section 166 of this Code.

(C) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

(D) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs; and

(3) That such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the Master Plan; and

(4) With respect to applications filed pursuant to Article 7 of this Code, that such use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable Neighborhood Commercial District, as set forth in zoning control category .1 of Sections 710 through 729 of this Code; and

(5) (A)

(i) Not be located within 1,000 feet of another such use, if the proposed use or feature is included in zoning category .47, as defined by Section 790.36 of this Code; and/or

(ii) Not be open between two a.m. and six a.m.; and

(iii) Not use electronic amplification between midnight and six a.m.; and

(iv) Be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

(B) Notwithstanding the above, the City Planning Commission may authorize a conditional use which does not satisfy the criteria set forth in (5)(A)(ii) and/or (5)(A)(iii) above, if facts presented are such to establish that the use will be operated in such a way as to minimize disruption to residences in and around the district with respect to noise and crowd control.

(C) The action of the Planning Commission approving a conditional use does not take effect until the appeal period is over or while the approval is under appeal.

(6) With respect to applications for live/work units in RH, RM and RTO Districts filed pursuant to Section 209.9(f) or 209.9(h) of this Code, that:

(A) Each live/work unit is within a building envelope in existence on the effective date of Ordinance No. 412-88 (effective October 10, 1988) and also within a portion of the building which lawfully contains at the time of application a nonconforming, nonresidential use;

(B) There shall be no more than one live/work unit for each 1,000 gross square feet of floor area devoted to live/work units within the subject structure; and

(C) The project sponsor will provide any off-street parking, in addition to that otherwise required by this Code, needed to satisfy the reasonably anticipated auto usage by residents of and visitors to the project.

Such action of the City Planning Commission, in either approving or disapproving the application, shall be final except upon the filing of a valid appeal to the Board of Supervisors as provided in Section 308.1.

(d) Conditions. When considering an application for a conditional use as provided herein with respect to applications for development of "dwellings" as defined in Chapter 87 of the San Francisco Administrative Code, the Commission shall comply with that Chapter which requires, among other things, that the Commission not base any decision regarding the

development of "dwellings" in which "protected class" members are likely to reside on information which may be discriminatory to any member of a "protected class" (as all such terms are defined in Chapter 87 of the San Francisco Administrative Code). In addition, when authorizing a conditional use as provided herein, the City Planning Commission, or the Board of Supervisors on appeal, shall prescribe such additional conditions, beyond those specified in this Code, as are in its opinion necessary to secure the objectives of the Code. Once any portion of the conditional use authorization is utilized, all such conditions pertaining to such authorization shall become immediately operative. The violation of any condition so imposed shall constitute a violation of this Code and may constitute grounds for revocation of the conditional use authorization. Such conditions may include time limits for exercise of the conditional use authorization; otherwise, any exercise of such authorization must commence within a reasonable time.

(e) **Modification of Conditions.** Authorization of a change in any condition previously imposed in the authorization of a conditional use shall be subject to the same procedures as a new conditional use. Such procedures shall also apply to applications for modification or waiver of conditions set forth in prior stipulations and covenants relative thereto continued in effect by the provisions of Section 174 of this Code.

(f) **Conditional Use Abatement.** The Planning Commission may consider the possible revocation of a conditional use or the possible modification of or placement of additional conditions on a conditional use when the Planning Commission determines, based upon substantial evidence, that the applicant for the conditional use had submitted false or misleading information in the application process that could have reasonably had a substantial effect upon the decision of the Commission or the conditional use is not in compliance with a condition of approval, is in violation of law if the violation is within the subject matter jurisdiction of the Planning Commission or operates in such a manner as to create hazardous,

noxious or offensive conditions enumerated in Section 202(c) if the violation is within the subject matter jurisdiction of the Planning Commission and these circumstances have not been abated through administrative action of the Director, the Zoning Administrator or other City authority. Such consideration shall be the subject of a public hearing before the Planning Commission but no fee shall be required of the applicant or the subject conditional use operator.

(1) The Director of Planning or the Planning Commission may seek a public hearing on conditional use abatement when the Director or Commission has substantial evidence submitted within one year of the effective date of the Conditional Use authorization that the applicant for the conditional use had submitted false or misleading information in the application process that could have reasonably had a substantial effect upon the decision of the Commission or substantial evidence of a violation of conditions of approval, a violation of law, or operation which creates hazardous, noxious or offensive conditions enumerated in Section 202(c).

(2) The notice for the public hearing on a conditional use abatement shall be subject to the notification procedure as described in Sections 306.3 and 306.8 except that notice to the property owner and the operator of the subject establishment or use shall be mailed by regular and certified mail.

(3) In considering a conditional use revocation, the Commission shall consider whether and how the false or misleading information submitted by the applicant could have reasonably had a substantial effect upon the decision of the Commission, or the Board of Supervisors on appeal, to authorize the conditional use, substantial evidence of how any required condition has been violated or not implemented or how the conditional use is in violation of the law if the violation is within the subject matter jurisdiction of the Planning Commission or operates in such a manner as to create hazardous, noxious or offensive

conditions enumerated in Section 202(c) if the violation is within the subject matter jurisdiction of the Planning Commission. As an alternative to revocation, the Commission may consider how the use can be required to meet the law or the conditions of approval, how the hazardous, noxious or offensive conditions can be abated, or how the criteria of Section 303(c) can be met by modifying existing conditions or by adding new conditions which could remedy a violation.

(4) **Appeals.** A decision by the Planning Commission to revoke a conditional use, to modify conditions or to place additional conditions on a conditional use or a decision by the Planning Commission refusing to revoke or amend a conditional use, may be appealed to the Board of Supervisors within 30 days after the date of action by the Planning Commission pursuant to the provisions of Section 308.1(b) The Board of Supervisors may disapprove the action of the Planning Commission in an abatement matter by the same vote necessary to overturn the Commission's approval or denial of a conditional use. The Planning Commission's action on a conditional use abatement issue shall take effect when the appeal period is over or, upon appeal, when there is final action on the appeal.

(5) **Reconsideration.** The decision by the Planning Commission with regards to a conditional use abatement issue or by the Board of Supervisors on appeal shall be final and not subject to reconsideration within a period of one year from the effective date of final action upon the earlier abatement proceeding, unless the Director of Planning determines that:

(A) There is substantial new evidence of a new conditional use abatement issue that is significantly different than the issue previously considered by the Planning Commission; or

(B) There is substantial new evidence about the same conditional use abatement issue considered in the earlier abatement proceeding, this new evidence was not

or could not be reasonably available at the time of the earlier abatement proceeding, and that new evidence indicates that the Commission's decision in the earlier proceeding ha *1* not been implemented within a reasonable time or raises significant new issues not previously considered by the Planning Commission. The decision of the Director of Planning regarding the sufficiency and adequacy of evidence to allow the reconsideration of a conditional use abatement issue within a period of one year from the effective date of final action on the earlier abatement proceeding shall be final.

(g) **Hotels and Motels.**

(1) With respect to applications for development of tourist hotels and motels, the Planning Commission shall consider, in addition to the criteria set forth in Subsections (c) and (d) above:

(A) The impact of the employees of the hotel or motel on the demand in the City for housing, public transit, childcare, and other social services. To the extent relevant, the Commission shall also consider the seasonal and part-time nature of employment in the hotel or motel;

(B) The measures that will be taken by the project sponsor to employ residents of San Francisco in order to minimize increased demand for regional transportation; and

(C) The market demand for a hotel or motel of the type proposed.; *and*

(D) In the Transit Center C-3-O(SD) Commercial Special Use District, the opportunity for commercial growth in the Special Use District and whether the proposed hotel, considered with other hotels and non-commercial uses approved or proposed for major development sites in the Special Use District since its adoption would substantially reduce the capacity to accommodate dense, transit-oriented job growth in the District.

(2) Notwithstanding the provisions of Subsections (~~f~~g)(1) above, the Planning Commission shall not consider the impact of the employees of a proposed hotel or motel project on the demand in the City for housing where:

(A) The proposed project would be located on property under the jurisdiction of the San Francisco Port Commission; and

(B) The sponsor of the proposed project has been granted exclusive rights to propose the project by the San Francisco Port Commission prior to June 1, 1991.

(3) Notwithstanding the provisions of Subsection ~~(f)~~ (g)(1) above, with respect to the conversion of residential units to tourist hotel or motel use pursuant to an application filed on or before June 1, 1990 under the provisions of Chapter 41 of the San Francisco Administrative Code, the Planning Commission shall not consider the criteria contained in Subsection ~~(f)~~ (g)(1) above; provided, however, that the Planning Commission shall consider the criteria contained in Subsection ~~(f)~~ (g)(1)(B) at a separate public hearing if the applicant applies for a permit for new construction or alteration where the cost of such construction or alteration exceeds $100,000. Furthermore, no change in classification from principal permitted use to conditional use in Section 216(b)(i) of this Code shall apply to hotels or motels that have filed applications on or before June 1, 1990 to convert residential units to tourist units pursuant to Chapter 41 of the San Francisco Administrative Code.

(h) **Internet Services Exchange.**

(1) With respect to application for development of Internet Services Exchange as defined in Section 209.6(c), the Planning Commission shall, in addition to the criteria set forth in Subsection (c) above, find that:

(A) The intensity of the use at this location and in the surrounding neighborhood is not such that allowing the use will likely foreclose the location of other needed neighborhood-serving uses in the area;

(B) The building in which the use is located is designed in discrete elements, which respect the scale of development in adjacent blocks, particularly any existing residential uses;

(C) Rooftop equipment on the building in which the use is located is screened appropriately.

(D) The back-up power system for the proposed use will comply with all applicable federal state, regional and local air pollution controls.

(E) Fixed-source equipment noise does not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

(F) The building is designed to minimize energy consumption, such as through the use of energy-efficient technology, including without limitation, heating, ventilating and air conditioning systems, lighting controls, natural ventilation and recapturing waste heat, and as such commercially available technology evolves;

(G) The project sponsor has examined the feasibility of supplying and, to the extent feasible, will supply all or a portion of the building's power needs through on-site power generation, such as through the use of fuel cells or co-generation;

(H) The project sponsor shall have submitted design capacity and projected power use of the building as part of the conditional use application; and

(2) As a condition of approval, and so long as the use remains an Internet Services Exchange, the project sponsor shall submit to the Planning Department on an annual basis power use statements for the previous twelve-month period as provided by all suppliers of utilities and shall submit a written annual report to the Department of Environment and the Planning Department which shall state: (a) the annual energy consumption and fuel consumption of all tenants and occupants of the Internet Services Exchange; (b) the number of all diesel generators located at the site and the hours of usage, including usage for testing

purposes; (c) evidence that diesel generators at the site are in compliance with all applicable local, regional, state and federal permits, regulations and laws; and (d) such other information as the Planning Commission may require.

(3) The Planning Department shall have the following responsibilities regarding Internet Services Exchanges:

(A) Upon the effective date of the requirement of a conditional use permit for an Internet Services Exchange, the Planning Department shall notify property owners of all existing Internet Services Exchanges that the use has been reclassified as a conditional use;

(B) Upon the effective date of the requirement of a conditional use permit for an Internet Services Exchange, the Planning Department shall submit to the Board of Supervisors and to the Director of the Department of Building Inspection a written report covering all existing Internet Services Exchanges and those Internet Services Exchanges seeking to obtain a conditional use permit, which report shall state the address, assessor's block and lot, zoning classification, square footage of the Internet Services Exchange constructed or to be constructed, a list of permits previously issued by the Planning and/or Building Inspection Departments concerning the Internet Services Exchange, the date of issuance of such permits, and the status of any outstanding requests for permits from the Planning and/or Building Inspection Departments concerning Internet Services Exchange; and

(C) Within three years from the effective date of the requirement of a conditional use permit for an Internet Services Exchange, the Planning Department, in consultation with the Department of Environment, shall submit to the Board of Supervisors a written report, which report shall contain the Planning Commission's evaluation of the effectiveness of the conditions imposed on Internet Services Exchanges, and whether it recommends additional or modified conditions to reduce energy and fuel consumption, limit air

pollutant emissions, and enhance the compatibility of industrial uses, such as Internet Services Exchanges, located near or in residential or commercial districts.

(i) **Formula Retail Uses.**

(1) **Formula Retail Use.** A formula retail use is hereby defined as a type of retail sales activity or retail sales establishment which has eleven or more other retail sales establishments located in the United States. In addition to the eleven establishments, the business maintains two or more of the following features: a standardized array of merchandise, a standardized facade, a standardized decor and color scheme, a uniform apparel, standardized signage, a trademark or a servicemark.

(A) Standardized array of merchandise shall be defined as 50% or more of in-stock merchandise from a single distributor bearing uniform markings.

(B) Trademark shall be defined as a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of the goods from one party from those of others.

(C) Servicemark shall be defined as word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of a service from one party from those of others.

(D) Decor shall be defined as the style of interior furnishings, which may include but is not limited to, style of furniture, wall coverings or permanent fixtures.

(E) Color Scheme shall be defined as selection of colors used throughout, such as on the furnishings, permanent fixtures, and wall coverings, or as used on the facade.

(F) 3 Facade shall be defined as the face or front of a building, including awnings, looking onto a street or an open space.

(G) 3 Uniform Apparel shall be defined as standardized items of clothing including but not limited to standardized aprons, pants, shirts, smocks or dresses, hat, and pins (other than name tags) as well as standardized colors of clothing.

(H) 3 Signage shall be defined as business sign pursuant to Section *602.3* of the Planning Code.

(2) **"Retail sales activity or retail sales establishment."** A retail sales activity or retail sales establishment shall include the following uses, as defined in Article 7 and Article 8 of this Code: "bar," "drive-up facility," "eating and drinking use," "liquor store," "restaurant, large fast-food," "restaurant, small self-service, " "restaurant, full-service," "sales and service, other retail," "sales and service, retail," "movie theatre," "video store," "amusement and game arcade," "take-out food," and "specialty food, self-service."

(3) **Conditional Use Criteria.** With regard to a conditional use authorization application for a formula retail use, the Planning Commission shall consider, in addition to the criteria set forth in Subsection (c) above:

(A) The existing concentrations of formula retail uses within the district.

(B) The availability of other similar retail uses within the district.

(C) The compatibility of the proposed formula retail use with the existing architectural and aesthetic character of the district.

(D) The existing retail vacancy rates within the district.

(E) The existing mix of Citywide-serving retail uses and neighborhood-serving retail uses within the district.

(4) **Conditional Use Authorization Required.** A Conditional Use Authorization shall be required for a formula retail use in the following zoning districts unless explicitly exempted:

(A) All Neighborhood Commercial Districts in Article 7;

(B) All Mixed Use-General Districts in Article 8;

(C) All Urban Mixed Use Districts in Article 8;

(D) RC-3 and RC-4 zoned parcels along Van Ness Avenue;

(E) Japantown Special Use District as defined in Section 249.31;

(F) Chinatown Community Business District as defined in Section 810;

(G) Chinatown Residential/Neighborhood Commercial District as defined in 812;

(H) Western SoMa Planning Area Special Use District as defined in 802.5.4

(5) Formula Retail Uses Not Permitted. Formula Retail Uses are not permitted in the following zoning districts:

(A) Hayes-Gough Neighborhood Commercial Transit District;

(B) North Beach Neighborhood Commercial District;

(C) Chinatown Visitor Retail District.

(6) **Neighborhood Commercial Notification and Design Review.** Any building permit application for a "formula retail use" as defined in this section and located within a Neighborhood Commercial District in Article 7 shall be subject to the Neighborhood Commercial Notification and Design Review Procedures of Section 312 of this Code.

(7) **Change in Use.** A change from one formula retail use to another requires a new Conditional Use Authorization, whether or not a Conditional Use Authorization would otherwise be required by the particular change in use in question. This Conditional Use Authorization requirement also applies in changes from one Formula Retail operator to another within the same use category. A new Conditional Use Authorization shall not apply to a change in a formula use retailer that meets the following criteria:

(A) the formula use operation remains the same in terms of its size, function and general merchandise offering as determined by the Zoning Administrator, and

(B) the change in the formula retail use operator is the result of the business being purchased by another formula retail operator who will retain all components of the existing retailer and make minor alterations to the establishment(s) such as signage and branding.

The new operator shall comply with all conditions of approval previously imposed on the existing operator, including but not limited to signage programs and hours of operation; and shall conduct the operation generally in the same manner and offer essentially the same services and/or type of merchandise; or seek and be granted a new Conditional Use Authorization.

(8) **Determination of Formula Retail Use.** In those areas in which "formula retail uses" are prohibited, any building permit application determined by the City to be for a "formula retail use" that does not identify the use as a "formula retail use" is incomplete and cannot be processed until the omission is corrected. Any building permit approved that is determined by the City to have been, at the time of application, for a "formula retail use" that did not identify the use as a "formula retail use" is subject to revocation at any time. If the City determines that a building permit application or building permit subject to this Section of the Code is for a "formula retail use," the building permit application or holder bears the burden of proving to the City that the proposed or existing use is not a "formula retail use."

(j) **Large-Scale Retail Uses.** With respect to applications for the establishment of large-scale retail uses under Section 121.6, in addition to the criteria set forth in Subsections (c) and (d) above, the Commission shall consider the following:

(A) The extent to which the retail use's parking is planned in a manner that creates or maintains active street frontage patterns;

(B) The extent to which the retail use is a component of a mixed-use project or is designed in a manner that encourages mixed-use building opportunities;

(C) This shift in traffic patterns that may result from drawing traffic to the location of the proposed use; and

(D) The impact that the employees at the proposed use will have on the demand in the City for housing, public transit, childcare, and other social services.

(k) **Movie Theater Uses.**

(1) With respect to a change in use or demolition of a movie theater use as set forth in Sections 221.1, 703.2(b)(1)(B)(ii), 803.2(b)(2)(B)(iii) or 803.3(b)(1)(B)(ii), in addition to the criteria set forth in Subsections (c) and (d) above, the Commission shall make the following findings:

(A) Preservation of a movie theater use is no longer economically viable and cannot effect a reasonable economic return to the property owner;

(i) For purposes of defining "reasonable economic return," the Planning Commission shall be guided by the criteria for "fair return on investment" as set forth in Section 228.4(a).

(B) The change in use or demolition of the movie theater use will not undermine the economic diversity and vitality of the surrounding Neighborhood Commercial District; and

(C) The resulting project will preserve the architectural integrity of important historic features of the movie theater use affected.

(l) **Relocation of Existing General Advertising Signs pursuant to a General Advertising Sign Company Relocation Agreement.**

(1) Before the Planning Commission may consider an application for a conditional use to relocate an existing lawfully permitted general advertising sign as authorized by Section 611 of this Code, the applicant sign company must have:

(A) Obtained a current Relocation Agreement approved by the Board of Supervisors under Section 2.21 of the San Francisco Administrative Code that covers the sign or signs proposed to be relocated; and

(B) Submitted to the Department a current sign inventory, site map, and the other information required under Section 604.2 of this Code; and

(C) Obtained the written consent to the relocation of the sign from the owner of the property upon which the existing sign structure is erected.

(D) Obtained a permit to demolish the sign structure at the existing location.

(2) The Department, in its discretion, may review in a single conditional use application all signs proposed for relocation by a general advertising company or may require that one or more of the signs proposed for relocation be considered in a separate application or applications. Prior to the Commission's public hearing on the application, the Department shall have verified the completeness and accuracy of the general advertising sign company's sign inventory.

(3) Only one sign may be erected in a new location, which shall be the same square footage or less than the existing sign proposed to be relocated. In no event may the square footage of several existing signs be aggregated in order to erect a new sign with greater square footage.

(4) In addition to applicable criteria set forth in subsection (c) above, the Planning Commission shall consider the size and visibility of the signs proposed to be located as well as the following factors in determining whether to approve or disapprove a proposed relocation:

(A) The factors set forth in this subsection (A) shall weigh in favor of the Commission's approval of the proposed relocation site:

(i) The sign or signs proposed for relocation are lawfully existing but are not in conformity with the sign regulations that existed prior to the adoption of Proposition G on March 5, 2002.

(ii) The sign or signs proposed for relocation are on a City list, if any, of priorities for sign removal or signs preferred for relocation.

(iii) The sign or signs proposed for relocation are within, adjacent to, or visible from property under the jurisdiction of the San Francisco Port Commission, the San Francisco Unified School District, or the San Francisco Recreation and Park Commission.

(iv) The sign or signs proposed for relocation are within, adjacent to, or visible from an Historic District or conservation district designated in Article 10 or Article 11 of the Planning Code.

(v) The sign or signs proposed for relocation are within, adjacent to, or visible from a zoning district where general advertising signs are prohibited.

(vi) The sign or signs proposed for relocation are within, adjacent to, or visible from a designated view corridor.

(B) The factors set forth in this Subsection (B) shall weigh against the Commission's approval of the proposed relocation:

(i) The sign or signs proposed for relocation are or will be obstructed, partially obstructed, or removed from public view by another structure or by landscaping.

(ii) The proposed relocation site is adjacent to or visible from property under the jurisdiction of the San Francisco Port Commission, the San Francisco Unified School District, or the San Francisco Recreation and Park Commission.

(iii) The proposed relocation site is adjacent to or visible from an Historic District or conservation district designated in Article 10 or Article 11 of the Planning Code.

(iv) The proposed relocation site is within, adjacent to, or visible from a zoning district where general advertising signs are prohibited.

(v) The proposed relocation site is within, adjacent to, or visible from a designated view corridor.

(vi) There is significant neighborhood opposition to the proposed relocation site.

(5) In no event may the Commission approve a relocation where:

(A) The sign or signs proposed for relocation have been erected, placed, replaced, reconstructed, or relocated on the property, or intensified in illumination or other aspect, or expanded in area or in any dimension in violation of Article 6 of this Code or without a permit having been duly issued therefore; 5 or

(B) The proposed relocation site is not a lawful location under Planning Code Section 611(c)(2); or

(C) The sign in its new location would exceed the size, height or dimensions, or increase the illumination or other intensity of the sign at its former location; or

(D) The sign in its new location would not comply with the Code requirements for that location as set forth in Article 6 of this Code; or

(E) The sign has been removed from its former location; or

(F) The owner of the property upon which the existing sign structure is erected has not consented in writing to the relocation of the sign.

(6) The Planning Commission may adopt additional criteria for relocation of general advertising signs that do not conflict with this Section 303(l) or Section 611 of this Code.

(m) General Grocery Store Uses.

(1) With respect to a change in use or demolition of general grocery store use as set forth in Sections 218.2, 703.2(b)(1)(B)(iii), 803.2(b)(1)(B)(iv) or 803.3 (b)(1)(B)(iii) which use exceeds 5,000 gross square feet, in addition to the criteria set forth in Subsections (c) and (d) above, the Commission shall make the following findings:

(A) Preservation of a general grocery store use is no longer economically viable and cannot effect a reasonable economic return to the property owner. The Commission may disregard the above finding if it finds that the change in use or replacement structure in the case of demolition will contain a general grocery store that is of a sufficient size to serve the shopping needs of nearby residents and offers comparable services to the former general grocery store.

(i) For purposes of defining "reasonable economic return," the Planning Commission shall be guided by the criteria for "fair return on investment" as set forth in Section 228.4(a).

(B) The change in use or demolition of the general grocery store use will not undermine the economic diversity and vitality of the surrounding neighborhood.

(n) **Tobacco Paraphernalia Establishments.**

(1) With respect to a Tobacco Paraphernalia Establishment, as set forth in Section 227(v) of this Code, in addition to the criteria set forth in Subsections (c) and (d) above, the Commission shall make the following findings:

(A) The concentration of such establishments in the particular zoning district for which they are proposed does not appear to contribute directly to peace, health, safety, and general welfare problems, including drug use, drug sales, drug trafficking, other crimes associated with drug use, loitering, and littering, as well as traffic circulation, parking, and noise problems on the district's public streets and lots;

(B) The concentration of such establishments in the particular zoning district for which they are proposed does not appear to adversely impact the health, safety, and welfare of residents of nearby areas, including fear for the safety of children, elderly and disabled residents, and visitors to San Francisco; and

(C) The proposed establishment is compatible with the existing character of the particular district for which it is proposed.

(o) **Massage Establishments.**

(1) With respect to Massage Establishments, as defined in Sections 218.1, 790.60, and 890.60 of this Code, in addition to the criteria set forth in Subsection (c) above, the Commission shall make the following findings:

(A) Whether the applicant has obtained, and maintains in good standing, a permit for a Massage Establishment from the Department of Public Health pursuant to Section 1908 of the San Francisco Health Code;

(B) Whether the use's facade is transparent and open to the public. Permanent transparency and openness are preferable. Elements that lend openness and transparency to a facade include: i) active street frontage of at least 25' in length where 75% of that length is devoted to entrances to commercially used space or windows at the pedestrian eye-level; ii) windows that use clear, untinted glass, except for decorative or architectural accent; iii) any decorative railings or decorative grille work, other than wire mesh, which is placed in front of or behind such windows, should be at least 75 percent open to perpendicular view and no more than six feet in height above grade;

(C) Whether the use includes pedestrian-oriented lighting. Well lit establishments where lighting is installed and maintained along all public rights-of-way adjacent to the building with the massage use during the post-sunset hours of the massage use are encouraged:

(D) Whether the use is reasonably oriented to facilitate public access. Barriers that make entrance to the use more difficult than to an average service-provider in the area are to be strongly discouraged. These include (but are not limited to) foyers equipped with double doors that can be opened only from the inside and security cameras.

SEC. 309. PERMIT REVIEW IN C-3 DISTRICTS.

The provisions and procedures set forth in this Section shall govern the review of project authorization and building and site permit applications for (1) the construction or substantial alteration of structures in C-3 Districts, (2) the granting of exceptions to certain requirements of this Code where the provisions of this Section are invoked, and (3) the approval of open space and streetscape requirements of the Planning Code. When any action authorized by this Section is taken, any determination with respect to the proposed project required or authorized pursuant to CEQA may also be considered. This Section shall not require additional review in connection with a site or building permit application if review hereunder was completed with respect to the same proposed structure or alteration in connection with a project authorization application pursuant to Section 322.

(a) Exceptions. Exceptions to the following provisions of this Code may be granted as provided in the code sections referred to below:

(1) Exceptions to the setback, *streetwall, tower separation,* and rear yard requirements as permitted in Sections 132.1 and 134(d);

(2) Exceptions to the ground-level wind current requirements as permitted in Section 148;

(3) Exceptions to the sunlight to public sidewalk requirement as permitted in Section 146;

(4) Exceptions to the limitation on residential accessory parking as permitted in Section 151.1(e);

(5) Exceptions to the limitation on curb cuts for parking access as permitted in Section 155(r);

(6) Exceptions to the limitations on above-grade residential accessory parking as permitted in Section 155(s);

(7) Exceptions to the freight loading and service vehicle space requirements as permitted in Section 161(h);

(8) Exceptions to the off-street tour bus loading space requirements as permitted in Section 162;

(9) Exceptions to the use requirements in the C-3-O(SD) Commercial Special Use Sub-district in Section 248;

(10) Exceptions to the height limits for buildings taller than 550 feet in height in the S-2 Bulk District for allowance of non-occupied architectural, screening, and rooftop elements that meet the criteria of Section 260(b)(1)(M);

(~~9~~11) Exceptions to the height limits for vertical extensions as permitted in Section 260(b)(1)(G) and for upper tower extensions as permitted in Section 263.7;

(~~10~~12) Exceptions to the height limits in the 80-130F and 80-130X Height and Bulk Districts as permitted in Section 263.6 and in the 200-400S Height and Bulk District as permitted in Section 263.8;

(~~11~~13) Exceptions to the bulk requirements as permitted in Sections 270 and 272.

(b) Design Review. In addition to the requirements set forth in this Code, additional design requirements and limitations (hereafter referred to as modifications) may be imposed on the following aspects of a proposed project, through the imposition of conditions, in order to achieve the objectives and policies of the Master Plan or the purposes of this Code:

(1) Building siting, orientation, massing and facade treatment, including proportion, scale, setbacks, materials, cornice, parapet and fenestration treatment, and design of building tops;

(2) Aspects of the project affecting views and view corridors, shadowing of sidewalks and open spaces, openness of the street to the sky, ground-level wind current, and maintenance of predominant streetwalls in the immediate vicinity;

(3) Aspects of the project affecting parking, traffic circulation and transit operation and loading points;

(4) Aspects of the project affecting its energy consumption;

(5) Aspects of the project related to pedestrian activity, such as placement of entrances, street scale, visual richness, location of retail uses, and pedestrian circulation, and location and design of open space features;

(6) Aspects of the project affecting public spaces adjacent to the project, such as the location and type of street trees and landscaping, sidewalk paving material, and the design and location of street furniture as required by Section 138.1;

(7) Aspects of the project relating to quality of the living environment of residential units, including housing unit size and the provisions of open space for residents;

(8) Aspects of the design of the project which have significant adverse environmental consequences;

(9) Aspects of the project that affect its compliance with the provisions of Sections 1109(c), 1111.2(c), 1111.6(c), and 1113 regarding new construction and alterations in conservation districts;

(10) Other aspects of the project for which modifications are justified because of its unique or unusual location, environment, topography or other circumstances.

(c) **Application Process for 309 Review.** Review subject to this Section will be triggered by submittal of a Section 309 Application or submittal of a building or site permit.

(d) **Notice of Proposed Approval.** If, after a review of the Application or building or site permit, and (1) the Zoning Administrator determines that an application complies with the provisions of this Code and that no exception is sought as provided in Subsection (a), and (2) the Director of Planning determines that no additional modifications are warranted as provided in Subsection (b), and (3) the project meets the open space and streetscape requirements of the Planning Code or (4) the project sponsor agrees to the modifications as requested by the Director, the Zoning Administrator shall provide notice of the proposed approval of the application by mail to all owners of the property immediately adjacent to the property that is subject of the Application no less than 10 days before final approval, and, in addition, to any person who has requested such notice in writing. If no request for Planning Commission review pursuant to Subsection (g) is made within 10 days of such notice, the Zoning Administrator shall approve the application.

(e) **Hearing and Determination of Applications for Exceptions.**

(1) Hearing. The Planning Commission shall hold a public hearing on an application for an exception as provided in Subsection (a).

(2) **Notice of Hearing.** Notice of such hearing shall be mailed not less than 10 days prior to the date of the hearing to the project applicant, to property owners within 300 feet of the project that is the subject of the application, using for this purpose the names and addresses as shown on the citywide Assessment Roll in the Assessor's Office, and to any person who has requested such notice. The notice shall state that the written recommendation of the Director of Planning regarding the request for an exception will be available for public review at the office of the Planning Department.

(3) **Decision and Appeal.** The Commission may, after public hearing and after making appropriate findings, approve, disapprove or approve subject to conditions, the application for an exception. The decision of the Planning Commission may be appealed to the Board of Appeals by any person aggrieved within 15 days after the date of the decision by filing a written notice of appeal with that Body, setting forth wherein it is alleged that there was an error in the interpretation of the provisions of this Code or abuse of discretion on the part of the Planning Commission.

(4) **Decision on Appeal.** Upon the hearing of an appeal, the Board of Appeals may, subject to the same limitations as are placed on the Planning Commission by Charter or by this Code, approve, disapprove or modify the decision appealed from. If the determination of the Board differs from that of the Commission it shall, in a written decision, specify the error in interpretation or abuse of discretion on the part of the Commission and shall specify in the findings, as part of the written decision, the facts relied upon in arriving at its determination.

(f) **Administrative Approval of Design Review.**

(1) **Recommendations.** If the Director of Planning determines that modifications through the imposition of conditions are warranted as provided in Subsection (b), or that the open space requirements or the streetscape requirements of the Planning Code have not been complied with, the matter shall be scheduled for hearing before the Planning Commission. If the Director determines that the open space and streetscape requirements of the Planning Code have been complied with and the applicant does not oppose the imposition of conditions which the Director has determined are warranted, the applicant may waive the right to a hearing before the Commission in writing and agree to the conditions. The Zoning Administrator shall provide notice of the proposed approval of the application according to the notice given for applications governed by Subsection (d), so that any person seeking additional modifications or objecting to the open space or streetscape

requirements determination may make such a request for Planning Commission review as provided in Subsection (g). If no request is made within 10 days of such notice, the Zoning Administrator shall approve the application subject to the conditions.

(2) **Notice.** If the proposed application will be heard by the Planning Commission, notice of such hearing shall be mailed not less than 10 days prior to the hearing to the project applicant, to property owners immediately adjacent to the site of the application using for this purpose the names and addresses as shown on the citywide Assessment Roll in the Assessor's Office, and to any person who has requested such notice. The notice shall state that the Director's written recommendation will be available for public review at the Planning Department.

(3) **Commission Action.** The Planning Commission may, after public hearing and after making appropriate findings, approve, disapprove or approve subject to conditions applications considered pursuant to Subsection (b) or for compliance with the open space and streetscape requirements of the Planning Code.

(g) **Planning Commission Review Upon Request.**

(1) **Requests.** Within 10 days after notice of the proposed approval has been given, as provided in Subsection (d), any person may request in writing that the Planning Commission impose additional modifications on the project as provided in Subsection (b) or consider the application for compliance with the open space and streetscape requirements of the Planning Code. The written request shall state why additional modifications should be imposed notwithstanding its compliance with the requirements of this Code and shall identify the policies or objectives that would be promoted by the imposition of conditions, or shall state why the open space and streetscape requirements have not been complied with.

(2) **Commission Consideration.** The Planning Commission shall consider at a public hearing each written request for additional modifications and for consideration of the

open space and streetscape requirements of the Planning Code compliance and may, by majority vote, direct that a hearing be conducted to consider such modifications or compliance, which hearing may be conducted at the same meeting that the written request is considered and decided. Notice of such hearing shall be mailed to the project applicant, to property owners immediately adjacent to the site of the application using for this purpose the names and addresses as shown on the Citywide Assessment Roll in the Assessor's Office, to any person who has requested such notice, and to any person who has submitted a request for additional requirements. In determining whether to conduct such a hearing, the Commission shall determine whether, based upon a review of the project, reasonable grounds exist justifying a public hearing in order to consider the proposed additional modifications and the open space and streetscape requirements of the Planning Code compliance.

(3) **Commission Action.** If the Commission determines to conduct a hearing to consider the imposition of additional modifications or the open space and streetscape requirements compliance, it may, after such hearing and after making appropriate findings, approve, disapprove, or approve subject to conditions the building or site permit or project authorization application. If the Commission determines not to conduct a hearing, the Zoning Administrator shall approve the application subject to any conditions imposed by the Director of Planning to which the applicant has consented.

(h) **Mandatory Planning Commission Hearing for Projects Over 50,000 Square Feet of Gross Floor Area or Over 75 Feet in Height.** The Planning Commission shall hold a public hearing not otherwise required by this Section on all building and site permit and Section 309 applications for projects which will result in a net addition of more than 50,000 square feet of gross floor area of space or which will result in a building that is greater than 75 feet in height. Notice of such hearing shall be mailed not less than 10 days prior to the date of the hearing to the project applicant, to property owners immediately adjacent to the

site of the application using for this purpose the names and addresses as shown on the citywide Assessment Roll in the Assessor's Office, and to any person who has requested such notice.

(i) **Imposition of Conditions, General.** If, pursuant to the provisions of this Section, the City Planning Commission determines that conditions should be imposed on the approval of a building or site permit application, or Section *309* application and the applicant agrees to comply, the Commission may approve the application subject to those conditions, and if the applicant refuses to so agree, the Commission may disapprove the application.

(j) **Change of Conditions.** Authorization of a change in any condition previously imposed pursuant to this Section shall require an application for a change in conditions, which application shall be subject to the procedures set forth in this Section.

(k) An approval action in accordance with this Section shall constitute the City's decision to approve the project for purposes of Administrative Code Chapter 31.

SEC. 321. OFFICE DEVELOPMENT: ANNUAL LIMIT.

(a) **Limit.**

(1) No office development may be approved during any approval period if the additional office space in that office development, when added to the additional office space in all other office developments previously approved during that approval period, would exceed 950,000 square feet or any lesser amount resulting from the application of Section 321.1. To the extent the total square footage allowed in any approval period is not allocated, the unallocated amount shall be carried over to the next approval period.

(2) The following amounts of additional office space shall count against the maximum set in Subsection (a)(1):

(A) All additional office space in structures for which the first building or site permit is approved for issuance during the approval period and which will be located on

land under the jurisdiction of the San Francisco Port Commission or under the jurisdiction of the San Francisco Redevelopment Agency; provided, however, that no account shall be taken of structures which are exempt under Section 320(g)(2);

(B) The amount of added additional office space approved after the effective date of this ordinance in structures which are exempt under Section 320(g)(3);

(C) All additional office space in structures owned or otherwise under the jurisdiction of the State of California, the federal government or any State, federal or regional government agency, which structures are found to be otherwise exempt from this Section 321 or Section 322 by force of other applicable law;

(D) All additional office space in structures exempt under Section 320(g)(4) or 320(g)(6) or the last sentence of Section 175.1(b), or which satisfy the substantive terms of either of said exemptions but for which the first building or site permit is authorized or conditional use or variance approved by the City Planning Commission after June 15, 1985 but before the effective date of this ordinance.

The additional office space described in Subsection (a)(2)(A) shall be taken into account with respect to all proposed office developments which are considered after the first site or building permit is approved for issuance for the described project. The additional office space described in Subsections (a)(2)(B) and (a)(2)(D) shall be taken into account with respect to all proposed office developments which are considered during the approval period and after the project or the added additional office space is first authorized or a conditional use or variance approved by the City Planning Commission. The additional office space described in Subsection (a)(2)(C) shall be taken into account with respect to all proposed office developments which are considered during the approval period and after commencement of construction of the described structures. Modification, appeal or disapproval of a project described in this Section shall affect the amount of office space

counted under this Section in the time and manner set forth for office developments in Section 321(c).

(3) The Department of City Planning shall maintain and shall make available for reasonable public inspection a list showing:

(A) All office developments and all projects subject to Section 321(a)(2) for which application has been made for a project authorization or building or site permit and, if applicable, the date(s) of approval and of approval for issuance of any building or site permit;

(B) The total amount of additional office space and, if applicable, replacement office space, approved with respect to each listed development;

(C) Approved office developments (i) which are subsequently disapproved on appeal; (ii) the permit for which expires or is cancelled or revoked pursuant to Subsection (d)(1) of this Section; or (iii) the approval of which is revoked pursuant to Subsection (d)(2) of this Section; and

(D) Such other information as the Department may determine is appropriate.

(4) Not less than six months before the last date of the approval period, the Department of City Planning shall submit to the Board of Supervisors a written report, which report shall contain the City Planning Commission's recommendation with respect to whether, based on the effects of the limitation imposed by this Section on economic growth and job opportunities in the City, the availability of housing and transportation services to support additional office development in the City, office vacancy and rental rates, and such other factors as the Commission shall deem relevant, there should continue to be a quantitative limit on additional office space after the approval period, and as to what amount of additional office space should be permitted under any such limit.

(5) Every holder of a site permit issued on or after July 1, 1982 for any office development, as defined in Section 320(g) without regard to Subsections (g)(2) through (g)(5), shall provide to the City Planning Commission reports containing data and information with respect to the following:

(A) Number of persons hired for employment either in construction of the development or, to the extent such information is available to the permittee, by users of the completed building;

(B) The age, sex, race and residence, by City, of each such person;

(C) Compensation of such persons, classified in $5,000 increments, commencing with annualized compensation of $10,000;

(D) The means by which each such person most frequently travels to and from the place of employment.

Such reports shall commence on October 1, 1985 and continue quarterly thereafter during the approved period. A report containing information by quarter for the period between July 1, 1982 and the effective date of the ordinance shall be submitted not later than December 31, 1985. The City Planning Commission shall have full access to all books, records and documents utilized by any project sponsor in preparation of the written reports referred to above, and shall inspect such books, records and documents from time to time for purposes of authenticating information contained in such reports.

(b) **Guidelines.**

(1) During the approval period, the City Planning Commission, and the Board of Supervisors and Board of Permit Appeals on appeal from the City Planning Commission shall approve, within the allowable limit, subject to Subsection (b)(2) of this Section, only those office developments which they shall determine in particular promote the public welfare, convenience and necessity, and shall be empowered under this Section to disapprove the

remainder. The Department of City Planning shall issue to office developments so approved, in accord with Sections 320 through 323 of this Code, a project authorization.

(2) The following proposed office developments, subject to all other applicable sections of this Code and other applicable law, shall be approved under this Section in preference to all others:

(A) All proposed developments to the extent approval is required by court order; and, thereafter,

(B) Subject to Subsection (a)(1) of this Section, all proposed office developments which were approved by the City Planning Commission during the approval period, but subsequently disapproved by any administrative appellate body or court, if and when said disapproval is later reversed.

(3) In determining which office developments best promote the public welfare, convenience and necessity, the Board of Supervisors, Board of Permit Appeals and City Planning Commission shall consider:

(A) Apportionment of office space over the course of the approval period in order to maintain a balance between economic growth, on the one hand, and housing, transportation and public services, on the other;

(B) The contribution of the office development to, and its effects on, the objectives and policies of the Master Plan;

(C) The quality of the design of the proposed office development;

(D) The suitability of the proposed office development for its location, and any effects of the proposed office development specific to that location;

(E) The anticipated uses of the proposed office development, in light of employment opportunities to be provided, needs of existing businesses, and the available supply of space suitable for such anticipated uses;

(F) The extent to which the proposed development will be owned or occupied by a single entity;

(G) The use, if any, of TDR by the project sponsor.

Payments, other than those provided for under applicable ordinances, which may be made to a transit or housing fund of the City, shall not be considered.

(4) Reserve for Smaller Buildings. In each approval period at least 75,000 square feet of office development shall be reserved for buildings between 25,000 and 49,999 square feet in gross floor area of office development. To the extent the total square footage allowed under this Subsection in any approval period is not allocated, the unallocated amount shall be carried over to the next approval period and added only to the Reserve for Smaller Buildings.

(5) With respect to any office development which shall come before the Board of Supervisors for conditional use review, that Board shall consider, in addition to those criteria made applicable by other provisions of law, the criteria specified in Subsection (b)(3). As to any such office development, the decision of the Board of Supervisors with respect to the criteria specified in Subsection (b)(3) shall be a final administrative determination and shall not be reconsidered by the City Planning Commission or Board of Permit Appeals.

(6) The City Planning Commission shall establish procedures for coordinating review of project authorization applications under Section 322 with review under Section 309 of this Code. The Commission may hold hearings under Sections 309 and 322 in such sequence as it may deem appropriate, but may not issue any project authorization until the requirements of Section 309 have been satisfied.

(c) **Appeal and Modification.**

(1) If an approved office development is disapproved, or if a previously unapproved office development is approved, by a court or appellate agency, the list described

in Subsection (a)(3) of this Section shall be revised accordingly at the time that the period for rehearing before the appellate body in question shall have lapsed. Approval on appeal of any office development, if conditioned on disapproval of another office development which was previously approved, shall not be effective before the time for rehearing with respect to the disapproval shall have lapsed.

(2) The amount of additional office space of any development shall not count against the maximum for the approval period, beginning from the time the office development loses its approved status on the Department of City Planning list under Subsection (c)(1); provided, however, that if a decision disapproving an office development permits construction of a part of the project, the permitted additional office space only shall continue to count against the maximum, unless and until all building or site permits for the development expire or are cancelled, revoked or withdrawn.

(3) Any modification of an approved office development, including, without limitation, modification by a court or administrative appellate agency, shall be governed by this Subsection, subject, in the case of a court order, to Subsection (b)(2)(A).

(A) Any office development which is modified for any reason after it is first approved so as to increase its amount of additional office space shall lose its approved status on the list described in Subsection (a)(3) at the time such modification is approved, and may be approved as modified only subject to the limits of Subsection (a)(1). Such a modified development shall not be constructed or carried out based on its initial approval. Approval on appeal of such a modified development, if approval would violate the maximum set forth in Subsection (a)(1) of this Section but for disapproval of another previously approved office development, shall not be effective, nor grounds for reliance, until the time for rehearing with respect to the disapproval shall have lapsed.

(B) An approved office development may be modified so as to reduce the amount of additional office space, subject to all authorizations otherwise required by the City. No additional office space shall become available for any other development during the approval period on account of such a modification, unless the modification is required by any appellate administrative agency or a court, in which case additional office space shall become available when the time for rehearing has lapsed.

(d) **Unbuilt Projects; Progress Requirement.**

(1) The maximum amount of additional office space for the approval period shall be increased by the amount of such space included in office developments which were previously approved during the period but for which during such period an issued site or building permit has been finally cancelled or revoked, or has expired, with the irrevocable effect of preventing construction of the office development.

(2) Construction of an office development shall commence within 18 months of the date the project is first approved, *or, in the case of development in the C-3-O(SD) District the development shall commence within three (3) years. Notwithstanding the above provision, office projects larger than 500,000 gross square feet in the C-3-O(SD) District shall commence construction within five (5) years.* Failure to begin work within that period, or thereafter to carry the development diligently to completion, shall be grounds to revoke approval of the office development. Neither the Department of Public Works nor the Board of Permit Appeals shall grant any extension of time inconsistent with the requirements of this Subsection (d)(2).

(3) The Bureau of Building Inspection shall notify the Department of City Planning in writing of its approval for issuance and issuance of a site or building permit for any office development, and for any development under the jurisdiction of the San Francisco Redevelopment Agency or Port Commission subject to Section 321(a)(2), and of the revocation, cancellation, or expiration of any such permit.

(e) **Rules and Regulations.** The City Planning Commission shall have authority to adopt such rules and regulations as it may determine are appropriate to carry out the purposes and provisions of this Section and Sections 320, 322 and 323.

SEC. 412.1. FINDINGS.

Existing public park facilities located in the downtown office districts are at or approaching capacity utilization by the daytime population in those districts. The need for additional public park and recreation facilities in the downtown districts will increase as the daytime population increases as a result of continued office development in those areas. While the open space requirements imposed on individual office and retail developments address the need for plazas and other local outdoor sitting areas to serve employees and visitors in the districts, such open space cannot provide the same recreational opportunities as a public park. In order to provide the City and County of San Francisco with the financial resources to acquire and develop public park and recreation facilities which will be necessary to serve the burgeoning daytime population in these districts, a Downtown Park Fund shall be established as set forth herein. *The Board of Supervisors adopts the findings of the Downtown Open Space Nexus Study in accordance with the California Mitigation Fee Act, Government Code 66001(a) on file with the Clerk of the Board in File No. _____.*

SEC. 424.6. TRANSIT CENTER DISTRICT OPEN SPACE IMPACT FEE AND FUND.

Sections 424.6.1 through 424.6.4 set forth the requirements and procedures for the Transit Center District Open Space Impact Fee and Fund. The effective date of these requirements shall be the effective date of this Ordinance or the date a subsequent modification, if any, became effective.

SEC. 424.6.1. FINDINGS.

(a) General. Existing public park and recreational facilities located in the downtown area are at or approaching capacity utilization by the population of the area. There is substantial additional population density, both employment and residential, planned and projected in the Transit Center

District. This district, more than other parts of the downtown, is lacking in existing public open space amenities to support population growth. The need for additional public park and recreation facilities in the downtown area, and specifically in the Transit Center District, will increase as the population increases due to continued office, retail, institutional, and residential development. Additional population will strain and require improvement of existing open spaces both downtown and citywide, and will necessitate the acquisition and development of new public open spaces in the immediate vicinity of the growth areas. While the open space requirements imposed on individual commercial developments address the need for plazas and other local outdoor sitting areas to serve employees and visitors in the districts, and requirements imposed on individual residential developments address the need for small-scale private balconies, terraces, courtyards or other minor common space such as can be accommodated on individual lots, such open space cannot provide the same recreational opportunities as a public park. In order to provide the City and County of San Francisco with the financial resources to acquire and develop public park and recreation facilities necessary to serve the burgeoning population in the downtown area, a Transit Center District Open Space Fund shall be established as set forth herein. The Board of Supervisors adopts the findings of the Downtown Open Space Nexus Study in accordance with the California Mitigation Fee Act, Government Code 66001(a) on file with the Clerk of the Board in File No. _____.

*(b) **Transit Center District Open Space Impact Fee.** Development impact fees are an effective approach to mitigate impacts associated with growth in population. The proposed Transit Center District Open Space Impact Fee shall be dedicated to fund public open space improvements in the Transit Center District Plan Area and adjacent downtown areas that will provide direct benefits to the property developed by those who pay into the fund, by providing necessary open space improvements needed to serve new development.*

The Planning Department has calculated the fee rate using accepted professional methods for calculating such fees. The calculations are described fully in the Downtown Open Space Nexus

Study, San Francisco Planning Department, Case No. 2007.0558U on file with the Clerk of the Board in File No. _____.

The proposed fee, in combination with the Downtown Park Fee established in Section 412 et seq., is less than the maximum justified fee amount as calculated by the Downtown Open Space Nexus Study. While no project sponsor would be required to pay more than the maximum amount justified for that project as calculated in the Nexus Study, the Transit Center District Open Space Fee is tiered such that denser projects are assessed higher fees because it is economically feasible for such projects to pay a higher proportion of the maximum justified amount. The proposed fee covers impacts caused by new development only and is not intended to remedy existing deficiencies. The cost to remedy existing deficiencies will be paid for by public, community, and other private sources as described in the Downtown Open Space Nexus Study and the Transit Center District Plan Program Implementation Document. Impact fees are only one of many revenue sources funding open space in the Plan Area.

SEC. 424.6.2. APPLICATION OF TRANSIT CENTER DISTRICT OPEN SPACE IMPACT FEE.

*(a) **Application.** Sections 424.6 et seq. shall apply to any development project located in the C-3-O(SD) District and meeting the requirements of subsection (b) below.*

*(b) **Projects subject to the Transit Center District Open Space Impact Fee.** The Transit Center District Open Space Impact Fee is applicable to any development project in the C-3-O(SD) District which results in:*

(1) At least one net new residential unit,

(2) Addition of space to an existing residential unit of more than 800 gross square feet,

(3) At least one net new group housing facility or residential care facility,

(4) Addition of space to an existing group housing or residential care facility of more than 800 gross square feet,

(5) New construction of a non-residential use, or

(6) Addition of non-residential space in excess of 800 gross square feet to an existing structure.

(7) Conversion of existing space to a different use where the project's total fee as calculated according to subsection (c) below would exceed the total fee for the uses being replaced.

*(c) **Fee Calculation for the Transit Center District Open Space Impact Fee.** For development projects for which the Transit Center District Open Space Impact Fee is applicable, the corresponding fee for net addition of gross square feet is listed in Table 424.6A. Where development project includes more than one land use, the overall proportion of each use relative to other uses on the lot shall be used to calculate the applicable fees regardless of the physical distribution or location of each use on the lot. Where a project proposes conversion of existing space to a different use, the Director shall specify the fee amount based on a Guidance Statement or other document establishing the methodology for calculating fees.*

*(1) **Base Fee.** The fee listed in Column A shall be assessed on all applicable gross square footage for the entire development project.*

*(2) **Projects Exceeding FAR of 9:1.** For development projects that result in the Floor Area Ratio on the lot exceeding 9:1, the fee listed in Column B shall be assessed on all applicable gross square footage on the lot above an FAR of 9:1.*

(3) For projects that are eligible to apply TDR units to exceed an FAR of 9:1 pursuant to Section 123(e)(1), the fee otherwise applicable to such square footage according to subsection (2) above shall be waived.

TABLE 424.6A

FEE SCHEDULE FOR NET ADDITIONS OF GROSS SQUARE FEET IN THE TRANSIT CENTER DISTRICT AREA

Use	*Column A (Base Fee)*	*Column B (GSF Above 9:1)*
Residential	*$2.50/gsf*	*N/A*

Office	*$3.00/gsf*	*$7.00/gsf*
Retail	*$5.00/gsf*	*$4.50/gsf*
Hotel	*$4.00/gsf*	*N/A*
Institutional/Cultural/Medical	*$5.00/gsf*	*$4.30/gsf*
Industrial	*$2.50/gsf*	*N/A*

*(d) **Option for In-Kind Provision of Community Improvements and Fee Credits.** Project sponsors may propose to directly provide community improvements to the City. In such a case, the City may enter into an In-Kind Improvements Agreement with the sponsor and issue a fee waiver for the Transit Center District Open Space Impact Fee from the Planning Commission, subject to the following rules and requirements:*

*(1) **Approval criteria.** The City shall not enter into an In-Kind Agreement unless the proposed in-kind improvements meet an identified community need as analyzed in the Transit Center District Plan Implementation Program Document and where they substitute for improvements that could be provided by the Transit Center District Open Space Fund (as described in Section 424.6.4). The City may reject in-kind improvements if they are not consistent with the priorities identified in the Transit Center District Plan, by the Interagency Plan Implementation Committee (see Chapter 36 of the Administrative Code), or other prioritization processes related to Transit Center District improvements programming. No physical improvement or provision of space otherwise required by the Planning Code or any other City Code shall be eligible for consideration as part of this In-Kind Improvements Agreement.*

For a development project on Assessor's Block 3720 Lot 009, an In-Kind Agreement may be approved which credits the project for public open space improvements constructed by either the sponsor of the development project or by the Transbay Joint Powers Authority, in accordance with the Transit Center District Plan Implementation Program Document.

*(2) **Valuation.** The Director of Planning shall determine the appropriate value of the proposed in-kind improvements. For the purposes of calculating the total value, the project sponsor shall provide the Planning Department with a cost estimate for the proposed in-kind improvement(s)*

from two independent sources or, if relevant, real estate appraisers. A detailed site-specific cost estimate for a planned improvement prepared by the City or the Transbay Joint Powers Authority may satisfy the requirement for cost estimates provided that the estimate is indexed to current cost of construction.

*(3) **Content of the In-Kind Improvements Agreement.** The In-Kind Improvements Agreement shall include at least the following items:*

(i) A description of the type and timeline of the proposed in-kind improvements.

(ii) The appropriate value of the proposed in-kind improvement, as determined in subsection (2) above.

(iii) The legal remedies in the case of failure by the project sponsor to provide the in-kind improvements according to the specified timeline and terms in the agreement. Such remedies shall include the method by which the City will calculate accrued interest.

*(4) **Approval Process.** The Planning Commission must approve the material terms of an In-Kind Agreement. The Planning Commission shall hear and consider the recommendation of the Interagency Plan Implementation Committee, as established in Chapter 36 of the Administrative Code, in deciding whether to approve or disapprove any In-Kind Agreement. Prior to the parties executing the Agreement, the City Attorney must approve the agreement as to form and to substance. The Director of Planning shall be authorized to execute the Agreement on behalf of the City. If the Planning Commission approves the In-Kind Agreement, it shall waive the amount of the Transit Center District Open Space Impact Fee equivalent to the value of the improvements proposed in the In-Kind Agreement. No credit shall be made for land value unless ownership of the land is transferred to the City or a permanent public easement is granted, the acceptance of which is at the sole discretion of the City. The maximum value of the credit for the improvements proposed in the In-Kind Improvements Agreement shall not exceed the required Transit Center District Open Space Impact Fee.*

*(5) **Administrative Costs.** Project sponsors that pursue an In-Kind Improvements Agreement will be billed time and materials for any administrative costs that the Planning Department or any other City entity incurs in negotiating, drafting, and monitoring compliance with the In-Kind Improvements Agreement.*

*(e) **Timing of Fee Payments.** The Transit Center District Open Space Impact Fee is due and payable to the Development Fee Collection Unit at DBI prior to issuance of the first construction document, with an option for the project sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge that would be paid into the appropriate fund in accordance with Section 107A.13.3 of the San Francisco Building Code.*

*(f) **Waiver or Reduction of Fees.** Development projects may be eligible for a waiver or reduction of impact fees, per Section 406 of this Article.*

SEC. 424.6.3. IMPOSITION OF TRANSIT CENTER DISTRICT OPEN SPACE IMPACT FEE.

*(a) **Determination of Requirements.** The Department shall determine the applicability of Sections 424.6 et seq. to any development project requiring a first construction document and, if Sections 424.6 et seq. is applicable, the Department shall determine the amount of Transit Center District Open Space Impact Fees required and shall impose these requirements as a condition of approval for issuance of the first construction document for the development project. The project sponsor shall supply any information necessary to assist the Department in this determination.*

*(b) **Department Notice to Development Fee Collection Unit at DBI.** Prior to the issuance of a building or site permit for a development project subject to the requirements of Sections 424.6 et seq., the Department shall notify the Development Fee Collection Unit at DBI of its final determination of the amount of Transit Center District Open Space Impact Fees required, including any reductions calculated for an In-Kind Improvements Agreement, in addition to the other information required by Section 402(b) of this Article.*

*(c) **Development Fee Collection Unit Notice to Department Prior to Issuance of the First Certificate of Occupancy.** The Development Fee Collection Unit at DBI shall provide notice in writing or electronically to the Department prior to issuing the first certificate of occupancy for any development project subject to Sections 424.6 et seq. that has elected to fulfill all or part of its Transit Center District Open Space Impact Fee requirement with an In-Kind Improvements Agreement. If the Department notifies the Unit at such time that the sponsor has not satisfied any of the terms of the In-Kind Improvements Agreement, the Director of DBI shall deny any and all certificates of occupancy until the subject project is brought into compliance with the requirements of Sections 424.6 et seq., either through conformance with the In-Kind Improvements Agreement or payment of the remainder of the Transit Center District Open Space Impact Fees that would otherwise have been required, plus a deferral surcharge as set forth in Section 107A.13.3.1 of the San Francisco Building Code.*

*(d) **Process for Revisions of Determination of Requirements.** In the event that the Department or the Commission takes action affecting any development project subject to Sections 424.6 et seq. and such action is subsequently modified, superseded, vacated, or reversed by the Department or the Commission, Board of Appeals, the Board of Supervisors, or by court action, the procedures of Section 402(c) of this Article shall be followed.*

SEC. 424.6.4. THE TRANSIT CENTER DISTRICT OPEN SPACE FUND.

(a) There is hereby established a separate fund set aside for a special purpose entitled the Transit Center District Open Space Fund ("Fund"). All monies collected by the Development Fee Collection Unit at DBI pursuant to Section 424.6.3(b) shall be deposited in a special fund maintained by the Controller. The receipts in the Fund to be used solely to fund Public Benefits subject to the conditions of this Section.

(b) Expenditures from the Fund shall be recommended by the Interagency Plan Implementation Committee for allocation and administration by the Board of Supervisors.

(1) All monies deposited in the Fund shall be used to design, engineer, acquire, and develop and improve both new and existing public open spaces and recreational facilities in the Transit Center District Plan Area, the greater downtown, and citywide as established in the Transit Center District Plan and the Transit Center District Plan Implementation Program Document and supported by the findings of the Downtown Open Space Nexus Study.

(2) Funds may be used for administration and accounting of fund assets, for additional studies as detailed in the Transit Center District Plan Implementation Program Document, and to defend the Transit Center District Open Space Impact Fee against legal challenge, including the legal costs and attorney's fees incurred in the defense. Administration of this fund includes time and materials associated with reporting requirements, facilitating any necessary or required public meetings aside from Planning Commission hearings, and maintenance of the fund. Monies from the Fund may be used by the Planning Commission to commission economic analyses for the purpose of revising the fee, and/or to complete an updated nexus study to demonstrate the relationship between development and the need for public facilities and services if this is deemed necessary. Monies used for the purposes consistent with this subsection (2) shall not exceed five percent of the total fees collected. All interest earned on this account shall be credited to the Transit Center District Open Space Fund.

(3) All funds are justified and supported by the Downtown Open Space Nexus Study, San Francisco Planning Department, Case No. 2007.05558U. Implementation of the Fee and Fund are monitored according to the Downtown Plan Monitoring Program required by the Administrative Code Section 10E.

(c) With full participation by the Planning Department and related implementing agencies, the Controller's Office shall file a report with the Board of Supervisors beginning 180 days after the last day of the fiscal year of the effective date of Sections 424.6 et seq. that shall include the following elements: (1) a description of the type of fee in each account or fund; (2) amount of fee collected; (3) beginning and ending balance of the accounts or funds including any bond funds held by an outside

trustee; (4) amount of fees collected and interest earned; (5) identification of each public improvement on which fees or bond funds were expended and amount of each expenditure; (6) an identification of the approximate date by which the construction of public improvements will commence; (7) a description of any inter-fund transfer or loan and the public improvement on which the transferred funds will be expended; and (8) amount of refunds made and any allocations of unexpended fees that are not refunded.

SEC. 424.7. TRANSIT CENTER DISTRICT TRANSPORTATION AND STREET IMPROVEMENT IMPACT FEE AND FUND.

Sections 424.7.1 through 424.7.4. set forth the requirements and procedures for the Transit Center District Transportation and Street Improvement Impact Fee and Fund. The effective date of these requirements shall be either the effective date of this Ordinance or the date a subsequent modification, if any, became effective.

SEC. 424.7.1. FINDINGS.

(a) General.

New development in the Transit Center District Plan area will create substantial new burdens on existing streets and transportation systems and require the need for new and enhanced transportation services and improvements to rights-of-way for all modes of transportation. The downtown is a very dense urban environment with limited roadway capacity and is already substantially congested and impacted by existing patterns of movement. To accommodate the substantial growth anticipated in the Transit Center District Plan Area, public transit investments must be made, circulation patterns adjusted, and limited right-of-way space reallocated such that trips to and through the area are primarily made by public transit, walking, bicycling, and carpooling and such that these modes are enabled to maintain or improve efficiency and attractiveness in the face of increasing traffic congestion. The Transit Center District Plan identified necessary investments and improvements to achieve these modal objectives and ensure that growth in trips resulting from new

development and population increase in the Plan area does not degrade existing services. The Transit Center District Plan Transportation Nexus Study, San Francisco Planning Department Case No. 2007.0558U on file with the Clerk of the Board in File No. _____, calculated the proportional share of the cost of these improvements attributable to new growth based on accepted professional standards. The investments and improvements identified in the Transit Center District Plan and allocated in the nexus study are distinct and in addition to improvements and services related to the Transit Impact Development Fee (TIDF) imposed by Section 411 et seq. Whereas the TIDF funds improvements to SFMTA Municipal Railway public transit services and facilities to provide sufficient capacity required to serve new development, the Transit Center District Transportation and Street Improvement Fee covers impacts of new development in the District on regional transit services and facilities that are distinct from and in addition to the need for SFMTA public transit services, and that will not funded by the TIDF, including necessary improvements to area streets to facilitate increases in all modes of transportation due to development, including walking, bicycling, and carpooling, and to regional transit facilities, including the Downtown Rail Extension and downtown BART stations. The Board finds that there is no duplication in these two fees. To provide the City and County of San Francisco and regional transit agencies with the financial resources to provide transportation facilities and street improvements necessary to serve the burgeoning population of downtown San Francisco, a Transit Center District Transportation and Street Improvement Fund shall be established as set forth herein. The Board of Supervisors adopts the findings of the Downtown Open Space Nexus Study in accordance with the California Mitigation Fee Act, Government Code 66001(a) on file with the Clerk of the Board in File No. _____.

(b) Transit Center District Transportation and Street Improvement Impact Fee. Development impact fees are an effective approach to mitigate impacts associated with growth in population. The proposed Transit Center District Transportation and Street Improvement Impact Fee shall be dedicated to public transportation and public street improvements in the Transit Center District Plan Area and

adjacent downtown areas that will provide direct benefits to the property developed by those who pay into the fund, by providing necessary transportation and street improvements needed to serve new development.

The fee rate has been calculated by the Planning Department based on accepted professional methods for the calculation of such fees, and described fully in the Transit Center District Transportation and Street Improvement Nexus Study, San Francisco Planning Department, Case No. 2007.0558U on file with the Clerk of the Board in File No. _____.

The proposed fee established in Sections 424.7 et seq., is less than the maximum justified fee amount as calculated by the Transit Center District Transportation and Street Improvement Nexus Study necessary to provide transportation and street improvements to increasing population in the area. While no project sponsor would be required to pay more than the maximum amount justified for that project as calculated in the Nexus Study, the Transit Center District Transportation and Street Improvement Fee is tiered such that denser projects are assessed higher fees because it is economically feasible for such projects to pay a higher proportion of the maximum justified amount. The proposed fee covers only the demand for transportation and street improvements created by new development and is not intended to remedy existing deficiencies. The cost to remedy existing deficiencies will be paid for by public, community, and other private sources as described in the Transit Center District Transportation and Street Improvement Nexus Study and the Transit Center District Plan Implementation Document. Impact fees are only one of many revenue sources necessary to provide transportation and street improvements in the Plan Area.

SEC. 424.7.2. APPLICATION OF TRANSIT CENTER DISTRICT TRANSPORTATION AND STREET IMPROVEMENT IMPACT FEE.

*(a) **Application.** Sections 424.7 et seq. shall apply to any development project located in the C-3-O(SD) District and meeting the requirements of subsection (b) below.*

*(b) **Projects subject to the Transit Center District Transportation and Street Improvement Impact Fee.** The Transit Center District Transportation and Street Improvement Impact Fee is applicable to any development project in the C-3-O(SD) District which results in:*

(1) At least one net new residential unit,

(2) Addition of space to an existing residential unit of more than 800 gross square feet,

(3) At least one net new group housing facility or residential care facility,

(4) Addition of space to an existing group housing or residential care facility of more than 800 gross square feet,

(5) New construction of a non-residential use, or

(6) Addition of non-residential space in excess of 800 gross square feet to an existing structure.

(7) Conversion of existing space to a different use where the project's total fee as calculated according to subsection (c) below would exceed the total fee for the uses being replaced.

*(c) **Fee Calculation for the Transit Center District Transportation and Street Improvement Impact Fee.** For development projects for which the Transit Center District Transportation and Street Improvement Impact Fee is applicable the corresponding fee for net addition of gross square feet is listed in Table 424.7A. Where development project includes more than one land use, the overall proportion of each use relative to other uses on the lot shall be used to calculate the applicable fees regardless of the physical distribution or location of each use on the lot. If necessary, the Director shall issue a Guidance Statement clarifying the methodology of calculating fees.*

*(1) **Transit Delay Mitigation Fee.** The fee listed in Column A shall be assessed on all applicable gross square footage for the entire development project.*

*(2) **Base Fee.** The fee listed in Column B shall be assessed on all applicable gross square footage for the entire development project.*

*(3) **Projects Exceeding FAR of 9:1.** For development projects that result in the Floor Area Ratio on the lot exceeding 9:1, the fee listed in Column C shall be assessed on all applicable gross square footage on the lot above an FAR of 9:1.*

*(4) **Projects Exceeding FAR of 18:1.** For development projects that result in the Floor Area Ratio on the lot exceeding 18:1, the fee listed in Column D shall be assessed on all applicable gross square footage on the lot above an FAR of 18:1.*

(5) For projects that are eligible to apply TDR units to exceed an FAR of 9:1 pursuant to Section 123(e)(1), the fee otherwise applicable to such square footage according to subsections (3) and (4) above shall be waived.

TABLE 424.7A

FEE SCHEDULE FOR NET ADDITIONS OF GROSS SQUARE FEET IN THE TRANSIT CENTER DISTRICT AREA

Use	*Column A (Transit Delay Mitigation Fee)*	*Column B (Base Fee)*	*Column C (GSF Above 9:1)*	*Column D (GSF Above 18:1)*
Residential	*$0.06/gsf*	*$3.94/gsf*	*$6.00/gsf*	*$3.00/gsf*
Office	*$0.20/gsf*	*$3.80/gsf*	*$19.50/gsf*	*$10.00/gsf*
Retail	*$1.95/gsf*	*$2.05/gsf*	*$19.50/gsf*	*$10.00/gsf*
Hotel	*$0.10/gsf*	*$3.90/gsf*	*$8.00/gsf*	*$3.00/gsf*
Institutional/Cultural/Medical	*$0.30/gsf*	*$3.70/gsf*	*$19.50/gsf*	*$10.00/gsf*
Industrial	*N/A*	*$4.00/gsf*	*N/A*	*N/A*

*(d) **Option for In-Kind Provision of Community Improvements and Fee Credits.** Project sponsors may propose to directly provide community improvements to the City. In such a case, the City may enter into an In-Kind Improvements Agreement with the sponsor and issue a fee waiver for the Transit Center District Transportation and Street Improvement Impact Fee from the Planning Commission, subject to the following rules and requirements:*

*(1) **Approval criteria.** The City shall not enter into an In-Kind Agreement unless the proposed in-kind improvements meet an identified community need as analyzed in the Transit Center District Plan Implementation Document and where they substitute for improvements that could be provided by the Transit Center District Transportation and Street Improvement Fund (as described in Section 424.7.4). The City may reject in-kind improvements if they are not consistent with the priorities identified in the Transit Center District Plan, by the Interagency Plan Implementation Committee (see Chapter 36 of the Administrative Code), or other prioritization processes related to Transit Center District improvements programming. No physical improvement or provision of space otherwise required by the Planning Code or any other City Code shall be eligible for consideration as part of this In-Kind Improvements Agreement.*

(A) For a development project on Assessor's Block 3720 Lot 009, an in-kind agreement may be approved that credits the project for street and transportation improvements constructed by either the sponsor of the development project or by the Transbay Joint Powers Authority.

(B) The Planning Commission may not grant an in-kind agreement to waive or provide improvements in-lieu of paying the Transit Delay Mitigation Fee required by subsection (c)(1) above.

*(2) **Valuation.** The Director of Planning shall determine the appropriate value of the proposed in-kind improvements. For the purposes of calculating the total value, the project sponsor shall provide the Planning Department with a cost estimate for the proposed in-kind improvement(s) from two independent sources or, if relevant, real estate appraisers. A detailed site-specific cost estimate for a planned improvement prepared by the City or the Transbay Joint Powers Authority may satisfy the requirement for cost estimates provided that the estimate is indexed to current cost of construction.*

*(3) **Content of the In-Kind Improvements Agreement.** The In-Kind Improvements Agreement shall include at least the following items:*

(A) A description of the type and timeline of the proposed in-kind improvements.

(B) The appropriate value of the proposed in-kind improvement, as determined in subsection (2) above.

(C) The legal remedies in the case of failure by the project sponsor to provide the in-kind improvements according to the specified timeline and terms in the agreement. Such remedies shall include the method by which the City will calculate accrued interest.

*(4) **Approval Process.** The Planning Commission must approve the material terms of an In-Kind Agreement. The Planning Commission shall hear and consider the recommendation of the Interagency Plan Implementation Committee, as established in Chapter 36 of the Administrative Code, in deciding whether to approve or disapprove any In-Kind Agreement. Prior to the parties executing the Agreement, the City Attorney must approve the agreement as to form and to substance. The Director of Planning shall be authorized to execute the Agreement on behalf of the City. If the Planning Commission approves the In-Kind Agreement, it shall waive the amount of the Transit Center District Transportation and Street Improvement Impact Fee equivalent to the value of the improvements proposed in the In-Kind Agreement. No credit shall be made for land value unless ownership of the land is transferred to the City or a permanent public easement is granted, the acceptance of which is at the sole discretion of the City. The maximum value of the credit for the improvements proposed in the In-Kind Improvements Agreement shall not exceed the required Transit Center District Transportation and Street Improvement Impact Fee.*

*(5) **Administrative Costs.** Project sponsors that pursue an In-Kind Improvements Agreement will be billed time and materials for any administrative costs that the Planning Department or any other City entity incurs in negotiating, drafting, and monitoring compliance with the In-Kind Improvements Agreement.*

*(e) **Timing of Fee Payments.** The Transit Center District Transportation and Street Improvement Impact Fee is due and payable to the Development Fee Collection Unit at DBI prior to issuance of the first construction document, with an option for the project sponsor to defer payment to*

prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge that would be paid into the appropriate fund in accordance with Section 107A.13.3 of the San Francisco Building Code.

*(f) **Waiver or Reduction of Fees.** Development projects may be eligible for a waiver or reduction of impact fees, per Section 406 of this Article. No waiver or reduction may be granted for the Transit Delay Mitigation Fee required by subsection (c)(1) above.*

SEC. 424.7.3. IMPOSITION OF TRANSIT CENTER DISTRICT TRANSPORTATION AND STREET IMPROVEMENT IMPACT FEE.

*(a) **Determination of Requirements.** The Department shall determine the applicability of Sections 424.7 et seq. to any development project requiring a first construction document and, if Sections 424.7 et seq. is applicable, the amount of Transit Center District Transportation and Street Improvement Impact Fees required and shall impose these requirements as a condition of approval for issuance of the first construction document for the development project. The project sponsor shall supply any information necessary to assist the Department in this determination.*

*(b) **Department Notice to Development Fee Collection Unit at DBI.** Prior to the issuance of a building or site permit for a development project subject to the requirements of Sections 424.7 et seq., the Department shall notify the Development Fee Collection Unit at DBI of its final determination of the amount of Transit Center District Transportation and Street Improvement Impact Fees required, including any reductions calculated for an In-Kind Improvements Agreement, in addition to the other information required by Section 402(b) of this Article.*

*(c) **Development Fee Collection Unit Notice to Department Prior to Issuance of the First Certificate of Occupancy.** The Development Fee Collection Unit at DBI shall provide notice in writing or electronically to the Department prior to issuing the first certificate of occupancy for any development project subject to Sections 424.7 et seq. that has elected to fulfill all or part of its Transit Center District Transportation and Street Improvement Impact Fee requirement with an In-Kind*

Improvements Agreement. If the Department notifies the Unit at such time that the sponsor has not satisfied any of the terms of the In-Kind Improvements Agreement, the Director of DBI shall deny any and all certificates of occupancy until the subject project is brought into compliance with the requirements of Section Sections 424.7 et seq., either through conformance with the In-Kind Improvements Agreement or payment of the remainder of the Transit Center District Transportation and Street Improvement Impact Fees that would otherwise have been required, plus a deferral surcharge as set forth in Section 107A.13.3.1 of the San Francisco Building Code.

*(d) **Process for Revisions of Determination of Requirements.** In the event that the Department or the Commission takes action affecting any development project subject to Sections 424.7 et seq. and such action is subsequently modified, superseded, vacated, or reversed by the Department or the Commission, Board of Appeals, the Board of Supervisors, or by court action, the procedures of Section 402(c) of this Article shall be followed.*

SEC. 424.7.4. THE TRANSIT CENTER DISTRICT TRANSPORTATION AND STREET IMPROVEMENT FUND.

(a) There is hereby established a separate fund set aside for a special purpose entitled the Transit Center District Transportation and Street Improvement Fund ("Fund"). All monies collected by the Development Fee Collection Unit at DBI pursuant to Section 424.7.3(b) shall be deposited in a special fund maintained by the Controller. The receipts in the Fund to be used solely to fund Public Benefits subject to the conditions of this Section.

(b) Expenditures from the Fund shall be recommended by the Interagency Plan Implementation Committee for allocation and administration by the Board of Supervisors.

(1) All monies deposited in the Fund shall be used to study, design, engineer, develop and implement transportation infrastructure, facilities, equipment, services and programs as well as improvements to public streets, in the Transit Center District Plan Area and the greater downtown as established in the Transit Center District Plan and the Transit Center District Implementation Program

Document and supported by the findings of the Transit Center District Plan Transportation and Street Improvement Nexus Study. Fees paid pursuant to the Transit Delay Mitigation Fee required by Section 424.7.2(c)(1) must be held in a separate account for use for the mitigation purposes defined in the Final Transit Center District Plan Environmental Impact Report, San Francisco Planning Department Case Number 2007.0558E.

(2) Funds may be used for administration and accounting of fund assets, for additional studies as detailed in the Transit Center District Implementation Program Document, and to defend the Transit Center District Transportation and Street Improvement Impact Fee against legal challenge, including the legal costs and attorney's fees incurred in the defense. Administration of this fund includes time and materials associated with reporting requirements, facilitating any necessary or required public meetings aside from Planning Commission hearings, and maintenance of the fund. Monies from the Fund may be used by the Planning Commission to commission economic analyses for the purpose of revising the fee, and/or to complete an updated nexus study to demonstrate the relationship between development and the need for public facilities and services if this is deemed necessary. Monies used for the purposes consistent with this subsection (2) shall not exceed five percent of the total fees collected. All interest earned on this account shall be credited to the Transit Center District Transportation and Street Improvement Fund.

(3) All funds are justified and supported by the Transit Center District Plan Transportation and Street Improvement Nexus Study, San Francisco Planning Department, Case No. 2007.0558U. Implementation of the Fee and Fund shall be monitored according to the Downtown Plan Monitoring Program required by the Administrative Code Section 10E.

(c) With full participation by the Planning Department and related implementing agencies, the Controller's Office shall file a report with the Board of Supervisors beginning 180 days after the last day of the fiscal year of the effective date of Sections 424.7 et seq. that shall include the following elements: (1) a description of the type of fee in each account or fund; (2) amount of fee collected; (3)

beginning and ending balance of the accounts or funds including any bond funds held by an outside trustee; (4) amount of fees collected and interest earned; (5) identification of each public improvement on which fees or bond funds were expended and amount of each expenditure; (6) an identification of the approximate date by which the construction of public improvements will commence; (7) a description of any interfund transfer or loan and the public improvement on which the transferred funds will be expended; and (8) amount of refunds made and any allocations of unexpended fees that are not refunded.

SEC. 424.8. TRANSIT CENTER DISTRICT MELLO ROOS COMMUNITY FACILITIES DISTRICT PROGRAM.

*(a) **Purpose.** New construction that increases the density of the downtown area, and the C-3-O(SD) district in particular, will require the City to invest in substantial new infrastructure and services. By increasing height limits, relieving density and floor area ratio limitations, reducing requirements for acquisition of Transferrable Development Rights, and making other regulatory changes to the C-3-O(SD) district, the Transit Center District Plan, confers substantial benefits on properties in the district. In order to exceed base densities in the district, the City will require sufficient funding to supplement other applicable impact fees for infrastructure, improvements and services as described in the Transit Center District Implementation Document, including but not limited to the Downtown Extension of rail into the Transit Center, street improvements, and acquisition and development of open spaces.*

*(b) **Requirement.** Any development on any lot in the C-3-O(SD) district that meets the applicability criteria of subsection (c) below shall participate in the Transit Center District Mello Roos Community Facilities District ("CFD") and successfully annex the lot or lots of the subject development into said CFD prior to the issuance of the first Temporary Certificate of Occupancy for the development.*

*(c) **Applicability.** A development on any lot in the C-3-O(SD) District meeting any one of the following criteria shall be subject to the requirements of this Section 424.8.*

(1) The proposed project causes the development on the subject lot to exceed a floor area ratio of 9:1; or

(2) The proposed project would create a structure that exceeds the height limit that was applicable to the subject lot prior to the effective date of this Ordinance;

(d) Notwithstanding, Subsection (c) above, net additions of less than 20,000 gross square feet to existing buildings shall be exempt from the requirements of this Section, unless said addition results in a lot that exceeds a floor area ratio of 18:1.

SEC. 427. PAYMENT IN CASES OF VARIANCE OR EXCEPTION *FOR REQUIRED OPEN SPACE*.

(a) Eastern Neighborhoods Mixed Use Districts. In the Eastern Neighborhoods Mixed Use Districts, should a Variance from usable open space requirements for residential uses be granted by the Zoning Administrator, or an exception be granted for those projects subject to the Section 329 process, a fee of $327 shall be required for each square foot of usable open space not provided pursuant to that Variance. This fee shall be adjusted in accordance with Section 423.3 of this Article. This fee shall be paid into the Eastern Neighborhoods Public Benefits Fund, as described in Section 423 of this Article. Said fee shall be used for the purpose of acquiring, designing, and improving park land, park facilities, and other open space resources, which is expected to be used solely or in substantial part by persons who live, work, shop or otherwise do business in the Eastern Neighborhoods Mixed Use Districts.

(b) C-3-O(SD) District. In the C-3-O(SD) District, if a Variance is granted by the Zoning Administrator to reduce the amount of open space required for any use pursuant to Section 135 or 138 or if a project sponsor chooses to pay the in-lieu fee described in Section 138(j)(4), a fee of $1,410 shall be required for each square foot of usable open space not provided. This fee shall be adjusted in

accordance with Section 409. This fee shall be paid into the Transit Center District Open Space Fund, as described in Sections 424.6 et seq. of this Article. Said fee shall be used for the purpose of acquiring, designing, and improving public open space, recreational facilities, and other open space resources, which is expected to be used solely or in substantial part by persons who live, work, shop or otherwise do business in the Transit Center District.

SEC. 1103.1. CONSERVATION DISTRICT DESIGNATIONS.

The following Conservation Districts are hereby designated for the reasons indicated in the appropriate Appendix:

(a) The Kearny-Market-Mason-Sutter Conservation District is hereby designated as set forth in Appendix E.

(b) The New Montgomery-*Mission*-Second Street Conservation District is hereby designated as set forth in Appendix F.

(c) The Commercial-Leidesdorff Conservation District is hereby designated as set forth in Appendix G.

(d) The Front-California Conservation District is hereby designated as set forth in Appendix H.

(e) The Kearny-Belden Conservation District is hereby designated as set forth in Appendix I.

(f) The Pine-Sansome Conservation District is hereby designated as set forth in Appendix J.

APPENDIX F TO ARTICLE 11 - NEW MONTGOMERY-*MISSION*-SECOND STREET CONSERVATION DISTRICT.

SEC. 1. FINDINGS AND PURPOSES.

It is hereby found that the area known and described in this appendix as the New Montgomery-*Mission*-Second Street area is a subarea within the C-3 District, that possesses

concentrations of buildings that together create a subarea of architectural and environmental quality and importance which contributes to the beauty and attractiveness of the City. It is further found that the area meets the standards for designation of a Conservation District as set forth in Section 1103 of Article 11 and that the designation of said area as a Conservation District will be in furtherance of and in conformance with the purposes of Article 11 of the City Planning Code.

This designation is intended to promote the health, safety, prosperity and welfare of the people of the City through the effectuation of the purposes set forth in Section 1101 of Article 11 and the maintenance of the scale and character of the New Montgomery-Mission-Second Street area by:

(a) The protection and preservation of the basic characteristics and salient architectural details of structures insofar as these characteristics and details are compatible with the Conservation District;

(b) Providing scope for the continuing vitality of the District through private renewal and architectural creativity within appropriate controls and standards;

(c) Preservation of the scale and character of the District separate from the prevailing larger scale of the financial district and permitted scale in the new Special Development District.

SEC. 2. DESIGNATION.

Pursuant to Section 1103.1 of Article 11 of the City Planning Code (Part II, Chapter XI of the San Francisco Municipal Code), the New Montgomery-*Mission*-Second Street area is hereby designated as a Conservation District.

SEC. 3. LOCATION AND BOUNDARIES.

The location and boundaries of the New Montgomery-Mission-Second Street Conservation District shall be as designated on the New Montgomery-*Mission*-Second Street

Conservation District Map, the original of which is on file with the Clerk of the Board of Supervisors under File 223-84-4, which Map is hereby incorporated herein as though fully set forth, and a facsimile of which is reproduced herein below.

SEC. 4. RELATION TO CITY PLANNING CODE.

(a) Article 11 of the City Planning Code is the basic law governing preservation of buildings and districts of architectural importance in the C-3 District of the City and County of San Francisco. This Appendix is subject to and in addition to the provisions thereof.

(b) Except as may be specifically provided to the contrary, nothing in this Appendix shall supersede, impair or modify any City Planning Code provisions applicable to property in the New Montgomery-*Mission*-Second Street Conservation District including, but not limited to, regulations controlling uses, height, bulk, coverage, floor area ratio, required open space, off-street parking and signs.

SEC. 5. JUSTIFICATION.

The characteristics of the Conservation District justifying its designation are as follows:

(a) **History of the District.** *The core of the New Montgomery-Mission-Second Street Conservation District is a product of the post-1906 reconstruction of downtown San Francisco. Rebuilt between 1906 and 1933 this district represents a collection of masonry commercial loft buildings that exhibit a high level of historic architectural integrity and create a cohesive district of two-to-eight story masonry buildings of similar scale, massing, setback, materials, fenestration pattern, style, and architectural detailing.*

This area forms one of the earliest attempts to extend the uses of the financial and retail districts to the South of Market area. Since Montgomery Street was the most important commercial street in the 1870's, New Montgomery Street was planned as a southern extension from Market Street to the Bay. Opposition from landowners south of Howard Street,

however, prevented the street from reaching its original bayside destination. William Ralston, who was instrumental in the development of the new street, built the Grand Hotel and later the Palace Hotel at its Market Street intersection. A wall of large hotels on Market Street actually hindered the growth of New Montgomery Street and few retail stores and offices ventured south of Market Street. The unusually wide width of Market Street acted as a barrier between areas to the north and south for many years.

A small number of office buildings were built on New Montgomery Street as far south as Atom Alley (now Natoma Street) after the fire. Many buildings were completed in 1907, and most of the street assumed its present character by 1914. At 74 New Montgomery Street, the Call newspaper established its first headquarters. A noteworthy addition to the streetscape was the Pacific Telephone and Telegraph Building. At the time of its completion in 1925, it was the largest building on the West Coast devoted to the exclusive use of one firm. Until the 1960's, the office district on New Montgomery Street was the furthest extension of the financial district into the South of Market area. More characteristic were warehouses and businesses which supported the nearby office district. For example, the Furniture Exchange at the northwest corner of New Montgomery and Howard Streets, completed in 1920, was oriented to other wholesale and showroom uses along Howard Street.

One block to the east, Second Street had a different history from New Montgomery Street. The future of Second Street as an extension of the downtown depended upon the southward extension of the street through the hill south of Howard Street. At one time there was even a proposal to extend Second Street north in order to connect with Montgomery Street. The decision to extend Montgomery Street south rather than Second Street north due to the high cost of the Second Street Cut, however, discouraged retail and office growth on the street. As a result, by the 1880's Second Street was established as a wholesaling rather than retail or office area. In the 1920's, Second Street contained a wide

mixture of office support services. These included printers, binderies, a saddlery, a wholesale pharmaceutical outlet, and a variety of other retail stores and smaller offices. Industrial uses were commonly located on the alleyways such as Minna and Natoma and on Second Street, south of Howard Street.

Howard Street between 1st and 3rd Street became a popular and convenient extension for retail and wholesale dealers after 1906. As with Mission Street, the area still contains a number of smaller commercial loft structures that represent some of the best examples within the district, such as the Volker Building at 625 Howard Street, the Crellin Building at 583 Howard Street, and the Sharon Estate Building at 667 Howard Street.

The transformation of much of the area within the boundaries of the New Montgomery-Mission-Second Street Conservation District into a southerly extension of downtown was reflected in the large number of multi-story structures built along both Mission and Market streets. The intersection of 3rd and Mission evolved into the most important intersections in the survey area, bracketed on three corners by important early skyscrapers, including the rebuilt Aronson Building on the northwest corner, the Williams Buildings on the southeast corner, and the Gunst Building (demolished) on the southwest corner.

(b) **Basic Nature of the District.** New Montgomery Street is characterized by large buildings that often occupy an entire section of a block defined by streets and alleys or a major portion of these subblocks. The buildings are of a variety of heights, but the heights of most of the buildings range from five to eight stories. Second Street is characterized by smaller, less architecturally significant buildings, but, because of their continuous streetwall, they form a more coherent streetscape. Without some sort of protection for the less significant buildings, the quality of the district would be lost due to pressure from the expanding office core.

(c) **Architectural Character.** *Most of the contributing buildings are designed in the American Commercial Style and feature facades divided into a tripartite arrangement consisting of a base, shaft, and capital.* Although the scale and size of the structures on New Montgomery Street are somewhat monumental, the area remains attractive for pedestrians. The street has *There are* a number of outstanding buildings concentrated on New Montgomery, such as the Palace Hotel, the Pacific Telephone *and Telegraph Building* tower, and the Sharon Building. *Ornamentation of district contributors is most often Renaissance-Baroque with later examples of Spanish, Colonial, Gothic Revival Styles, and Art Deco. Examples of t*~~T~~he styles range from the Gothic skyscraper massing and Art Deco detailing of the Pacific Telephone and Telegraph Building to the Renaissance Palazzo style of the Palace Hotel. The primary building materials are earthtone bricks, stone or terra cotta, with ornamental details executed in a variety of materials including terra cotta, metal, stucco and stone.

With the exceptions of corner buildings, Second Street, *Mission and Howard Streets have* has a smaller, more intimate scale. While on New Montgomery Street, buildings typically occupy an entire subblock, on Second Street, three or four small buildings will occupy the same area. The buildings are generally mixed-use office and retail structures, *two-to-seven* ~~*three to five*~~ stories in height, with Renaissance-influenced ornament.

The two streets are unified by several elements, including an architectural vocabulary which draws from similar historical sources, similar materials, scale, fenestration, color, stylistic origins, texture, and ornament.

(d) **Uniqueness and Location.** The District is located close to the central core of the financial district and is adjacent to an area projected for the future expansion. It is one of the few architecturally significant areas remaining largely intact in the South of Market area.

(e) **Visual and Functional Unity.** The District has a varied character ranging from the small and intimate on the alley streets to a more monumental scale on New

Montgomery. In spite of this wide range, the district forms a coherent entity due to the buildings' common architectural vocabulary and the rhythm of building masses created by the District's intersecting alleys.

(f) **Dynamic Continuity.** The District is an active part of the downtown area, and after some years of neglect is undergoing reinvestment, which is visible in the rehabilitation of the Pacific Telephone and Telegraph Building, and the repair and rehabilitation of other buildings in the District.

(g) **Benefits to the City and Its Residents.** The District is a microcosm of twentieth century commercial architecture, ranging from low-level speculative office blocks to the City's premier hotels and executive offices of the time. The District now houses a variety of uses from inexpensive restaurants and support commercial uses, such as printers, to executive offices. The area retains a comfortable human scale, which will become increasingly important as neighboring areas of the South of Market become more densely developed.

SEC. 6. FEATURES.

The exterior architectural features of the New Montgomery-*Mission*-Second Street District are as follows:

(a) **Massing and Composition.** Almost without exception, the buildings in the New Montgomery-*Mission*-Second Conservation District are built to the front property line and occupy the entire site. *Most buildings are either square or rectangular in plan, some with interior light courts to allow sunlight and air into the interiors of buildings. Nearly all cover their entire parcels, and their primary facades face the street.* Building massings along New Montgomery and Second Streets have different directional orientations. For the most part, the large buildings on New Montgomery Street are horizontally oriented, since they are built on relatively large lots, often occupying an entire blockface. Their horizontal width often exceeds their height.

The buildings on Second Street are built on much smaller lots, and hence have a vertical orientation. An exception on New Montgomery is the tower of the Pacific Telephone *and Telegraph* Building, whose soaring verticality is unique for that street.

To express the mass and weight of the structure, masonry materials are used on multi-dimensional wall surfaces with texture and depth, which simulates the qualities necessary to support the weight of a load-bearing wall.

Despite their differing orientation, almost all buildings share a two or three-part compositional arrangement. In addition, buildings are often divided into bays which establish a steady rhythm along the streets of the District. The rhythm is the result of fenestration, structural articulation or other detailing which breaks the facade into discrete segments. A common compositional device in the District is the emphasis placed upon either the end bays or the central bay.

(b) **Scale.** ~~*The scale of the District varies from the small buildings on Second Street to medium-scaled structures on New Montgomery Street. On the latter street,*~~ *More than two-thirds of the contributing buildings are three-to-eight story brick or concrete commercial loft buildings constructed during the five years after the 1906 Earthquake and Fire. The scale of the District varies from the small buildings on Howard, Mission, Natoma, and Second Streets, such as the Phoenix Desk Company Building at 666 Mission Street, the Burdette Building at 90 Second Street, and the Emerison Flag Company Building at 161 Natoma Street; to medium-scaled structures on Mission and New Montgomery Streets, such as the Veronica Building at 647 Mission Street, and the Standard Building at 111 New Montgomery Street; to large-scale buildings on New Montgomery Street, such as the Pacific Telephone and Telegraph Building at 140 New Montgomery. On New Montgomery Street*, the large facades are not commonly divided into smaller bays, establishing a medium scale when combined with the five- to eight-story height of the buildings. Similarly, the use of elaborate ornament on many of the buildings breaks their large facades into smaller sections and

accordingly reduces their scale. Second Street is characterized by much smaller buildings with more frequent use of vertical piers whose scale is very intimate for the South of Market area.

(c) **Materials and Color.** Various forms of masonry are the predominant building materials in the district. A number of buildings on the northern end of New Montgomery use brown or buff brick. Terra cotta is also used as a facing material, and is frequently glazed to resemble granite or other stones. On Second *and Mission* Street*s*, *several* many buildings are faced in stucco or painted masonry. To express the mass and weight of the structure, masonry materials are often rusticated at the ground and second story to increase the textural variation and sense of depth. *Several buildings along Howard Street are noteworthy because they are clad in brick in warm earth tones, exhibit fine masonry craftsmanship, and remain unpainted.*

The materials are generally colored light or medium earth tones, including white, cream, buff, yellow, and brown. Individual buildings generally use a few different tones of one color.

(d) **Detailing and Ornamentations.** Buildings range from industrial brick and stucco office/warehouses to ornately decorated office buildings. The details on the latter buildings are generally of Classical/Renaissance derivation and include projecting cornices and belt courses, rustication, columns and colonnades, and arches. Industrial commercial buildings are noted by their utilitarian nature, with limited areas or ornament applied at the cornice entablature and around windows.

SEC. 7. STANDARDS AND GUIDELINES FOR REVIEW OF NEW CONSTRUCTION AND CERTAIN ALTERATIONS.

(a) Standards. All construction of new buildings and all major alterations, which are subject to the provisions of Article 11 Sections 1110, 1111 through 1111.6 and 1113, shall be compatible with the District in general with respect to the building's composition and

massing, scale, materials and colors, and detailing and ornamentation, including those features described in Section 6 of this Appendix. Emphasis shall be placed on compatibility with those buildings in the area in which the new or altered building is located. In the case of major alterations, only those building characteristics that are affected by the proposed alteration shall be considered in assessing compatibility. Signs on buildings in conservation districts are subject to the provisions of Article 11 Section 1111.7.

The foregoing standards do not require, or even encourage, new buildings to imitate the styles of the past. Rather, they require the new to be compatible with the old. The determination of compatibility shall be made in accordance with the provisions of Section 309.

(b) **Guidelines.** The guidelines in this subsection shall be used in assessing compatibility.

(1) **Composition and Massing.** New construction should maintain the character of surrounding buildings by relating to their prevailing height, mass, proportions, rhythm and composition.

In addition to the consideration of sunlight access for the street, an appropriate streetwall height is established by reference to the prevailing height of the buildings on the block and especially that of adjacent buildings. The prevailing height of buildings on New Montgomery Street is between five and eight stories while buildings on Second Street commonly range from three to six stories. A setback at the streetwall height can permit additional height above the setback up to the height limit without breaking the continuity of the street wall.

Almost all existing buildings are built to the property or street line. This pattern, except in the case of carefully selected open spaces, should not be broken since it could damage the continuity of building rhythms and the definition of streets.

Proportions for new buildings should be established by the prevailing streetwall height and the width of existing buildings. On New Montgomery Street, the historic pattern of large lot development permits new buildings to have a horizontal orientation. In order to ensure that an established set of proportions is maintained on Second Street, new construction should break up facades into discrete elements that relate to prevailing building masses. The use of smaller bays and multiple building entrances are ways in which to relate the proportions of a new building with those of existing buildings.

The design of a new structure should repeat the prevailing pattern of two- and three-part vertical compositions. One-part buildings without bases do not adequately define the pedestrian streetscape and do not relate well to the prevailing two- and three-part structures.

(2) **Scale.** The existing scale can be accomplished in a variety of ways, including: a consistent use of size and complexity of detailing with regard to surrounding buildings, continuance of existing bay widths, maintenance of the existing streetwall height, and the use of a base element (of similar height) to maintain the pedestrian environment. Large wall surfaces, which increase a building's scale, should be broken up through the use of vertical piers, detailing and textural variation to reduce the scale of Second Street.

Existing fenestration (windows, entrances) and rhythms which have been established by lot width or bay width should be repeated in new structures. The spacing and size of window openings should follow the sequence set by historic structures. Large glass areas should be broken up by mullions so that the scale of glazed areas is compatible with that of neighboring buildings. Casement and double-hung windows should be used where possible since most existing buildings use these window types.

(3) **Materials and Colors.** The use of masonry and stone materials or materials that appear similar (such as substituting concrete for stone) can link two disparate

structures, or harmonize the appearance of a new structure with the architectural character of a Conservation District. The preferred surface materials for this District are brick, stone, terra cotta and concrete (simulated to look like terra cotta or stone).

The texture of surfaces can be treated in a manner so as to emphasize the bearing function of the material, as is done with rustication on the Rialto Building. Traditional light colors should be used in order to blend in with the character of the district. Dissimilar buildings may be made more compatible by using similar or harmonious colors, and to a lesser extent, by using similar textures.

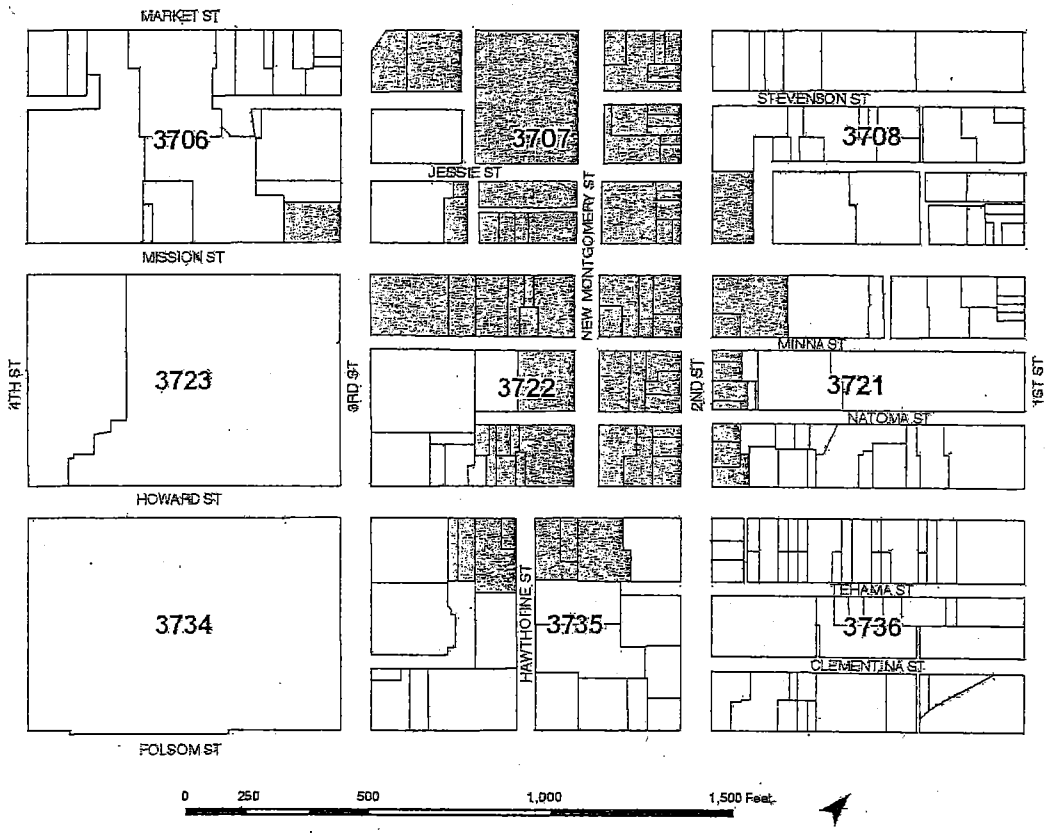
(4) **Detailing and Ornamentation.** A new building should relate to the surrounding area by picking up elements from surrounding buildings and repeating them or developing them for new purposes. The new structure should incorporate prevailing cornice lines or belt courses. A variety of Renaissance/Baroque, Gothic and Moderne ornament in the District provides sources for detailing in new buildings in order to strengthen their relationship. Similarly shaped forms can be used as detailing without directly copying historical ornament.

SEC. 8. TDR; ELIGIBILITY OF CATEGORY V BUILDINGS.

Category V Buildings in that portion of the New Montgomery-*Mission*-Second Street Conservation District which is in the 150-S Height District as shown on Sectional Map 1H of the Zoning Map are eligible for the transfer of TDR as provided in Section 1109(c).

NOTE TO EDITOR: Delete existing Map in Appendix F and replace with the following Map:

New Montgomery-Mission-Second Street Conservation District



Appendix A TO ARTICLE 11 - Category I Buildings

CATEGORY I BUILDINGS			
Address of Building	Block	Lot(s)	Name of Building
22 Battery	266	6	Postal Telegraph
98 Battery	266	8	Levi Strauss
99 Battery	267	1	Donahoe
100 Bush	267	4	Shell
130 Bush	267	9	Heineman
200 Bush	268	2	Standard Oil
225 Bush	289	1, 7	Standard Oil
381 Bush	288	17	Alto
445 Bush	287	25	Pacific States
460 Bush	270	33	Fire Station No. 2
564 Bush	271	12	Notre Dame des Victoires

158 California	236	5	Marine
240 California	237	9	Tadich's Grill (Buich)
260 California	237	11	Newhall
301 California	261	1	Robert Dollar Bldg.
341 California	261	10A	Harold Dollar Bldg.
400 California	239	3	Bank of California
433 California	260	16	Insurance Exchange
465 California	260	15	Merchants Exchange
554 Commercial	228	22	
564 Commercial	228	23	
569 Commercial	228	11	PG&E Station J
119 Ellis	330	23	Continental Hotel
42 - 50 Fell	814	10	
67 Fifth	3705	21, 23	Pickwick Hotel
231 First	3737	23	
234 First	3736	6	Phillips
54 Fourth	3705	4	Keystone Hotel
150 Franklin	834	12	Whiteside Apts.
251 Front	237	1	DeBernardi's
2 Geary	310	6	
10 Geary	310	5	Schaidt
28 Geary	310	8	Rosenstock
108 Geary	309	4	Marion
120 Geary	309	5	E. Simon
132 Geary	309	6	Sacs
166 Geary	309	10	Whittell
285 Geary	314	12	St. Paul
293 Geary	314	11	Lincoln
301 Geary	315	1	Elkan Gunst
415 Geary	316	1A	Geary Theater
445 Geary	316	18A	Curran Theater
491 Geary	316	13	Clift Hotel
501 Geary	317	1	Bellvue Apt.
42 Golden Gate	343	2	Golden Gate Theater
200 Golden Gate	345	4	YMCA
1 Grant	313	8	Security Pacific Bank
17 Grant	313	7	Zobel
50 Grant	312	8	Ransohoff-Liebes
201 Grant	294	6	Shreve
220 Grant	293	8	Phoenix
233 Grant	294	5	
301 Grant	286	5	Myers
311 Grant	286	4	Abramson
333 Grant	286	2	Home Telephone
334 Grant	287	17	Beverly Plaza Hotel
101 Howard	3740	1	Folger Coffee
1049 Howard	3731	74	
125 Hyde	346	3B	Rulf's File Exchange

16 Jessie	3708	22	One Ecker
1 Jones	349	3	Hibernia Bank
25 Kearny	310	4	O'Bear
49 Kearny	310	2	Rouillier
153 Kearny	293	2	Bartlett Doe
161 Kearny	293	1	Eyre
200 Kearny	288	11	
201 Kearny	287	8	
251 Kearny	287	1	Charleston
333 Kearny	270	2	Macdonough
344 Kearny	269	9	Harrigan Weidenmuller
346 Kearny	269	27p	
362 Kearny	269	27p	
222 Leidesdorff	228	6	PG&E Station J
1 Market	3713	6	Southern Pacific
215 Market	3711	18	Matson
245 Market	3711	14A	Pacific Gas & Electric
540 Market	291	1	Flatiron
562 Market	291	5	Chancery
576 Market	291	5B	Finance
582 Market	291	6	Hobart
641 Market	3722	69	
660 Market	311	5	
673 Market	3707	51	Monadnock
691 Market	3707	57	Hearst
704 Market	312	10	Citizen's Savings
722 Market	312	9	Bankers Investment
744 Market	312	6	Wells Fargo
760 Market	328	1	Phelan
783 Market	3706	48	Humboldt
801 Market	3705	1	Pacific
835 Market	3705	43	Emporium
870 Market	329	5	Flood
901 Market	3704	1	Hale Brothers
938 Market	341	5	
948 Market	341	6	Mechanics Savings
982 Market	342	17	Warfield Theater
1000 Market	350	1	San Christina
1072 Market	350	4	Crocker Bank
1095 Market	3703	59	Grant
1100 Market	351	1	Hotel Shaw
1182 Market	351	22	Orpheum Theater
1301 Market	3508	1	Merchandise Mart
34 Mason	341	7	Rubyhill Vineyard
101 Mason	331	6	Hotel Mason
120 Mason	330	13	Kowalsky Apts.
602 Mason	284	12	

83 McAllister	351	32	Methodist Book Concern
100 McAllister	348	6	Hastings Dormitory
132 McAllister	348	7	Argyle Hotel
447 Minna	3725	76	
54 Mint	3704	34	McElnoy
66 Mint	3704	12	Remedial Loan
1 Mission	3715	1	Audiffred
647 Mission	3722	69	
1018 Mission	3703	81	Kean Hotel
130 Montgomery	289	6	French Bank
149 Montgomery	288	1	Alexander
220 Montgomery	268	6 - 8	Mills
235 Montgomery	269	1	Russ
300 Montgomery	260	10	Bank of America
315 Montgomery	259	21	California Commercial Union
400 Montgomery	239	9	Kohl
405 Montgomery	240	3	Financial Center
500 Montgomery	228	13	American-Asian Bank
520 Montgomery	228	15	Paoli's
552 Montgomery	228	28, 29	Bank of America
116 Natoma	3722	6	N. Clark
147 Natoma	3722	13	Underwriter Fire
39 New Montgomery	3707	35	Sharon
74 New Montgomery	3707	33	Call
79 New Montgomery	3707	14	
116 New Montgomery	3722	71	Rialto
134 New Montgomery	3722	8	Pacific Telephone
201 Ninth	3729	82	
20 O'Farrell	313	10	Kohler-Chase
235 O'Farrell	3261	8	Hotel Barclay
301 Pine	268	1	Pacific Stock Exchange
333 Pine	268	16	Chamber of Commerce
348 Pine	260	8	Dividend
57 Post	311	13	Mechanic's Institute
117 Post	310	22	O'Connor Moffat
126 Post	293	5	Rochat Cordes
165 Post	310	20	Rothchild
175 Post	310	19	Liebes
180 Post	293	7	Hastings
201 Post	309	1	Head
225 Post	309	27	S. Christian
275 Post	309	22	Lathrop

278 Post	294	11	Joseph Fredericks
340 Post	295	5	Bullock & Jones
442 Post	296	8	Chamberlain
450 Post	296	9	Elk's Club
470 Post	296	10	Medico-Dental
491 Post	307	9	1st Congregational Church
524 Post	297	5	Olympic Club
600 Post	298	6	Alvarado Hotel
1 Powell	330	5	Bank of America
200 Powell	314	7	Omar Khayyam's
301 Powell	307	1	St. Francis Hotel
432 Powell	295	8	Sir Francis Drake
433 Powell	296	5	Chancellor Hotel
449 Powell	296	1	Foetz
540 Powell	285	9	Elk's Club Old
114 Sansome	267	10	Adam Grant
155 Sansome	268	1A	Stock Exchange Tower
200 Sansome	261	7	American International
201 Sansome	260	5	Royal Globe Insurance
221 Sansome	260	4	
231 Sansome	260	3	TC Kierloff
233 Sansome	260	2	Fireman's Fund
400 Sansome	229	3	Federal Reserve
401 Sansome	228	4	Sun
407 Sansome	228	3	
71 - 85 Second	3708	19	Pacific Bell Building
121 Second	3721	71	Rapp
132 Second *133 Second*	3722 *3721*	3 *51*	 *Morton L. Cook*
141 Second	3721	50	
6 Seventh	3702	1	Odd Fellow's
106 Sixth	3726	2	
201 Sixth	3732	124	Hotel Argonne
111 Stevenson	3707	44	Palace Garage
46 Stockton	328	4	J. Magnin
101 Stockton	314	2	Macy's
234 Stockton	309	20	Schroth's
600 Stockton	257	12	Metropolitan Life Ins. Co.
108 Sutter	288	7	French Bank
111 Sutter	292	1	Hunter-Dulin
130 Sutter	288	27	Hallidie
216 Sutter	287	9	Rose

255 Sutter	293	9	White House
256 Sutter	287	11	Sather
266 Sutter	287	12	Bemiss
301 Sutter	294	1	Hammersmith
312 Sutter	286	7	Nutall
391 Sutter	294	15	Galen
445 Sutter	295	10p	Pacific Gas & Electric
447 Sutter	295	10p	Pacific Gas & Electric
450 Sutter	285	6	Medical-Dental
500 Sutter	284	4	Physician's
609 Sutter	297	1	Marines' Memorial
620 Sutter	283	4A	
640 Sutter	283	22	Metropolitan
403 Taylor	317	3	Hotel California
624 Taylor	297	7	Bohemian Club
701 Taylor	282	4A	
2 Turk	340	4	Oxford Hotel
11 Van Ness	834	4	Masonic Temple
700-706 Mission (86 Third)	*3706*	*93*	*Mercantile or Aronson*
145 Natoma	*3722*	*14*	

Appendix C TO ARTICLE 11 - Category III Buildings

CATEGORY III BUILDINGS			
Address of Building	Block	Lot(s)	Name of Building
566 Bush	271	24	Notre Dame des Victoires Rectory
608 Commercial	277	48	Original U.S. Mint & Subtreasury
33 Drumm	235	5	
37 Drumm	235	19	
51 Grant	313	3	Eleanor Green
342 Howard	3719	8	
657 Howard	3735	41	San Francisco News
667 Howard	3735	39	
1097 Howard	3731	42	Blindcraft
1234 Howard	3728	14	Guilfoy Cornice
96 Jessie	3708	32	
703 Market	3706	1	Central Tower
1083 Market	3703	61	
1582 Market	836	10	Miramar Apts.
658 Mission	3707	20	
678 Mission	3703	21	Builders' Exchange Building
1087 Mission	3726	106	

615 Sacramento	240	14	Jack's Restaurant
343 Sansome	239	2	
32 Sixth	3703	4	Seneca Hotel
83 Stevenson	3708	34	Calif. Farmer
72 Tehama	3736	91	Brizard and Young
1 United Nations Plaza	351	37	J.S. Godau
41 Van Ness	834	22p	
240 Second	*3735*	*55*	*Marine Fireman's and Oilers and Watertenders Union Hall*
572 Folsom	*3736*	*25*	*J.E. Bier*
606 Folsom	*3735*	*8*	*Planters Hotel*
608 Folsom	*3735*	*9*	*Louis Lurie Co.*
527 Howard	*3736*	*83*	*Martin*
531 Howard	*3736*	*112*	*Mercedes*
577 Howard	*3736*	*100*	*Taylor*
589 Howard	*3736*	*98*	*Lent*
404 Mission	*3709*	*8*	*C.C. Moore; Terminal Plaza*
79 Stevenson	*3708*	*31*	*SF Municipal Railway Co. Substation*
74 Tehama	*3736*	*92*	
78 Tehama	*3736*	*93*	
90 Tehama	*3736*	*94*	

Appendix D TO ARTICLE 11 - Category IV Buildings

CATEGORY IV BUILDINGS			
Address of Building	Block	Lot(s)	Name of Building
28 Belden	269	14	
40 Belden	269	15	
52 Belden	269	18	
364 Bush	269	4	Sam's Grill
380 Bush	269	5	Shasta Hotel
415 Bush	287	23	
429 Bush	287	22	
447 Bush	287	20	Hansa Hotel
461 Bush	287	18	Mfg. Jeweler's
507 Bush	286	1	St. Charles Hotel
515 Bush	286	22	Terbush
553 Clay	228	32	
559 Clay	228	31	
61 Ellis	329	6	John's Grill

111 Ellis	330	1	Powell
120 Ellis	326	5	Misses Butler
222 Front	236	6	
235 Front	237	4	
236 Front	236	8	Shroeder
239 Front	237	2	
246 Front	236	9	
250 Front	236	10	
66 Geary	310	12	Hotel Graystone
88 Geary	310	13 - 15	Cailleau
100 Geary	309	3	Granat Brothers
101 Geary	313	1	Paragon
129 Geary	313	16	
146 Geary	309	7	
152 Geary	309	8	
156 Geary	309	9	
251 Geary	314	14	Werner
347 Geary	315	22	Hotel Stewart
366 Geary	307	6	Rosebud's English Pub
381 Geary	315	20A	
418 Geary	306	6	Paisley Hotel
436 Geary	306	7	Somerton Hotel
459 Geary	316	18	
468 Geary	306	8	
476 Geary	306	9	Hotel David
484 Geary	306	11	
490 Geary	306	12	Hotel Maryland
39 Grant	313	5	Fisher
59 Grant	313	2	
100 Grant	310	13	Livingston Brothers
166 Grant	310	17	
251 Grant	294	3	
255 Grant	294	2	
321 Grant	286	3	Hotel Baldwin
45 Kearny	310	3	Oscar Luning
209 Kearny	287	7	
215 Kearny	287	6	
219 Kearny	287	5	
227 Kearny	287	4	
240 Kearny	288	14	Marston
246 Kearny	288	25	Hotel Stanford
260 Kearny	288	16	
315 Kearny	270	5	
325 Kearny	270	3	
334 Kearny	269	7	
353 Kearny	270	1	Kearny-Pine Building
358 Kearny	269	11	

215 Leidesdorff	228	10	
118 Maiden Lane	309	16	Lloyd
177 Maiden Lane	309	12	
601 Market	3707	1	Santa Fe
609 Market	3707	2A	
623 Market	3707	59	Metropolis Trust
300 Mason	315	16	Hotel Virginia
334 Mason	315	17	King George Hotel
425 Mason	306	2	S. F. Water Dept.
542 Mason	296	12A	St. Francis Apts.
609 Mission	3722	1	Stevenson
617 Mission	3722	73	Koracorp
540 Montgomery	228	24	Bank of America
111 New Montgomery	3722	72	Standard
137 New Montgomery	3722	7	
170 New Montgomery	3722	22	Furniture Exchange
180 O'Farrell	314	6	St. Moritz Hotel
238 O'Farrell	315	10	Spaulding Hotel
272 O'Farrell	315	14	
280 O'Farrell	315	15	
340 Pine	260	7	Selsbach and Deans
358 Pine	260	9	Phoenix
369 Pine	268	12	Exchange Block
485 Pine	269	20	
216 Post	294	7	Guggenheim
228 Post	294	8	Gumps - E. Arden
233 Post	309	17	Graff
251 Post	309	24	Mercedes
272 Post	294	10	
438 Post	296	7	St. Andrew
545 Post	306	22	Hotel Cecil
620 Post	298	7	J. J. Moore Apts.
624 Post	298	8	
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100 Powell	327	12	Hotel Golden State
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120 Powell	327	13	
134 Powell	327	22	Elevated Shops
151 Powell	326	2	Hotel Herbert
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226 Powell	314	9	
235 Powell	315	2	
236 Powell	314	10	Hotel Stratford
421 Powell	296	6	United Airlines

435 Powell	296	14p	
439 Powell	296	14p	
445 Powell	296	2	
333 Sacramento	237	18	
558 Sacramento	228	9	
560 Sacramento	228	10	
568 Sacramento	228	11	PG&E Station J
576 Sacramento	228	12	Potter
415 Sansome	228	2	Fugazi Bank
20 Second	3707	2	Schwabacher
36 Second	3707	4	Morgan
42 Second	3707	5	
48 Second	3707	6	Kentfield & Esser
52 Second	3707	7	
60 Second	3707	8	
70 Second	3707	9	
76 Second	3707	10	
90 Second	3707	12	
120 Second	3722	2	
~~*133 Second*~~	~~*3721*~~	~~*51*~~	~~*Morton L. Cook*~~
144 Second	3722	4	
149 Second	3721	49	
156 Second	3722	5	Jackson
163 Second	3721	48	Marcus Modry
165 Second	3721	5	Electrical
168 Second	3722	16	
182 Second	3722	19	Barker, Knickerbocker & Bostwick
216 Stockton	309	13	
222 Stockton	309	14	A. M. Robertson
334 Stockton	294	13p	Drake-Wiltshire Hotel Annex
340 Stockton	294	13p	Drake-Wiltshire Hotel
417 Stockton	285	4	All Seasons Hotel
427 Stockton	285	3	
171 Sutter	292	9	
307 Sutter	294	23	Orpheus
310 Sutter	286	6	
315 Sutter	294	22	Newbegin
323 Sutter	294	21	Hotel Alamo
345 Sutter	294	19	
371 Sutter	294	16	Nathalie Nicoli
400 Sutter	285	5p	McCloud
524 Sutter	284	6	Cartwright
535 Sutter	296	13C	Westphal
540 Sutter	284	8	John Simmons
547 Sutter	296	13B	Lowell

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575 Sutter	296	13	
595 Sutter	296	12B	Francisca Club
635 Sutter	297	13	Hotel Beresford
655 Sutter	297	12	
679 Sutter	297	10	
680 Sutter	283	7	
690 Sutter	283	8	
693 Sutter	297	9	
701 Sutter	298	1	
717 Sutter	298	34	Hotel DeLuxe
420 Taylor	316	10	NBC/KBHK
615 Taylor	298	5	Taylor Hotel
621 Taylor	298	4	Winterburn Hotel
625 Taylor	298	3	Eisenberg Apts.
627 Taylor	298	2	Hawthorne Apts.
125 Third (693 Mission)	*3722*	*257*	*Williams*
606 Howard	*3722*	*20*	*Merritt*
651 Howard	*3735*	*42*	*Smith-Emery Co.*
667 Howard	*3735*	*39*	
163 Jessie	*3707*	*32*	*California Demokrat; Hess*
602 Mission	*3707*	*13*	*Atlas*
611 Mission	*3722*	*76*	*Koret*
641 Mission	*3722*	*70*	
657 Mission	*3722*	*68*	*McLaughlin*
663 Mission	*3722*	*67*	*Grant*
666 Mission	*3707*	*21*	*California Historical Society; Hundley Hardware*
161 Natoma	*3722*	*11*	*Emerson Flag Company*

Section 3. This Section is uncodified.

(a) **Transit Tower Site In-Kind Agreement and Fees.**

(1) The Board of Supervisors specifically recognizes that the Transbay Joint Powers Authority (the "TJPA") plans to sell property owned by the TJPA adjacent to the new Transbay Transit Center (Assessor's Block 3720, Lot 009) (the "Tower Property") to a developer (the "Tower Developer") for the construction of the Transit Tower (the "Tower Project"). The purchase price the Transit Tower Developer has agreed to pay for the Tower Property will

include amounts that will be applied by the TJPA to the construction of Phase I of the Transbay Transit Center Project, including the Transit Center and the below-ground train levels of the Transit Center to accommodate the Downtown Rail Extension, City Park on top of the Transit Center, and sidewalk and street improvements immediately adjacent to the Transit Center. In addition to paying the purchase price for the Tower Property to the TJPA, the discretionary approvals for the Transit Tower, as described below, will require the Transit Tower Developer to pay for and build public improvements including, but not limited to, (i) Mission Square, (ii) sidewalk and street improvements adjacent to the Tower Project, (iii) a mechanism for public access directly from Mission Square to City Park (such as a funicular or inclined elevator, and (iv) a graceful, wide pedestrian bridge connecting the Tower Project with City Park that provides public access to the Park through the Tower Project.

(2) Should the City, in its sole and absolute discretion, issue approvals for the Transit Tower, a condition of any such approvals shall be that the Planning Director enter into an In-Kind Agreement, as set forth in this Ordinance, with the Transit Tower Developer to provide that the Developer may satisfy the requirement for the payment of the Transit Center District Plan Open Space Fee and Transportation and Street improvement Fee set forth in this Ordinance (the "TCDP Impact Fees") by constructing or causing to be constructed identified public improvements in the TCDP Area. Except as provided below, the fee offset shall be the full amount of the TCDP Impact Fees. Public improvements that should be considered for this Agreement are contributions from the Tower Property purchase price that the TJPA applies toward: (i) Natoma Street pedestrian plaza, (ii) Mission Street streetscape and transit improvements across the full right-of-way between First and Fremont Streets, (iii) signalized midblock pedestrian crossings on Fremont and First Streets, (iv) the Downtown Rail Extension (including the build-out of the train box for the Downtown Rail Extension), and (v) City Park. Notwithstanding the fee offset described above, the portion of the Transit Center District Plan

Transportation and Street Improvement Fee dedicated to addressing Transit Delay Mitigation and $2 (two) million of the Transit Center District Plan Open Space Fee shall not be eligible for in-kind credit against TCDP Impact Fees payments. Further, the Board hereby requires, as a condition of the In-Kind Agreement, that the City Planning Director enter into an Agreement with the TJPA that stipulates that if the TJPA does not allocate and obligate the Tower Developer's TCDP Impact Fee revenues to the improvements as set forth above and identified in the Agreement, the City shall allocate the amount of Impact Fee revenue equivalent to the unallocated and unobligated amount so that such revenues are available for: (i) other improvements consistent with the purpose of the respective Impact Fees, or, (ii) as determined by the Planning Commission and based on recommendation by the Interagency Plan Implementation Committee, used by the TJPA to fund alternative improvements consistent with the purposes of the Impact Fees.

(b) **Previously Entitled Projects.** Notwithstanding Section 123 as proposed for amendment, any unbuilt project that obtained Planning Commission approval January 1, 2012 may apply Transferrable Development Rights (TDR) to exceed a floor area ratio of 9.0:1 and shall be eligible for partial waiver of certain impact fees as described in Section 424.7.2(c)(3) and 424.7.2(c)(5).

Section 4. Effective Date. This ordinance shall become effective 30 days from the date of passage.

Section 5. This section is uncodified. In enacting this Ordinance, the Board intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams, or any other constituent part of the Planning Code that are explicitly shown in this legislation as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the legislation.

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

By: _____
John D. Malamut
Deputy City Attorney

FILE NO. 120665

LEGISLATIVE DIGEST

[Planning Code - Transit Center District Plan

Ordinance: 1) amending the San Francisco Planning Code by amending and adding sections consistent with the Transit Center District Plan, including the establishment of the Transit Center District Plan open space and transportation fees and the expansion and renaming of the New Montgomery-Mission-Second Street Conservation District, and 2) making findings, including environmental findings and findings of consistency with the General Plan, as proposed for amendment, and Planning Code Section 101.1.

Existing Law

The Planning Code governs project activities through zoning controls applicable to development in San Francisco, including in the Downtown Plan area, a neighborhood plan of the City's General Plan. Separate legislation would establish the Transit Center District Plan as a sub-area plan of the Downtown Plan. The area subject to the Plan is centered on the new Transbay Transit Center, and is bounded generally by Market, Steuart, and Folsom Streets, and a line east of Third Street.

Amendments to Current Law

This legislation would make a variety of changes to the Planning Code that affect the Transit Center District Plan area, including, but not limited to, new planning policies and controls for land use; height and bulk, density, open space, parking, and historic preservation. The Ordinance would modify and expand the Downtown Office Special Development District, referred to as C-3-O(SD), and establish a Transit Center C-3-O(SD) Commercial Special Use District. The legislation would make related revisions to the Planning Code necessary to implement the Transit Center District Plan, including expansion and renaming of the New Montgomery-Mission-Second Street Conservation District, special tower design and bulk controls for buildings in excess of 550 feet and additional controls for those in excess of 650 feet. For purposes of funding various public improvements in and around the Transit Center District, the legislation would establish certain financial mechanisms including the creation of the following fees: Open Space Impact Fee, Transportation and Street Improvement Fee, Transit Delay Mitigation Fee, and an in-lieu fee for on-site open space. The Ordinance would adopt environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

Background Information

This Ordinance is part of companion legislation concerning the Transit Center District Plan, a sub-area plan of the Downtown Plan which is neighborhood area plan in the City's General Plan.

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June 8, 2012

Angela Calvillo, Clerk
Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

RE: Transmittal of the Transit Center District Plan
Planning Case No. 2007.0558EMTZU

Dear Ms. Calvillo:

I am pleased to transmit the Planning Commission's recommendation for adoption of the Transit Center District Plan (Case 2007.0558EMTZU) to the Board of Supervisors. Please find here a description of the approval actions and supporting documentation for the Board's consideration.

This landmark Plan is of citywide, regional and statewide importance. The result of a multi-year public and cooperative interagency planning process that began in 2007, the Transit Center District Plan is a comprehensive vision for shaping growth on the southern side of Downtown to respond to and support the construction of the new Transbay Transit Center project, including the Downtown Rail Extension. In addition to laying out policy recommendations to accommodate additional transit-oriented growth, sculpt the downtown skyline, improve streets and open spaces, and expand protection of historic resources, the Plan would result in the potential to generate over $575 million for public infrastructure, particularly the Downtown Rail Extension project.

The following items are included in this package and were approved by the Planning and Historic Preservation Commissions:

1. Environmental Review CEQA Findings and Mitigation Measures
The Environmental Review findings identify significant unavoidable environmental impacts, compare Project alternatives, describe mitigation measures, and make a Statement of Overriding Considerations recognizing the Project's unique benefits.

2. General Plan Amendments Ordinance
Amendments to the General Plan include the addition of the Transit Center District Sub-Area Plan to the Downtown Plan and updates to various General Plan Elements to include text and map references to the Area Plan.

3. Planning Code Amendments Ordinance

Proposed Planning Code amendments would revise controls including but not limited to those for land use, height and bulk, density, open space, parking, and impact fees; and make related amendments to the Planning Code necessary to implement the Transit Center District Plan. Code sections to be amended include Sections 102.5, 102.9, 102.11, 123, 132.1, 136, 138, 151.1, 152.1, 155, 155.4, 156, 163, 201, 210.3, 215-226, 248, 260, 270, 272, 303, 309, 412.1, 427, 1103.1, and Appendices A, C, D and F of Article 11, and the addition of several new sections to Article 4.

4. Zoning Map Amendments Ordinance
The Zoning Map ordinance includes amendments to Sheets ZN01, HT01, SU01, and PD01 affecting all or part of Assessor's Blocks 3706-3722 and 3735-3741. The amendments to ZN01 rezone all parcels in the Plan area to C-3-O(SD) (or Public as appropriate). The amendments to HT01 revised height limits and bulk districts for certain parcels throughout the Plan area. The amendment to SU01 maps the new Transit Center C-3-O(SD) Commercial Special Use District. The amendment to PD01 expands the boundaries of the re-named New Montgomery-Mission-Second Conservation District.

5. Administrative Code Amendments Ordinance
These include amendments to Chapters 10E and 36 to incorporate the Transit Center District Plan into the monitoring and interagency framework regarding implementation of adopted area plans.

6. Implementation Plan
The Document provides an inventory of public improvements and a recommended funding program to implement these improvements. This document would guide the Board of Supervisors and Interagency Plan Implementation Committee in expending Plan-related revenues.

The Planning Commission approved all of these items on May 24, 2012 and recommends Board approval of the ordinances necessary to implement the Transit Center District Plan. On June 6, 2012 the Historic Preservation Commission also considered elements of the Plan related to historic preservation, including the draft amendments Planning Code Article 11 and the Zoning Maps contained in the ordinances, and recommended their approval by the Board. If you have further questions, please contact Joshua Switzky, the Plan Manager, at (415) 575-6815. We look forward to the Board's consideration of these items and to the implementation of this vital plan for the City's future.

Sincerely,

John Rahaim
Director of Planning

CC: Honorable Mayor Ed Lee
Honorable Supervisor Jane Kim

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Transit Center District Plan
Transmittal Packet to Board of Supervisors

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joshua.switzky@sfgov.org

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Transit Center District Plan Adoption Packet Executive Summary

HEARING DATE: MAY 24, 2012

Case No.:	2007.0558EMTZU
	Transit Center District Plan Adoption
Staff Contact:	*Joshua Switzky* - (415) 575-6815
	joshua.switzky@sfgov.org

SUMMARY

The San Francisco Planning Department is seeking to adopt and implement the Transit Center District Plan ("the Plan"). The result of a multi-year public and cooperative interagency planning process that began in 2007, the Plan is a comprehensive vision for shaping growth on the southern side of Downtown to respond to and support the construction of the new Transbay Transit Center project, including the Downtown Rail Extension. In addition to laying out policy recommendations to accommodate additional transit-oriented growth, sculpt the downtown skyline, improve streets and open spaces, and expand protection of historic resources, the Plan would result in the potential to generate over $575 million for public infrastructure, particularly the Downtown Rail Extension project.

Adoption of the Plan will consist of numerous actions. These include:

1. Adoption of CEQA Findings, including a Statement of Overriding Considerations
2. General Plan Amendments
3. Planning Code Amendments
4. Zoning Map Amendments
5. Administrative Code Amendments
6. Approval of a Program Implementation Document

Together with actions related to certification of the Final Environmental Impact Report, these actions will constitute the Commission's approval of the Transit Center District Plan and its implementing mechanisms. A detailed staff report and supporting materials for each of these items is included separately for the Commission.

On May 3, 2012 the Planning Commission passed resolutions to Initiate the Amendments to the General Plan, Planning Code, and Zoning Maps and instructed Planning staff to provide public notice for a public hearing on the proposed amendments on or after May 24, 2012. Proper notification was provided according to the requirements of the Planning Code, including a newspaper advertisement 20 days prior to the hearing and mailed notice to all property owners within the Plan Area and within 300 feet of the Plan Area 10 days prior to the hearing.

PRELIMINARY STAFF RECOMMENDATION

Staff recommends adoption of the draft Resolutions for all items related to adoption of the Transit Center District Plan.

PLAN BACKGROUND

In 1985 the City adopted the Downtown Plan into the General Plan to guide growth in the Downtown area. Recognizing the potential for transit-oriented growth in the vicinity of the Transbay Terminal south of Market Street, the Downtown Plan called for concentrating the City's greatest densities and building heights in this area, as well as creating a system to transfer development rights from other parts of the downtown to this area.

Since the adoption of the Downtown Plan several major infrastructure changes have happened or are being undertaken. The Embarcadero Freeway was removed following the 1989 Loma Prieta earthquake, allowing for the renovation of the waterfront and rethinking of the southern side of the downtown. The City and region have embarked on a multi-billion dollar investment in improving and expanding transit infrastructure in the area through construction of a new Transbay Transit Center on the site of the former Transbay Terminal and an extension of intra-city rail from the current terminus near Mission Bay northward into the Transit Center. This is the single largest investment in public transit in San Francisco since the construction of BART and the Market Street Muni subway in the early 1970s. In 2005 the City adopted the Transbay Redevelopment Plan to direct funding toward the Transit Center project and direct the redevelopment of underutilized publicly-owned lands, primarily those that formerly housed the Embarcadero Freeway, into a new high-density residential neighborhood. Together with the Rincon Hill Plan, also adopted in 2005, this new urban neighborhood will become home to over 10,000 people.

In 2006 a Mayor's Interagency Working Group published a report calling for the City to undertake further land use studies around the Transit Center to investigate whether building densities and heights could be increased further in recognition of the transit investment and whether such growth could be leveraged to generated substantial new revenues to help fund the full Transit Center project, including the Downtown Rail Extension.

In 2007 the Planning Department initiated a public planning effort called the Transit Center District Plan, focused on the area roughly bounded by Market Street, Embarcadero, Folsom Street, and Hawthorne Street, whose five fundamental goals were to:

(1) Build on the General Plan's Urban Design Element and Downtown Plan, establishing controls, guidelines and standards to advance existing policies of livability, as well as those that protect the unique quality of place;

(2) Capitalize on major transit investment with appropriate land use in the downtown core, with an eye toward long-term growth considerations;

(3) Create a framework for a network of public streets and open spaces that support the transit system, and provides a wide variety of public amenities and a world-class pedestrian experience;

(4) Generate financial support for the Transit Center project, district infrastructure, and other public improvements; and

(5) Ensure that the Transit Center District is an example of comprehensive environmental sustainability in all regards.

The Planning Department held numerous public workshops and worked with consultants throughout 2008 and 2009, resulting in the publication of a Draft Transit Center District Plan in November 2009. In April 2012 the Planning Department published a Plan Addendum revising and clarifying aspects of the Draft Plan.

The Transit Center District Plan ("the Plan") supports and builds on the Downtown Plan's vision for the area around the Transbay Transit Center as the heart of the new downtown. The Plan enhances and augments the Downtown Plan's patterns of land use, urban form, public space, circulation, and historic preservation, and makes adjustments to this specific sub-area based on today's understanding of the issues and constraints facing the area, particularly in light of the Transit Center project. The Plan's core recommendations include:

- Increasing allowable density and strategically increasing height limits in the Plan area to augment the transit-oriented growth capacity of the area while recognizing the importance of these buildings with respect to city form and their physical influence on both immediate and neighboring districts;

- Ensuring that major development sites incorporate commercial space in order to preserve the job growth capacity for the downtown;

- Enhancing the public realm and circulation system to accommodate growth and provide a world-class pedestrian experience, including widening sidewalks, providing dedicated transit lanes, augmenting the bicycle network, adding signalized mid-block crosswalks, and converting certain alleys into pedestrian plazas;

- Identifying and funding opportunities for new public open space and improved access to planned spaces, including at 2nd/Howard, Transbay Park, Mission Square, and City Park on the roof of the Transit Center, as well as providing additional funding for park improvements in the downtown outside of the Plan area;

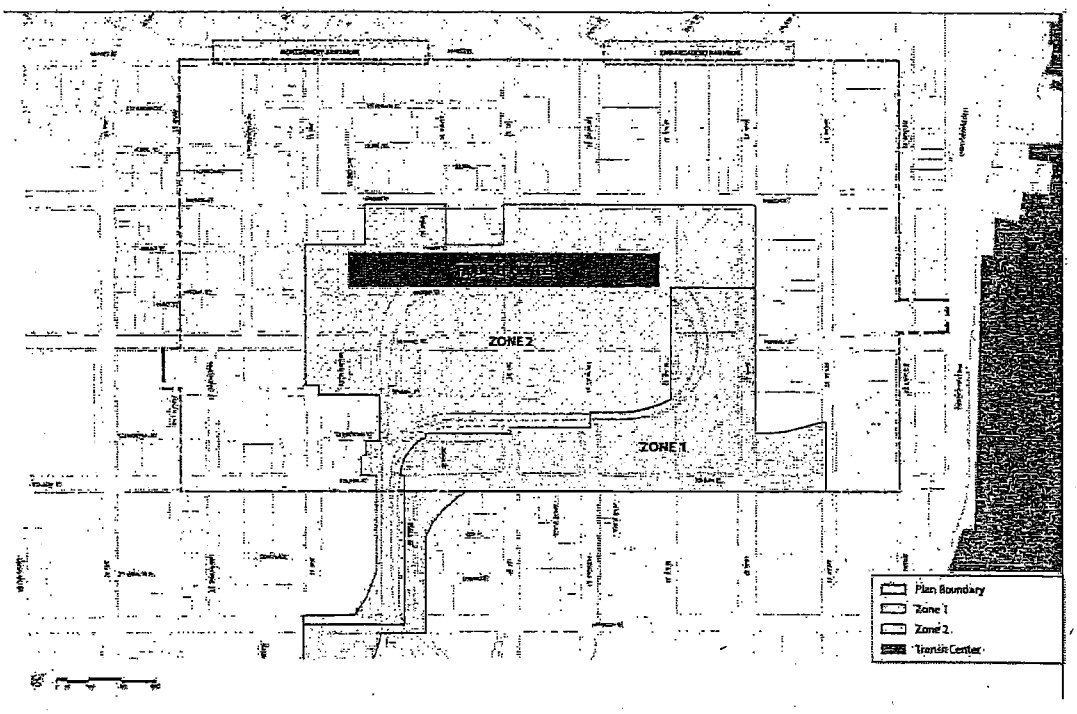
- Enlarging the New Montgomery-2nd Street Conservation District and updating individual resource ratings based on a newly-adopted survey;

- Identifying opportunities to explore advanced district-level energy and water utility systems to improve environmental performance beyond individual buildings; and

- Adopting a funding program including two new key revenue mechanisms – impact fees and a Mello-Roos Community Facilities District – to ensure that new development contributes substantially toward the implementation of necessary public infrastructure, including the Transit Center/Downtown Extension project. Between the two mechanisms, the Plan would create the potential for over $590 million of new revenue for key public improvements, notably over $400 million for the Transit Center and Downtown Rail Extension.

PLAN AREA

The Transit Center District Plan Area consists of approximately 145 acres centered on the Transbay Transit Center, situated between the Northern Financial District, Rincon Hill, Yerba Buena Center and the Bay. The boundaries of the District are roughly Market Street on the north, Embarcadero on the east, Folsom Street on the south, and Hawthorne Street to the west. While these boundaries overlap with those of the Transbay Redevelopment Project Area, this Plan will not affect the adopted land use or development controls for Zone 1 of the Redevelopment Area and is consistent with the overall goals of the Transbay Redevelopment Plan.



ENVIRONMENTAL REVIEW

The Department published the Draft Environmental Impact Report on September 28, 2011. The Planning Commission will consider certification of the Final Environmental Impact Report on the Transit Center District Plan and adoption of CEQA Findings prior to consideration of this item at the hearing on May 24, 2012.

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Planning Commission Resolution No. 18613

HEARING DATE MAY 3, 2012

Date:	May 3, 20012
Case No.:	2007.0558MTZU
	Transit Center District Plan – Planning Code Amendments
Staff Contact:	*Joshua Switzky* - (415) 575-6815
	joshua.switzky@sfgov.org

ADOPTING A RESOLUTION OF INTENTION TO INITIATE AMENDMENTS TO THE SAN FRANCISCO PLANNING CODE TO INCORPORATE AMENDMENTS PURSUANT TO THE ADOPTION OF THE TRANSIT CENTER DISTRICT PLAN

WHEREAS, Section 4.105 of the City and County of San Francisco Charter mandates that the Planning Commission shall periodically recommend amendments to the Planning Code to the Board of Supervisors; and the San Francisco Planning Department is proposing to amend the Planning Code to implement the Transit Center District Plan and to bring Planning Code regulations governing this area into consistency with the Transit Center District Plan ("the Plan").

In 2007 the Planning Department initiated a public planning effort called the Transit Center District Plan, focused on the area roughly bounded by Market Street, Embarcadero, Folsom Street, and Hawthorne Street, whose five fundamental goals were to:

(1) Build on the General Plan's Urban Design Element and Downtown Plan, establishing controls, guidelines and standards to advance existing policies of livability, as well as those that protect the unique quality of place;
(2) Capitalize on major transit investment with appropriate land use in the downtown core, with an eye toward long-term growth considerations;
(3) Create a framework for a network of public streets and open spaces that support the transit system, and provides a wide variety of public amenities and a world-class pedestrian experience;
(4) Generate financial support for the Transit Center project, district infrastructure, and other public improvements; and
(5) Ensure that the Transit Center District is an example of comprehensive environmental sustainability in all regards.

The Planning Department held numerous public workshops and worked with consultants throughout 2008 and 2009, resulting in the publication of a Draft Transit Center District Plan in November 2009. In April 2012 the Planning Department published a Plan Addendum revising and clarifying aspects of the Draft Plan.

The Plan supports and builds on the Downtown Plan's vision for the area around the Transbay Transit Center as the heart of the new downtown. The Plan enhances and augments the Downtown Plan's patterns of land use, urban form, public space, circulation, and historic preservation, and makes adjustments to this specific sub-area based on today's understanding of the issues and constraints facing the area, particularly in light of the Transit Center project. The Plan's core recommendations include:

- Increasing allowable density and strategic increases to height limits in the Plan area to increase the transit-oriented growth capacity of the area while recognizing the importance of these buildings with respect to city form and impacts to the immediate and neighboring districts;

- Ensuring that major development sites incorporate commercial space in order to preserve the job growth capacity for the downtown;

- Enhancing the public realm and circulation system to accommodate growth and provide a world-class pedestrian experience, including widening sidewalks, providing dedicated transit lanes, augmenting the bicycle network, adding signalized mid-block crosswalks, and converting certain alleys into pedestrian plazas;

- Identifying and funding opportunities for new public open space and improved access to planned spaces, including at 2nd/Howard, Transbay Park, Mission Square and City Park on the roof of the Transit Center, as well as providing additional funding for park improvements in the downtown outside of the Plan area;

- Enlarging the New Montgomery-2nd Street Conservation District and updating individual resource ratings based on a newly-adopted survey;

- Identifying opportunities to explore advanced district-level energy and water utility systems to improve environmental performance beyond individual buildings; and

- Adopting a funding program including two new key revenue mechanisms – impact fees and a Mello-Roos Community Facilities District – to ensure that new development contributes substantially toward the implementation of necessary public infrastructure, including the Transit Center/Downtown Extension project.

The San Francisco Planning Department is seeking to adopt and implement the Transit Center District Plan. The General Plan, Planning Code, Zoning Map Amendments, and Implementation Document provide a comprehensive set of policies and implementation programming to realize the vision of the Plan. The Implementation Document outlines public improvements, funding mechanisms and interagency coordination the City must pursue to implement the Plan.

The Planning Code governs permitted land uses and planning standards in the area. Thus, conforming amendments to the Planning Code are required in order to implement the Plan. An ordinance, attached hereto as Exhibit III-3, has been drafted in order to make revisions to the Planning Code necessary to implement the proposed Transit Center District Plan and its related documents. This ordinance adds Planning Code Sections 4XX et seq., 4XX. et seq, and 4XX, and amends Planning Code Sections 102.5, 102.9, 102.11, 123, 132.1, 136, 138, 151.1, 152.1, 155, 155.4, 156, 163, 201, 210.3, 215-226, 248, 260, 270, 303,

309, 412.1, 427, 1103.1, and Article 11 Appendices A, C, D and F, to implement the Area Plan. The City Attorney's Office has reviewed the draft ordinance and approved it as to form.

These amendments contain proposals for changes to standards from those currently established by the Planning Code, including but not limited to those for land use, height and bulk, building design, open space, density, parking, loading, conservation districts, designation of buildings for preservation, and impact fees.

NOW, THEREFORE BE IT RESOLVED, That pursuant to Planning Code Section 302 (b), the Planning Commission Adopts a Resolution of Intention 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 an ordinance approved as to form by the City Attorney hereto attached as Exhibit III-3 to be considered at a publicly noticed hearing on or after May 24, 2012.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on May 3, 2012.

Linda D. Avery
Commission Secretary

AYES: Commissioners Fong, Wu, Antonini, Borden, Miguel, and Moore

NOES: None

ABSENT: None

RECUSED: Commissioner Sugaya

ADOPTED: May 3, 2012

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Planning Commission Motion 18628

Hearing Date:	May 24, 2012
Case No.:	2007.0558E and 2008.0789E
Project Address:	Transit Center District Plan and Transit Tower
Zoning:	P; C-3-O; C-3-O(SD); C-3-S; TB-DTR Various Height and Bulk Districts
Block/Lot:	Multiple; 3720/001(Transit Tower)
Project Sponsor:	San Francisco Planning Department and Transbay Joint Powers Authority
Staff Contact:	Sarah Jones – (415) 575-9034 Sarah.b.jones@sfgov.org

ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED AREA PLAN AND ASSOCIATED REZONING OF 145 ACRES ROUGHLY BOUNDED BY MARKET STREET, STEUART STREET, FOLSOM STREET, AND A LINE EAST OF THIRD STREET, AND FOR CONSTRUCTION OF AN OFFICE TOWER UP TO 1,070 FEET TALL ON THE SOUTH SIDE OF MISSION STREET BETWEEN FREMONT STREET AND FIRST STREET.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the Final Environmental Impact Report identified as Case No. 2007.0558E and 2008.0789E, Transit Center District Plan and Transit Tower (hereinafter "Project") (State Clearinghouse No. 2008072073), based upon the following findings:

1. The City and County of San Francisco, acting through the Planning Department (hereinafter "Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 *et seq.*, hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin. Code Title 14, Section 15000 *et seq.*, (hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").

   A. The Department determined that an Environmental Impact Report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on July 20, 2008.

   B. On September 28, 2011, the Department published the Draft Environmental Impact Report (hereinafter "DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice.

   C. Notices of availability of the DEIR and of the date and time of the public hearing were posted in the project area by Department staff on September 28, 2011.

D. On September 28, 2011, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, to adjacent property owners, and to government agencies, the latter both directly and through the State Clearinghouse.

E. Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on September 28, 2011.

2. The Commission held a duly advertised public hearing on said DEIR on November 3, 2011 at which opportunity for public comment was given, and public comment was received on the DEIR. The period for acceptance of written comments ended on November 28, 2011.

3. The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 61-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, addressed changes to the proposed project, and corrected errors in the DEIR. This material was presented in a Draft Comments and Responses document, published on May 10, 2012, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at the Department.

4. A Final Environmental Impact Report (hereinafter "FEIR") has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the Comments and Responses document all as required by law.

5. Project EIR files have been made available for review by the Commission and the public. These files are available for public review at the Department at 1650 Mission Street, Suite 400, and are part of the record before the Commission.

6. On May 24, 2012, the Commission reviewed and considered the FEIR and hereby does find that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.

7. The Planning Commission hereby does find that the FEIR concerning File No. 2007.0558E and 2008.0789E, Transit Center District Plan and Transit Tower, reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Comments and Responses document contains no significant revisions to the DEIR, and hereby does CERTIFY THE COMPLETION of said FEIR in compliance with CEQA and the CEQA Guidelines.

8. The Commission, in certifying the completion of said FEIR, hereby does find that the project described in the EIR, including both the Transit Center District Plan and Transit Tower:

A. Will have a significant project-specific effect on the environment by altering public views of the Plan area from key long-range vantage points (visual); changing zoning controls in the Plan area in a manner that could result in adverse impacts to historic resources through demolition or substantial alteration (cultural resources); resulting in traffic growth that would adversely affect

local intersection operation (transportation); causing a substantial increase in transit demand that could not be accommodated by adjacent capacity (transportation); resulting in a substantial increase in transit delays (transportation); creating a volume of pedestrian activity that would cause pedestrian level of service to deteriorate (transportation); resulting in development that would create potentially hazardous conditions for pedestrians and bicyclists (transportation); resulting in a loading demand that could not be accommodated within on-site or on-street loading areas (transportation); resulting in construction activity that would result in disruption of circulation (transportation); creating noise levels in excess of standards and introducing sensitive receptors in areas with high noise levels (noise); exposing sensitive receptors to high levels of particulate matter and toxic air contaminants (air quality); resulting in construction-period emissions of criteria air pollutants and dust (air quality); creating shadow that could adversely affect the use of various parks and open spaces (shadow); and

B. Will have a significant cumulative effect on the environment in that it would, in combination with other reasonably foreseeable probable future projects, alter the visual character of greater Downtown and alter public views of and through Downtown (visual resources); adversely affect historical resources (cultural resources); contribute to congested conditions at the Fourth/Harrison and First/Harrison freeway on-ramps (transportation); result in cumulative noise impacts (noise); result in cumulative air quality impacts (air quality); and create new shadow that would adversely affect the use of various parks and open spaces (shadow).

9. The Planning Commission reviewed and considered the information contained in the FEIR prior to approving the Project.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of May 24, 2012.

Linda Avery
Commission Secretary

AYES: ANTONINI, BORDEN, FONG, WU

NOES: MOORE

ABSENT: MIGUEL

RECUSED: SUGAYA

ADOPTED: May 24, 2012

328246.1

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PUBLIC NOTICE

Availability of Draft Environmental Impact Report for Transit Center District Plan and Transit Tower

Planning Department Case Nos. 2007.0558E and 2008.0789E
State Clearinghouse No. 2008072073

A Draft Environmental Impact Report (DEIR) has been prepared by the San Francisco Planning Department in connection with this project. The report is available for public review and comment on the Planning Department's Negative Declarations & EIRs webpage (http://tinyurl.com/meacases). CDs and paper copies are also available at the Planning Information Center at 1660 Mission Street, 1st Floor. Referenced materials are available for review at the Planning Department office, 1650 Mission Street, Suite 400.

Project Description: The **Transit Center District Plan** proposes new planning policies and controls for land use; urban form, including building height and design; street change/public realm improvements; historic preservation; and sustainability. The Plan area is centered on the new Transit Center, and is bounded generally by Market, Steuart, and Folsom Streets, and a line east of Third Street. The Plan would allow height limit increases permitting up to about six buildings 700 feet or taller. It also includes financial support for the new Transit Center, which is under construction and will replace the former Transbay Terminal as a regional transit hub.

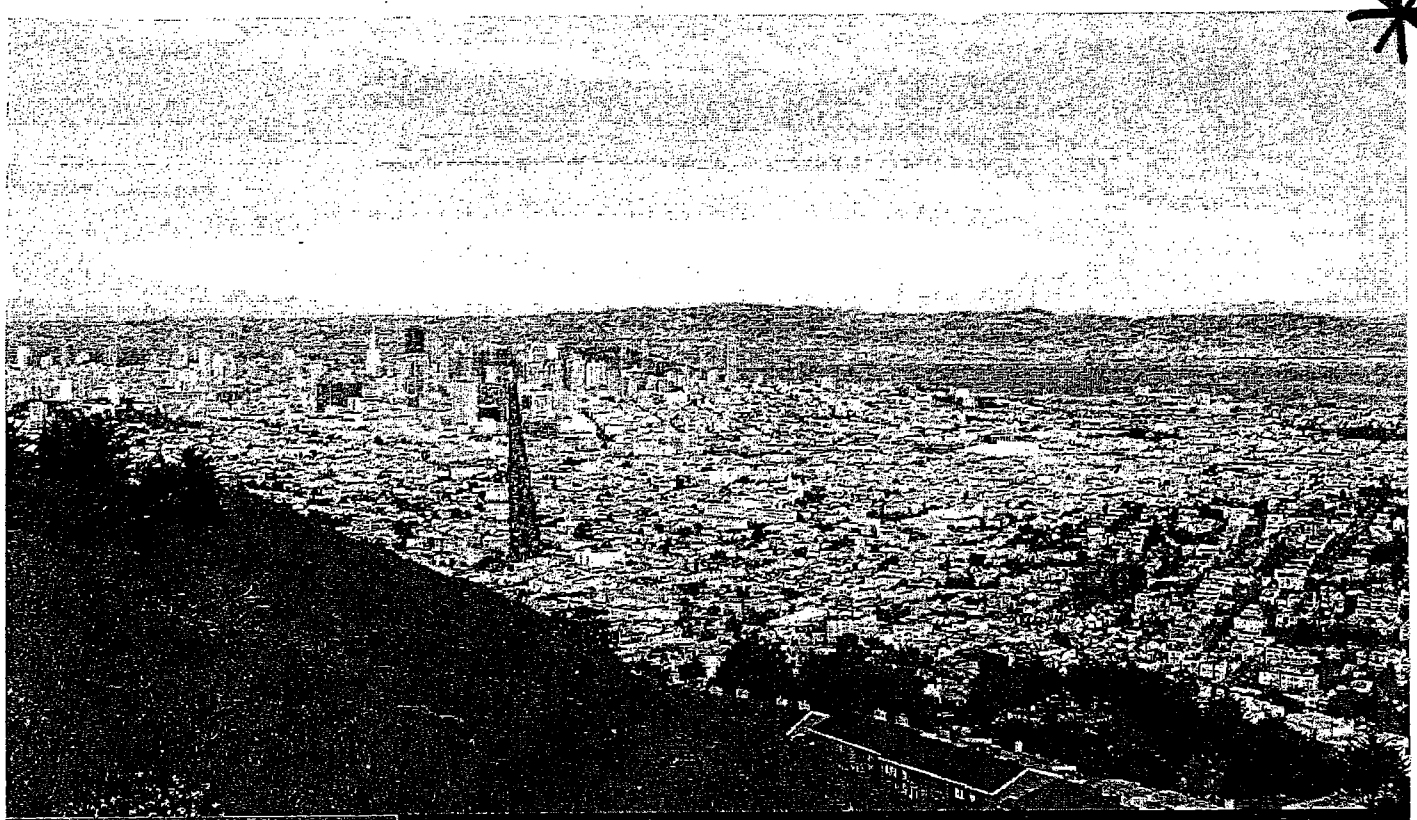
The proposed **Transit Tower** would be a 61-story, 1,070-foot-tall (including sculptural element) building containing approximately 1.3 million square feet of office space, about 16,500 square feet of retail, and subgrade loading and parking for about 300 vehicles (480 valet spaces). The Transit Tower site is on the south side of Mission Street between First and Fremont Streets, immediately north of the new Transit Center; the Tower would connect to the new City Park atop the Transit Center by a pedestrian bridge.

Among the required approval actions are: amendment of the *General Plan* (various elements and Downtown Plan); amendment of the *Planning Code* and Zoning Maps; modification of the Absolute Cumulative Limit for new shadow on certain City parks; and approval of the Transit Tower under *Planning Code* Sections 309 and 321, as well as Conditional Use approval for a Major Parking Garage, for the portion of the Tower's proposed parking in excess of permitted accessory parking.

This Draft EIR found that implementation of the proposed Transit Center District Plan and Transit Tower Project would result in significant unavoidable environmental effects related to Aesthetics (loss of views) Cultural Resources (historic resources), Transportation (traffic, transit, pedestrians, bicycles, loading, construction), Noise (construction, vibration, operation), Air Quality (construction, operation), and Shadow (on parks).

A **public hearing** on this Draft EIR has been scheduled by the City Planning Commission for **November 3, 2011**, in Room 400, City Hall, 1 Dr. Carlton B. Goodlett Place, beginning at 1:30 p.m. or later. (Call 415-558-6422 the week of the hearing for a recorded message giving a more specific time.)

Public comments will be accepted from September 28, 2011, to 5:00 p.m. on November 14, 2011. Written comments should be addressed to **Bill Wycko**, Environmental Review Officer, San Francisco Planning Department, **1650 Mission Street, Suite 400, San Francisco, CA 94103,** bill.wycko@sfgov.org. Comments received at the public hearing and in writing will be responded to in a Comments and Responses document. If you have any questions about the environmental review of this project, please contact **Sarah Jones** at 415-575-9034, sarah.b.jones@sfgov.org.



DRAFT ENVIRONMENTAL IMPACT REPORT

Transit Center District Plan and Transit Tower

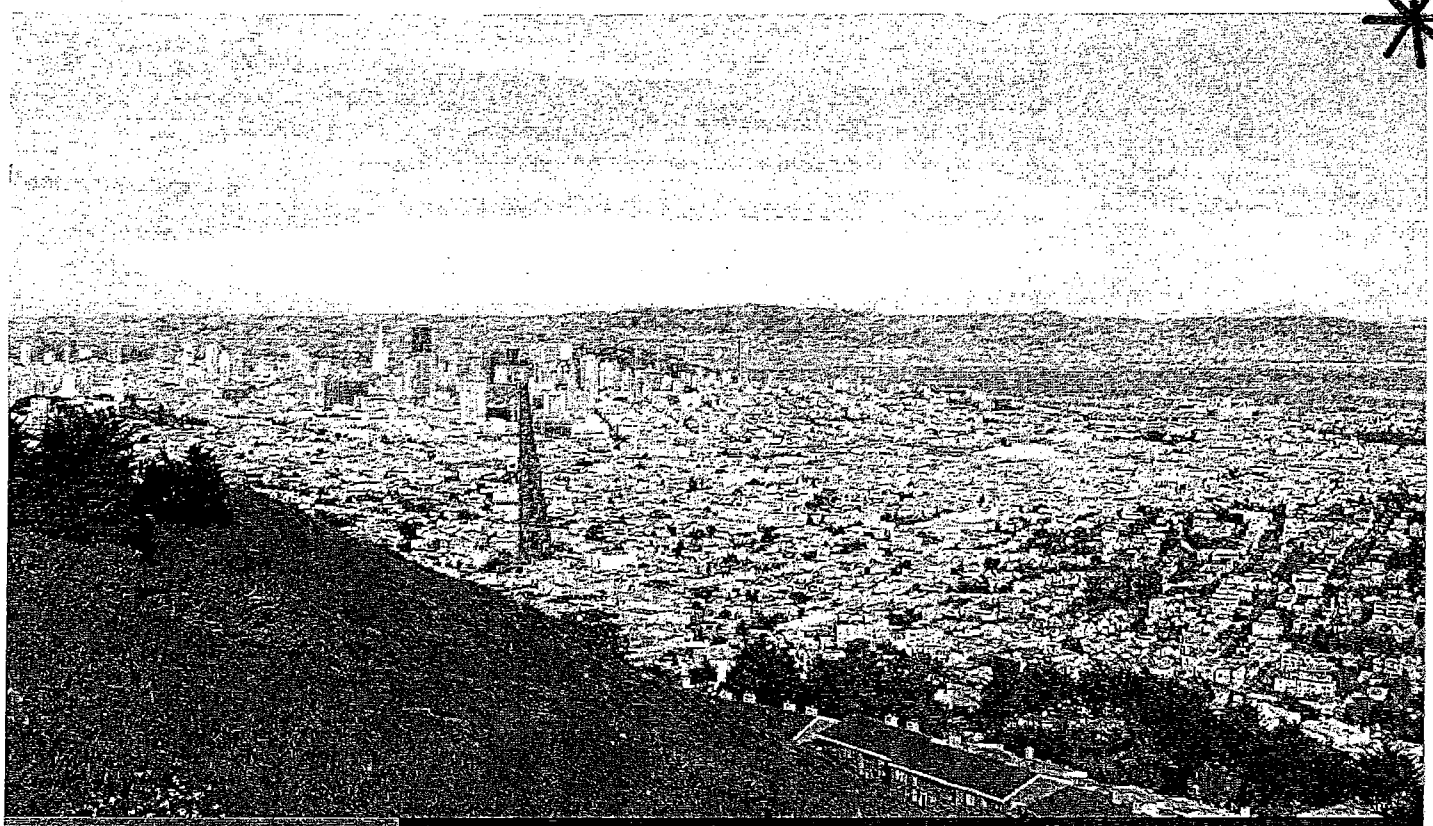
PLANNING DEPARTMENT
CASE NO. **2007.0558E and 2008.0789E**

STATE CLEARINGHOUSE NO. 2008072073

SAN FRANCISCO
PLANNING
DEPARTMENT

	Draft EIR Publication Date:	SEPTEMBER 28, 2011
	Draft EIR Public Hearing Date:	NOVEMBER 3, 2011
	Draft EIR Public Comment Period:	SEPTEMBER 28 THROUGH NOVEMBER 14, 2011

Written comments should be sent to:
Environmental Review Officer | 1650 Mission Street, Suite 400 | San Francisco, CA 94103



COMMENTS AND RESPONSES ON DRAFT EIR

Transit Center District Plan and Transit Tower

PLANNING DEPARTMENT
CASE NO. **2007.0558E and 2008.0789E**

STATE CLEARINGHOUSE NO. 2008072073

SAN FRANCISCO
PLANNING
DEPARTMENT

	Draft EIR Publication Date:	SEPTEMBER 28, 2011
	Draft EIR Public Hearing Date:	NOVEMBER 3, 2011
	Draft EIR Public Comment Period:	SEPTEMBER 28 THROUGH NOVEMBER 28, 2011
	Final EIR Certification Date:	MAY 24, 2012

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Exhibit II-1: Adoption of CEQA Findings Case Report

HEARING DATE: MAY 24, 2012

Case No.:	2007.0558EMTZU *Transit Center District Plan – Adoption of CEQA Findings*
Staff Contact:	*Joshua Switzky* - (415) 575-6815 *joshua.switzky@sfgov.org*
Recommendation:	Approval

DESCRIPTION

The Planning Department proposes amending the General Plan of the City and County of San Francisco in order to adopt and implement the Transit Center District Plan. The Plan supports the General Plan's vision of concentrating housing and jobs around the city's greatest concentration of public transit service in the Downtown. The Plan balances increased density in the heart of Downtown with the principles of good place-making that are essential to maintaining and enhancing the distinctive qualities of Downtown San Francisco.

Before agencies of the City can take approval actions that will implement the Transit Center District Plan, they must consider the EIR and adopt certain findings required by CEQA. The CEQA Findings set forth the basis for approving the Transit Center District Plan and its implementing actions (the "Project") and the economic, social and other considerations, which support the rejection of alternatives in the EIR, which were not incorporated into the Project. The Findings provide for adoption by the Planning Commission all of the mitigation measures in the EIR. Finally, the Findings identify the significant adverse environmental impacts of the project that have not been mitigated to a level of insignificance by adoption of mitigation measures, and contain a Statement of Overriding Considerations, setting forth the specific reasons in support of the approval of the implementing actions and the rejection of alternatives not incorporated into the project.

In reviewing the Transit Center District Plan and preparing the amendments to the General Plan, Planning Code, Zoning Maps, and Administrative Code as well as the Program Implementation Document, staff has considered the EIR mitigation measures. Staff has also concluded that approval of these amendments and actions now under consideration will not create new environmental effects or substantially increase the severity of previously identified significant effects and no new information has come to light that would require a review of the EIR. Therefore, Staff recommends that the Planning Commission adopt the proposed CEQA Findings.

PRELIMINARY STAFF RECOMMENDATION

Staff recommends adoption of the draft Resolution adopting Findings pursuant to the California Environmental Quality Act, including a Statement of Overriding Considerations, for actions related to the Transit Center District Plan.

ENVIRONMENTAL REVIEW

The Department published the Draft Environmental Impact Report on September 28, 2011. The Planning Commission will consider certification of the Final Environmental Impact Report on the Transit Center District Plan prior to consideration of this item at the hearing on May 24, 2012.

RELATED ACTIONS

As part of its actions approving the Transit Center District Plan, the Planning Commission will consider Amendments to the General Plan, Planning Code, Zoning Maps and Administrative Code, and approval of a Program Implementation Document. These proposed actions are discussed in separate Staff Reports.

ATTACHMENTS

Exhibit II-2 Draft Resolution Adopting CEQA Findings and Statement of Overriding Consideration

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Planning Commission Motion No. 18629

HEARING DATE MAY 24, 2012

Date:	May 24, 2012
Case No.:	2007.0558EMTZU
Project:	*Transit Center District Plan – Adoption of CEQA Findings*
Staff Contact:	Joshua Switzky - (415) 575-6815 *joshua.switzky@sfgov.org*

ADOPTING ENVIRONMENTAL FINDINGS AND A STATEMENT OF OVERRIDING CONSIDERATIONS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND STATE GUIDELINES IN CONNECTION WITH THE ADOPTION OF THE TRANSIT CENTER DISTRICT PLAN AND RELATED ACTIONS NECESSARY TO IMPLEMENT SUCH PLAN.

WHEREAS, the Planning Department, the Lead Agency responsible for the implementation of the California Environmental Quality Act ("CEQA") has undertaken a planning and environmental review process for the proposed Transit Center District Plan and provided appropriate public hearings before the Planning Commission.

In 1985, the City adopted the Downtown Plan into the General Plan to guide growth in the Downtown area. Recognizing the potential for transit-oriented growth in the vicinity of the Transbay Terminal south of Market Street, the Downtown Plan called for concentrating the City's greatest densities and building heights in this area, as well as creating a system to transfer development rights from other parts of the downtown to this area.

Since the adoption of the Downtown Plan several major infrastructure changes have happened or are being undertaken. The Embarcadero Freeway was removed following the 1989 Loma Prieta earthquake, allowing for the renovation of the waterfront and rethinking of the southern side of the downtown. The City and region have embarked on a multi-billion dollar investment in improving and expanding transit infrastructure, further enhancing the transit accessibility of the area, through construction of a new Transbay Transit Center on the site of the former Transbay Terminal and an extension of intra-city rail from the current terminus at 4th and King Streets into the Transit Center. This is the single largest investment in public transit in San Francisco since the construction of BART in the early 1970s. In 2005 the City adopted the Transbay Redevelopment Plan to direct funding toward the Transit Center project and direct the redevelopment of underutilized publicly-owned lands, primarily those that formerly housed the Embarcadero Freeway, into a new high-density residential neighborhood.

In 2006, a Mayor's Interagency Working Group published a report calling for the City to investigate further land use studies around the Transit Center as to whether building densities and heights could be increased further in recognition of the transit investment and as to whether such growth could be leveraged to generated substantial new revenues to help fund the full Transit Center project, including the Downtown Rail Extension.

In 2007, the Planning Department initiated a public planning effort called the Transit Center District Plan, focused on the area roughly bounded by Market Street, Embarcadero, Folsom Street, and Hawthorne Street, whose five fundamental goals were to:

(1) Build on the General Plan's Urban Design Element and Downtown Plan, establishing controls, guidelines and standards to advance existing policies of livability, as well as those that protect the unique quality of place;
(2) Capitalize on major transit investment with appropriate land use in the downtown core, with an eye toward long-term growth considerations;
(3) Create a framework for a network of public streets and open spaces that support the transit system, and provides a wide variety of public amenities and a world-class pedestrian experience;
(4) Generate financial support for the Transit Center project, district infrastructure, and other public improvements; and
(5) Ensure that the Transit Center District is an example of comprehensive environmental sustainability in all regards.

The Planning Department held numerous public workshops and worked with consultants throughout 2008 and 2009, resulting in the publication of a Draft Transit Center District Plan in November 2009. In April 2012 the Planning Department published a Plan Addendum revising and clarifying aspects of the Draft Plan.

The Transit Center District Plan ("the Plan"), a sub-area plan of the Downtown Plan, supports and builds on the Downtown Plan's vision for the area around the Transbay Transit Center as the heart of the new downtown. The Plan enhances and augments the Downtown Plan's patterns of land use, urban form, public space, circulation, and historic preservation, and makes adjustments to this specific sub-area based on today's understanding of the issues and constraints facing the area, particularly in light of the Transit Center project. The Plan's core recommendations include:

- Increasing allowable density and strategic increases to height limits in the Plan area to increase the transit-oriented growth capacity of the area while recognizing the importance of these buildings with respect to city form and impacts to the immediate and neighboring districts;

- Ensuring that major development sites incorporate commercial space in order to preserve the job growth capacity for the downtown;

- Enhancing the public realm and circulation system to accommodate growth and provide a world-class pedestrian experience, including widening sidewalks, providing dedicated transit lanes, augmenting the bicycle network, adding signalized mid-block crosswalks, and converting certain alleys into pedestrian plazas;

- Identifying and funding opportunities for new public open space and improved access to planned spaces, including at 2nd/Howard, Transbay Park, Mission Square and City Park on the roof of the Transit Center, as well as providing additional funding for park improvements in the downtown outside of the Plan area;

- Enlarging the New Montgomery-2nd Street Conservation District and updating individual resource ratings based on a newly-adopted survey;

- Identifying opportunities to explore advanced district-level energy and water utility systems to improve environmental performance beyond individual buildings; and

- Adopting a funding program including two new key revenue mechanisms – impact fees and a Mello-Roos Community Facilities District – to ensure that new development contributes substantially toward the implementation of necessary public infrastructure, including the Transit Center/Downtown Extension project.

The San Francisco Planning Department is seeking to adopt and implement the Transit Center District Plan. The core policies and supporting discussion in the Plan have been incorporated into a Sub-Area Plan proposed to be added to the Downtown Plan. The Sub-Area Plan, together with other General Plan, Planning Code, Zoning Map, and Administrative Code Amendments, and approval of an Implementation Document provide a comprehensive set of policies, regulatory controls and implementation programming to realize the vision of the Plan.

The actions listed in Attachment A hereto ("Actions") are part of a series of considerations in connection with the adoption of the Transit Center District Plan and various implementation actions ("Project"), as more particularly described in Attachment A hereto.

The Planning Department determined that an Environmental Impact Report (hereinafter "EIR") was required for the proposed Transit Center District Plan and provided public notice of that determination by publication in a newspaper of general circulation on July 20, 2008.

Notices of availability of the DEIR and of the date and time of the public hearing were posted in the project area by Department staff on September 28, 2011.

On September 28, 2011, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, to adjacent property owners, and to government agencies, the latter both directly and through the State Clearinghouse.

Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on September 28, 2011.

The Commission held a duly advertised public hearing on said DEIR on November 3, 2011 at which opportunity for public comment was given, and public comment was received on the DEIR. The period for acceptance of written comments ended on November 28, 2011.

The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 60 day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the DEIR. This material was presented in a Draft Comments and Responses document, published on May 10, 2012, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at the Department.

A Final Environmental Impact Report (hereinafter "FEIR") was prepared by the Department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the Comments and Responses document all as required by law.

The Planning Commission, on May 24, 2012, by Motion No. 18628 reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized and reviewed complied with the provisions of CEQA, the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code.

Also by Motion No. 18628 , the Planning Commission, finding that the FEIR was adequate, accurate and objective, reflected the independent judgment of the Planning Commission and that the Comments and Responses document contains no significant revisions to the DEIR, adopted findings of significant impacts associated with the Project and certified the completion of the FEIR for the Project in compliance with CEQA and the CEQA Guidelines.

The Planning Department prepared proposed Findings, as required by CEQA, including mitigation measures and significant environmental impacts analyzed in the FEIR, adoption of such measures, rejection of alternatives, and overriding considerations for approving the Project, including all of the actions listed in Attachment A hereto, and a proposed mitigation monitoring and reporting program, attached as Exhibit 1 to Attachment A. These materials were made available to the public and this Planning Commission for the Planning Commission's review, consideration, and actions.

THEREFORE BE IT RESOLVED, that the Planning Commission has reviewed and considered the FEIR and hereby adopts the Project Findings attached hereto as Attachment A, including adoption of Exhibit 1, the mitigation monitoring and reporting program, and imposition of those mitigation measures in that are within the Planning Commission jurisdiction as project conditions, and incorporates the same herein by this reference.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of May 24, 20012.

Linda D. Avery

Commission Secretary

AYES: Commissioners Fong, Wu, Antonini, Borden, and Sugaya

NOES: Commissioner Moore

ABSENT: Commissioner Miguel

ADOPTED: May 24, 2012

ATTACHMENT A

TRANSIT CENTER DISTRICT PLAN

CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS:
FINDINGS OF FACT, EVALUATION OF MITIGATION MEASURES AND ALTERNATIVES, AND STATEMENT OF OVERRIDING CONSIDERATIONS

SAN FRANCISCO PLANNING COMMISSION

In determining to approve the proposed Transit Center District Plan Project and related approval actions ("Project"), the San Francisco Planning Commission ("Planning Commission" or "Commission") makes and adopts the following findings of fact and statement of overriding considerations and adopts the following recommendations regarding mitigation measures and alternatives based on substantial evidence in the whole record of this proceeding and under the California Environmental Quality Act, California Public Resources Code Sections 21000 et seq. ("CEQA"), particularly Sections 21081 and 21081.5, the Guidelines for implementation of CEQA, California Code of Regulations, Title 14, Sections 15000 et seq. ("CEQA Guidelines"), particularly Sections 15091 through 15093, and Chapter 31 of the San Francisco Administration Code.

I. Introduction

This document is organized as follows:

Section I provides a description of the proposed Project, the environmental review process for the Project, the Planning Commission actions to be taken, and the location of records;

Section II identifies the impacts found not to be significant that do not require mitigation;

Section III identifies potentially significant impacts that can be avoided or reduced to less-than-significant levels through mitigation;

Section IV identifies significant impacts that cannot be avoided or reduced to less-than significant levels;

Section V discusses why recirculation of the EIR is not required;

Section VI evaluates the economic, legal, social, technological, and other considerations that support the rejection of the alternatives analyzed in the EIR; and

EXHIBIT 1:
MITIGATION MONITORING AND REPORTING PROGRAM
(Including the Text of the Mitigation Measures Adopted as Conditions of Approval and Proposed Improvement Measures)

1. MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Mitigation Schedule	Monitoring/Report Responsibility	Status/Date Completed
D. Cultural and Paleontological Resources				
Archeological Resources				
M-CP-1: Subsequent Archeological Testing Program. When a project is to be developed within the Transit Center District Plan Area, it will be subject to preliminary archeological review by the Planning Department archeologist. This in-house review will assess whether there are gaps in the necessary background information needed to make an informed archaeological sensitivity assessment. This assessment will be based upon the information presented in the Transit Center District Plan Archeological Research Design and Treatment Plan (Far Western Anthropological Research Group, Inc., *Archaeological Research Design and Treatment Plan for the Transit Center District Plan Area, San Francisco, California*, February 2010), as well as any more recent investigations that may be relevant. If data gaps are identified, then additional investigations, such as historic archival research or geoarchaeological coring, may be required to provide sufficiently detailed information to make an archaeological sensitivity assessment. If the project site is considered to be archaeologically sensitive and based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of an archeological consultant from the Planning Department ("Department") pool of qualified archaeological consultants as provided by the Department archaeologist. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure and with the requirements of the Transit Center District Plan archeological research design and treatment plan at the direction of the ERO. In instances of inconsistency between the requirement of the project archaeological research design and treatment plan and of this archaeological	Planning staff, for preliminary review; Project sponsor and project archeologist for each subsequent project undertaken pursuant to the Transit Center District Plan, for any subsequently required investigations.	During environmental review of projects, then as specified in ATP/ AMT/ARDTP.	ERO to review and approve any required Archeological Testing Program.	Project archeologist to report to ERO on progress of any required investigation monthly, or as required by ERO. Considered complete upon review and approval by ERO of results of Archeological Testing Program/ Archeological Monitoring Program/ Archeological Data Recovery Program, as applicable.

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Exhibit IV-1: Approval of Planning Code Amendments Case Report

HEARING DATE: MAY 24, 2012

Case No.:	2007.0558EMTZU *Transit Center District Plan – Amendments to Planning Code*
Staff Contact:	*Joshua Switzky* - (415) 575-6815 *joshua.switzky@sfgov.org*
Recommendation:	Approval

DESCRIPTION

The San Francisco Planning Department proposes amending the Planning Code of the City and County of San Francisco to implement land use policy changes contained in the Transit Center District Plan. Proposed amendments to the Planning Code were initiated by the Planning Commission on May 3, 2012 in Resolution 18613.

For background on the Transit Center District Plan, see the accompanying Executive Summary staff report.

PRELIMINARY STAFF RECOMMENDATION

Staff recommends approval of the draft Resolution to Recommend Approval of the proposed amendments to the Planning Code.

PLANNING CODE AMENDMENTS

Proposed changes to the Planning Code include but are not limited to those related to land use, density, height, open space, parking, conservation districts, and impact fees. Proposed Planning Code text and related map amendments will make revisions to existing sections of the Planning Code and introduce new sections necessary to implement the General Plan as proposed to be amended pursuant to adoption of the Transit Center District Plan.

The following is a general description of the proposed Planning Code amendments necessary, in part, to implement the Transit Center District Plan. Code sections to be added or amended are in bold type, followed in normal type by a summary of proposed changes. The complete Code amendments proposal is attached in the draft Ordinance.

Sec. 102.5 District.

This amendment adds the C-3-O(SD) District under the list of "C-3 Districts."

Sec. 102.9 Floor Area, Gross.
This amendment creates exemptions from the calculation of gross floor area for retail and restaurant uses in buildings adjacent to the Transit Center where such uses are at the park level and directly accessible to it, and for areas of public accommodation, such as observation decks, in the upper portions of buildings taller than 600 feet.

Sec. 102.11 Floor Area Ratio.
This amendment eliminates a provision requiring the counting of non-existent floor area in buildings with tall average floor-to-floor heights.

Sec. 123 Maximum Floor Area Ratio.
This amendment eliminates the maximum limit on FAR in the C-3-O(SD) District and establishes the requirements to purchase Transferrable Development Rights for certain FAR exceeding the base FAR.

132.1 Setback and Streetwall Articulation: C-3 Districts.
This amendment adds design requirements in the C-3-O(SD) District for the creation of distinct building bases that define the streetwall, features that enhance the pedestrian zone, and requirements for building setbacks on certain frontages to provide necessary pedestrian circulation. The amendment also amends the tower separation chart to extend requirements to buildings taller than 550 feet, and clarifies certain situations that warrant exceptions to tower separation requirements.

136 Obstructions Over Streets and Alleys and in Required Setbacks, Yards and Usable Open Space.
This amendment expands the allowances for architectural features to extend over sidewalks in the C-3-O(SD) District.

138 Open Space Requirements in C-3 Districts.
This amendment expands the requirements to all non-residential uses in the C-3-O(SD) District and creates certain provisions for that district, including the creation of direct public connections from development projects to the Transit Center rooftop park, publicly-accessible observation decks or sky lobbies, certain mid-block pathways, and the payment of fees in-lieu of constructing on-site open space.

151.1 Schedule of Permitted Off-Street Parking Spaces in Specified Districts.
This amendment would establish the maximum amount of allowed off-street parking for non-residential uses in the C-3-O(SD) District at 3.5% of gross floor area.

152.1 Required Off-Street Freight Loading And Service Vehicle Spaces In C-3, Eastern Neighborhoods Mixed Use Districts, And South Of Market Mixed Use Districts.
This amendment would limit the required minimum number of off-street loading spaces to six spaces per project.

Sec. 155 General Standards As To Location And Arrangement Of Off-Street Parking, Freight Loading And Service Vehicle Facilities.

This amendment would add or extend certain street frontages in the Plan Area to the list of protected frontages where access to off-street parking or loading is prohibited or requires Conditional Use authorization.

Sec. 155.4 Bicycle Parking Required in New and Renovated Commercial Buildings.
This amendment would increase the amount of required bicycle parking for non-residential uses in the C-3-O(SD) District.

Sec. 156 Parking Lots.
This amendment would prohibit new temporary surface parking lots in the C-3-O(SD) District and establish certain requirements for car sharing, bicycle parking, and landscaping for the continuation of existing temporary lots.

Sec. 163 Transportation Management Programs And Transportation Brokerage Services In C-3, Eastern Neighborhoods Mixed Use, And South Of Market Mixed Use Districts.
This amendment would expand the transportation brokerage requirements to all non-residential uses in the C-3-O(SD) District and to new residential projects larger than 100 dwelling units.

Sec. 201 Classes of Use Districts.
This amendment lists C-3-O(SD) among the list of "Commercial Districts."

Sec. 210.3 C-3 Districts: Downtown Commercial.
This amendment adds a specific narrative description of the purpose of the C-3-O(SD) District.

Sec. 215-226 Use Tables.
These amendments add a column for the C-3-O(SD) District to all of the use tables in Article 2 and establish permitted, conditional and not-permitted uses for the district. All use provisions are identical to the C-3-O except that residential density would not be limited by lot area in the C-3-O(SD) district pursuant to an amendment in Sec. 216.

Sec. 248 Transit Center C-3-O(SD) Commercial Special Use District.
This amendment would rename and re-purpose the Section. Currently the section establishes the C-3-O(SD) as a Special Use District of the C-3, however the Zoning Maps currently treat the C-3-O(SD) as a bona-fide unique zoning district and do not show the C-3-O(SD) on the Special Use District Maps. To clarify this confusion, the amendments proposed pursuant to this Plan would clearly establish the C-3-O(SD) as a unique zoning district separate from the C-3-O. The revised Section 248 would establish a new Special Use District for a subset of the C-3-O(SD) where new development on large lots would be required to feature a minimum ratio of 2 square feet of commercial uses for every 1 square foot of residential uses.

Sec. 260 Height Limits: Measurement.
This amendment would establish height measurement rules for buildings taller than 550 feet in the S-2 Bulk District.

Sec. 270 Bulk Limits: Measurement.
This amendment would add the "S-2" Bulk District and establish bulk controls for this district.

Sec. 272 Bulk Limits: Special Exceptions in C-3 Districts.
This amendment would add missing numeration to a subsection.

Sec. 303 Conditional Uses.
This amendment would add certain criteria for the consideration of Conditional Use for hotel uses in the Transit Center C-3-O(SD) Commercial Special Use District.

Sec. 309 Permit Review in C-3 Districts.
This amendment would add cross-references to exceptions allowed elsewhere in the Code.

Sec. 412.1 Findings. (Downtown Open Space Fee)
This amendment would add a reference to the Downtown Open Space Nexus Study.

Sec. 427 Payment In Case Of Variance Or Exception For Required Open Space.
This amendments would add a subsection to specify the in-lieu fee for open space required open space per Section 138 and to require payment of the fee for cases of variances for required open space in the C-3-O(SD) District.

Sec. 4XX et seq. Transit Center District Open Space Impact Fee and Fund.
These new sections would establish the Transit Center District Open Space Impact Fee and Fund, including findings, fee amounts, procedures for in-kind agreements, fee collection, and uses and administration of fund revenues.

Sec. 4XX et seq. Transit Center District Transportation and Street Improvement Fee and Fund.
These new sections would establish the Transit Center District Transportation and Street Improvement Impact Fee and Fund, including findings, fee amounts, procedures for in-kind agreements, fee collection, and uses and administration of fund revenues.

Sec. 4XX Transit Center District Mello Roos Community Facilities District Program.
This new section would establish the requirement that proposed projects in the C-3-O(SD) District seeking to exceed an FAR of 9:1 must participate in the Plan's Community Facilities District program.

Sec. 1103.1 Conservation District Designations.
This amendment would change the name of the New Montgomery-Second Street Conservation District to the New Montgomery-Mission-Second Street Conservation District.

Appendix A to Article 11 Category I Buildings.
This amendment would add certain buildings to the list of Category I Buildings.

Appendix C to Article 11 Category III Buildings.

This amendment would add to certain buildings to the list of Category III Buildings and delete one building from the list.

Appendix D to Article 11 Category IV Buildings.
This amendment would add to certain buildings to the list of Category IV Buildings.

Appendix F to Article 11 New Montgomery-Mission-Second Street Conservation District.
This amendment would update the name of the district, add text regarding the history of the district and architectural character and features, and update the district map to reflect the proposed revised boundaries.

ENVIRONMENTAL REVIEW

The Department published the Draft Environmental Impact Report on September 28, 2011. The Planning Commission will consider certification of the Final Environmental Impact Report on the Transit Center District Plan and adoption of CEQA Findings prior to consideration of this item at the hearing on May 24, 2012.

RELATED ACTIONS

As part of its actions approving the Transit Center District Plan, the Planning Commission will consider Amendments to the General Plan, Zoning Maps, and Administrative Code and approval of the Plan Program Implementation Document. These proposed actions are discussed in separate Staff Reports.

ATTACHMENTS

Exhibit IV-2 Draft Resolution to Recommend Approval of Planning Code Amendments
Exhibit IV-3 Draft Planning Code Amendments Ordinance

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Planning Commission Resolution No. 18631

HEARING DATE MAY 24, 2012

Date:	May 24, 20012
Case No.:	2007.0558EMTZU
Project:	*Transit Center District Plan – Planning Code Amendments*
Staff Contact:	Joshua Switzky - (415) 575-6815 *joshua.switzky@sfgov.org*

ADOPTING A RESOLUTION TO ADOPT AMENDMENTS TO THE SAN FRANCISCO PLANNING CODE TO INCORPORATE AMENDMENTS PURSUANT TO THE ADOPTION OF THE TRANSIT CENTER DISTRICT PLAN AND RECOMMENDING TO THE HISTORIC PRESERVATION COMMISSION THE ADOPTION OF AMENDMENTS TO PLANNING CODE ARTICLE 11 AND VARIOUS APPENDICES.

WHEREAS, Section 4.105 of the City and County of San Francisco Charter mandates that the Planning Commission shall periodically recommend amendments to the Planning Code to the Board of Supervisors; and the San Francisco Planning Department is proposing to amend the Planning Code to implement the Transit Center District Plan and to bring Planning Code regulations governing this area into consistency with the Transit Center District Plan ("the Plan").

The Historic Preservation Commission, at a duly noticed public hearing on May 2, 2012, initiated the Planning Code amendments to Article 11, including various appendices, which are integrated into the Planning Code amendments pending before this Commission.

The Planning Commission, at a duly noticed public hearing on May 3, 2012 and in accordance with Planning Code Section 302(b), initiated the Planning Code amendments that are the subject of this Resolution.

The Planning Code amendments propose the adoption of the Transit Center District Open Space fee and the Transit Center District Transportation and Streetscape Improvement fee. The fee proposed fee amounts are supported by the Downtown Open Space Nexus Study, San Francisco Planning Department and the Transit Center District Plan Transportation Nexus Study, respectively. Both studies are on file with the Department in San Francisco Planning Department Case No. 2007.0558EMTZU and are incorporated herein by reference.

The Planning Commission incorporates by reference the general findings and overview concerning the Transit Center District Plan as set forth in Planning Commission Resolution No. 18630 governing General Plan amendments.

Prior to considering relevant amendments to the General Plan, Planning Code, Zoning Maps and other actions related to implementing the Transit Center District Plan, the Planning Commission adopted Motion No. 18628 certifying the Final Environmental Impact Report for the Transit Center District Plan in accordance with the California Environmental Quality Act (CEQA). The Planning Commission also adopted Motion No. 18629 adopting CEQA Findings related to the Transit Center District Plan.

NOW, THEREFORE, BE IT RESOLVED, the Commission adopts and incorporates by reference the CEQA Findings in Commission Motion No. 18629;

AND BE IT FURTHER RESOLVED, that pursuant to Planning Code Section 302(c), the Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code;

AND BE IT FURTHER RESOLVED, that the Commission finds the Planning Code amendments, on balance, consistent with the General Plan as proposed for amendment and with the eight priority policies of Planning Code Section 101.1 for the reasons set forth in Planning Commission Resolution No. 18630, which is incorporated herein by reference;

AND BE IT FURTHER RESOLVED, that the Commission recommends that the Historic Preservation Commission adopt the amendments to Article 11, including various appendices, as contained in the Exhibit referenced below.

AND BE IT FURTHER RESOLVED, that pursuant to Planning Code Section 302(c), the Commission approves the Planning Code amendments contained in an ordinance approved as to form by the City Attorney hereto attached as Exhibit IV-3 and recommends their adoption by the Board of Supervisors.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on May 24, 2012.

Linda D. Avery

Commission Secretary

AYES: Commissioners Fong, Wu, Antonini, and Borden

NOES: Commissioners Moore and Sugaya

ABSENT: Commissioner Miguel

ADOPTED: May 24, 2012

SAN FRANCISCO
PLANNING DEPARTMENT

Historic Preservation Commission Resolution No. 679

HEARING DATE: JUNE 6, 2012

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Date:	May 31, 2012
Case No.:	2007.0558MTZ
Project Address:	**Transit Center District Plan** **Review and Comment on Plan Adoption and related Ordinances**
Staff Contact	Pilar LaValley - (415) 575-9084 pilar.lavalley@sfgov.org
Reviewed By	Tim Frye – (415) 558-6822 tim.frye@sfgov.org

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT PROPOSED ORDINANCES ASSOCIATED WITH THE TRANSIT CENTER DISTRICT PLAN TO AMEND THE SAN FRANCISCO GENERAL PLAN, PLANNING CODE, AND ZONING MAPS, INCLUDING AMENDMENTS TO PLANNING CODE ARTICLE 11 AND VARIOUS APPENDICES, AND MAKING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE PRIORITY POLICIES OF PLANNING CODE SECTION 101.1.

Whereas, on June 6, 2012, the San Francisco Historic Preservation Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider aspects in the proposed Transit Center District Plan and related Ordinances that directly impact Article 11 buildings, and historic resources; and

The Historic Preservation Commission, at a duly noticed public hearing on May 2, 2012, initiated the proposed Boundary Change and change of name of the Conservation District and related Planning Code amendments to Article 11, including various appendices; and

The Planning Commission, at a duly noticed public hearing on May 3, 2012 and in accordance with Planning Code Section 302(b), initiated General Plan, Planning Code Amendments, and Zoning Map Amendments related to the Plan. The Plan enhances and augments the Downtown Plan's patterns of land use, urban form, public space, circulation, and historic preservation, and makes policy recommendations, including enlarging the New Montgomery-Second Street Conservation District; and

Prior to considering relevant amendments to the General Plan, Planning Code, Zoning Maps and other actions related to implementing the Transit Center District Plan, the Planning Commission adopted Motion No. 18628 certifying the Final Environmental Impact Report for the Transit Center District Plan in accordance with the California Environmental Quality Act (CEQA). The Planning Commission also adopted Motion No. 18629 adopting CEQA Findings related to the Transit Center District Plan. The Historic Preservation Commission incorporates by reference the CEQA Findings related to the Transit Center District Plan as set forth in Planning Commission Motion No. 18629; and

The Planning Commission, at a duly noticed public hearing on May 24, 2012, recommended adoption of the Plan and related ordinances to the Board of Supervisors. The Planning Commission also adopted Resolution No. 18632 recommending adoption of amendments to Planning Code Article 11 and various Appendices related to a boundary change to expand the New Montgomery-Second Street Conservation District to include an additional twenty-six (26) properties, and to change name to the New Montgomery-Mission-Second Street Conservation District; and

The Historic Preservation 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 the applicant, Department staff, and other interested parties; and

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

The Historic Preservation Commission has reviewed the proposed Plan and Ordinances; and

COMMENTS

Having reviewed the materials identified in the recitals above, and having heard all testimony and arguments, this Commission has provided the following comments regarding the proposed Plan and related Ordinances:

1. The Commission recommends approval with modification:
    a. That height for small parcel on south side of Minna Street, and west end of proposed Transit Center site, between 1st and 2nd Streets not be increased to 500'.

The proposal will promote the following relevant objectives and policies of the General Plan:

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 2: CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

POLICY 2.4: Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

POLICY 2.5: Use care in remodeling of older buildings, in order to enhance rather than weaken the original character of such buildings.

POLICY 2.7: Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco's visual form and character.

POLICY 4: Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

The proposed designations and boundary change would preserve notable landmarks and areas of historic, architectural or aesthetic value by recognizing their cultural and historical value and providing mechanisms for review of proposed alterations as well as incentives for property owners to maintain and preserve their buildings. Designating significant historic resources as Significant and Contributing buildings will further continuity with the past because the buildings will be preserved for the benefit of future generations. Designation will require that the Planning Department and the Historic Preservation Commission review proposed work that may have an impact on character-defining features. Both entities will utilize the Secretary of Interior's Standards for the Treatment of Historic Properties in their review to ensure that only appropriate, compatible alterations are made.

DOWNTOWN PLAN

The Downtown Plan grows out of an awareness of the public concern in recent years over the degree of change occurring downtown – and of the often conflicting civic objectives between fostering a vital economy and the retaining the urban patterns and structures which collectively form the physical essence of San Francisco. The Plan foresees a downtown known the world over as a center of ideas, services and trade, and as a place for stimulating experiences. In essence, downtown San Francisco should encompass a compact mix of activities, historical values, and distinctive architecture and urban forms that engender a special excitement reflective of a world city.

Objectives and Policies

OBJECTIVE 1: MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

OBJECTIVE 12: CONSERVE RESOURCES THAT PROVIDE CONTINUITY WITH SAN FRANCISCO'S PAST.

Policy 12.1: Preserve notable landmarks and areas of historic, architectural, or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

POLICY 12.2: Use care in remodeling significant older buildings to enhance rather than weaken their original character.

The proposed designations and boundary change are consistent with the objectives and policies of the Downtown Plan as it would increase the number of notable landmarks and expand areas of historic, architectural or aesthetic value by expanding the size of the New Montgomery-Second Street Conservation District and designating additional buildings as historic resources. Designation will require that the Planning Department and the Historic Preservation Commission review proposed work that may have an impact on character-defining features. Both entities will utilize the Secretary of Interior's Standards for the Treatment of Historic Properties in their review to ensure that only appropriate, compatible alterations are made.

TRANSIT CENTER DISTRICT PLAN

The historic preservation objectives and policies of the Transit Center District Plan build upon the preservation principles of the Downtown Plan. They are intended to provide for the identification, retention, reuse, and sustainability of the area's historic properties. As the area continues to change

and develop, historic features and properties that define it should not be lost or their significance diminished through demolition or inappropriate alterations. As increased densities will provide a contrast to the traditional lower-scale, masonry, pre-war buildings, new construction with the historic core of the Transit Center District should respect and relate to its historic context. The District Plan regulations sound treatment of historic resources according to the Secretary of the Interior's Standards; in encourages the rehabilitation of historic resources for new compatible uses, and it allows for incentives for qualifying historic properties.

Historic Preservation Objectives

OBJECTIVE 5.1: PROTECT, PRESERVE, AND REUSE HISTORIC PROPERTIES THAT HAVE BEEN IDENTIFIED AND EVALUATED WITHIN THE TRANSIT CENTER PLAN AREA.

OBJECTIVE 5.2: PROVIDE PRESERVATION INCENTIVES, GUIDANCE, AND LEADERSHIP WITHIN THE TRANSIT CENTER DISTRICT PLAN AREA.

OBJECTIVE 5.3: FOSTER PUBLIC AWARENESS AND APPRECIATION OF HISTORIC AND CULTRUAL RESOURCES WITHIN THE TRANSIT CENTER PLAN AREA.

OBJECTIVE 5.4: PROMOTE WELL DESIGNED, CONTEMPORARY INFILL DEVELOPMENT WITHIN THE HISTORIC CORE OF THE TRANSIT CENTER PLAN AREA.

The proposed designations and boundary change are consistent with the objectives and policies of the Transit Center District Plan as it would increase the number of notable landmarks and expand areas of historic, architectural or aesthetic value by expanding the size of the New Montgomery-Second Street Conservation District. Designation will require that the Planning Department and the Historic Preservation Commission review proposed work that may have an impact on character-defining features. Both entities will utilize the Secretary of Interior's Standards for the Treatment of Historic Properties in their review to ensure that only appropriate, compatible alterations are made.

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

a. 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 boundary change and building designations will not impact neighborhood-serving retail uses or ownership/employment opportunities in such businesses. Many of the buildings proposed for designation have a history of mixed-use, generally with commercial or retail at the ground floor. Retention of historic fabric that contributes to this mixed-use character, and related uses, would be encouraged within the Conservation District.

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

The proposed boundary change and building designations will encourage conservation and protection of neighborhood character as all proposed alterations to exterior features of Significant or

Contributory buildings or any buildings within a Conservation District shall be subject to review and approval by the Historic Preservation Commission, or as delegated to Planning Department staff by HPC Motion No. 0122, in accordance with Sections 1111 through 1111.6 of the Planning Code and Section 4.135 of the City Charter. Enlargement of the Conservation District and designation of buildings in Categories I through IV will encourage retention of existing buildings by providing a preservation incentive in the form of eligibility for Transfer of Development Rights (TDRs).

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

The proposed boundary change and designations will not negatively impact the City's supply of affordable housing. The proposed amendments to Article 11 will not affect affordable housing supply and are consistent with the policies and objectives related to housing outlined in the Transit Center District Plan and Downtown Plan.

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

The proposed Boundary Change and building designations will not impede transit service or overburden our streets or neighborhood parking.

e. 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 boundary change and building designations would not impact the diversity of economic activity.

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

The proposed boundary change and building designations would not modify any physical parameters of the Planning Code or other Codes. It is furthermore not anticipated that the proposed designations would result in any building activity and therefore would have no affect on the City's preparedness for an earthquake.

g. That the landmarks and historic buildings be preserved;

Initiating the proposed boundary change and designation of buildings under Article 11 will further continuity with the past because the character-defining features of buildings within the district will be preserved for the benefit of future generations. Designation will require that the Planning Department and the Historic Preservation Commission review any proposed work that may have an impact on character-defining features of buildings within the district. Both entities will utilize the Secretary of Interior's Standards for the Treatment of Historic Properties in their review to ensure that only appropriate, compatible alterations are made. The proposed designations will not have a significant impact on any of the other elements of the General Plan.

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

The proposed boundary change and designation of buildings would not impact or facilitate any development which could have any impact on our parks and open space or their access to sunlight and vistas.

NOW, THEREFORE BE IT RESOLVED that the Historic Preservation Commission hereby recommends that the Board ADOPT the proposed Transit Center District Plan and related Ordinances including amendments to Planning Code Article 11 and various Appendices.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on June 6, 2012.

Linda D. Avery
Commission Secretary

AYES: Commissioners Damkroger, Johns, Hasz, Martinez, Matsuda, and Wolfram

NOES: None

ABSENT: Commissioner Chase

ADOPTED: June 6, 2012

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Historic Preservation Commission
Resolution No. 680

HEARING DATE: JUNE 6, 2012

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND THE SAN FRANCISCO PLANNING CODE BY: 1) AMENDING APPENDIX F OF ARTICLE 11 TO EXPAND THE BOUNDARIES OF THE NEW MONTGOMERY-SECOND STREET CONSERVATION DISTRICT TO INCLUDE AN ADDITIONAL TWENTY-SIX (26) PROPERTIES; 2) AMENDING SECTION 1103.1 TO CHANGE THE CONSERVATION DISTRICT NAME TO THE NEW MONTGOMERY-MISSION-SECOND STREET CONSERVATION DISTRICT; AND 3) MAKING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND WITH THE PRIORITY POLICIES OF PLANNING CODE SECTION 101.1.

WHEREAS, Section 4.105 of the City and County of San Francisco Charter mandates that the Planning Commission shall periodically recommend amendments to the Planning Code to the Board of Supervisors; and the San Francisco Planning Department ("Department") is proposing to amend the Planning Code to implement the Transit Center District Plan and to bring Planning Code regulations governing this area into consistency with the Transit Center District Plan ("the Plan").

The Historic Preservation Commission, at a duly noticed public hearing on May 2, 2012, initiated the proposed Boundary Change, change of name of the Conservation District, and designation of properties and related Planning Code amendments to Article 11, including various appendices, which are integrated into the Transit Center District Plan Planning Code amendments.

The Planning Commission, at a duly noticed public hearing on May 3, 2012 and in accordance with Planning Code Section 302(b), initiated the Planning Code amendments related to the Plan. The Plan enhances and augments the Downtown Plan's patterns of land use, urban form, public space, circulation, and historic preservation, and makes policy recommendations, including enlarging the New Montgomery-Second Street Conservation District.

Prior to considering relevant amendments to the General Plan, Planning Code, Zoning Maps, and other actions related to implementing the Transit Center District Plan, the Planning Commission adopted Motion No. 18628 certifying the Final Environmental Impact Report for the Transit Center District Plan in accordance with the California Environmental Quality Act (CEQA). The Planning Commission also adopted Motion No. 18629 adopting CEQA Findings related to the Transit Center District Plan. The Historic Preservation Commission incorporates by reference the CEQA Findings related to the Transit Center District Plan as set forth in Planning Commission Motion No. 18629.

The Planning Commission, at a duly noticed public hearing on May 24, 2012, recommended adoption of the Plan and related ordinances to the Board of Supervisors. The Planning Commission also adopted Resolution No. 18632 recommending adoption of amendments to Planning Code Article 11 and various

Appendices related to a boundary change to expand the New Montgomery-Second Street Conservation District to include an additional twenty-six (26) properties, and to change name to the New Montgomery-Mission-Second Street Conservation District.

The Historic Preservation Commission, at a duly noticed public hearing on June 6, 2012, recommends adoption of the Planning Code amendments to Article 11 related to expansion of the New Montgomery-Second Street Conservation District to include an additional twenty-six properties and to change the name to the New Montgomery-Mission-Second Street Conservation District.

The HPC finds that the proposed Boundary Change advances the basic principles of the Downtown Plan and reinforces the unique sense of place provided in the downtown area; and

1. The Historic Preservation Commission reviewed the supporting documentation for the New Montgomery-Mission-Second District and finds that the expanded district appears to contain substantial concentrations of Significant and Contributory Buildings that together create a subarea of special architectural and aesthetic importance to meet the eligibility requirements of Section 1103 of the Planning Code and warrants consideration for Article 11 designation.

2. The supporting documentation was reviewed by the Historic Preservation Commission and has been determined to be accurate and adequate for the purposes of this hearing. Kelley & VerPlanck Historical Resources Consulting and Carey & Company prepared supporting documentation in accordance with Resolution 527 and in conformance with the requirements of Article 11 of the Planning Code.

3. The HPC finds that the proposed expanded area contains some notable buildings and relates strongly to the context of the District and strengthens its overall historic character; and,

4. The properties in the proposed expansion advance the basic principles of the Downtown Plan and reinforce the unique sense of place provided by the Conservation District.

5. The boundaries and the list of contributing and non-contributing buildings, as identified in the documentation, should be considered for preservation under the proposed Conservation District Boundary Change designation as the New Montgomery-Mission-Second (NMMS) Conservation District as they appear to relate to the district's historical significance and to retain historical integrity.

6. All proposed alterations to exterior features of Significant or Contributory buildings or any buildings within a Conservation District shall be subject to review and approval by the Historic Preservation Commission, or as delegated to Planning Department staff by HPC Motion No. 0122, in accordance with Sections 1111 through 1111.6 of the Planning Code and Section 4.135 of the City Charter.

7. The proposed boundary change will not require specific amendment of the General Plan and will promote the following relevant objectives and policies:

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 2: CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

POLICY 2.4: Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

POLICY 2.5: Use care in remodeling of older buildings, in order to enhance rather than weaken the original character of such buildings.

POLICY 2.7: Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco's visual form and character.

POLICY 4: Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

The proposed boundary change would preserve notable landmarks and areas of historic, architectural or aesthetic value by recognizing their cultural and historical value and providing mechanisms for review of proposed alterations as well as incentives for property owners to maintain and preserve their buildings. Designating significant historic resources as Significant and Contributing buildings will further continuity with the past because the buildings will be preserved for the benefit of future generations. Designation will require that the Planning Department and the Historic Preservation Commission review proposed work that may have an impact on character-defining features. Both entities will utilize the Secretary of Interior's Standards for the Treatment of Historic Properties in their review to ensure that only appropriate, compatible alterations are made.

DOWNTOWN PLAN

The Downtown Plan grows out of an awareness of the public concern in recent years over the degree of change occurring downtown – and of the often conflicting civic objectives between fostering a vital economy and the retaining the urban patterns and structures which collectively form the physical essence of San Francisco. The Plan foresees a downtown known the world over as a center of ideas, services and trade, and as a place for stimulating experiences. In essence, downtown San Francisco should encompass a compact mix of activities, historical values, and distinctive architecture and urban forms that engender a special excitement reflective of a world city.

Objectives and Policies

OBJECTIVE 1: MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

OBJECTIVE 12: CONSERVE RESOURCES THAT PROVIDE CONTINUITY WITH SAN FRANCISCO'S PAST.

Policy 12.1: Preserve notable landmarks and areas of historic, architectural, or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

POLICY 12.2: Use care in remodeling significant older buildings to enhance rather than weaken their original character.

The proposed boundary change is consistent with the objectives and policies of the Downtown Plan as it would increase the number of notable landmarks and expand areas of historic, architectural or aesthetic value by expanding the size of the New Montgomery-Second Street Conservation District. Designation will require that the Planning Department and the Historic Preservation Commission review proposed work that may have an impact on character-defining features. Both entities will utilize the Secretary of Interior's Standards for the Treatment of Historic Properties in their review to ensure that only appropriate, compatible alterations are made.

TRANSIT CENTER DISTRICT PLAN

The historic preservation objectives and policies of the Transit Center District Plan build upon the preservation principles of the Downtown Plan. They are intended to provide for the identification, retention, reuse, and sustainability of the area's historic properties. As the area continues to change and develop, historic features and properties that define it should not be lost or their significance diminished through demolition or inappropriate alterations. As increased densities will provide a contrast to the traditional lower-scale, masonry, pre-war buildings, new construction with the historic core of the Transit Center District should respect and relate to its historic context. The District Plan regulations sound treatment of historic resources according to the Secretary of the Interior's Standards; in encourages the rehabilitation of historic resources for new compatible uses, and it allows for incentives for qualifying historic properties.

Historic Preservation Objectives

OBJECTIVE 5.1: PROTECT, PRESERVE, AND REUSE HISTORIC PROPERTIES THAT HAVE BEEN IDENTIFIED AND EVALUATED WITHIN THE TRANSIT CENTER PLAN AREA.

OBJECTIVE 5.2: PROVIDE PRESERVATION INCENTIVES, GUIDANCE, AND LEADERSHIP WITHIN THE TRANSIT CENTER DISTRICT PLAN AREA.

OBJECTIVE 5.3: FOSTER PUBLIC AWARENESS AND APPRECIATION OF HISTORIC AND CULTRUAL RESOURCES WITHIN THE TRANSIT CENTER PLAN AREA.

OBJECTIVE 5.4: PROMOTE WELL DESIGNED, CONTEMPORARY INFILL DEVELOPMENT WITHIN THE HISTORIC CORE OF THE TRANSIT CENTER PLAN AREA.

The proposed boundary change is consistent with the objectives and policies of the Transit Center District Plan as it would increase the number of notable landmarks and expand areas of historic, architectural or aesthetic value by expanding the size of the New Montgomery-Second Street Conservation District. Designation will require that the Planning Department and the Historic Preservation Commission review proposed work that may have an impact on character-defining features. Both entities will utilize the Secretary of Interior's Standards for the Treatment of Historic Properties in their review to ensure that only appropriate, compatible alterations are made.

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

a. 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 boundary change will not impact neighborhood-serving retail uses or ownership/employment opportunities in such businesses. Many of the buildings proposed for inclusion in the enlarged Conservation District have a history of mixed-use, generally with commercial or retail at the ground floor. Retention of historic fabric that contributes to this mixed-use character, and related uses, would be encouraged within the Conservation District.

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

The proposed boundary change will encourage conservation and protection of neighborhood character as all proposed alterations to exterior features of Significant or Contributory buildings or any buildings within a Conservation District shall be subject to review and approval by the Historic Preservation Commission, or as delegated to Planning Department staff by HPC Motion No. 0122, in accordance with Sections 1111 through 1111.6 of the Planning Code and Section 4.135 of the City Charter. Enlargement of the Conservation District will encourage retention of existing buildings by providing a preservation incentive in the form of eligibility for Transfer of Development Rights (TDRs).

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

The proposed boundary change will not negatively impact the City's supply of affordable housing. The proposed amendments to Article 11 will not affect affordable housing supply and are consistent with the policies and objectives related to housing outlined in the Transit Center District Plan and Downtown Plan.

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

The proposed Boundary Change and expansion of the New Montgomery-Mission-Second Street Conservation District will not impede transit service or overburden our streets or neighborhood parking.

e. 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 designations would not impact the diversity of economic activity.

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

The proposed boundary change would not modify any physical parameters of the Planning Code or other Codes. It is furthermore not anticipated that the proposed designations would result in any building activity and therefore would have no affect on the City's preparedness for an earthquake.

g. That the landmarks and historic buildings be preserved;

Initiating the proposed boundary change and designation of buildings under Article 11 will further continuity with the past because the character-defining features of buildings within the district will be preserved for the benefit of future generations. Designation will require that the Planning Department and the Historic Preservation Commission review any proposed work that may have an impact on character-defining features of buildings within the district. Both entities will utilize the Secretary of Interior's Standards for the Treatment of Historic Properties in their review to ensure that only appropriate, compatible alterations are made. The proposed designations will not have a significant impact on any of the other elements of the General Plan.

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

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

9. The Transit Center District Plan is exemplary transit-oriented development that promotes the Sustainable Communities Strategies and related transportation, affordable housing, job creation, environmental protection, and climate change goals. The proposed Boundary Change does not appear to be in conflict with the Sustainable Communities Strategy for the Bay Area, which is an a regional blueprint for transportation, housing and land use that is focused on reducing driving and associated greenhouse gas emissions. The boundary change proposal is consistent with policies regarding transit-oriented growth and sustainability outlined in the General Plan, Downtown Plan, and Transit Center District Plan.

NOW, THEREFORE BE IT RESOLVED that the Historic Preservation Commission adopts and incorporates by reference the CEQA Findings in Planning Commission Motion No. 18629.

NOW, THEREFORE BE IT FURTHER RESOLVED that the Historic Preservation Commission hereby recommends that the Board ADOPT the proposed Boundary Change and related amendments to Article 11 as such action appears to be consistent with the standards for designation of conservation districts in Article 11 and with the General Plan and Priority Policies of Section 101.1 and will not conflict with regional housing or environmental sustainability policies.

I hereby certify that the foregoing Resolution was adopted by the Historic Preservation Commission at its meeting on June 6, 2012.

Linda Avery
Commission Secretary

AYES: Commissioners Damkroger, Johns, Hasz, Martinez, Matsuda, and Wolfram

NAYS: None

ABSENT: Commissioner Chase

ADOPTED: June 6, 2012

SAN FRANCISCO
PLANNING DEPARTMENT

Historic Preservation Commission
Resolution No. 681

HEARING DATE: JUNE 6, 2012

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RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND THE SAN FRANCISCO PLANNING CODE BY: 1) AMENDING APPENDIX A OF ARTICLE 11 TO DESIGNATE THREE (3) PROPERTIES AS CATEGORY I (SIGNIFICANT); 2) AMENDING APPENDIX C OF ARTICLE 11 TO DESIGNATE THIRTEEN (13) PROPERTIES AS CATEGORY III (CONTRIBUTING) AND TO REMOVE TWO (2) PROPERTIES FROM THIS DESIGNATION; 3) AMENDING APPENDIX D OF ARTICLE 11 TO DESIGNATE FOURTEEN (14) PROPERTIES AS CATEGORY IV (CONTRIBUTING) AND TO REMOVE ONE (1) PROPERTY FROM THIS DESIGNATION; AND 4) MAKING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND WITH THE PRIORITY POLICIES OF PLANNING CODE SECTION 101.1.

WHEREAS, Section 4.105 of the City and County of San Francisco Charter mandates that the Planning Commission shall periodically recommend amendments to the Planning Code to the Board of Supervisors; and the San Francisco Planning Department ("Department") is proposing to amend the Planning Code to implement the Transit Center District Plan and to bring Planning Code regulations governing this area into consistency with the Transit Center District Plan ("the Plan").

The Historic Preservation Commission, at a duly noticed public hearing on May 2, 2012, initiated the proposed Boundary Change, change of name of the Conservation District, and designation of properties and related Planning Code amendments to Article 11, including various appendices, which are integrated into the Transit Center District Plan Planning Code amendments.

The Planning Commission, at a duly noticed public hearing on May 3, 2012 and in accordance with Planning Code Section 302(b), initiated the Planning Code amendments related to the Plan. The Plan enhances and augments the Downtown Plan's patterns of land use, urban form, public space, circulation, and historic preservation, and makes policy recommendations, including enlarging the New Montgomery-Second Street Conservation District.

Prior to considering relevant amendments to the General Plan, Planning Code, Zoning Maps, and other actions related to implementing the Transit Center District Plan, the Planning Commission adopted Motion No. 18628 certifying the Final Environmental Impact Report for the Transit Center District Plan in accordance with the California Environmental Quality Act (CEQA). The Planning Commission also adopted Motion No. 18629 adopting CEQA Findings related to the Transit Center District Plan. The Historic Preservation Commission incorporates by reference the CEQA Findings related to the Transit Center District Plan as set forth in Planning Commission Motion No. 18629.

The Planning Commission, at a duly noticed public hearing on May 24, 2012, recommended adoption of the Plan and related ordinances to the Board of Supervisors. The Planning Commission also adopted Resolution No. 18632 recommending adoption of amendments to Planning Code Article 11 and various Appendices related to a boundary change to expand the New Montgomery-Second Street Conservation

District to include an additional twenty-six (26) properties, and to change name to the New Montgomery-Mission-Second Street Conservation District.

The Historic Preservation Commission, at a duly noticed public hearing on June 6, 2012, recommends adoption of Planning Code amendments to Article 11 related to the designation of twenty-seven (27) properties and change of designation of three (3) properties, based on the following:

The HPC finds that designation of the subject properties advance the basic principles of the Downtown Plan and reinforce the unique sense of place provided in the downtown area; and

1. The Historic Preservation Commission reviewed the supporting documentation for the subject properties and finds that the properties appear to exhibit strong architectural significance, individually or as contributors to the larger historic context identified with the Plan Area and with the Conservation District, and meet the eligibility requirements of Sections 1102 and 1006 of the Planning Code and warrants consideration for Article 11 designation; and,

2. The supporting documentation was reviewed by the Historic Preservation Commission and has been determined to be accurate and adequate for the purposes of this hearing. Kelley & VerPlanck Historical Resources Consulting and Carey & Company prepared supporting documentation in accordance with Resolution 527 and in conformance with the requirements of Article 11 of the Planning Code; and,

3. The HPC finds that the subject properties include notable buildings that should be considered for preservation under the proposed Article 11 designation as they appear to relate to the area's historical significance and to retain historical integrity; and,

4. The properties in the proposed expansion advance the basic principles of the Downtown Plan and reinforce the unique sense of place provided by the Conservation District; and,

5. The HPC recommends that proposed Planning Code amendments to Article 11 be modified to change the designation for 133 Second Street (3721/051) from Category IV (Contributing) to Category I (Signficant); and,

6. All proposed alterations to exterior features of Significant or Contributory buildings or any buildings within a Conservation District shall be subject to review and approval by the Historic Preservation Commission, or as delegated to Planning Department staff by HPC Motion No. 0122, in accordance with Sections 1111 through 1111.6 of the Planning Code and Section 4.135 of the City Charter.

7. The proposed designations will not require specific amendment of the General Plan and will promote the following relevant objectives and policies:

URBAN DESIGN ELEMENT
Objectives and Policies

OBJECTIVE 2: CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

POLICY 2.4: Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

POLICY 2.5: Use care in remodeling of older buildings, in order to enhance rather than weaken the original character of such buildings.

POLICY 2.7: Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco's visual form and character.

POLICY 4: Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

The proposed designations would preserve notable landmarks and areas of historic, architectural or aesthetic value by recognizing their cultural and historical value and providing mechanisms for review of proposed alterations as well as incentives for property owners to maintain and preserve their buildings. Designating significant historic resources as Significant and Contributing buildings will further continuity with the past because the buildings will be preserved for the benefit of future generations. Designation will require that the Planning Department and the Historic Preservation Commission review proposed work that may have an impact on character-defining features. Both entities will utilize the Secretary of Interior's Standards for the Treatment of Historic Properties in their review to ensure that only appropriate, compatible alterations are made.

DOWNTOWN PLAN

The Downtown Plan grows out of an awareness of the public concern in recent years over the degree of change occurring downtown – and of the often conflicting civic objectives between fostering a vital economy and the retaining the urban patterns and structures which collectively form the physical essence of San Francisco. The Plan foresees a downtown known the world over as a center of ideas, services and trade, and as a place for stimulating experiences. In essence, downtown San Francisco should encompass a compact mix of activities, historical values, and distinctive architecture and urban forms that engender a special excitement reflective of a world city.

Objectives and Policies

OBJECTIVE 1: MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

OBJECTIVE 12: CONSERVE RESOURCES THAT PROVIDE CONTINUITY WITH SAN FRANCISCO'S PAST.

Policy 12.1: Preserve notable landmarks and areas of historic, architectural, or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

POLICY 12.2: Use care in remodeling significant older buildings to enhance rather than weaken their original character.

The proposed designations are consistent with the objectives and policies of the Downtown Plan as it would increase the number of notable landmarks and expand areas of historic, architectural or aesthetic value by expanding the size of the New Montgomery-Second Street Conservation District. Designation will require that the Planning Department and the Historic Preservation Commission review proposed work that may have an impact on character-defining features. Both entities will utilize the Secretary of Interior's Standards for the Treatment of Historic Properties in their review to ensure that only appropriate, compatible alterations are made.

TRANSIT CENTER DISTRICT PLAN

The historic preservation objectives and policies of the Transit Center District Plan build upon the preservation principles of the Downtown Plan. They are intended to provide for the identification, retention, reuse, and sustainability of the area's historic properties. As the area continues to change and develop, historic features and properties that define it should not be lost or their significance diminished through demolition or inappropriate alterations. As increased densities will provide a contrast to the traditional lower-scale, masonry, pre-war buildings, new construction with the historic core of the Transit Center District should respect and relate to its historic context. The District Plan regulations sound treatment of historic resources according to the Secretary of the Interior's Standards; in encourages the rehabilitation of historic resources for new compatible uses, and it allows for incentives for qualifying historic properties.

Historic Preservation Objectives

OBJECTIVE 5.1: PROTECT, PRESERVE, AND REUSE HISTORIC PROPERTIES THAT HAVE BEEN IDENTIFIED AND EVALUATED WITHIN THE TRANSIT CENTER PLAN AREA.

OBJECTIVE 5.2: PROVIDE PRESERVATION INCENTIVES, GUIDANCE, AND LEADERSHIP WITHIN THE TRANSIT CENTER DISTRICT PLAN AREA.

OBJECTIVE 5.3: FOSTER PUBLIC AWARENESS AND APPRECIATION OF HISTORIC AND CULTRUAL RESOURCES WITHIN THE TRANSIT CENTER PLAN AREA.

OBJECTIVE 5.4: PROMOTE WELL DESIGNED, CONTEMPORARY INFILL DEVELOPMENT WITHIN THE HISTORIC CORE OF THE TRANSIT CENTER PLAN AREA.

The proposed designations are consistent with the objectives and policies of the Transit Center District Plan as it would increase the number of notable landmarks and expand areas of historic, architectural or aesthetic value by expanding the size of the New Montgomery-Second Street Conservation District. Designation will require that the Planning Department and the Historic Preservation Commission review proposed work that may have an impact on character-defining features. Both entities will utilize the Secretary of Interior's Standards for the Treatment of Historic Properties in their review to ensure that only appropriate, compatible alterations are made.

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

   a. 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 designations will not impact neighborhood-serving retail uses or ownership/employment opportunities in such businesses. Many of the buildings proposed for designation have a history of mixed-use, generally with commercial or retail at the ground floor. Retention of historic fabric that contributes to this mixed-use character, and related uses, would be encouraged.

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

The proposed designations will encourage conservation and protection of neighborhood character as all proposed alterations to exterior features of Significant or Contributory buildings or any buildings within a Conservation District shall be subject to review and approval by the Historic Preservation Commission, or as delegated to Planning Department staff by HPC Motion No. 0122, in accordance with Sections 1111 through 1111.6 of the Planning Code and Section 4.135 of the City Charter. Designation of buildings under Article 11 will encourage retention of existing buildings by providing a preservation incentive in the form of eligibility for Transfer of Development Rights (TDRs).

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

The proposed designations will not negatively impact the City's supply of affordable housing. The proposed amendments to Article 11 will not affect affordable housing supply and are consistent with the policies and objectives related to housing outlined in the Transit Center District Plan and Downtown Plan.

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

The proposed designations will not impede transit service or overburden our streets or neighborhood parking.

e. 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 designations would not impact the diversity of economic activity.

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

The proposed designations would not modify any physical parameters of the Planning Code or other Codes. It is furthermore not anticipated that the proposed designations would result in any building activity and therefore would have no affect on the City's preparedness for an earthquake.

g. That the landmarks and historic buildings be preserved;

The designation of buildings under Article 11 will further continuity with the past because the character-defining features of buildings within the district will be preserved for the benefit of future generations. Designation will require that the Planning Department and the Historic Preservation Commission review any proposed work that may have an impact on character-defining features of buildings within the district. Both entities will utilize the Secretary of Interior's Standards for the Treatment of Historic Properties in their review to ensure that only appropriate, compatible alterations are made. The proposed designations will not have a significant impact on any of the other elements of the General Plan.

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

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

NOW, THEREFORE BE IT RESOLVED that the Historic Preservation Commission adopts and incorporates by reference the CEQA Findings in Planning Commission Motion No. 18629.

NOW, THEREFORE BE IT FURTHER RESOLVED that the Historic Preservation Commission hereby recommends that the Board ADOPT the proposed designations and related amendments to Article 11 as such action appears to be consistent with the standards for designation in Article 11 and with the General Plan and Priority Policies of Section 101.1.

I hereby certify that the foregoing Resolution was adopted by the Historic Preservation Commission at its meeting on June 6, 2012.

Linda Avery
Commission Secretary

AYES: Commissioners Damkroger, Johns, Hasz, Martinez, Matsuda, and Wolfram

NAYS: None

ABSENT: Commisioner Chase

ADOPTED: June 6, 2012

DOWNTOWN SAN FRANCISCO PARK, RECREATION, AND OPEN SPACE DEVELOPMENT IMPACT FEE NEXUS STUDY

FINAL REPORT

A Report to

PLANNING DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO

Prepared by

HAUSRATH ECONOMICS GROUP

April 13, 2012

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Table A.1 Park, Recreation, and Open Space Use Factors, by Land Use

Table A.2 Recent Land Sales of Developable Parcels in the C-3-O and C-3-O(SD) Districts

DOWNTOWN SAN FRANCISCO
PARK, RECREATION, AND OPEN SPACE
DEVELOPMENT IMPACT FEE NEXUS STUDY

SUMMARY AND MITIGATION FEE ACT FINDINGS

Overview and Summary

People living in new housing and working in new buildings in Downtown San Francisco will add to demand for park, recreation, and open space facilities. In addition, visitors to Downtown San Francisco—shoppers, tourists, conventioneers, people coming to dine out or enjoy entertainment downtown, people coming for business meetings and any number of other reasons—are another important component of demand for Downtown park and open space facilities. New facilities and improvements to existing facilities are required to accommodate the additional demand for park, recreation, and open space facilities from the increase in park users accommodated by the housing, office, retail, hotel, and institutional development expected to occur in Downtown San Francisco. Without an increase to the facility inventory, facility standards and levels of service for all park users will deteriorate.

The impact fee documented in this study is proposed to be applied in Downtown San Francisco to fund the park, recreation, and open space facility needs attributable to the additional resident population and employment accommodated by new residential and non-residential development in the Downtown Area. See **Map 1** at the end of this report. Although Downtown visitors—those who do not work or live in the area—are a particularly important component of the usage of Downtown parks and open spaces, there is no data or information measuring non-resident, non-worker visitor use of parks and open space in San Francisco. Without a reliable basis for allocating the costs of needed park facilities to visitors, this study adjusts (reduces) the total facility cost by 10 percent as a reasonable approximation of the share of total costs attributable to visitor use. The adjusted cost is the cost basis for the maximum justifiable impact fee.

The fee would be imposed on both residential and non-residential development not yet under construction, permitted, or approved for development in Downtown San Francisco. San Francisco's park, recreation, and open space facilities serve residents of the City as well as people who work in the City. The analysis calculates fee amounts per square foot of new development that are proportional to the relative demand associated with residents and workers and to household sizes and the density of employment (and therefore of park and recreation facility use) for different types of non-residential development.

The development fee would not be imposed in Zone 1 of the Transbay Redevelopment Project Area. Instead, the Redevelopment Agency would contribute an equivalent amount of funding and/or park, recreation, and open space improvements in the Transit Center District Plan Area.

Table S.1 summarizes the maximum justifiable impact fee schedule documented in this study.

TABLE S.1
PROPOSED DOWNTOWN PARK, RECREATION, AND OPEN SPACE DEVELOPMENT IMPACT FEE (maximum justified amount)

Land Use	Maximum Justified Fee Amount
Residential	$4,046 per unit
	$2.70 per gross sq. ft.[a]
Cultural, Institutional, Educational	$10.01 per gross sq. ft.
Hotel	$4.29 per gross sq. ft.
Industrial/PDR	$5.25 per gross sq. ft.
Medical	$13.90 per gross sq. ft.
Office	$12.95 per gross sq. ft.
Retail	$10.21 per gross sq. ft.

[a] Residential fee per gross square foot assuming 1,500 square feet per unit.

The proposed Downtown Park, Recreation, and Open Space Fee would supersede the existing Downtown Park Fee (Planning Code Section 412.5, formerly Section 139(a)). That fee was created in 1985 as part of the *Downtown Plan* in order to provide "financial resources to acquire and develop public park and recreation facilities which will be necessary to service the burgeoning daytime population in these districts".[1] The fee of $2.00 per square foot is imposed on new office development in downtown districts; the fee amount has remained the same since it was first established. Since 1985, a total of $11.3 million in fee revenue has been collected for the Downtown Park Special and $8.4 million has been spent on park improvements.[2]

The proposed fee relies on existing citywide standards documented in other impact fee studies conducted for the City and County of San Francisco. The facility cost analysis is updated to be more appropriate to Downtown San Francisco. The fee schedule documented in this study represents the maximum fee that the nexus analysis supports as justified to be applied to new development in Downtown San Francisco.

This report provides the documentation required under the California Mitigation Fee Act—AB 1600, enacted in California Government Code Sections 66000 – 66025—to identify the purpose of the proposed fee, describe the facilities and improvements that the fee would support, and demonstrate a reasonable relationship between: planned new development and the use of the fee, the type of new development planned and the need for facilities to accommodate growth, and the amount of the fee and the cost of facilities and improvements.

[1] San Francisco Planning Code, Section 412.5, Downtown Special Park Fund.

[2] City and County of San Francisco, Controller's Office, *FY 2009-10 Development Impact Fee Report*, January 24, 2011.

Findings

Purpose of the fee

The purpose of the Downtown Park, Recreation, and Open Space development impact fee would be to provide funding from new development to increase the supply of park, recreation, and open space facilities to serve the needs attributable to growth in Downtown San Francisco. Standards developed by the Recreation and Park Department indicate the amount of facilities required to meet the needs of population and employment growth in the City. The increased supply of park, recreation, and open space facilities would maintain these existing facility standards. The increase in the facility inventory funded by the development fee would be directly related to the needs associated with Downtown growth. Fee revenue would not be used to correct existing deficiencies.

Use of fee revenue

The impact fee would provide funding for new and improved facilities to meet the needs attributable to the increase in park users in Downtown expected through the year 2030. The fee revenue would be used to acquire land, develop park and recreation facilities, and improve existing park facilities in lieu of acquisition. Costs funded by the fees may also include project administration, management, design, and engineering.

Relationship between the use of the fee and the type of new development

There is a demonstrated benefit to new development of the park, recreation, and open space facilities funded by the fee. Park, recreation, and open space facilities are critical components of any community's quality of life. They sustain the social, physical, and mental health of residents and workers and provide economic benefits, as well. These qualities are established in the *Recreation and Open Space Element of the San Francisco General Plan* and in the *Downtown Plan*.[3]

The Parks, Recreation, and Open Space impact fee is calculated on the basis of the service population of park users that benefit from the facility inventory and facility improvements that would be funded by the fee revenue. The impact fee revenue would be used to pay for facilities required to meet the needs generated by new residential development and population growth and new non-residential development and employment growth in Downtown San Francisco thereby providing a benefit to the development types on which the fee is imposed.

Relationship between the need for park, recreation and open space facilities and the type of new development

New residential and non-residential development in Downtown San Francisco accommodates increases in the number of residents and workers located downtown. Those people will use park, recreation, and open space facilities for relaxing, exercising, socializing, eating, soaking up the sun, walking the dog, playing with children, appreciating nature, participating in sports, and enjoying entertainment, among other pastimes. In addition, adequate open space provides essential relief from the density and congestion associated with downtown high-rise

[3] San Francisco Planning Department, *Recreation and Open Space Element*, An Element of the General Plan of the City and County of San Francisco, Revised Draft June 2011 and *Downtown Plan*, An Area Plan of the General Plan.

development. If the facility inventory were not expanded or improved to accommodate increased demand, then the level of service for all park users would deteriorate as the increased activity associated with growth and new development would occur within the confines of constrained existing facilities. Furthermore, as new development occurs, additional park and open space facilities are needed Downtown to maintain the quality of urban experience that makes Downtown San Francisco an attractive place to do business, live, and visit.

Relationship between the amount of fee payments and the cost of park, recreation, and open space facilities

The need for park, recreation, and open space facilities attributable to Downtown growth has been estimated using existing citywide per capita facility standards that are a reasonable and established means of estimating level of service. Costs are based on factors that reflect the unique characteristics of the downtown development pattern, including the cost of land and the cost of improvements typical of downtown parks and open space. The estimate of the park user service population that is the basis for the fee calculation accounts for the fact that both residents and workers have the opportunity to use and benefit from park, recreation, and open space facilities. In fact, since much of the Downtown is primarily commercial use, the majority of users of many major downtown open spaces consists of workers, by contrast to most other parts of the City, where residents predominate. The fee amounts are also adjusted to account for the fact that visitors to the Downtown are another important source of demand for and use of Downtown parks and open space. Since no data are currently available measuring this use and allowing allocation of some of the cost to development that attracts visitors, facility costs are reduced by a factor chosen to reasonably account for visitor use. Using the appropriate service population to calculate per capita costs assures that the associated fees will be levied on types of development that create a demand for and benefit from these facilities and that the fee will be proportional to that demand. Furthermore, employment density factors that vary by land use and household size and housing unit size factors used in the fee calculations mean that fee amounts are sensitive to land use and to the square footage of new development. The fees are assessed per square foot of new development so impact fee payments are related directly to the size of proposed projects, and therefore to the relative impact and demand for open space attributable to that development.

DOWNTOWN GROWTH SCENARIO

Downtown San Francisco, including the Transit Center District Plan Area, is expected to accommodate a substantial amount of the population and employment growth projected for San Francisco. **Map 1** at the end of this report shows the boundaries of the Downtown area defined for this analysis.[4] The growth scenario reflects state, regional, and local policy priorities directing new development to dense urban centers served by transit, as well as the other market factors favoring San Francisco: important business location, central location well-connected to other parts of the region, diverse and walkable neighborhoods, cultural and entertainment attractions, range of housing options, reputation for tolerance and acceptance, and opportunities for immigrants and other newcomers.

[4] The Downtown area is defined by Traffic Analysis Zone (TAZ) boundaries because the land use allocation that is the basis for growth scenarios for subareas of the City used for area planning, transportation analysis and other purposes is based on the TAZ unit.

Building on market trends and planning efforts, an additional 16,000 households and 32,000 residents are expected in the Downtown area between 2005 and 2030 (see **Table 1**).[5] This is a substantial percentage increase—40 percent for households and 50 percent for population. The increase in housing and population downtown is 25 – 30 percent of the total growth projected for the City, as the share of the City's population living downtown is expected to continue to increase over time.

An additional 69,000 jobs are projected for the Downtown area during this planning horizon, bringing total downtown employment to 329,000 in 2030. Downtown employment growth represents about 30 percent of total employment growth projected for San Francisco (see **Table 1**). With the exception of the Transit Center District Plan Area, most of the Downtown business district is built out, so the share of total San Francisco employment located Downtown is projected to decline somewhat over time. Office employment in management, information, and professional services accounts for 75 percent of total employment growth Downtown from 2005 through 2030. Medical and health services and visitor lodging are projected to show the strongest pace of growth in the downtown area over this period while retail and entertainment, and cultural, institutional, and educational sectors grow at an average pace in the Downtown area.

SERVICE POPULATION / PARK USERS

San Francisco's park, recreation, and open space resources are used by and benefit both City residents and people who work in the City. This is particularly the case in Downtown San Francisco, where workers are by far the largest component of the daytime population. Therefore, the service population for this development impact fee analysis combines residents and workers into one estimate of "park users." As noted above, visitors are also an important element of the park user service population, particularly in Downtown San Francisco. There are currently no data sources that measure non-resident, non-worker visitor use in San Francisco parks. In the absence of such data, this study focuses on residents and workers and adjusts facility costs by a percentage to account for visitor use before the calculation of the maximum justifiable impact fee amount.

[5] The growth scenario used in this analysis is consistent with the growth scenario used in the *Transit Center District Plan Environmental Impact Report*. It is based on the regional scenario for growth published by the Association of Bay Area Governments (ABAG) in *Projections 2007*. In August 2009, ABAG published *Building Momentum: Projections and Priorities for 2009*, an updated set of population, household, and job forecasts for the Bay Area. The economic fundamentals behind longer-term regional growth and change remain the same in the updated forecasts. The 2009 series shows lower population and job totals in the short- to mid-term, representing the depth of the current recession, but economic recovery brings a stronger pace of growth in the longer term such that totals in 2030 and 2035 are on track with the regional totals in *Projections 2007*.

TABLE 1
GROWTH SCENARIO FOR DOWNTOWN SAN FRANCISCO
2005 – 2030

	2005	2030	Change	2006-2030 Percent Change	
Downtown					
Households	36,792	53,136	16,344	44%	
Household Population	60,671	93,115	32,444	53%	
					Percent of Total
Employment by Business Activity					
Management/Information/Professional Services	184,620	235,456	50,836	28%	74%
Retail/Entertainment	29,772	37,245	7,473	25%	11%
Visitor Lodging	11,910	16,495	4,585	38%	7%
Medical and Health Services	3,476	5,312	1,836	53%	3%
Cultural/Institutional/Educational	16,676	20,469	3,793	23%	5%
Production/Distribution/Repair	13,242	13,742	500	4%	1%
Total	**259,696**	**328,719**	**69,023**	**27%**	**100%**
San Francisco Total					
Households	**341,248**	**392,699**	**51,451**	15%	
Household Population	**779,549**	**912,039**	**132,490**	17%	
Employment	**552,000**	**793,300**	**241,300**	44%	
Downtown Percent of City Total					
Households	11%	14%	32%		
Household Population	8%	10%	24%		
Employment	47%	41%	29%		

NOTE: The Downtown area is defined to include the C-3 District covered by the *Downtown Plan* and adjacent areas relevant to the analysis of the Transit Center District Plan: Transbay, Rincon Hill, and Yerba Buena planning areas; other parts of the "Downtown" planning district (Civic Center, Union Square, Chinatown, Tenderloin); and most of East and West SoMa and the Central Corridor.

SOURCE: San Francisco Planning Department, Land Use Allocation 2007 (revised January 2010) and ABAG, *Projections 2007*, December 2006.

The estimate of the park user service population derives weighting factors to represent relative demand or benefit across four categories of people who use or benefit from park, recreation, and open space facilities. The relative weight of the four different categories is determined by hours-per-week as an indicator of the opportunity to use park, recreation, and open space facilities. For park, recreation, and open space facilities, the appropriate parameters are a 7-day week and 16-hour days, because the facilities are typically used on weekdays as well as weekends and not used at night.

The use of hours per week as a proxy measure for public service demand is common practice in facility impact fee analysis. The concept has been referred to as "functional population" in *Impact Fees: Principles and Practice of Proportionate Share Development Fees* (Nelson, Nicholas, and Juergensmeyer, 2009). This measure is used when there is no reliable information on facility users from surveys, calls for service, or public program registrations, for example. By using this measure, it is possible to establish reasonable relationships of *relative demand* differentiating residents, non-residents, and workers. As applied in this case, it is not intended to represent the actual hours of use or the times during which park facilities are open to the public, but rather to establish relative demand so that costs can be allocated equitably and proportional to relative demand across land uses.

Table 2 presents the park user demand analysis. Of the four park user categories, residents who do not work and residents who work in the City have the same opportunity to use park, recreation, and open space facilities: 112 hours per week (7 days × 16 hours per day). The other two park user categories—residents who work outside San Francisco and San Francisco workers who live outside the City have less opportunity to use City park, recreation, and open space facilities. Their per capita demand is therefore less than that of residents who do not work and residents who work in the City: 64 percent in the case of residents who work outside the City and 36 percent in the case of San Francisco workers who live outside the City. Note that there is no double-counting in this analysis; people who both live and work in San Francisco are counted once as workers.

TABLE 2
DOWNTOWN PARK, RECREATION, AND OPEN SPACE
SERVICE POPULATION WEIGHTING FACTORS

Park User Group [a]	Basis for demand factors: day-time hours per 7-day week for each user group	Hours per Week	Relative Demand, based on hours per week [b]
SF residents who do not work	7 days at 16 hours per day	112	**1.00**
SF residents who work outside SF	5 days at 8 hours per day plus 2 days at 16 hours per day	72	**0.64**
SF workers who live in SF	7 days at 16 hours per day	112	**1.00**
SF workers who live outside SF	5 days at 8 hours per day	40	**0.36**

[a] There is no double-counting. San Francisco workers who also live in San Francisco are counted once as workers.
[b] Relative to base demand defined by residents who do not work and San Francisco residents who work in San Francisco, each representing demand over 7 days at 16 hours per day.

Table 3 presents the estimate of the expected increase in Downtown area park user service population that is used in this development impact fee analysis. From the increase in Downtown residents and Downtown employment (Table 1), the four categories of park user are defined by population characteristics derived from the U.S. Census American Community Survey: percentage of San Francisco residents that do not work, percentage of residents that work outside San Francisco, percentage of San Francisco workers that live in San Francisco, and percentage of

workers that live outside San Francisco. After application of the relevant weighting factors, the increase of 32,000 residents translates to an expected increase of just over 17,000 park users, and the increase of 69,000 employees translates to an expected increase of about 50,000 park users, for a total of 67,000 additional park users in the Downtown area associated with population and employment growth through 2030.

TABLE 3
DOWNTOWN SAN FRANCISCO – 2005 - 2030
EXPECTED INCREASE IN PARK, RECREATION, AND OPEN SPACE USERS

Park User Category	Total Residents or Employees	ACS 5-year estimates 2005-2009 [a]	Residents / Employees by Category	Park, Recreation, and Open Space Usage Factor	Park, Recreation, and Open Space Users
	A	B	C = A × B	D	C × D
Residents [b]	32,444				
Non-workers		44.4%	14,408	1.00	14,408
Work outside SF		13.2%	4,293	0.64	2,760
Employment	69,023				
Live in SF		56.9%	39,301	1.00	39,301
Live outside SF		43.1%	29,722	0.36	10,615
Total					67,083

[a] Percentage of total San Francisco resident population or San Francisco workers by place of work from American Community Survey, 2005 - 2009 5-year estimates.
[b] There is no double-counting. San Francisco residents who work in San Francisco are counted as workers.

PROPOSED PARK, RECREATION, AND OPEN SPACE DEVELOPMENT IMPACT FEE

Approach/Methodology

The proposed Downtown Park, Recreation, and Open Space Fee would provide funding from new development in Downtown San Francisco to maintain existing citywide standards for park, recreation, and open space facilities. The proposed impact fee would satisfy the needs for these types of facilities and improvements attributable to the increase in park users accommodated by the new development in the Downtown area. The impact fee is calculated to allocate the costs of the needed facilities equitably to new residential and non-residential development commensurate with each uses's proportion of net impact and demand.

The development impact fee methodology has five steps:

- Identify existing facility standards
- Identify appropriate unit costs for facilities
- Estimate facility need and cost attributable to growth using per capita standards and unit costs

- Allocate total costs equitably to new development by calculating the cost per park user
- Determine the fee per square foot or per unit for each land use category by multiplying the cost per park user by the number of park users per square foot or per unit of new development by land use category

Facility needs and costs

Because the City's 10-year Capital Plan for recreation and parks is oriented almost entirely to funding existing needs for facility renewal, modernization, and renovation (funded primarily by local bond proceeds and state grants) and not to meeting the needs of new demand attributable to growth (particularly in the Downtown), the facility needs and costs attributable to growth are derived by applying relevant facility standards to growth projections. The analysis for the proposed Downtown Park, Recreation, and Open Space fee is based on the framework documented in the draft analysis for a recreation and parks development impact fee as part of the *Citywide Development Impact Fee Study.*[6] For that effort, the Recreation and Park Department defined existing citywide facility standards in terms of acres of land and equivalent improvements to existing facilities, consistent with national guidelines for park and recreation facilities as adapted to best fit local conditions.

The existing standard for Recreation and Parks Department-owned park and open space land is **4.32 acres per 1,000 residents**. However, as determined in the citywide *Recreation and Parks Development Impact Fee Justification Study*, it is not reasonable to assume that new development could provide funding adequate to increase the inventory of park land sufficient to maintain that standard over time, given the limited sites for land acquisition within the geographic constraints of San Francisco's city limits, the density of existing development, and high land values and costs. Therefore, existing park, recreation, and open space facility standards are expressed in terms of both land acquisition and improvements to existing facilities in lieu of land acquisition.

Note that although these park facility standards are expressed per 1,000 *residents* (because that is the denominator most readily available and traditionally used to evaluate park facilities), they represent a measurement of existing conditions across all land uses and are thus a reasonable proxy for the standard across that broader service population. In other words, when expressed solely "per local resident," an existing standard that measures local park facilities designed to serve more than the local resident population—regional residents, workers, and other visitors, for example,—is likely to be higher (more acres per 1,000 residents) than a facility standard where the facilities and the resident service population were more closely aligned.

[6] David Taussig & Associates, *Recreation and Parks Development Impact Fee Justification Study*, September 18, 2007 (updated January 7, 2008), part of the *Citywide Development Impact Fee Study, Consolidated Report*, March 2008. The *Citywide Development Impact Fee Study* conducted for the Office of the Controller (March 2008) included documentation of the basis for a recreation and park facility development fee to meet the needs of the additional residents and workers to be accommodated by new development in the City. Policy 6.1 of the *Draft Recreation and Open Space Element* lists the possibility of adopting this fee on a citywide basis as the first option among several innovative long-term funding mechanisms to ensure adequate resources to attain the policies and program of the open space element.

The standard for land acquisition is stated as **0.11 acres per 1,000 residents**, reflecting the Recreation and Parks Department's assessment of the amount of land that could reasonably be expected to be acquired and financed by new development over a 20-year planning horizon (about six acres).

In lieu of substantial acquisition to expand the inventory of park land, the Department developed the park improvement standard, at the existing ratio of Department-owned park land to population (4.32 acres per 1,000 residents). This standard is used to estimate the cost of improvements on land already owned by the City to meet the increased demand expected due to growth.

Table 4 presents the park, recreation, and open space facility needs associated with Downtown growth based on these existing facility standards.

TABLE 4
DOWNTOWN PARK, RECREATION, AND OPEN SPACE DEVELOPMENT IMPACT FEE
PARK, RECREATION, AND OPEN SPACE FACILITIES NEEDS

Facility Type	Facility Standard [a]	Facility Need based on Citywide Standard [b]
Park land [c]	.11 acres / 1,000 residents	3.57 acres
Park improvements [d]	4.32 acres / 1,000 residents	140.16 acres

[a] From the *Citywide Development Impact Fee Study: Recreation and Parks Development Impact Fee Justification Study*, David Taussig & Associates, Inc., September 2007 (updated January 2008).
[b] Standard per 1,000 residents multiplied by 2005 - 2030 increase in Downtown residents (32,444) divided by 1,000.
[c] Standard of .11 acres per 1,000 residents based on Recreation and Parks Department determination that 5.9 acres of park land could reasonably be assumed to be acquired to meet the needs associated with growth. New and expanded facilities in existing parks are proposed in-lieu of land acquisition. See the Park Improvement line item. See page VII-8 and VII-9 in the *Recreation and Parks Development Impact Fee Justification Study* (Taussig, September 2007/January 2008).
[d] Standard of 4.32 acres per 1,000 residents based on the existing ratio of Recreation and Parks Department owned land per 1,000 residents, as calculated in *Recreation and Parks Development Impact Fee Justification Study* (Taussig, September 2007/January 2008).

The total cost to provide these facilities to meet the needs attributable to Downtown growth between 2005 and 2030 is about $350 million. **Table 5** details the cost factors. There are three components to the total cost: cost to acquire park land; cost to provide park improvements on that land; and costs to provide improvements to existing parks and open space (in lieu of more costly land acquisition).

Land costs and some of the improvement costs are specific to Downtown San Francisco. These cost factors are based on a number of considerations unique to downtown park and open space facility planning. Suitable open land is particularly scarce in the downtown area, and land values are highest in this part of the City. Moreover, in lieu of land acquisition, some additional area of downtown open space is likely to be provided as space constructed above existing ground-level uses, necessitating higher than average development costs. In terms of improvements, the density of existing development, the intensity of mixed land uses and of downtown park use, as well as urban design factors specific to downtown require a range of types of hardscape and landscape improvements that are generally more costly than the improvements associated with less

TABLE 5
DOWNTOWN PARK, RECREATION, AND OPEN SPACE DEVELOPMENT IMPACT FEE
PARK, RECREATION, AND OPEN SPACE FACILITIES COSTS (2010 DOLLARS)

Facility Type	Facility Need	Cost per Square Foot (2010 dollars)	Facility Cost
Park land [a]	3.57 acres	$1,200	$186,550,000
Park improvements—new Downtown parks [b,c]	3.57 acres	$210	$32,646,000
Park improvements in lieu of acquisition [b]			
Downtown Park and Open Space [d]	29.40 acres	$85	$108,570,000
Other Park and Open Space [e]	110.76 acres	$5	$22,420,000
Total	140.16 acres		
Total Cost			**$350,186,000**

[a] Land cost estimate provided by the Planning Department based on comparable land sales of Downtown San Francisco (C-3 District) land between 2001 and 2011 (see Appendix Table A.2 for data). Represents land acquisition or alternative of constructed above-ground park and open space facilities.

[b] Because of different types of improvements and associated cost factors, park improvement costs are estimated separately for newly created downtown parks (3.57 acres), improvements to existing public parks located in the Downtown area, and improvements to parks elsewhere in the City. There are 29.4 acres of existing public park land in the Downtown area that would benefit from the improvements funded by this impact fee. The balance of the park improvement need would be satisfied on park and open space facilities elsewhere in the City.

[c] Costs for improvements to develop new Downtown parks and open space are based on the average cost per square foot for new park and open space facilities, as estimated in the *Transit Center District Plan*.

[d] Costs for improvements to existing Downtown parks and open space are based on costs for improvements to Portsmouth and St. Mary's Squares and the acres of land in those facilities, as estimated in the *Transit Center District Plan* .

[e] Costs for improvements to other existing park and open space facilities elsewhere in the City are estimated using the cost per acre for improvements in the *Citywide Development Impact Fee Study*, inflated to 2010 dollars using the San Francisco - Oakland - San Jose Metropolitan Area Consumer Price Index (all urban consumers).

intensively used neighborhood parks. Downtown parks are more heavily used than parks elsewhere in the City and must sustain a wide range of types of park users and urban activities. These unique conditions require more expensive improvements than the large expanses of grass, natural areas, or sports fields typical of larger neighborhood parks. Hardscaped plazas and intensively landscaped planters, often constructed on basement structures or garages, require expensive engineering solutions. Development costs per square foot for these types of downtown park and open space facilities are, therefore, substantially higher than those associated with the open grassy areas and sports fields associated with neighborhood park facilities.

There are three elements to the facility improvement cost. The first is the cost to develop the 3.57 acres needed of newly acquired Downtown facilities. The cost factor is the average cost per square foot to develop the new facilities identified in the Transit Center District Plan: City Park, 2nd and Howard Park, Transbay Park, Mission Square, and recreation facilities under the groundplane of bus ramps. The second set of improvements are to existing Downtown facilities that currently total about 29 acres. The cost factor is based on the estimate in the *Transit Center District Plan* for improvements to Portsmouth and St. Mary's Squares. Since the balance of the improvements would be to other Department-owned parks elsewhere in the City, a lower average cost factor is used, consistent with the park and recreation facility cost estimates prepared for the *Citywide Development Impact Fee Study*.

Cost allocation and fee schedule

There are no other identified sources of funding for expanding the supply of park, recreation, and open space facilities to meet the needs attributable to growth. All local funding is dedicated to meeting the needs of existing park users through modernization, renovation, and repair projects.[7]

The cost allocation process ensures that development fees equitably assign costs in proportion to demand and benefit. The increased supply of park, recreation, and open space facilities has been estimated to meet the demand (based on the existing citywide standard) attributable to service population growth accommodated by new development in Downtown San Francisco. That total cost for new facilities and improvements to existing facilities is allocated on a per capita basis across the projected increase in Downtown park users. The resultant average cost per park user is converted to a fee per square foot of new development using park use factors per square foot that reflect average household sizes and employment densities for different categories of non-residential development. (See **Table A.1** in the appendix for detail on these factors.)

Table 6 shows the calculation of the average facility cost per park user. Total costs are first reduced by 10 percent to account for that component of facility demand attributable to non-resident, non-worker visitors. Dividing the adjusted total facility cost by the expected growth in Downtown park users results in an average cost per user of about $4,700. Adding a percentage to account for necessary administrative and management costs for the fee and improvement program results in a total cost per park user of about $4,900.[8]

Table 7 presents the maximum justifiable park, recreation, and open space development fee schedule based on the forgoing analysis. The proposed maximum justifiable fees range from $2.70 per gross square foot for residential use to just under $13—$14 per gross square foot for office and medical uses.

Fee rates should be adjusted for inflation on an annual basis to ensure that fee revenue keeps up with increases in the cost of providing public facilities.

The proposed fee would apply to new residential and non-residential development in the Downtown Study Area (**Map 1**) not already subject to area plan fees for park, recreation and open space improvements or included in approved Redevelopment Project Areas.

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[7] City and County of San Francisco, *Proposed Capital Plan 2012- 2021*, March 14, 2011.

[8] Agency costs to manage, monitor, and update the impact fee program are allowed to be recovered in the fee amount charged if those costs are estimated in the impact fee documentation. Impact fee documentation studies typically use a percentage factor to estimate this cost, generally ranging from two percent to five percent of the facility cost. In San Francisco, methodologies vary. A five percent factor was used in the Eastern Neighborhoods nexus study and in the Citywide Child Care nexus study. In the Citywide Recreation and Park impact fee justification study the alternative of estimating the cost of one FTE required to administer and monitor the program for a 20-year implementation period was used. The *FY 2009-2010 Development Impact Fee Report* prepared by the City and County of San Francisco Controller's Office documents when administration, monitoring and other program implementation costs are allowed uses of funds under the various development impact fee programs in place in San Francisco.

TABLE 6
DOWNTOWN PARK, RECREATION, AND OPEN SPACE DEVELOPMENT IMPACT FEE
FACILITY COST PER PARK USER (2010 DOLLARS)

Total Facility Cost	**$350,186,000**
Visitor adjustment (10 percent)[a]	($35,018,600)
Adjusted Facility Cost	**$315,167,400**
Park Users	
Residents	17,167
Workers	49,916
	67,083
Facility Cost per User	$4,698
5% for administration	$235
Total Cost per Park User	**$4,933**

[a] The visitor adjustment reduces total facility costs by a percentage judged reasonable as an estimate of the park and open space demand attributable to Downtown visitors. This adjustment is required because no data are available measuring visitor use of San Francisco park facilities.

TABLE 7
PROPOSED DOWNTOWN PARK, RECREATION, AND OPEN SPACE DEVELOPMENT IMPACT FEE
(maximum justified amount)

Land Use	Cost per Park User	Parks Use Factors[a]	Maximum Justified Fee Amount
Residential	$4,933	0.82 per unit	$4,046 per unit
			$2.70 per gross sq. ft.[b]
Cultural, Institutional, Educational	$4,933	2.03 per 1,000 sq. ft.	$10.01 per gross sq. ft.
Hotel	$4,933	0.87 per 1,000 sq. ft.	$4.29 per gross sq. ft.
Industrial/PDR	$4,933	1.06 per 1,000 sq. ft.	$5.25 per gross sq. ft.
Medical	$4,933	2.82 per 1,000 sq. ft.	$13.90 per gross sq. ft.
Office	$4,933	2.62 per 1,000 sq. ft.	$12.95 per gross sq. ft.
Retail	$4,933	2.07 per 1,000 sq. ft.	$10.21 per gross sq. ft.

[a] See Appendix Table A.1 for detail on park use factors by land use.
[a] Residential fee per gross square foot assuming 1,500 square feet per unit.

APPENDIX A.1

PARK USE FACTORS BY LAND USE CATEGORY

Park use factors by land use are used to convert the facility cost per user to the impact fee per unit of development. **Table A.1** shows how the park use factors by land use are derived. The analysis is similar to the analysis in **Table 3**, although the estimating factors from the American Community Survey and the park, recreation, and open space weighting factors are applied to residents per unit and to employees per square foot instead of to total residents and employment. For each step, formulas indicate the relationship between the input factors and the results by land use. The results by land use translate per-user costs to fees per unit of new development in **Table 6**.

TABLE A.1

PARK, RECREATION, AND OPEN SPACE USE FACTORS, BY LAND USE

			Residential	
Persons per household [a]			1.55	A
SF residents who don't work [b]	44.4%	B	0.69	D = A × B
Park use factor [c]	1.00	C	0.69	E = C × D
SF residents who work outside SF [b]	13.2%	F	0.21	H = A × F
Park use factor [c]	0.64	G	0.13	I = G × H
Park users per unit			0.82	E + I

			Office		Retail		Hotel		Institutional		Medical		PDR	
Workers per 1,000 sq. ft. [d]			3.62	N_1	2.86	N_2	1.20	N_3	2.80	N_4	3.89	N_5	1.47	N_6
SF workers who live in SF [e]	56.9%	J	2.06	$O_1 = J \times N_1$	1.63	$O_2 = J \times N_2$	0.68	$O_3 = J \times N_3$	1.59	$O_4 = J \times N_4$	2.22	$O_5 = J \times N_5$	0.84	$O_6 = J \times N_6$
Park use factor [c]	1.00	K	2.06	$P_1 = K \times O_1$	1.63	$P_2 = K \times O_2$	0.68	$P_3 = K \times O_3$	1.59	$P_4 = K \times O_4$	2.22	$P_5 = K \times O_5$	0.84	$P_6 = K \times O_6$
SF workers who live outside SF [e]	43.1%	L	1.56	$Q_1 = L \times N_1$	1.23	$Q_2 = L \times N_2$	0.52	$Q_3 = L \times N_3$	1.21	$Q_4 = L \times N_4$	1.68	$Q_5 = L \times N_5$	0.63	$Q_6 = L \times N_6$
Park use factor [c]	0.36	M	0.56	$R_1 = M \times Q_1$	0.44	$R_2 = M \times Q_2$	0.19	$R_3 = M \times Q_3$	0.43	$R_4 = M \times Q_4$	0.60	$R_5 = M \times Q_5$	0.23	$R_6 = M \times Q_6$
Park users per 1,000 sq. ft.			2.62	$P_1 + R_1$	2.07	$P_2 + R_2$	0.87	$P_3 + R_3$	2.03	$P_4 + R_4$	2.82	$P_5 + R_5$	1.06	$P_6 + R_6$

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[a] Determined by San Francisco Planning Department to best represent average household size for the Plan Area and Greater Downtown San Francisco, from the *Rincon Hill Plan EIR*.

[b] Percentage of total San Francisco resident population from American Community Survey, 2005 - 2009 5-year estimates.

[c] Park use factor derived from park user analysis, see Table 2.

[d] Determined by San Francisco Planning Department to best represent density factors appropriate to the Plan Area and Greater Downtown San Francisco, from the *Downtown San Francisco Market Demand, Growth Projections, and Capacity Analysis* (May 2008) and Land Use Allocation, 2007.

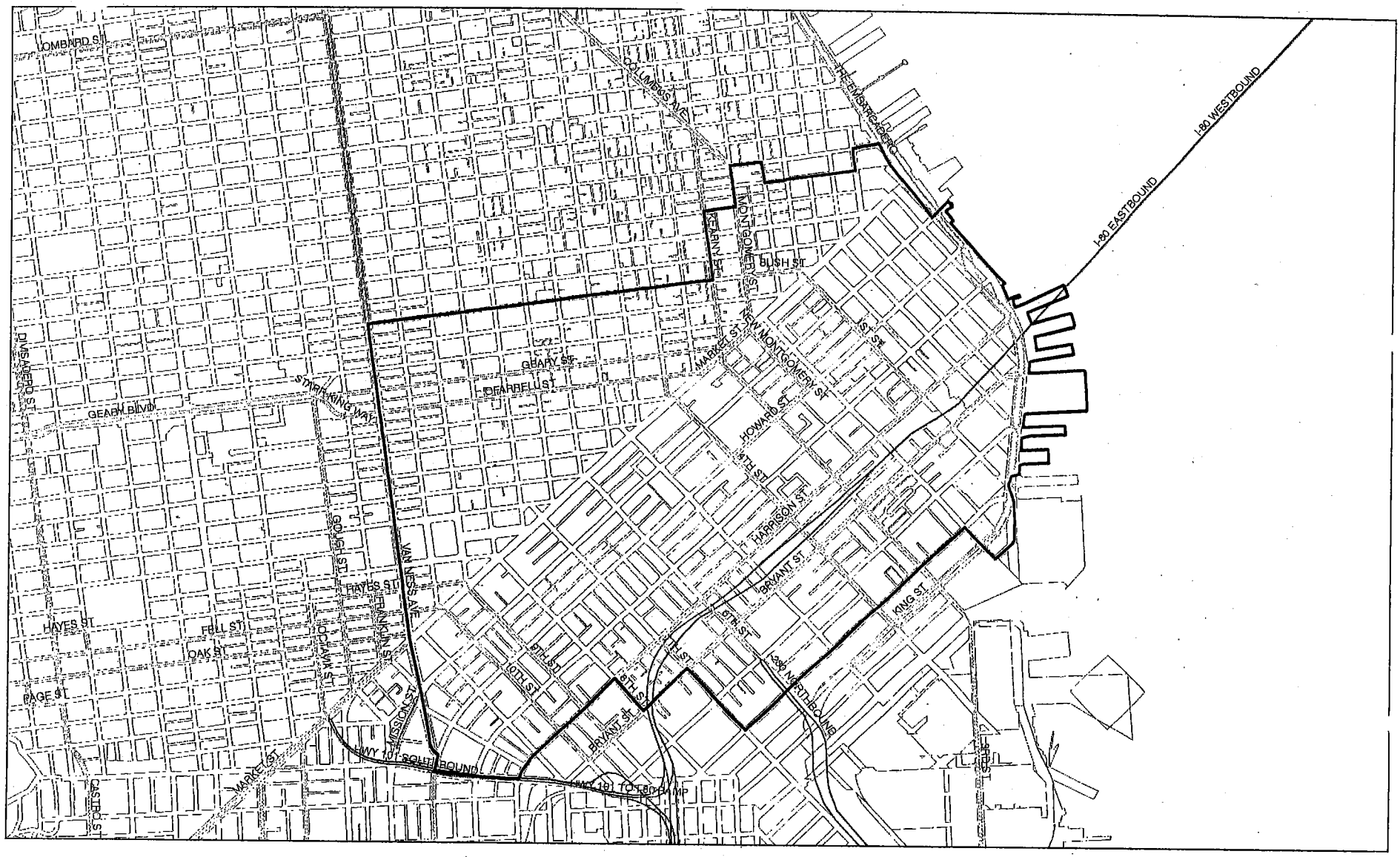
[e] Percentage of total people working in San Francisco by place of work from American Community Survey, 2005 - 2009 5-year estimates.

APPENDIX A.2

RECENT LAND SALES OF DEVELOPABLE PARCELS IN THE C-3 DISTRICTS

Address	Sale Year	Sales Price	Existing Building Square Footage	Lot Size (SF)	Price/Land SF
50 1st	2006	$ 26,000,000	144,000	18,288	$ 1,422
350 Mission	2006	$ 25,500,000	94,697	18,910	$ 1,348
516-526 Mission	2005	$ 15,000,000	-	4,776	$ 1,062
579-581 Market	2007	$ 11,150,000	28,042	7,750	$ 1,439
62 1st	2003	$ 9,700,000	70,680	11,506	$ 843
217 2nd	2007	$ 7,000,000	22,687	4,896	$ 1,430
972 Market	2005	$ 5,900,000	11,530	4,210	$ 1,401
943 Market	2006	$ 5,750,000	10,988	7,426	$ 774
				Average Price/SF	$ 1,215

Source: San Francisco Assessor's Office



Map 1 Downtown San Francisco Study Area

0 1,900 3,800 Feet

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TRANSIT CENTER DISTRICT PLAN
TRANSPORTATION SYSTEM IMPROVEMENTS
DEVELOPMENT IMPACT FEE NEXUS STUDY

FINAL REPORT

A Report to

PLANNING DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO

Prepared by

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April 12, 2012

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TRANSIT CENTER DISTRICT PLAN
TRANSPORTATION SYSTEM IMPROVEMENTS
DEVELOPMENT IMPACT FEE NEXUS STUDY

SUMMARY AND MITIGATION FEE ACT FINDINGS

Overview and Summary

State, regional, and local policy priorities direct new development to dense urban centers served by transit. Downtown San Francisco, especially the Transit Center District Plan Area, is expected to accommodate a substantial amount of the population and employment growth projected for San Francisco. As a result, projections indicate substantial increases in all types of travel in and through the Transit Center District Plan Area: transit riders, pedestrians, cyclists, and drivers.

The Transit Center District Plan proposes improvements and planning studies to enhance transportation infrastructure and the street-level environment in the Plan Area and mitigate the impacts of new development on mobility and access. The proposed improvements will reduce negative environmental and economic impacts by improving travel options: increasing sidewalk capacity and transit capacity and reducing travel times. Without these improvements, the concentration of development on these few blocks in the Transit Center District will degrade mobility, resulting in a deteriorating quality of life, reduced public safety, and increased congestion-related delay and associated economic loss.

Because of the range of types of improvements proposed and variation in cost allocation considerations, two impact fees are documented. The Circulation, Streetscape and Pedestrian Improvements Fee funds investment in the street-level environment throughout the Plan Area. The Transit and Other Transportation System Improvements Fee and the Transit Delay Mitigation Fee fund transit capacity and related investments in plan implementation.

The impact fees are proposed to be applied in the Transit Center District Plan Area to fund the portion of the comprehensive set of transportation system improvements attributable to new residential and non-residential development in the Plan Area. See **Map 1** at the end of this report. The fees would be imposed on both residential and non-residential development not yet under construction, permitted, or approved for development in the Transit Center District Plan Area. The nexus analysis calculates the maximum justifiable fee amounts per square foot of new development that are proportional to the relative demand attributable to different land use categories.

The impact fees would not be imposed in Zone 1 of the Transbay Redevelopment Project Area. Instead, the Redevelopment Agency would contribute an equivalent amount of funding and/or equivalent pedestrian, streetscape, and transportation system improvements.

Table S.1 summarizes the maximum justifiable impact fee schedules documented in this study.

TABLE S.1
PROPOSED TRANSIT CENTER DISTRICT PLAN TRANSPORTATION SYSTEM IMPROVEMENTS DEVELOPMENT IMPACT FEE (maximum justified fee)

Land Use	Circulation, Streetscape and Pedestrian Improvement	Transit and Other Transportation	Transit Delay Mitigation	Transit Center – rail-related	TOTAL
Residential (per unit)	$3,864	$440	$101	$6,975	$11,375
Residential (per gross sq. ft.)[a]	$2.58	$0.29	$0.07	$4.65	$7.58
Office (per gross sq. ft.)	$7.77	$0.88	$0.20	$14.03	$22.88
Hotel (per gross sq. ft.)	$4.01	$0.45	$0.10	$7.23	$11.80
Retail (per gross sq. ft.)	$75.14	$8.55	$1.96	$135.62	$221.17
Institutional	$11.81	$1.34	$0.31	$21.31	$34.76

Note: Maximum justified fee amounts include five percent for fee program administration.
Detail may not add to total because of independent rounding.

[a] Residential fee per gross square foot assuming 1,500 square feet per unit.

The proposed fees rely on facility planning and transportation analysis specific to the Transit Center and the rezoning and area plan that is proposed for the blocks in the vicinity of the Transit Center. Other sources of funding are identified to pay for the share of planned improvement costs that are not allocated to new development. The fee schedule documented in this study represents the maximum fee that the nexus analysis supports as justified to be applied to new development in the Transit Center District Plan Area.

For new development fees proposed for the Plan Area, this report provides the documentation required under the California Mitigation Fee Act—AB 1600, enacted in California Government Code Sections 66000 – 66025—to identify the purpose of the proposed fee, describe the facilities and improvements that the fee would support, and demonstrate a reasonable relationship between: planned new development and the use of the fee, the type of new development planned and the need for facilities to accommodate growth, and the amount of the fee and the cost of facilities and improvements.

Findings

Purpose of the fee

The purpose of the Circulation, Streetscape and Pedestrian Improvements Fee and the Transit and Other Transportation System Improvements Fee is to fund improvements to the pedestrian network, make changes to the public right of way, and add transit capacity and other transit-priority infrastructure to accommodate the projected increase in travel within and through the Transit Center District. The proposed Transit Center District Plan identifies the needed investment in the transportation system. The proposed impact fees, in combination with other funding sources, will enable the City to provide the necessary improvements. The impact fees are calculated based on that portion of the proposed improvements related to Plan Area growth. Fee revenue would not be used to correct existing deficiencies.

Use of fee revenue

The impact fee revenue provides funding for investments in pedestrian and streetscape improvements and transit capacity, as well as studies to evaluate and improve transportation strategies implemented as part of the Transit Center District Plan. The planned improvements are identified in the body of the report and detailed assumptions are provided in the appendix. Costs funded by the fees may also include project administration, management, design, and engineering.

Relationship between the use of the fee and the type of new development

The Circulation, Streetscape and Pedestrian Improvements Fee will fund increases in pedestrian space and amenities, green streetscape infrastructure, casual carpool infrastructure, bicycle facilities, connectivity enhancements, dedicated transit lanes, transit stop improvements, and circulation improvements in the Plan Area. The improvements will increase the capacity of the street-level environment to accommodate the increase in trips attributable to the concentration of new development in the Transit Center District. Planned improvement costs are allocated broadly across all types of travel in the Plan Area and downtown San Francisco, and the impact fee for new development is proportional to new development's share of total cost.

The Transit and Other Transportation System Improvements fee will fund increases in transit station and transit vehicle capacity serving the Plan Area and investments in circulation improvements that are required to mitigate impacts of new development allowed in the Plan Area. These improvements will accommodate growth in the Plan Area as the District becomes more congested, without degrading transit service. The residents and workers in new residential and non-residential development in the Plan Area will be the primary beneficiaries of these capacity investments. The fee will also fund a portion of other transportation system improvements planned to manage congestion and expand the capacity of the transportation system in the downtown area. New development in the Plan Area will benefit from these investments in mobility and access. These improvement costs are allocated broadly across all types of travel in downtown San Francisco, and the impact fee for new development is proportional to new development's share of total cost.

Relationship between the need for pedestrian, streetscape, transit and transportation system improvements and the type of new development

New residential and non-residential development in the Plan Area and Downtown San Francisco accommodates increases in the number of residents and workers located downtown and the number of people visiting and otherwise moving within and through for business and other purposes. These people depend on the system of sidewalks, crosswalks, streets, and transit. A congested system means economic losses, reduced public safety, degraded public health (respiratory issues, obesity, etc.), reduced access to jobs and economic opportunities, and a lower quality of life. As a result of growth, the following more specific kinds of impacts would occur:

- Crowded, unpleasant and potentially unsafe pedestrian conditions on sidewalks, including at corners and crosswalks, combined with an increased number of people funneled into lengthy and limited paths of travel.
- Vehicular congestion on roadways, leading to increased delay and unreliability of surface transit vehicles, as well as unsafe and unpleasant conditions for bicyclists.

- Increased demand along with more limited space availability for necessary sidewalk infrastructure and amenities, including but not limited to transit shelters and waiting areas, seating, bicycle racks, street lighting, signage, newspaper/retail kiosks, casual carpool facilities and landscaping.

- Increased demand for travel on the local and regional roadway system with limited and congested vehicular capacity, requiring carving out additional dedicated space for higher-capacity and efficient modes of transportation that can sustain growth, including local surface transit, cycling, walking, taxis, and carpooling, as well as necessitating investigations and trials of methods to reduce vehicular volumes and congestion on roadways leading into the Plan area.

- Increased demand for regional travel to other parts of the Bay Area, inducing capacity constraints on regional transit systems including AC Transit, BART, Samtrans, and Golden Gate Transit, and Caltrain. These impacts include exacerbating circulation constraints at downtown San Francisco BART stations, in addition to needs for facilities to support service growth for all regional carriers serving the Plan area.

Expanded transportation system capacity, across all components of the network, allows growth to occur without these negative impacts, and lays the foundation for continued development and investment. Transportation analysis provides trip generation rates specific to land uses that enable the allocation of transportation system demand to expected types of new development.

Relationship between the amount of fee payments and the cost of streetscape, pedestrian, transit, and other transportation system improvements

The need and cost of streetscape, pedestrian, transit, and other transportation system improvements has been determined based on planning studies and transportation analysis specific to the Transit Center District Plan. The estimates of daily person-trips that are used in the fee calculation account for all types of travel and all of the types of people using and benefiting from transportation system improvements. The transportation model results allow costs to be allocated broadly and only the share of costs attributable to Plan Area growth to be used in the impact fee calculation. Using trip generation rates specific to different land use categories that relate daily trips to the square footage of building space or to residential units assures that the associated fees will be proportional to the need associated with that land use. The fees are assessed per square foot of new development so impact fee payments are related directly to the size of proposed projects.

SERVICE POPULATION / DAILY PERSON TRIPS

The Transit Center will be a regional intermodal transit hub, and surface transit and other non-auto modes of transportation are necessary to serve the Center and the locally unprecedented level of density and development in the surrounding Plan Area. Pedestrians, transit-riders, cyclists, and drivers are all users of the multi-modal transportation system centered on the Transit Center District Plan Area. The transportation system improvements proposed are multi-modal and are designed to work in concert to improve conditions across all modes. Therefore, person-trips, as estimated by a travel demand model, are the appropriate measure of service population for establishing transportation facility standards and allocating planned transportation improvement costs in this development impact fee analysis.

There are a number of reasons why person-trips are the reasonable and appropriate measure of service population. To implement City, regional, and state policies, the proposed improvements span multiple modes and require that service demand be balanced within a fluid system. To accommodate growth where it is best served by transit and other non-auto modes, as codified in San Francisco's Transit First Policy, requires policy and investment decisions that avoid having congestion stifle growth by inducing people to shift modes, Furthermore, people use various modes of travel on almost every single trip. For instance, people are pedestrians at one or both ends of every trip, especially transit-riders; all transit trips begin with a walk, bike, or drive trip. Moreover, people choose different modes on different days depending on circumstances, weather, and other factors. In addition, people using one mode benefit people travelling by other modes. For example, people using transit benefit drivers by reducing the number of vehicles on the road, increasing capacity and improving conditions for those drivers. Improving conditions for bicyclists reduces constraints on transit speeds and capacity. Finally, to achieve City, regional, and state-mandated targets to reduce greenhouse gas emissions and vehicle-miles-travelled (i.e., AB 32 and SB 375), the City is obligated to invest in infrastructure that will shift drive trips to transit and other modes.

San Francisco's the travel demand model, SF CHAMP, is used in this analysis to provide estimates of total daily person-trips for the Plan Area and other relevant study areas. The model results are those that have been used in the transportation analysis conducted for the Transit Center District Plan Draft EIR. Total daily person-trips for a given geographic area—whether an area of about 20 city blocks such as the Transit Center District or a Traffic Analysis Zone (TAZ) consisting of one city block—are the sum total of all trips with either an origin or a destination in the defined geographic area. **Table 1** presents the estimates of total daily person-trips used in this development impact fee analysis.

TABLE 1
TRANSIT CENTER DISTRICT PLAN
TOTAL DAILY PERSON TRIPS FOR TRANSPORTATION SYSTEM IMPROVEMENTS COST ALLOCATION [a]

Analysis Area	2005	2030	Growth 2005 - 2030
Transit Center District Plan Area [b]	316,828	527,987	211,159
Downtown/SoMa [c]	1,552,662	1,988,945	436,283
Plan Area Growth Share of Plan Area Total in 2030			40%
Plan Area Growth Share of Downtown/SoMa Total in 2030			11%
Plan Area Growth Share of Downtown/SoMa Growth			48%

[a] Total daily person trips from SFCHAMP model runs conducted for transportation and environmental impact analysis of the Transit Center District Plan.
[b] From SF Model and AECOM, all trips with an origin and/or destination in the Plan Area TAZs (see **Map 1**). Total daily person trips for Plan Area Growth from AECOM, TAZ Daily Person Trips by Mode (received 2/18/2011, revised 3/3/2011). The increase in trips in Plan Area TAZs accounts for all opportunity sites, Transbay Redevelopment Area Zone 1, two "buffer projects" (Moscone East and SFMOMA expansion), and other pipeline projects within the Plan Area boundary.
[c] From SF Model Run 3A 2030, all trips with an origin and/or destination in the Downtown or SoMa neighborhoods (see **Map 2**).

Although all growth in the Plan Area outlined in Map 1 is included in calculating the cost per trip and thus the fee amount, not all new development in the Plan Area would be subject to the proposed impact fee. Development already under construction, permitted, or approved would be excluded as would projects subject to project-specific development agreements and new development in Zone 1 of the Transbay Redevelopment Project Area. The Transbay Redevelopment Plan includes a funding commitment from tax increment for major street improvements in Zone 1 and likely extending beyond into the rest of the Plan Area as shown in the Funding Plan. Including the complete growth increment (whether subject to the fee program or not) in the fee calculation ensures that projects subject to the impact fee only fund their fair share of the total improvement cost and ensures that projects are not overcharged.

CIRCULATION, CIRCULATION, STREETSCAPE AND PEDESTRIAN IMPROVEMENTS DEVELOPMENT IMPACT FEE

Approach/Methodology

The proposed Circulation, Streetscape and Pedestrian Improvements Fee would provide funding from new development in the Transit Center District Plan Area that would represent new development's contribution to the cost of facilities planned to accommodate future pedestrian, transit, bicycle, taxi and other activity on Plan Area streets and sidewalks. The planned investments provide increased pedestrian space and amenities, green streetscape infrastructure, transit priority infrastructure, bicycle facilities and connectivity, and local vehicular circulation improvements. The proposed fee is exclusive and non-duplicative of the SFMTA transit capacity improvements covered by the Transit Impact Development Fee (TIDF).

The improvements and costs reflect planned standards for the level of service necessary to accommodate the scale and intensity of activity projected for the Transit Center District. In the impact fee analysis, costs are allocated so that the impact fee imposed on new development only funds the share of total cost that can reasonably be attributed to new development. Other funding sources are identified to address existing deficiencies and to pay for existing development's fair share of planned improvements.

The proposed impact fee is directly proportional to new development's share of the total cost of Circulation, Streetscape and Pedestrian Improvements and to the relative demand attributable to various land use categories. The impact fee is calculated to allocate the costs of the needed facilities equitably to new residential and non-residential development.

The development impact fee methodology has five steps:

- Identify facility plans and costs
- Determine the appropriate service population by type of improvement
- Calculate new development's share of total costs and divide that cost by total trips generated by new development to calculate costs per trip
- Determine the fee per square foot or per unit for each land use category by multiplying the per capita cost by the number of trips per square foot or per unit of new development by land use category

Facility plans and costs

The proposed *Transit Center District Plan* (Draft for Public Review, November 2009) identifies investment in streetscape and pedestrian facilities needed to accommodate the increased number and concentration of pedestrians, transit users, cyclists, and carpool commuters anticipated in the Plan Area. Planned improvements include:

- District-wide Circulation, Streetscape and Pedestrian Improvements consisting of sidewalk widening to a target average of 21 feet, bulb-outs, dedicated transit lanes, transit islands and shelters, landscaping, pedestrian amenities (e.g., benches, lighting, newspaper racks) security bollards, kiosks, bicycle parking, road re-striping. These improvements would reduce impacts resulting from growth by: reducing delays to and improving reliability of transit, increasing transit capacity, providing space to accommodate growth in transit passenger waiting activity, increasing pedestrian space thereby alleviating pedestrian congestion and meeting increased demands for amenities, shortening walking distances thereby reducing pedestrian congestion at corners, improving local vehicular circulation to access local destinations, accommodating growth in bicycle usage, and generally providing sufficiently pleasant walking and bicycling conditions to induce increasing shares of travel to be made by foot and bicycle.

  Improvements are scaled to the following categories of District streets:

  - Primary Streets: Mission, Howard, New Montgomery, 2nd, 1st, and Fremont Streets receive sidewalk widening, transit lanes, boarding islands, roadway striping, signage and meter upgrades. Mission Street particularly would have improved dedicated transit facilities.
  - Living Streets: Spear, Main, and Beale Streets continue the concept established in the Rincon Hill Plan and the Transbay Redevelopment Plan by reducing traffic lanes in order to significantly widen the pedestrian space on one side of the street, thereby creating a linear open space with significant amenities. From Howard to Market Streets, the Living Streets emphasize hardscape elements and active uses (retail kiosks, bicycle sharing pods, café seating)
  - Alleys: enhancing Jessie, Minna, Natoma, Tehama, Anthony, and Ecker alleys as pedestrian spaces to help disperse pedestrians throughout the District, thereby helping to relieve congestion at key corners

- Signalized mid-block pedestrian crossings between 1st and 2nd Streets on Mission, Howard, and Folsom Streets; at Natoma Alley on 2nd, 1st, and Fremont Streets to ease access between major activity centers, to facilitate access to the Transit Center and to Transbay Park, and to help shorten pedestrian walking distances within the District
- Natoma Street (western side between 1st and 2nd Streets on the south side of the Transit Center): single-grade, high-quality finishes and landscaping to convert to a primarily pedestrian-only street to facilitate access to the southern side of the Transit Center

- Shaw Plaza: pedestrian plaza, vehicular closure, decorative paving, landscaping, signage, curb ramps, lighting, and drainage for a key link in the pedestrian network feeding the Transit Center
- Signalization changes: investments in 25 intersections throughout the Plan Area
- Casual carpool waiting area improvements consisting of shelters, signage, and seating
- Underground pedestrian connector from the Transit Center to Market Street BART/Muni

Table 2 presents preliminary cost estimates for these planned improvements for streets and pedestrian circulation. The total cost of planned improvements is $278 million. **Table A.1** in the appendix presents more detail on these estimates of improvement cost.

TABLE 2
TRANSIT CENTER DISTRICT PLAN
CIRCULATION, STREETSCAPE AND PEDESTRIAN IMPROVEMENTS: PLANNED FACILITIES AND COST

Planned Improvements	Estimated Total Cost (2010 dollars)
Living Streets	$15,000,000
Alleys	$21,000,000
Mid-block crossings	$3,000,000
Natoma	$13,300,000
Shaw Plaza	$1,700,000
Primary Streets	$90,000,000
Signalization changes	$8,750,000
Casual carpool waiting areas	$250,000
Underground pedestrian connector to BART/Muni	$125,000,000
Total Cost	**$278,000,000**

Source: San Francisco Planning Department, *Transit Center District Plan Draft for Public Review*, Table 7-1, November 2009.
Table A.1 in the appendix presents more detail on the preliminary cost estimates.

Cost allocation

The cost allocation process ensures that development fees equitably assign costs in proportion to new development's share of the total cost and in proportion to relative impact across land uses. Because of the range of types of pedestrian and streetscape network improvements planned, there are three cost allocation categories, described below. **Figure 1** summarizes the cost allocation framework for this set of improvements. Within each category, as established earlier in this report, the appropriate measure of service population is all people walking, biking, taking transit, driving, or otherwise moving about in the Plan Area. Therefore, the cost allocation determines new development's share based on total daily person-trips.

FIGURE 1
TRANSIT CENTER DISTRICT PLAN
CIRCULATION, STREETSCAPE AND PEDESTRIAN IMPROVEMENTS: COST ALLOCATION FRAMEWORK

List of Improvements	Plan Area Growth 2005-2030	DT/SOMA Growth 2005-2030	DT/SOMA Total 2030
Living Streets: Spear, Main, and Beale Streets	X		
Alleys: Stevenson, Jessie, Minna, Natoma, Tehama, Anthony, and Ecker	X		
Mid-block crossings between 1st and 2nd & at Natoma on 2nd, 1st, and Fremont Streets	X		
Natoma: pedestrian improvements between 1st and 2nd Streets	X		
Shaw Plaza	X		
Primary Streets: Mission, Howard, New Montgomery, 2nd, 1st, and Fremont Streets		X	
Signalization changes to 25 Plan Area intersections		X	
Casual carpool waiting area improvements			X
Underground pedestrian connector: Transit Center to BART/Muni			X

The three cost allocation categories are designed to best fit the scope and intent of the planned improvements, to match benefit with burden for the proposed development impact fee. The categories are defined by the geographic area of benefit and by whether or not the planned facilities address existing needs as well as needs generated by new development. The percentages expressed below are the Plan's growth in trips as a percentage of the appropriate base population who will be principally served by the improvements. In other words, the Plan's growth is the constant numerator, and the denominator varies depending the category.

- "Plan Area Growth 2005-2030"–100% allocated to Plan Area growth: Many of the proposed improvements are designed specifically to address future Plan Area conditions attributable to the unprecedented level of density planned for the blocks surrounding the new Transit Center. These improvements—Living Streets, Alleys, mid-block signalized pedestrian crossings, Natoma, and Shaw Plaza—are specifically planned to accommodate the concentration of transit riders, cyclists, and pedestrians associated with new development in the Plan Area.

- "DT/SOMA Growth 2005-2030"–48 percent allocated to Plan Area growth: Improvements to Primary Streets and signalization changes throughout the Plan Area address impacts not only of Plan Area growth but also impacts associated with growth in Greater Downtown San Francisco. The planned improvements are on corridors used by people and vehicles passing through the Plan Area as well as by those with origins or destinations in the Plan Area. Therefore, the costs of these improvements are allocated over the increase in daily person trips attributable to growth in Downtown / SoMa between 2005 and 2030, of which Plan Area growth is 48 percent.

- "DT/SOMA Total 2030"–11 percent allocated to Plan Area growth: Two of the pedestrian and streetscape improvements identified for the Plan Area are also elements of

the expanded transportation system planned to accommodate the overall level of activity projected for downtown San Francisco in 2030 including both growth and existing development. While located in the Plan Area, improvements to casual carpool waiting areas and the underground pedestrian connector to BART/Muni stations at Market Street serve a larger geographic area, including a substantial number of people whose origins and destinations are not in the Plan area but who use the facilities therein. These improvements serve primarily, but not exclusively, through-travel, providing connections in the Plan Area to origins and destinations elsewhere in Greater Downtown San Francisco / SoMa. Therefore, for these improvements, costs are allocated over total Downtown / SoMa trips in 2030, of which Plan Area growth is 11 percent.

Table 3 presents the cost allocation and resultant cost per trip for planned Circulation, Streetscape and Pedestrian Improvements. Overall, $115 million of the planned cost is allocated to new development in the Plan Area, representing 41 percent of the total cost.

TABLE 3
TRANSIT CENTER DISTRICT PLAN
COST, COST ALLOCATION, AND COST PER TRIP FOR CIRCULATION, STREETSCAPE AND PEDESTRIAN IMPROVEMENTS

List of Improvements	Cost [a]	Plan Area New Development Share [b]	Plan Area New Development Share of Cost	Cost per Trip [c]
Living Streets	$15,000,000	100%	$15,000,000	$71
Alleys	$21,000,000	100%	$21,000,000	$99
Mid-block crossings	$3,000,000	100%	$3,000,000	$14
Natoma	$13,300,000	100%	$13,300,000	$63
Shaw Plaza	$1,700,000	100%	$1,700,000	$8
Primary Streets	$90,000,000	48%	$43,600,000	$206
Signalization changes	$8,750,000	48%	$4,200,000	$20
Casual carpool waiting areas	$250,000	11%	$30,000	$0.14
Underground pedestrian connector to BART/Muni	$125,000,000	11%	$13,300,000	$63
Total Cost	**$278,000,000**		**$115,130,000**	

[a] San Francisco Planning Department, *Transit Center District Plan Draft for Public Review*, Table 7-1, November 2009.
[b] Based on total daily person trips from SF CHAMP Model Run 3A. Per the analysis in **Table 1** the total daily person trips generated by new development in the Plan Area represent 48 percent of the total daily person trips attributable to 2005 – 2030 growth in Downtown / SoMa and 11 percent of the total daily person trips projected for Downtown / SoMa in 2030.
[c] Costs allocated to Plan Area new development divided by the trips generated by new development (211,159 trips). See **Table 1.**

Fee schedule

The average cost per trip is converted to a fee per unit or per square foot of new development using trip generation rates per unit and per square foot. The trip generation rates used in this analysis are based on those documented in the San Francisco Planning Department's *Transportation Impact Analysis Guidelines* (October 2002), adapted for the analysis of the

Transit Center District Plan. The rates are consistent with those used in environmental analysis of the Transit Center District Plan.[1]

Table 4 summarizes the Circulation, Streetscape and Pedestrian Improvements development impact fee schedule, showing the maximum fees justified based on the forgoing analysis. To calculate the fee by land use category for the types of new development expected in the Plan Area, the average cost per trip for each improvement is multiplied by the trip generation rate (number of trips per residential unit or per 1,000 sq. ft. of non-residential development by use category). Adding a percentage to account for necessary administrative and management costs for the fee and improvement program (typically estimated at five percent), results in a total for the maximum justified development impact fee that ranges from about $2.60 per gross square foot for residential uses to $75 per gross square foot for retail uses.

Fee rates should be adjusted for inflation on an annual basis to ensure that fee revenue keeps up with increases in the cost of providing public facilities.

Additional sources of funding

The planned circulation, streetscape and pedestrian facilities improve existing conditions to accommodate new development and benefit existing as well as new development. Total costs are estimated at about $278 million, and 41 percent of that cost has been allocated to new Plan Area development in this impact fee analysis. There is a funding gap of about $163 million, most of which would be required for the improvements to Primary Streets and the BART/Muni underground pedestrian connector.

Other sources include Proposition K revenue which provides funding for transportation infrastructure through a one-half cent sales tax. This funding is administered by the San Francisco County Transportation Authority and funds are often combined with regional, state, and federal sources to leverage larger investments. Other local sources are being considered as part of the development of the *Transit Center District Plan* and include Mello-Roos community facilities district financing, tax increment funds from the Redevelopment Agency for the Transbay Redevelopment Area (which is almost wholly contained within the Plan Area), and developer obligations to improve adjacent street frontages through Planning Code requirements (e.g. Section 138.1). Plan Area improvements could also be included in the project list for general obligation bond funding. **Table A.2** in the Appendix (from the Transit Center District Plan Program Implementation Document) provides more information about potential sources of funding for plan area improvements.

[1] *Transit Center District Plan Technical Analysis*, Draft 1 Report, prepared for City and County of San Francisco Planning Department, Major Environmental Analysis, prepared by AECOM, May 7, 2010.

TABLE 4
TRANSIT CENTER DISTRICT PLAN
CIRCULATION, STREETSCAPE AND PEDESTRIAN AND IMPROVEMENTS DEVELOPMENT IMPACT FEE CALCULATION
(maximum justified fee)

		Primary Streets	Living Streets	Alleys	Mid-block crossings	Natoma	Shaw Plaza	Signaliza-tion	Casual carpool waiting areas	BART / Muni Connector	Sub-total	Admin-istration [a]	Maximum Justified Total Fee
	Cost per Trip (Table 3)	$206	$71	$99	$14	$63	$8	$20	$0.14	$63			
Maximum Justified Plan Area Fee													
Residential	per unit	$1,394	$479	$671	$96	$425	$54	$134	$1	$425	**$3,680**	$184	**$3,864**
Residential	per gross sq. ft. at 1,500 sq. ft per unit	$0.93	$0.32	$0.45	$0.06	$0.28	$0.04	$0.09	$0.00	$0.28	**$2.45**	$0.12	**$2.58**
Office	per gross sq. ft.	$2.80	$0.96	$1.35	$0.19	$0.86	$0.11	$0.27	$0.00	$0.86	**$7.40**	$0.37	**$7.77**
Hotel	per gross sq. ft.	$1.45	$0.50	$0.70	$0.10	$0.44	$0.06	$0.14	$0.00	$0.44	**$3.82**	$0.19	**$4.01**
Retail	per gross sq. ft.	$27.10	$9.32	$13.05	$1.86	$8.27	$1.06	$2.61	$0.02	$8.27	**$71.56**	$3.58	**$75.14**
Institutional	per gross sq. ft.	$4.26	$1.47	$2.05	$0.29	$1.30	$0.17	$0.41	$0.00	$1.30	**$11.25**	$0.56	**$11.81**

Trip Generation Factors by Land Use [b]

Residential	6.75	trips per unit [c]
Office	13.58	trips per 1,000 gross sq. ft.
Hotel	7.00	trips per 1,000 gross sq. ft. [d]
Retail	131.25	trips per 1,000 gross sq. ft. [e]
Institutional	20.63	trips per 1,000 gross sq. ft.

[a] The cost to administer and manage the impact fee program is an allowable costs. Typically, a five percent surcharge is added, as shown here.
[b] Trip generation rates by use from the San Francisco Planning Department Transportation Impact Analysis Guidelines (October 2002) with the application of the 75% adjustment factor derived from the Transit Center District Plan Transportation Analysis. Institutional trip generation from *ITE Trip Generation*, LU 540 (Junior/Community Colleges) as used in the TCDP Transportation Analysis, see Appendix G, *Technical Analysis Draft 1 Report*, May 7, 2010.
[c] Based on San Francisco Planning Department Transportation Impact Analysis Guidelines trip generation rates for 2-bedroom units (10 trips per unit) and studio/1-bedroom units (7.5 trips per unit) and assuming 2/3 of the units are 2-bedroom units and 1/3 are studio/1-bedroom units, per TCDP Transportation Analysis, see Appendix G, *Technical Analysis Draft 1 Report*, May 7, 2010.
[d] San Francisco Planning Department Transportation Impact Analysis Guidelines trip generation rates per room converted to rate per 1,000 gross sq. ft. assuming 750 sq. ft. per room, consistent with Planning Department assumptions for opportunity site development.
[e] Based on San Francisco Planning Department Transportation Impact Analysis Guidelines trip generation rates for General Retail (150 trips per 1,000 gross sq. ft.) and Sit-Down Restaurant (200 trips per 1,000 gross sq. ft.) assuming half the space is General Retail and half is Restaurant, per TCDP Transportation Analysis, see Appendix G, *Technical Analysis Draft 1 Report*, May 7, 2010.

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TRANSIT AND OTHER TRANSPORTATION SYSTEM IMPROVEMENTS DEVELOPMENT IMPACT FEE

Approach/Methodology

The proposed Transit and Other Transportation System Improvements Development Impact Fee and Transit Delay Mitigation Development Impact Fee will provide funding from new development in the Transit Center District Plan Area that would represent new development's contribution to the cost of improvements to enhance transit capacity, enhance safety, reduce congestion, manage transportation demand, and provide better connections to local and regional transit systems. The proposed impact fees are directly proportional to new development's share of the improvement costs and to the relative demand attributable to various land use categories. The impact fees are calculated to allocate the costs of the needed facilities equitably to new residential and non-residential development.

The development impact fee methodology has five steps:

- Identify facility plans and costs
- Determine the appropriate service population by type of improvement
- Calculate new development's share of total costs and divide that cost by total trips generated by new development to calculate costs per trip
- Determine the fee per square foot or per unit for each land use category by multiplying the per capita cost by the number of trips per square foot or per unit of new development by land use category

Facility plans and costs

There are two components to these facility plans and costs. First, the proposed *Transit Center District Plan* (Draft for Public Review, November 2009) identifies the investment in transit capacity improvements and transportation and circulation-related studies needed to accommodate growth through the year 2030. This investment is required to mitigate impacts attributable to growth in travel in the District and in the Greater Downtown area. Without this investment, conditions throughout the multi-modal transportation system would deteriorate. Second, the capital investment in the Transit Center is identified as a public improvement that would serve, at least in part, additional development in the Plan Area.

Planned improvements include:

- Station capacity improvements to Montgomery and Embarcadero BART stations, including platform doors and screens, improved train arrival information at the concourse level, station circulation, and other transportation management strategies to increase capacity to accommodate the increase in BART commuters that would be using these stations as a result of the new development anticipated in the Plan Area.
- Purchase of three standard (non-articulated) buses to mitigate impacts attributable to increased Plan Area congestion. Muni requires two buses and Golden Gate Transit requires one. The *Transit Center District Plan Draft EIR* indicates that

implementation of the Plan would generate congestion causing additional delay to transit circulating on Plan Area streets. This type of impact is not covered by the existing TIDF program. By providing these additional buses, Muni and Golden Gate Transit will be able to maintain appropriate headways and service levels, thereby reducing identified impacts to transit service.

- Circulation studies and trials to assess traffic and circulation changes as a result of plan implementation. These include a parking cap study (conduct inventory and establish cap consistent with targets for non-auto transportation use), Metric Goal updates (targets for percent non-auto trips, minimum transit share and combined walking/biking share), congestion analysis, Mission Street analysis to evaluate a transit-only zone between First and Fremont Streets in front of the Transit Center, and other circulation studies.
- Congestion charging studies and pilot implementation to better understand what is required to reduce regional through-traffic volumes in the Plan Area in order to be able to achieve improvements for transit, pedestrian, cycling, and public space.
- Transportation Management Association (TMA) update: full review and overhaul of TMA structure, operations, authority, guidelines, and procedures, including consideration of bicycling, car-sharing, and other travel options and whether a District-specific TMA is needed.
- Transit Center Project, with adjustments to reflect other funding sources.

Table 5 presents preliminary cost estimates for improvements to transit capacity and other aspects of the transportation system that are planned as part of the Transit Center District Plan. Before consideration of the Transit Center itself, costs total about $17 million. The Transit Center rail-related improvements add almost $2 billion to the total cost. **Table A.1** in the appendix presents more detail on these preliminary cost assumptions. **Table A.3** presents detail on Transit Center funding.

Cost allocation

The cost allocation process ensures that development fees equitably assign costs in proportion to new development's share of the total cost and in proportion to relative impact across land uses. For transit and other transportation system improvements, there are three cost allocation categories, as described below and summarized in **Figure 2**. Within each category, because of the multi-modal character of the transportation system serving the District, the appropriate measure of service population is all people walking, biking, taking transit, driving, or otherwise moving about in the Plan Area. Therefore, the estimate of total daily person-trips is used to calculate facility investment per capita or cost per trip factors that are translated to impact fees by land use category using trip generation rates that allocate relative demand across land uses.

TABLE 5
TRANSIT CENTER DISTRICT PLAN
TRANSIT AND OTHER TRANSPORTATION SYSTEM IMPROVEMENTS: PLANNED FACILITIES AND COST

Improvements	Estimated Total Cost (2010 dollars)
BART Station capacity improvements	$10,000,000
Additional Muni and Golden Gate Transit capacity	$3,000,000
Circulation studies and trials of Plan implementation	$2,500,000
TMA update	$250,000
Congestion charging studies and pilot implementation	$1,000,000
Transit Center – rail-related [a]	$1,957,000,000
Total Cost	**$1,973,750,000**

[a] Only a portion of the Transit Center capital cost is included in this impact fee analysis. The adjustment reflects commitments of other funding sources from the TJPA funding plan as of November 2010 (see **Table A-3** for more detail).

Source: San Francisco Planning Department, *Transit Center District Plan Draft for Public Review*, Table 7-1, November 2009, updated by Planning Department staff, August 11, 2011, based on results of environmental impact analysis of the proposed *Transit Center District Plan*. See **Table A-1** in the appendix for more detail on the preliminary cost assumptions.

FIGURE 2
TRANSIT CENTER DISTRICT PLAN
TRANSIT AND OTHER TRANSPORTATION SYSTEM IMPROVEMENTS: COST ALLOCATION FRAMEWORK

List of Improvements	Plan Area Growth 2005-2030	DT/SOMA Growth 2005-2030	DT/SOMA Total 2030
BART station capacity improvements	X		
Additional Muni and Golden Gate Transit capacity	X		
Circulation studies and trials of Plan implementation	X		
Congestion charging studies and pilot implementation		X	
TMA update		X	
Transit Center—rail-related			X

The planned improvements span a large range—from pilot studies to capital investment bringing regional and high-speed rail service to the Transit Center facility. The three different cost allocation categories are designed to best fit the scope and intent of the planned transportation system improvements. The categories are defined by the geographic area of benefit and by whether or not the planned facilities address existing needs as well as needs generated by new development.

- "Plan Area Growth 2005-2030"–100 percent allocated to Plan Area growth: The two line items related to increased transit station and transit vehicle capacity are allocated in total to the increase in trips attributable to new development in the Plan Area. The same is true for the funding identified to conduct additional studies of the traffic and circulation changes occurring in the District as a result of the implementation of the Plan. All of these planned improvements and investments directly address impacts of the growth accommodated by new development in the Plan Area and of the Plan strategies implemented to manage that growth.
- "DT/SOMA Growth 2005-2030"–48 percent allocated to Plan Area growth: The congestion charging studies and pilot implementation as well as the TMA update address improvements and system changes relevant to managing impacts attributable to growth in the larger Greater Downtown area. Therefore, for these two line items, costs are allocated over the increase in daily person trips attributable to growth in Downtown / SoMa between 2005 and 2030. Trips attributable to new development in the Plan Area are about half (48 percent) of that total.
- "DT/SOMA Total 2030"–11 percent allocated to Plan Area growth: The net cost of the Transit Center improvements, after adjustments for committed funding sources, are related to extending Caltrain service and potentially high-speed rail to Downtown San Francisco. That service will enhance transit access and inter-regional transit connections in the downtown area. The improvement is part of the expanded transportation system planned to accommodate the levels of activity downtown projected for Downtown San Francisco in 2030. Trips attributable to new development in the Plan Area represent 11 percent of total trips in Downtown / SoMa in 2030.

Table 6 presents the cost allocation and resultant cost per trip for transit and other transportation system improvements. For all but the Transit Center, $16.1 million of facility cost (96 percent of the total) is allocated to new development in the Plan Area. For the Transit Center, 11 percent of the total net cost is allocated to new development in the Plan Area.

Fee schedule

The average cost per trip is converted to a fee per unit or per square foot of new development using trip generation rates per unit and per square foot. The trip generation rates used in this analysis are based on those documented in the San Francisco Planning Department's *Transportation Impact Analysis Guidelines* (October 2002), adapted for the analysis of the Transit Center District Plan. The rates are consistent with those used in environmental analysis of the Transit Center District Plan.[2]

[2] *Transit Center District Plan Technical Analysis*, Draft 1 Report, prepared for City and County of San Francisco Planning Department, Major Environmental Analysis, prepared by AECOM, May 7, 2010.

TABLE 6
TRANSIT CENTER DISTRICT PLAN
COST, COST ALLOCATION, AND COST PER TRIP FOR TRANSIT AND OTHER TRANSPORTATION SYSTEM IMPROVEMENTS

List of Improvements	Cost [a]	Plan Area New Development Share	Plan Area New Development Share of Cost	Cost per Trip [b]
BART Station capacity improvements [c]	$10,000,000	100%	$10,000,000	$47
Additional Muni and Golden Gate Transit capacity [c]	$3,000,000	100%	$3,000,000	$14
Circulation studies and trials of Plan implementation [c]	$2,500,000	100%	$2,500,000	$12
Congestion charging studies and pilot implementation [d]	$1,000,000	48%	$1,200,000	$2
TMA update [d]	$250,000	48%	$100,000	$0.47
Subtotal	**$16,750,000**		**$16,100,000**	
Transit Center—rail-related	$1,957,000,000	11%	$207,800,000	$984

[a] San Francisco Planning Department, *Transit Center District Plan Draft for Public Review*, Table 7-1, November 2009 updated by Planning Department staff, August 11, 2011, based on results of environmental impact analysis of the proposed *Transit Center District Plan*.
[b] Costs allocated to Plan Area new development divided by the trips generated by new development (211,159 trips). See **Table 1**.
[c] All costs allocated to Plan Area growth because the capacity improvements and studies are directly related to impacts attributable to new development accommodated in the Plan Area and to implementation of Plan Area circulation changes designed to manage that growth.
[d] Based on total daily person trips from SF CHAMP Model Run 3A. Per the analysis in **Table 1**, the total daily person trips generated by new development in the Plan Area represent 48 percent of the total increase in daily person trips projected for Downtown / SoMa in 2030.
[e] The net cost of Transit Center improvements provides service benefiting the larger Downtown / SoMa area. The SF CHAMP Model Run 3A provides estimates of total daily person trips in 2030 for Downtown / SoMa. Total daily person-trips generated by new development in the Plan Area represent 11 percent of this total (see **Table 1**.)

Table 7 summarizes the Transit and Other Transportation System Improvements development impact fee schedule, showing the maximum fees justified based on the forgoing analysis. Separately, **Table 8** summarizes the Transit Delay Mitigation development impact fee associated with providing additional Muni and Golden Gate Transit capacity. In each case, to calculate the fee by land use category for the types of new development expected in the Plan Area, the average cost per trip for each improvement is multiplied by the trip generation rate (number of trips per residential unit or per 1,000 sq. ft. of non-residential development by use category). Adding a percentage to account for necessary administrative and management costs for the fee and improvement program (typically estimated at five percent), results in a total for the maximum justified development impact fee for Transit and Other Transportation System Improvements that ranges from just under $5 per gross square foot for residential uses to $144 per gross square foot for retail uses. The maximum justified amount for the proposed Transit Delay Mitigation development impact fee ranges from $.07 per gross square foot for residential uses to $1.96 per gross square foot for retail uses.

Fee rates should be adjusted for inflation on an annual basis to ensure that fee revenue keeps up with increases in the cost of providing public facilities.

TABLE 7
TRANSIT CENTER DISTRICT PLAN
TRANSIT AND OTHER TRANSPORTATION SYSTEM IMPROVEMENTS DEVELOPMENT IMPACT FEE CALCULATION
(maximum justified fee)

		BART Station Capacity	Circulation trials and studies	Congestion studies and implementation	TMA update	Transit Center Rail	Subtotal	Administration [a]	Maximum Justified Total Fee
	Cost per Trip (Table 6)	$47	$12	$2	$0.47	$984			
Maximum Justified Plan Area Fee									
Residential	per unit	$320	$80	$16	$3.20	$6,643	**$7,061**	$353	**$7,414**
Residential	per gross sq. ft. at 1,500 sq. ft per unit	$0.21	$0.05	$0.01	$0.00	$4.43	**$4.71**	$0.24	**$4.94**
Office	per gross sq. ft.	$0.64	$0.16	$0.03	$0.01	$13.36	**$14.20**	$0.71	**$14.91**
Hotel	per gross sq. ft.	$0.33	$0.08	$0.02	$0.00	$6.89	**$7.32**	$0.37	**$7.69**
Retail	per gross sq. ft.	$6.22	$1.55	$0.31	$0.06	$129.16	**$137.30**	$6.87	**$144.17**
Institutional	per gross sq. ft.	$0.98	$0.24	$0.05	$0.01	$20.30	**$21.58**	$1.08	**$22.66**

Trip Generation Factors by Land Use [b]

Residential	6.75	trips per unit [c]
Office	13.58	trips per 1,000 gross sq. ft.
Hotel	7.00	trips per 1,000 gross sq. ft. [d]
Retail	131.25	trips per 1,000 gross sq. ft. [e]
Institutional	20.63	trips per 1,000 gross sq. ft.

[a] The cost to administer and manage the impact fee program is an allowable costs. Typically, a five percent surcharge is added, as shown here.

[b] Trip generation rates by use from the San Francisco Planning Department Transportation Impact Analysis Guidelines (October 2002) with the application of the 75% adjustment factor derived from the Transit Center District Plan Transportation Analysis. Institutional trip generation from *ITE Trip Generation*, LU 540 (Junior/Community Colleges) as used in the TCDP Transportation Analysis, see Appendix G, *Technical Analysis Draft 1 Report*, May 7, 2010.

[c] Based on San Francisco Planning Department Transportation Impact Analysis Guidelines trip generation rates for 2-bedroom units (10 trips per unit) and studio/1-bedroom units (7.5 trips per unit) and assuming 2/3 of the units are 2-bedroom units and 1/3 are studio/1-bedroom units, per TCDP Transportation Analysis, see Appendix G, *Technical Analysis Draft 1 Report*, May 7, 2010.

[d] San Francisco Planning Department Transportation Impact Analysis Guidelines trip generation rates per room converted to rate per 1,000 gross sq. ft. assuming 750 sq. ft. per room, consistent with Planning Department assumptions for opportunity site development.

[e] Based on San Francisco Planning Department Transportation Impact Analysis Guidelines trip generation rates for General Retail (150 trips per 1,000 gross sq. ft.) and Sit-Down Restaurant (200 trips per 1,000 gross sq. ft.) assuming half the space is General Retail and half is Restaurant, per TCDP Transportation Analysis, see Appendix G, *Technical Analysis Draft 1 Report*, May 7, 2010.

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TABLE 8
TRANSIT CENTER DISTRICT PLAN
TRANSIT DELAY MITIGATION DEVELOPMENT IMPACT FEE CALCULATION
(maximum justified fee)

		Transit Delay Mitigation (additional transit capacity)	Administration [a]	Maximum Justified Total Fee
Cost per Trip (Table 6)		$14		
Maximum Justified Plan Area Fee				
Residential	per unit	$96	$5	**$101**
Residential	per gross sq. ft. at 1,500 sq. ft per unit	$0.06	$0.00	**$0.07**
Office	per gross sq. ft.	$0.19	$0.01	**$0.20**
Hotel	per gross sq. ft.	$0.10	$0.00	**$0.10**
Retail	per gross sq. ft.	$1.86	$0.09	**$1.96**
Institutional	per gross sq. ft.	$0.29	$0.01	**$0.31**

Trip Generation Factors by Land Use [b]

Residential	6.75	trips per unit [c]
Office	13.58	trips per 1,000 gross sq. ft.
Hotel	7.00	trips per 1,000 gross sq. ft. [d]
Retail	131.25	trips per 1,000 gross sq. ft. [e]
Institutional	20.63	trips per 1,000 gross sq. ft.

[a] The cost to administer and manage the impact fee program is an allowable costs. Typically, a five percent surcharge is added, as shown here.

[b] Trip generation rates by use from the San Francisco Planning Department Transportation Impact Analysis Guidelines (October 2002) with the application of the 75% adjustment factor derived from the Transit Center District Plan Transportation Analysis. Institutional trip generation from *ITE Trip Generation,* LU 540 (Junior/Community Colleges) as used in the TCDP Transportation Analysis, see Appendix G, *Technical Analysis Draft 1 Report,* May 7, 2010.

[c] Based on San Francisco Planning Department Transportation Impact Analysis Guidelines trip generation rates for 2-bedroom units (10 trips per unit) and studio/1-bedroom units (7.5 trips per unit) and assuming 2/3 of the units are 2-bedroom units and 1/3 are studio/1-bedroom units, per TCDP Transportation Analysis, see Appendix G, *Technical Analysis Draft 1 Report,* May 7, 2010.

[d] San Francisco Planning Department Transportation Impact Analysis Guidelines trip generation rates per room converted to rate per 1,000 gross sq. ft. assuming 750 sq. ft. per room, consistent with Planning Department assumptions for opportunity site development.

[e] Based on San Francisco Planning Department Transportation Impact Analysis Guidelines trip generation rates for General Retail (150 trips per 1,000 gross sq. ft.) and Sit-Down Restaurant (200 trips per 1,000 gross sq. ft.) assuming half the space is General Retail and half is Restaurant, per TCDP Transportation Analysis, see Appendix G, *Technical Analysis Draft 1 Report,* May 7, 2010.

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Additional sources of funding

The BART, Muni, and Golden Gate Transit capacity improvements and the circulation studies and trials would be 100 percent funded by an impact fee imposed at the maximum justified in this analysis. About half the cost of other studies and the TMA update would need to be funded by other sources. These could include grants such as the proposed OneBayArea grant program administered by the Metropolitan Transportation Commission, allocating discretionary federal funding to promote effective transportation investments that support focused development.

The balance of the funding need for the improvements identified in this impact fee analysis is for the CalTrain Downtown Extension. As proposed and documented in this analysis, new development in the Plan Area could contribute on the order of 10 percent of the funding for the extension. Other sources are required for this project of substantial regional benefit and are likely to include a similar mix to that identified for Phase 1 of the Transit Center TJPA funding plan (see **Table A.3**). **Table A.2** (from the Transit Center District Plan Program Implementation Document) summarizes what is known about overall costs and funding for Plan Area improvements.

COMBINED IMPACT FEES

Table 9 summarizes the maximum justified fees that could be applied to new development in the Plan Area to fund planned circulation, streetscape, pedestrian, transit, and other transportation system improvements. The fee related to the Transit Center facility is shown separately, as are the administrative components of each fee. For new residential development in the Plan Area, the maximum justified fee for all transportation system improvements except Transit Center rail is about $3 per gross square foot. For new non-residential land development in the Plan Area, the maximum justified fee for all transportation system improvements except Transit Center rail ranges from $4.60 per gross square foot for hotel land use to about $85 per gross square foot for retail use. The maximum justified fee for office use for all improvements except Transit Center rail is about $9 per gross square foot.

TABLE 9
TRANSIT CENTER DISTRICT PLAN
TRANSPORTATION SYSTEM IMPROVEMENTS DEVELOPMENT IMPACT FEE SUMMARY
(maximum justified fee)

		Circulation, Streetscape and Pedestrian Improvements		Transit and Other Transportation Improvements		Transit Delay Mitigation Fee		Transit Center - Rail-Related		GRAND TOTAL		
		Improvements	Admin.	Improvements	Admin.	Improvements	Admin.	Improvements	Admin.	Improvements	Admin.	Total Fee
Maximum Justified Plan Area Fee, by land use												
Residential	per unit	$3,680	$184	$419	$21	$96	$5	$6,643	$332	**$10,838**	**$537**	**$11,375**
Residential	per gross sq. ft. at 1,500 sq. ft per unit	$2.45	$0.12	$0.28	$0.01	$0.06	$0.00	$4.43	$0.22	**$7.23**	**$0.36**	**$7.58**
Office	per gross sq. ft.	$7.40	$0.37	$0.84	$0.04	$0.19	$0.01	$13.36	$0.67	**$21.80**	**$1.08**	**$22.88**
Hotel	per gross sq. ft.	$3.82	$0.19	$0.43	$0.02	$0.10	$0.00	$6.89	$0.34	**$11.24**	**$0.56**	**$11.80**
Retail	per gross sq. ft.	$71.56	$3.58	$8.14	$0.41	$1.86	$0.09	$129.16	$6.46	**$210.73**	**$10.44**	**$221.17**
Institutional	per gross sq. ft.	$11.25	$0.56	$1.28	$0.06	$0.29	$0.01	$20.30	$1.01	**$33.11**	**$1.64**	**$34.76**

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APPENDIX

TRANSPORTATION SYSTEM IMPROVEMENT COSTS AND FUNDING

The *Transit Center District Plan* (Public Review Draft, November 2009) is the source of the cost estimates for the planned facilities and improvements that are the subject of this impact fee analysis. Costs are preliminary and subject to refinement. As noted in the body of the report, in August 2011, investments in additional transit capacity for Muni and Golden Gate Transit were added to the improvement list, based on results of the impact analysis in the *Transit Center District Plan Draft EIR.* **Table A.1** provides detail on the preliminary estimates.

Table A.2 presents the current funding plan for public improvements in the Transit Center District Plan area. The table shows estimates for development impact fee revenue and other sources of funding. The estimates are from the Transit Center District Plan Implementation Program Document.

As indicated in **Table A.1**, costs for the Transit Center facility total almost $4.2 billion. Federal, state, and local funding sources are required to complete this major investment in the regional transportation system. Only a portion of these costs are proposed to be part of the system of transportation improvements considered for funding as part of this Plan Area impact fee.

The new Transit Center replaces, expands, and improves an existing facility, so numerous local and regional funding sources have been committed to this replacement. As of November 2010, the funding plan developed by the Transbay Joint Powers Authority (TJPA) identifies funding covering over $2.2 billion (53 percent) of Transit Center capital costs. This funding plan is summarized in **Table A.3.**

TABLE A.1
TRANSIT CENTER DISTRICT PLAN: TRANSPORTATION SYSTEM PUBLIC IMPROVEMENTS AND IMPLEMENTATION COSTS

		Preliminary Unit Cost	Estimated Total Cost (2010 dollars)
Streetscape and Pedestrian Circulation Improvements			
District-wide Circulation, Streetscape and Pedestrian Improvements Includes sidewalk widening, transit shelters, landscaping, pedestrian amenities (e.g. benches), kiosks, bicycle parking, road re-striping	Primary Streets (e.g. Mission, Howard, New Montgomery, 2nd, 1st, Fremont), plus striping, signage and meter upgrades	Approx. $2 million per block	$90,000,000
	Living Streets (Spear, Main, Beale)	Approx. $2.5 million per block	15,000,000
	Alleys (e.g. Stevenson, Jessie, Minna, Natoma, Tehama, Anthony,). Excludes Natoma between 1st and 2nd	Approx. $1.5 million per block	21,000,000
Mid-Block Crossings	Crossings between 1st and 2nd Streets on Mission, Howard, Folsom; at Natoma on 2nd, 1st, and Fremont Streets.	6 @ approx. $500K each	3,000,000
Signalization changes		25 intersections @ $350K per intersection	8,750,000
Casual Carpool waiting area improvements	Shelters, signage, seating		250,000
Natoma (between 1st and 2nd)	Single grade, high-quality finishes and landscaping		13,300,000
Shaw Plaza	Ped plaza, vehicular closure. Decorative paving, landscaping, signage, curb ramps, lighting, drainage		1,700,000
Underground Pedestrian Connector from the Transit Center to Market Street BART/Muni			125,000,000
Subtotal			***$278,000,000***
Transit and Other System Transportation Improvements			
Station Capacity Improvements to Montgomery and Embarcadero BART Stations	Platform doors and screens; improved train arrival information for concourse level; others TBD	Approx. $5 million per station	$10,000,000
Additional Transit Capacity: Muni and Golden Gate Transit [a]		$1,000,000 per bus (preliminary)	3,000,000
Additional Studies and Trials of Traffic and Circulation Changes in Plan	Including parking cap study, Metric Goal updates/Congestion analysis, Mission Street analysis, other circulation studies		2,500,000
Congestion Charging Studies and Pilot Implementation			1,000,000
Transportation Management Association (TMA) Update	Full review and overhaul of TMA structure, operations, authority, guidelines, and procedures		250,000
Subtotal			***$16,750,000***
Transit Center Project	Bus-related		1,010,000,000
	Rail-related	Includes Downtown Extension and train components of Transit Center building	3,175,000,000
TOTAL			***$4,479,750,000***

[a] Added by the Planning Department in August 2011 as mitigation for impacts identified in the Transit Center District Plan Draft EIR. Preliminary cost estimates under review.

Source: San Francisco Planning Department, *Transit Center District Plan,* Public Review Draft, November 2009, Table 7-1.

TABLE A.2

TRANSIT CENTER DISTRICT PLAN FUNDING PROGRAM

PUBLIC IMPROVEMENT	COST	Contributions by Source:							
STREETSCAPE AND PEDESTRIAN									
ROW Improvements (sidewalks, transit lanes, landscaping, etc)									
Living Streets (Spear, Main, Beale)	$15,000,000		$5,000,000	$5,000,000			$5,000,000		
Primary Streets (Mission, Howard, Fremont, 1st, 2nd, New Montgomery)	$90,000,000		$34,000,000	$47,000,000		$2,400,000	$6,600,000		
Alleys	$21,000,000		$5,000,000	$11,500,000		$3,000,000	$1,500,000		
Zone 1 Streets	$32,875,000						$32,875,000		
Fremont/Folsom Off-ramp realignment	$2,500,000						$2,500,000		
Mid-Block Crossings	$3,000,000		$2,700,000						
Signalization	$8,750,000		$1,500,000	$7,250,000			$300,000		
Casual Carpool	$250,000		$27,000						
Hatama	$13,300,000		$13,300,000				$223,000		
Shaw Plaza	$1,700,000		$1,530,000						
Underground Pedestrian Connector	$125,000,000						$170,000		$125,000,000
TRANSIT AND OTHER TRANSPORTATION									
Transit Delay Mitigation	$3,000,000		$3,000,000						
BART Station Capacity	$10,000,000		$9,000,000	$1,000,000					
TMA Guidelines	$250,000		$80,000	$170,000					
Traffic Studies	$2,500,000		$1,900,000	$600,000					
Congestion Charging Studies and Pilot	$1,000,000		$400,000	$600,000					
DOWNTOWN RAIL EXTENSION	$2,396,000,000		$345,300,000	$345,980,000					$2,207,520,000
OPEN SPACE									
City Park	$50,000,000	$10,200,000		$1,900,000				$1,000,000	$32,000,000
City Park connections	$18,900,000	$9,300,000			$9,200,000				
2nd/Howard	$15,000,000	$10,000,000						$5,000,000	
Transbay Park	$10,100,000						$10,100,000		
Improvements to Downtown Parks outside Plan Area	$10,000,000	$10,000,000							
Mission Square	$5,000,000				$5,000,000				
Bus Ramps/Oscar Park	$18,300,000						$18,300,000		
	Total by Source	$17,500,000	$1,627,000	$1,500,000	$14,200,000	$2,400,000	$77,508,000	$6,000,000	$2,364,520,000
	SUBTOTALS	$211,535,000				$103,708,000			

[1] Totals for Plan Impact Fee expenditures do not include fee administration costs, allowed up to 5% of impact fee revenues per the enabling ordinances.

Source: Transit Center District Plan Program Implementation Document

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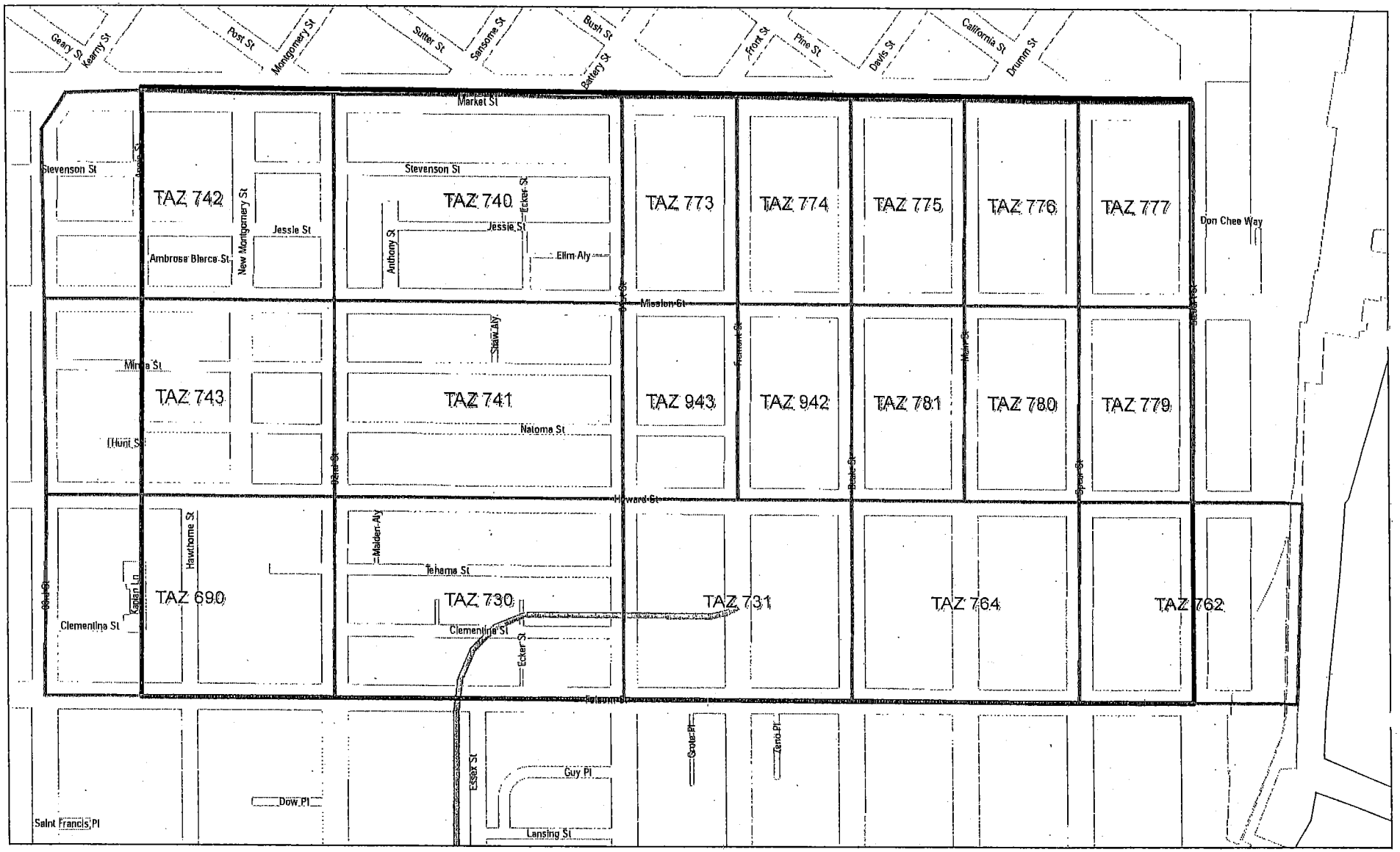
TABLE A.3
TRANSIT CENTER TJPA FUNDING PLAN, AS OF NOVEMBER 2010 (IN MILLIONS, YOE DOLLARS)

Sources [a]	Phase 1	Phase 2	Total
SF Prop K	$98	$50	
San Mateo Sales Tax	$5	$19	
AC Transit Capital Contribution	$39	-	
Misc. Local	$7	-	
Regional Measure 1	$54	-	
Regional Measure 2	$143	$8	
AB 1171	$150	-	
RTIP	$28	-	
Land Sales or Alternative	$429	$185	
Federal Earmarks (FTA & FRA)	$65	-	
TIFIA Loan	$171	$377	
ARRA High Speed Rail	$400	-	
Other, to be determined	$0	$1,957	
Total Revenues	**$1,589**	**$2,596**	**$4,185**
Total funding commitment			
Phase 1	$1,589		
Phase 2	$639		
	$2,228		
Balance to be determined	$1,957		
Total funding	**$4,185**		

Transit Center Cost [b] and Funding (in millions, YOE dollars)

	Cost	Revenue Committed	Revenue TBD
Bus-related cost, all in Phase 1	$1,010	$1,010	-
Rail-related cost	$3,175	$1,218	$1,957
	$4,185	**$2,228**	**$1,957**

[a] Source of funding estimates: Funding plan materials presented to TJPA Board, January 13, 2011.
[b] Source of costs: *Transit Center District Plan Draft for Public Review*, Table 7-1 (November 2009). The allocation between bus and rail was not provided by the TJPA but reflects a reasonable allocation for the purposes of this planning analysis.



1738

Map 1 Transbay Area with TAZs

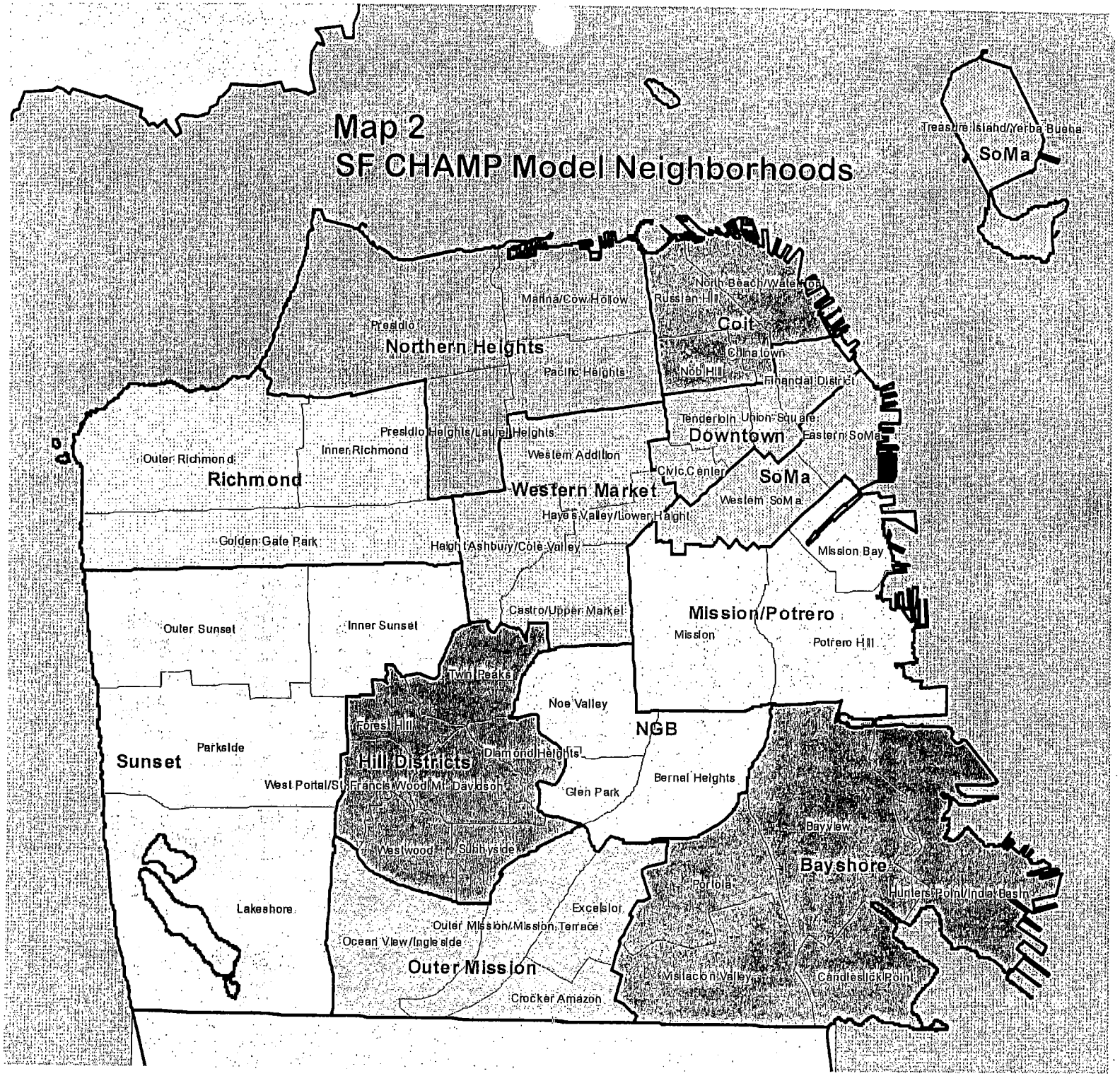
0 390 780 Feet

Streets

Transbay TAZs

Transbay Plan Area

Map by AOlsen, Friday, January 29, 2010 1:56:26 PM
C:\Documents and Settings\aolsen\Desktop\20100128_TransbayTAZs.mxd


Map 2
SF CHAMP Model Neighborhoods
Treasure Island/Yerba Buena
SoMa
North Beach/Waterfront
Marina/Cow Hollow
Russian Hill
Coit
Presidio
Northern Heights
Chinatown
Nob Hill
Pacific Heights
Financial District
Tenderloin Union Square
Downtown
Eastern SoMa
Presidio Heights/Laurel Heights
Inner Richmond
Western Addition
Outer Richmond
Richmond
Civic Center
SoMa
Western Market
Western SoMa
Hayes Valley/Lower Haight
Golden Gate Park
Haight Ashbury/Cole Valley
Mission Bay
Castro/Upper Market
Outer Sunset
Inner Sunset
Mission/Potrero
Mission
Potrero Hill
Twin Peaks
Noe Valley
Forest Hill
NGB
Parkside
Sunset
Hill Districts
Diamond Heights
West Portal/St Francis Wood/Mt Davidson
Bernal Heights
Glen Park
Bayview
Westwood
Sunnyside
Bayshore
Portola
Hunters Point/India Basin
Lakeshore
Excelsior
Outer Mission/Mission Terrace
Ocean View/Ingleside
Outer Mission
Visitacion Valley
Candlestick Point
Crocker Amazon

BOARD of SUPERVISORS

City Hall
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San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

NOTICE OF PUBLIC HEARING

LAND USE & ECONOMIC DEVELOPMENT COMMITTEE

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCSICO

NOTICE IS HEREBY GIVEN THAT the Land Use and Economic Development Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: **Monday, July 16, 2012**

Time: **1:00 p.m.**

Location: **Committee Room 263 located at City Hall**
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

Subject: **File No. 120665.** Ordinance: 1) amending the San Francisco Planning Code by amending and adding sections consistent with the Transit Center District Plan, including the establishment of the Transit Center District Plan open space and transportation fees and the expansion and renaming of the New Montgomery-Mission-Second Street Conservation District; and 2) making findings, including environmental findings and findings of consistency with the General Plan, as proposed for amendment, and Planning Code Section 101.1.

If the legislation passes, a Transit Center District Open Space Impact Fee would be established to fund public open space improvements in the Transit Center District Plan Area and adjacent downtown areas that provide direct benefits to the developed property. This fee shall apply to any development project located in the C-3-O(SD) District that meets criteria specified in proposed Planning Code Section 424.6.2(b). The Base Fee (per gross square feet (gsf)) for the entire development project is as follows: Residential $2.50; Office $3.00; Retail $5.00; Hotel $4.00; Institutional/Cultural/Medical $5.00; Industrial $2.50. Projects that result in Floor Area Ratio (FAR) exceeding 9:1 shall be assessed the following additional fee per gsf on all applicable gsf on the lot above a FAR of 9:1: Office $7.00; Retail $4.50; Institutional/Cultural/Medical $4.30.

If a Variance is granted in the C-3-O(SD) District to reduce the amount of open space required for any use, or if a project sponsor chooses to pay an in-lieu fee, a fee of $1,410 shall be required for each square foot of usable open space not provided. The

fee shall be paid into the Transit Center District Open Space Fund and used to acquire, design, and improve public open space and recreational facilities in the Transit Center District.

A Transit Center District Transportation and Street Improvement Impact Fee would be established to fund public transportation and public street improvements in the Transit Center District Plan Area and adjacent downtown areas that provide direct benefits to the developed property. This fee shall apply to any development project located in the C-3-O(SD) District that meets criteria specified in proposed Planning Code Section 424.7.2(b). This fee has two components, one would be dedicated for purposes of a Transit Delay Mitigation Fee. This fee shall be assessed on the entire development project per gsf as follows: Residential $0.06; Office $0.20; Retail $1.95; Hotel $0.10; Institutional/Cultural/Medical $0.30. The Base Fee (per gsf) shall be assessed on the entire development project as follows: Residential $3.94; Office $3.80; Retail $2.05; Hotel $3.90; Institutional/Cultural/Medical $3.70; Industrial $4.00. Projects that result in FAR exceeding 9:1 shall be assessed the following additional fee per gsf on all applicable gsf on the lot above a FAR of 9:1: Residential $6.00; Office $19.50; Retail $19.50; Hotel $8.00; Institutional/Cultural/Medical $19.50. Projects that result in FAR exceeding 18:1 shall be assessed the following additional fee per gsf on all applicable gsf on the lot above a FAR of 18:1: Residential $3.00; Office $10.00; Retail $10.00; Hotel $3.00; Institutional/Cultural/Medical $10.00.

For both fees, the City may authorize an In-Kind Agreement and fee waiver that allows the project sponsor to instead provide in-kind improvements that meet an identified need, with a value to be determined by the Director of Planning. The fees shall be paid to the Development Fee Collection Unit and deposited in either the Transit Center District Open Space Fund or Transportation and Street Improvement Fund, depending on the source of the fee assessment.

In accordance with Section 67.7-1 of the San Francisco Administrative Code, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made part of the official record in this matter, and shall be brought to the attention of the Members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton Goodlett Place, San Francisco, 94102. Information relating to the proposed fee is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, July 13, 2012.

Angela Calvillo, Clerk of the Board

DATED: June 28, 2012
PUBLISHED: July 2 & 9, 2012

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Alisa Miller
S.F. BD OF SUPERVISORS (OFFICIAL NOTICES)
1 DR CARLTON B GOODLETT PL #244
SAN FRANCISCO, CA 94102

COPY OF NOTICE

Notice Type: GPN GOVT PUBLIC NOTICE

Ad Description AM - 120665 Fee Ad, Transit Center

To the right is a copy of the notice you sent to us for publication in the SAN FRANCISCO EXAMINER. Thank you for using our newspaper. Please read this notice carefully and call us with ny corrections. The Proof of Publication will be filed with the County Clerk, if required, and mailed to you after the last date below. Publication date(s) for this notice is (are):

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* A 0 0 0 0 0 2 7 1 9 1 9 2 *

EXM 2340429

NOTICE OF PUBLIC HEARING LAND USE & ECONOMIC DEVELOPMENT COMMITTEE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCSICO JULY 16,2 012 - 1:00 PM CITY HALL,C OMMITTEE ROOM 263 1 DR.C ARLTON B. GOODLETT PL, SF,C A

NOTICE IS HEREBY GIVEN THAT the Land Use and Economic Development Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard. **File No. 120665.** Ordinance: 1) amending the San Francisco Planning Code by amending and adding sections consistent with the Transit Center District Plan, including the establishment of the Transit Center District Plan open space and transportation fees and the expansion and renamingo f the New Montgomery-Mission-Second Street Conservation District; and 2) making findings, including environmental findings and findings of consistency with the General Plan, as proposed for amendment, andP lanningC ode Section 101.1.

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Angela Calvillo, Clerk of the Board

BOARD of SUPERVISORS

City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
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NOTICE OF PUBLIC HEARING

LAND USE AND ECONOMIC DEVELOPMENT COMMITTEE

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

NOTICE IS HEREBY GIVEN THAT the Land Use and Economic Development Committee will hold a public hearing to consider the following proposals and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: **Monday, July 16, 2012**

Time: **1:00 p.m.**

Location: **City Hall, Legislative Chamber, Room 250**
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

Subject: **Transit Center District Plan**

File No. 120665. Ordinance: 1) amending the San Francisco Planning Code by amending and adding sections consistent with the Transit Center District Plan, including the establishment of the Transit Center District Plan open space and transportation fees and the expansion and renaming of the New Montgomery-Mission-Second Street Conservation District; and 2) making findings, including environmental findings and findings of consistency with the General Plan, as proposed for amendment, and Planning Code Section 101.1.

File No. 120666. Ordinance: 1) amending City and County of San Francisco Zoning Map Sheets ZN01, HT01, SU01, and PD01 to revise use districts and height and bulk districts within the Transit Center District Plan Area, to place certain properties in the Transit Center C-3-O(SD) Commercial Special Use District, and to add properties into the New Montgomery-Mission-Second Street Conservation District; and 2) making environmental findings and findings of consistency with the General Plan as proposed for amendment and Planning Code Section 101.1.

File No. 120667. Ordinance: 1) amending the San Francisco Administrative Code Section 10E.1 and Sections 36.1 and 36.3 to address Plan monitoring and the Interagency Planning and Implementation Committee role in the Transit Center District Plan public improvements; and 2) making environmental findings.

File No. 120685. Ordinance: 1) amending the San Francisco General Plan by adding the Transit Center District Sub-Area Plan to the Downtown Plan and making various amendments to the Downtown Plan, Urban Design Element, Commerce and Industry Element, Recreation and Open Space Element, and Transportation Element as part of the establishment of the Transit Center District Plan; and 2) making environmental findings and findings of consistency with the General Plan, as proposed for amendment, and Planning Code Section 101.1.

In accordance with Section 67.7-1 of the San Francisco Administrative Code, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made part of the official record in this matter, and shall be brought to the attention of the Members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, Room 244, City Hall, 1 Dr. Carlton Goodlett Place, San Francisco, CA 94102. Information relating to these matters are available in the Office of the Clerk of the Board. Agenda information relating to these matters will be available for public review on Friday, July 13, 2012.

Angela Calvillo, Clerk of the Board

DATED: June 29, 2012
POSTED: July 2, 2012
PUBLISHED/MAILED: July 6, 2012

File 120665
BOS-11
Land Use Clerk copy

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 JUL 13 PM 2:59
BY AK

James E. Hirsch
The 12 Geary Building
12 Geary Street, Ste 405
San Francisco, CA 94108-5712

Telephone (415) 433-3224

July 11, 2012

Board of Supervisors
City and County of San Francisco
City Hall
1 Dr. Carlton Goodlett Place, Rm. 244
San Francisco, CA 94102

RE: Transit Center District Plan

Attention: Angela Calvillo, Clerk

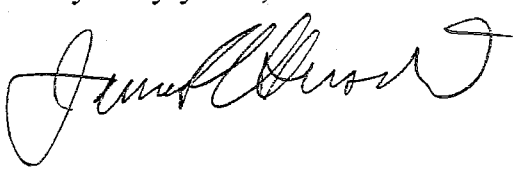
Honorable Members of the Land Use and Development Committee:

As one of the members of the family who have owned the 12 Geary St. Building (Block 310, Lot 5) for over 50 years, I strongly OPPOSE the imposition of **any transit fees** on real property owners as suggested in the summary of File No. 120665.

The 12 Geary St. building is over 100 years old and was designated in 1985 as a Category I Preservation building. The imposition of any new taxes will create a hardship for this building and others like it. This building has very high maintenance costs relative to its income potential, and current rental rates for offices and retail store space in these historic buildings have not changed significantly from the levels of 30 years ago. The consequence of any new taxes will be a decrease in this building's maintenance budget and the others like it.

Thank you in advance for making this letter part of the official record.

Very truly yours,



BOS-11 120665
cpage 120666
Alisa 120667
LUclerk 120685

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BOARD OF SUPERVISORS
SAN FRANCISCO
2012 JUL 11 PM 3:04
BY AK

July 9, 2012

Land Use and Economic Development Committee (July 16, 2012 Meeting)

Transit Center District Plan

RE: Comments on Plan

Hello,

I am a homeowner on New Montgomery Street, and I will be unable to attend the meeting next Monday.

I have a specific concern about a parcel of land on 2nd. St. between Natoma St and Howard Street that is current used as parking for Adolph Gasser Photography.

As I understand it, the Gasser store along with the building next to it on the corner of Howard/2nd St (N.E.Corner) will be demolished as part of the plan.

My concern is that the empty lot, the Gasser parking lot on 2nd St.will be developed and built with a building higher than the adjacent building.

If that was to happen, it would adversely affect the other homeowners' in my building and me. Aside from losing a pleasant view, it would lower the value of the condominiums affected and most likely the whole building.

A building higher than its neighbors will not fit in with the historical charm of the neighborhood in my opinion.

Thank you in advance for an opportunity to voice my opinion.

Very truly yours,

Brian Boisson
199 New Montgomery St. #1209
San Francisco, CA. 94105

RE: Economic Impact Reports - Land Use Hearings
Egan, Ted to: Miller, Alisa 07/16/2012 02:42 PM

History: This message has been replied to.

Alisa,

We will not be filing an economic impact report on this matter.

Best,
Ted

From: Alisa.Miller@sfgov.org [mailto:Alisa.Miller@sfgov.org]
Sent: Monday, July 16, 2012 2:42 PM
To: Egan, Ted
Subject: RE: Economic Impact Reports - Land Use Hearings

Hi Ted,

The Land Use Committee recommended the Transit Center legislation out to the full Board for their consideration on July 24th. Will you be providing an Economic Impact Report for this matter? If so, I need it no later than 12:00 on Wednesday in order to make it into the full Board packet.

Let me know.. thanks.

Lisa

-----"Egan, Ted" <ted.egan@sfgov.org> wrote: -----
To: "Miller, Alisa" <alisa.miller@sfgov.org>
From: "Egan, Ted" <ted.egan@sfgov.org>
Date: 07/10/2012 01:19PM
Subject: RE: Economic Impact Reports - Land Use Hearings
Alisa,

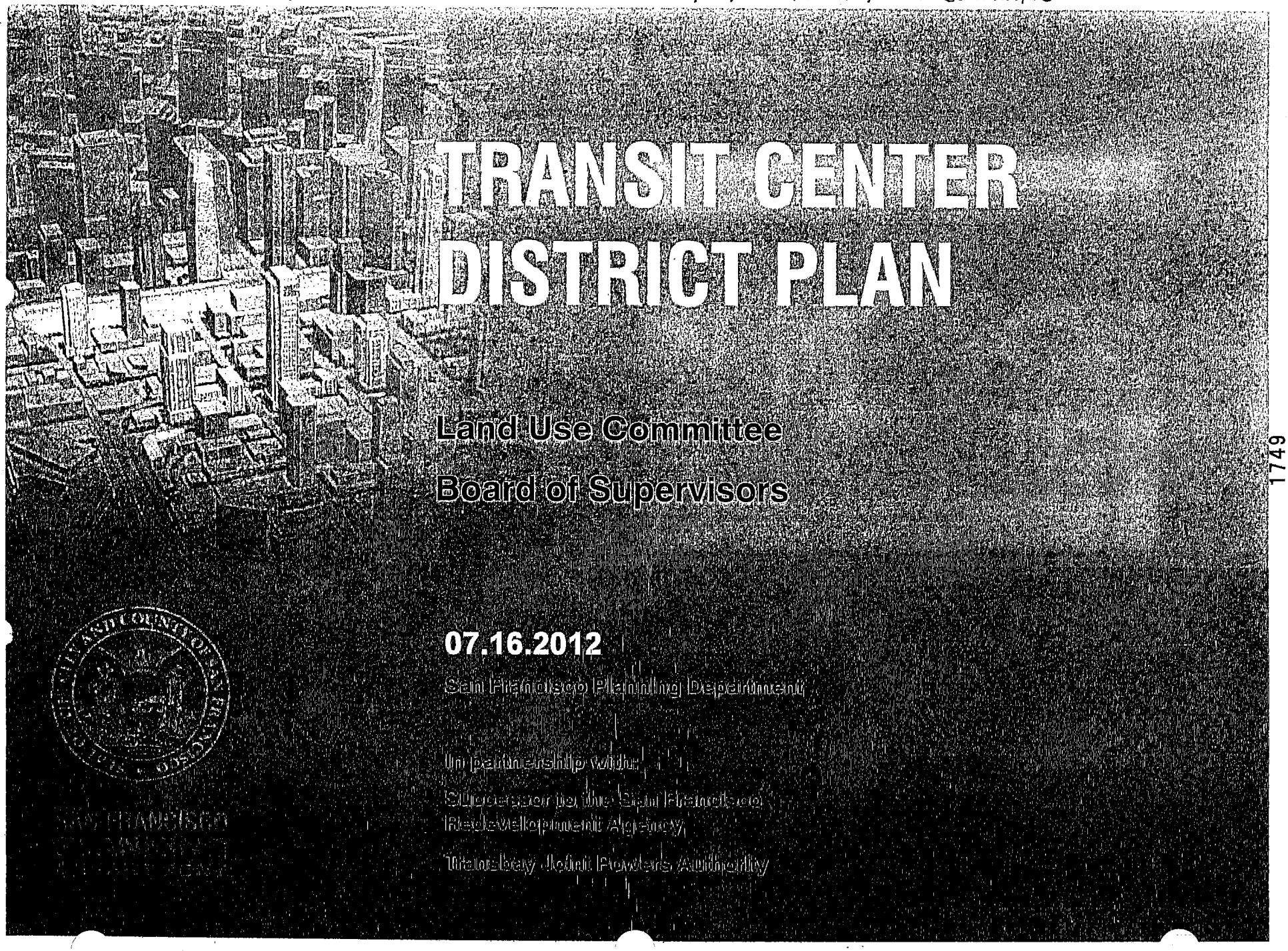
I'm informed that the CPMC matter will be heard at future Land Use meetings, so we will prepare our report for that time. I believe the same is true for the Transbay Transit Center plan, but I am checking up on that.

Thanks for letting me know,
Ted

From: Alisa.Miller@sfgov.org [mailto:Alisa.Miller@sfgov.org]
Sent: Tuesday, July 10, 2012 12:27 PM
To: Egan, Ted
Subject: Economic Impact Reports - Land Use Hearings

Hi Ted,

File Nos. 120665, 120666, 120667, 120685 7/16/12 - Presented in Committee



TRANSIT CENTER DISTRICT PLAN

Land Use Committee

Board of Supervisors

07.16.2012

San Francisco Planning Department

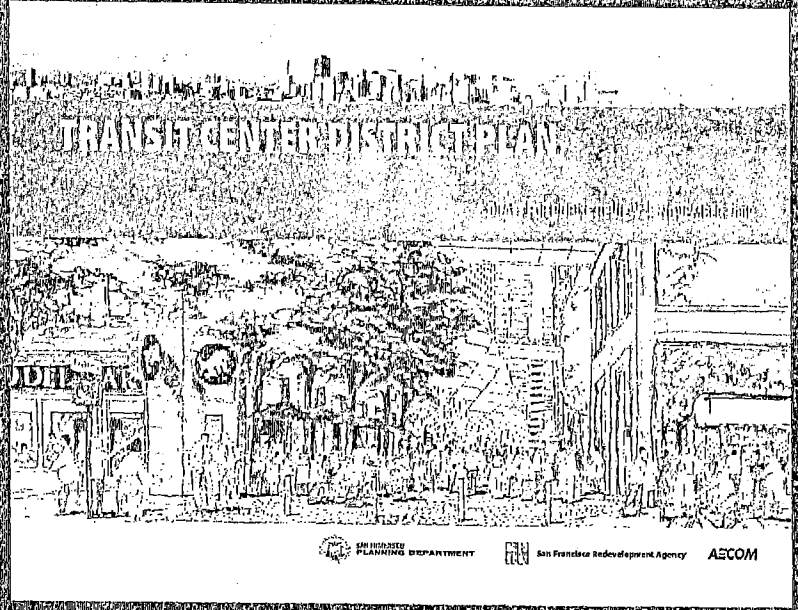
In partnership with:

Successor to the San Francisco Redevelopment Agency

Transbay Joint Powers Authority

1749

Transit Center District Plan Milestones



2006
Interagency Group Report recommending new Area Plan

2007-2009
Planning process

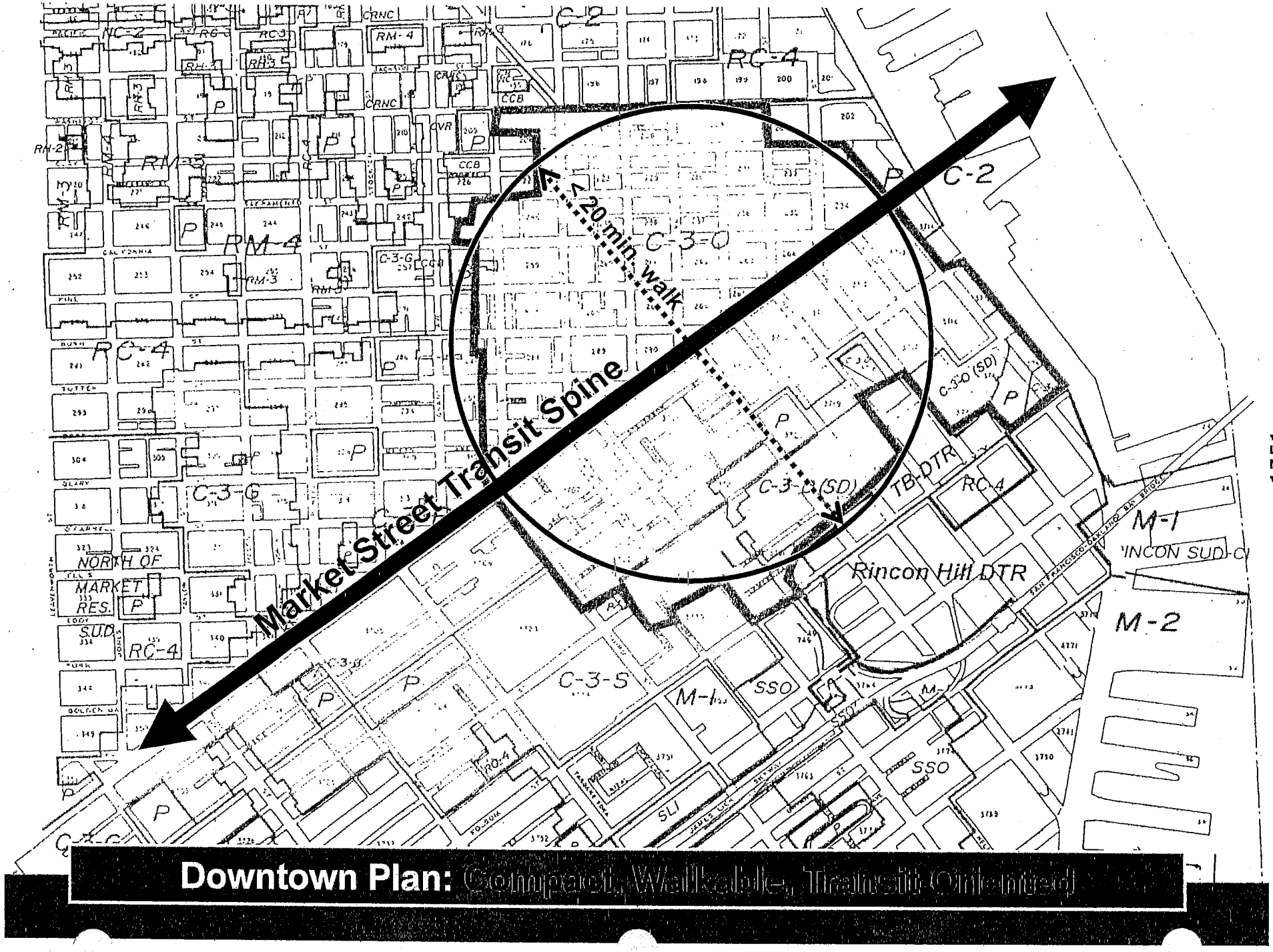
November 2009
Draft for Public Review

September 2011
Publication of EIR

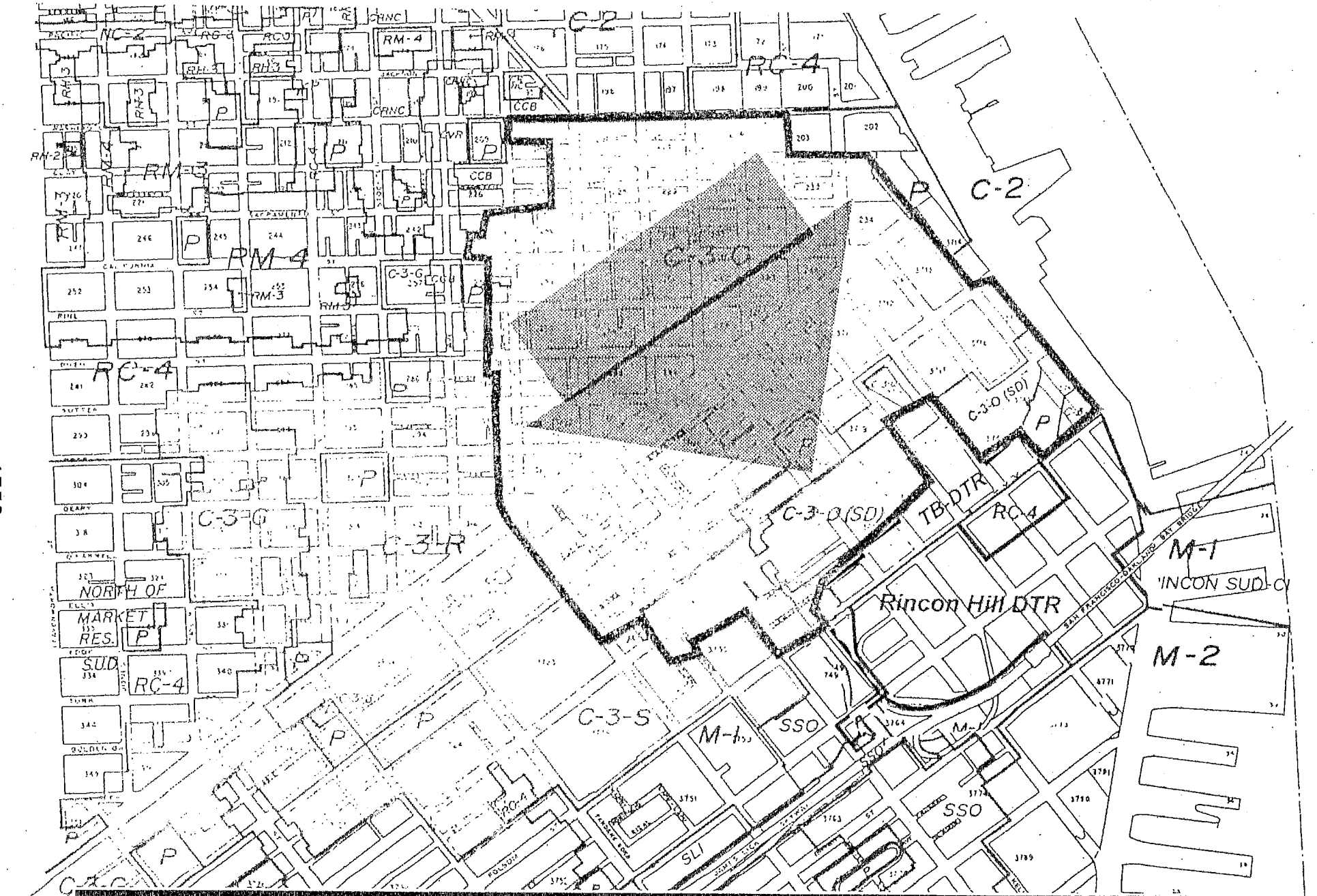
May 24, 2012
Planning Commission adoption

June 6, 2012
Historic Preservation Commission adoption

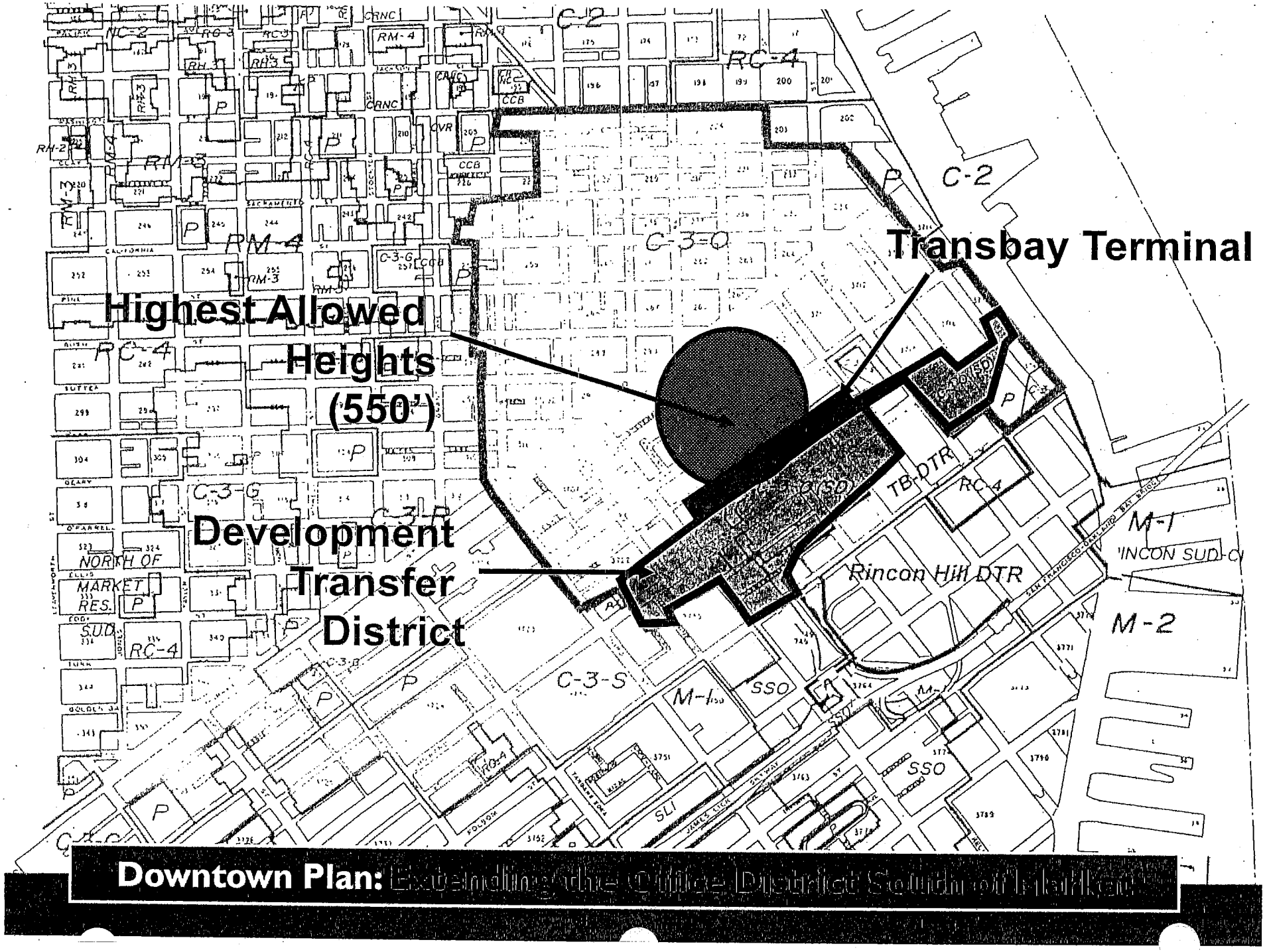
1750



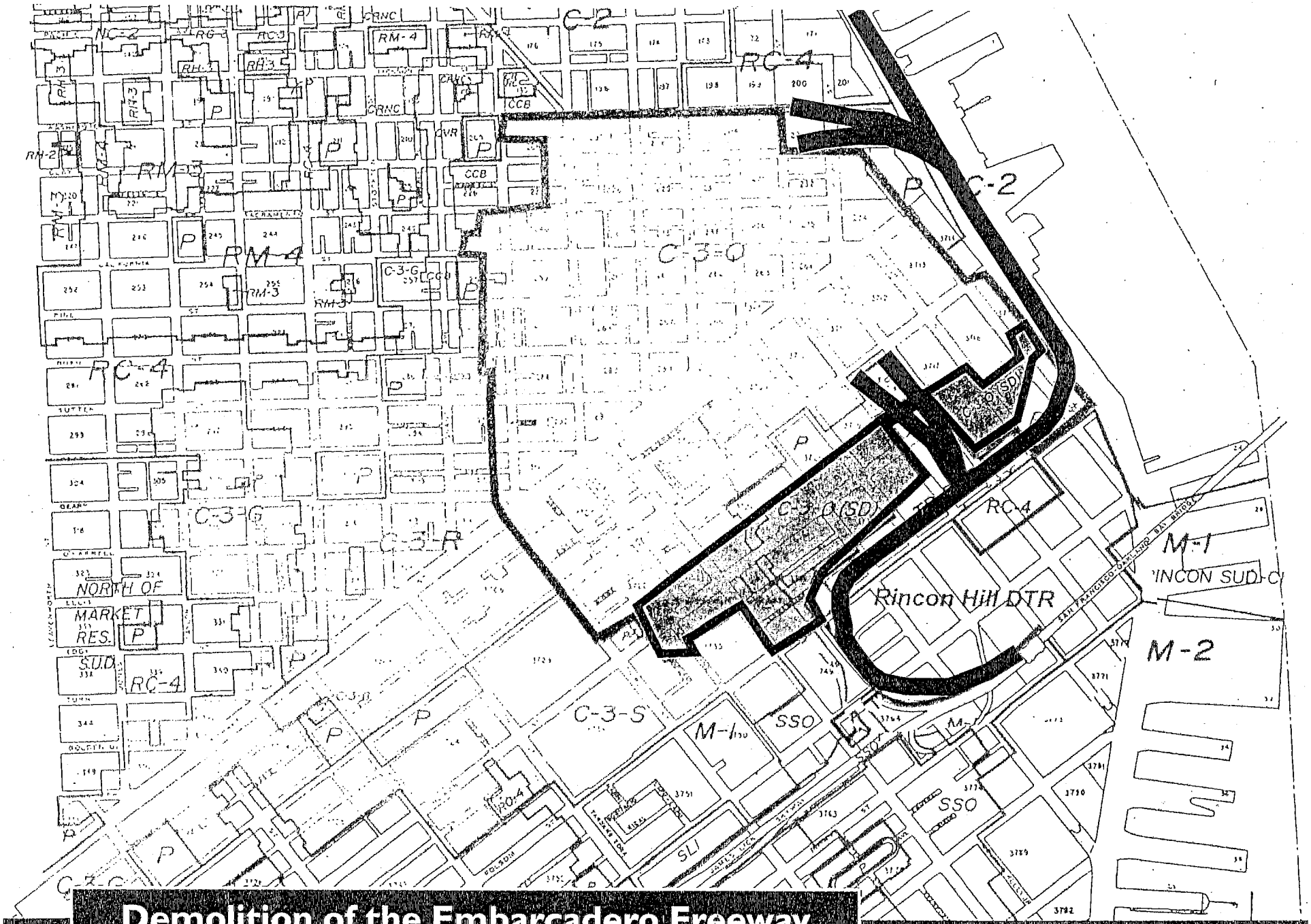
Downtown Plan: Compact, Walkable, Transit Oriented



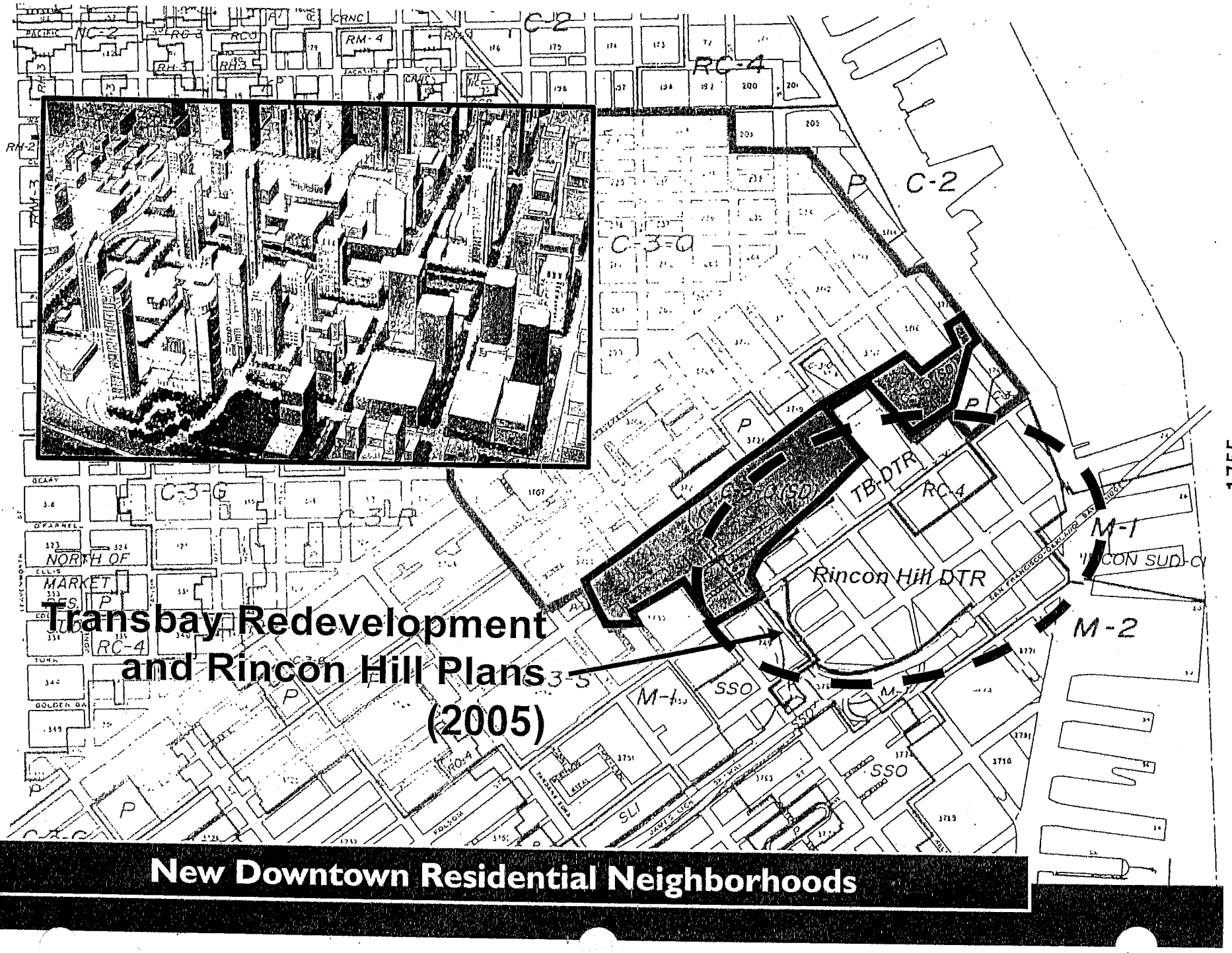
Downtown Plan: Extending the Office District South of Market

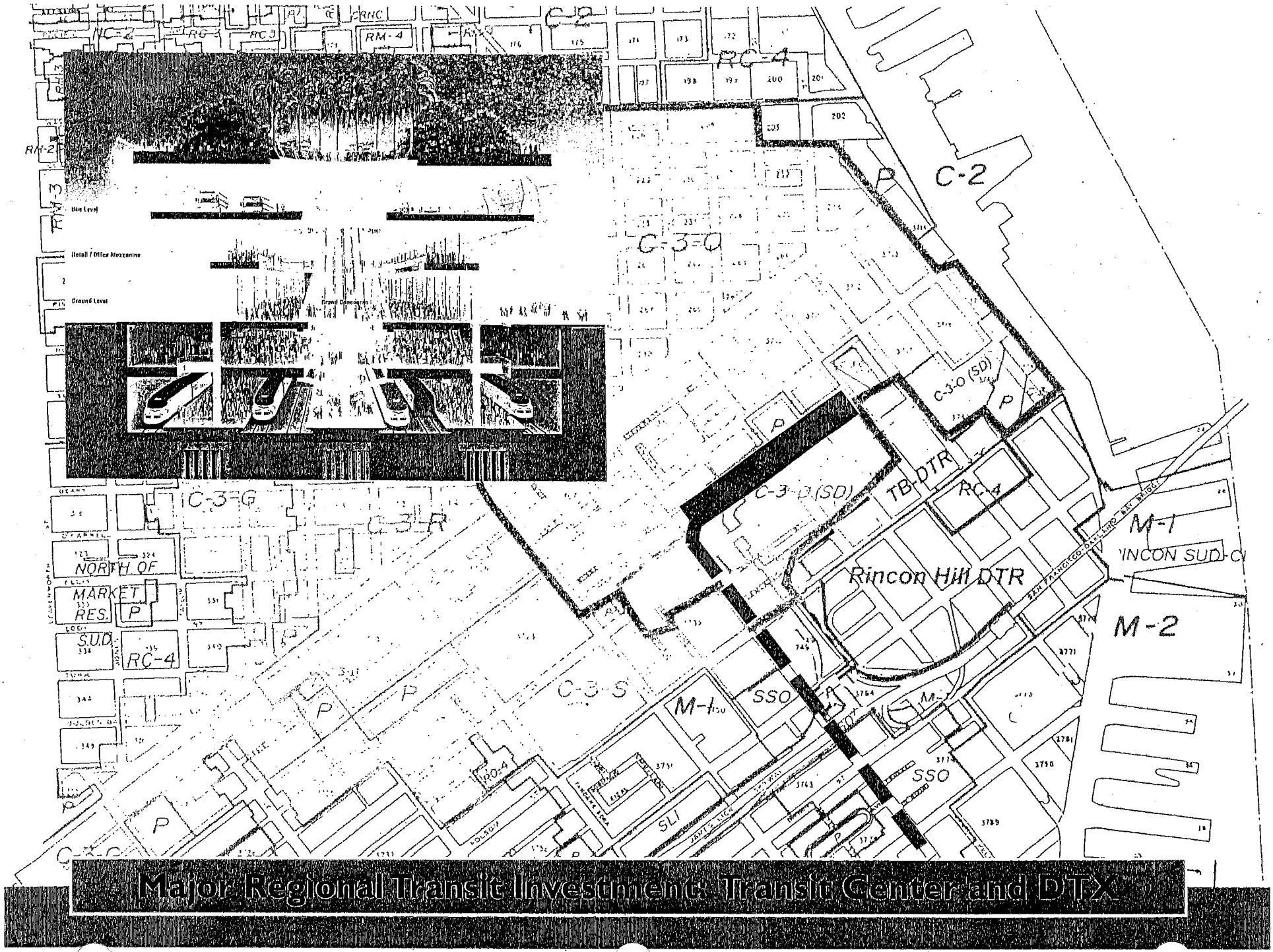


Downtown Plan: Extending the Office District South of Market



Demolition of the Embarcadero Freeway

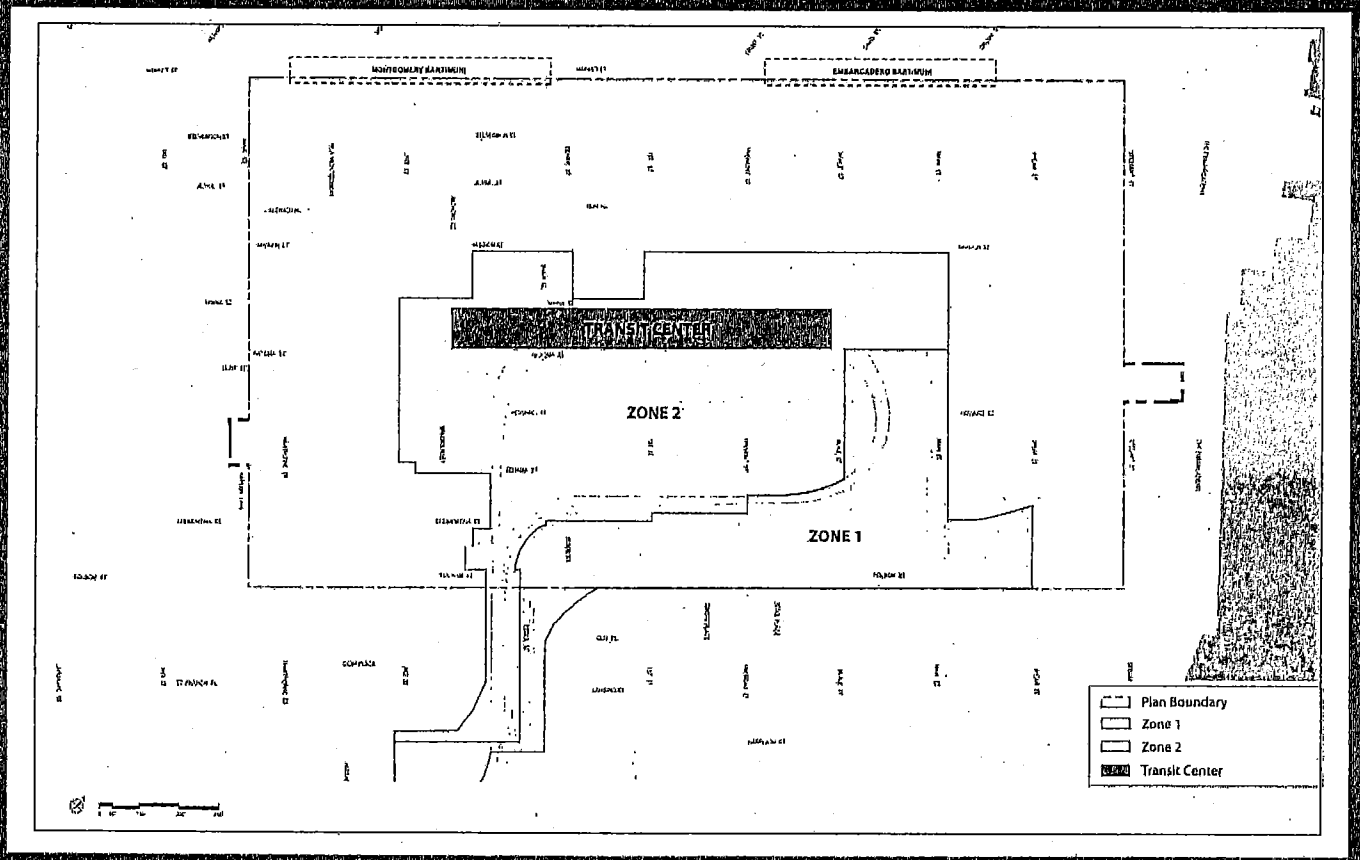

Transbay Redevelopment
and Rincon Hill Plans
(2005)
New Downtown Residential Neighborhoods
C-2
RC-4
C-3-O
C-3-G
C-3-R
RM-4
RM-3
RM-2
NC-2
P
TB DTR
Rincon Hill DTR
M-1
M-2
SSO
SLI
NORTH OF MARKET
1755


Bus Level
Retail / Office Mezzanine
Ground Level
RM-4
RC-4
C-2
C-3-O
C-3-O (SD)
TB DTR
C-3-G
C-3-R
C-3-S
NORTH OF MARKET RES. S.U.D.
Rincon Hill DTR
M-1
M-2
SSO
SLI
P
Major Regional Transit Investment: Transit Center and DTX

1756

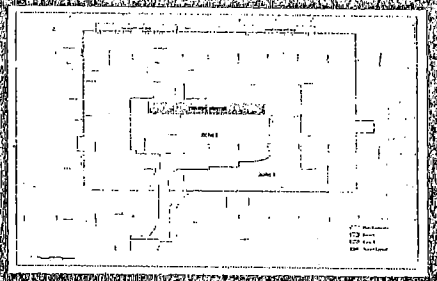
Transit Center District Plan Area

Private and Public parcels around Transit Center, including Transbay Redevelopment Area Zone 2



Transit Center District Plan

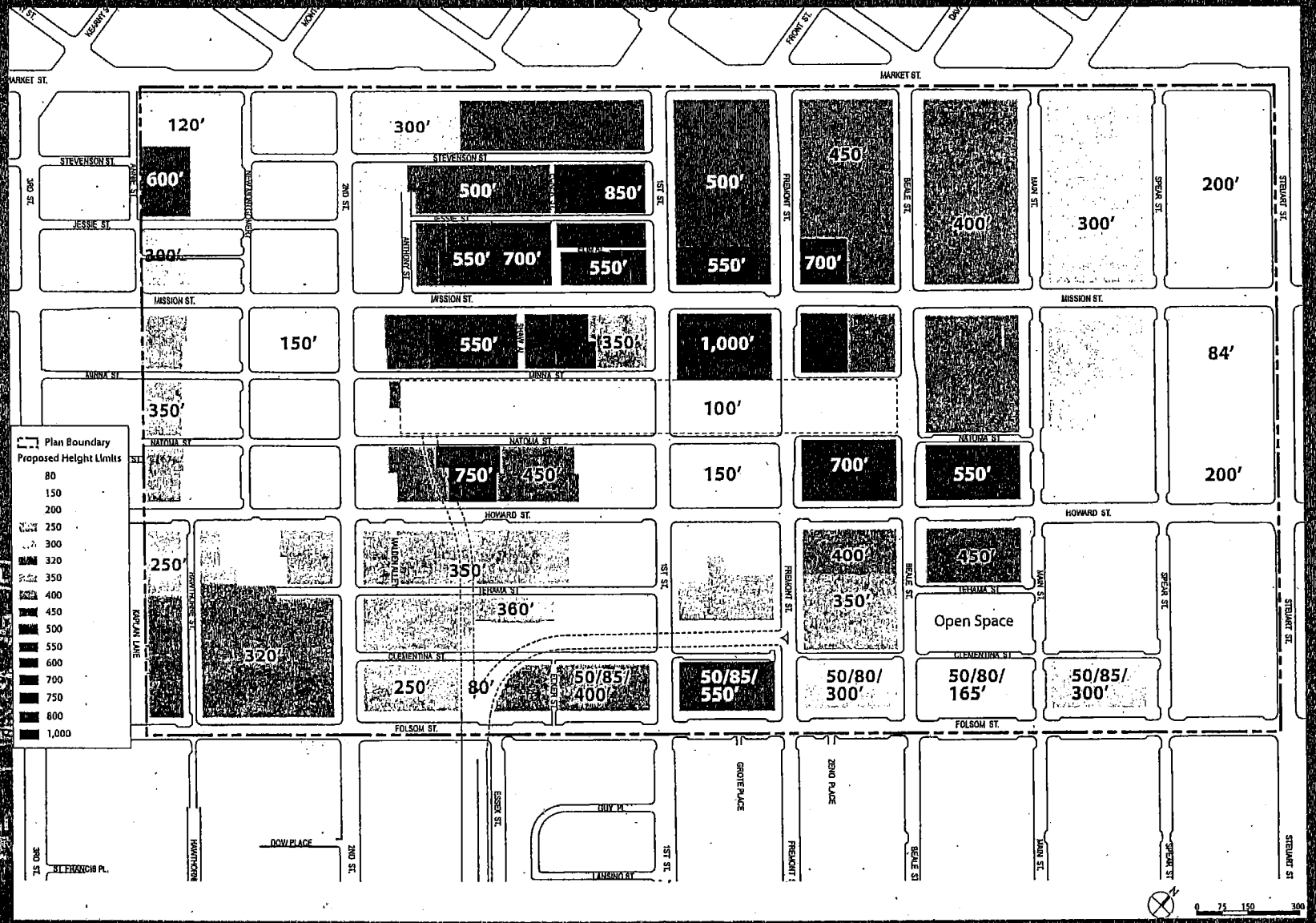
Objectives



- Environmentally Responsible Land Use
- Building on the Urban Design Element and Downtown Plan, analyze
  - Analyze the downtown form
  - Build a high-quality public realm and provide public amenities
- Generate more revenue to support the Transbay Transit Center/Downtown Rail Extension project and other public improvements
- Ensure the district is an example of comprehensive environmental sustainability

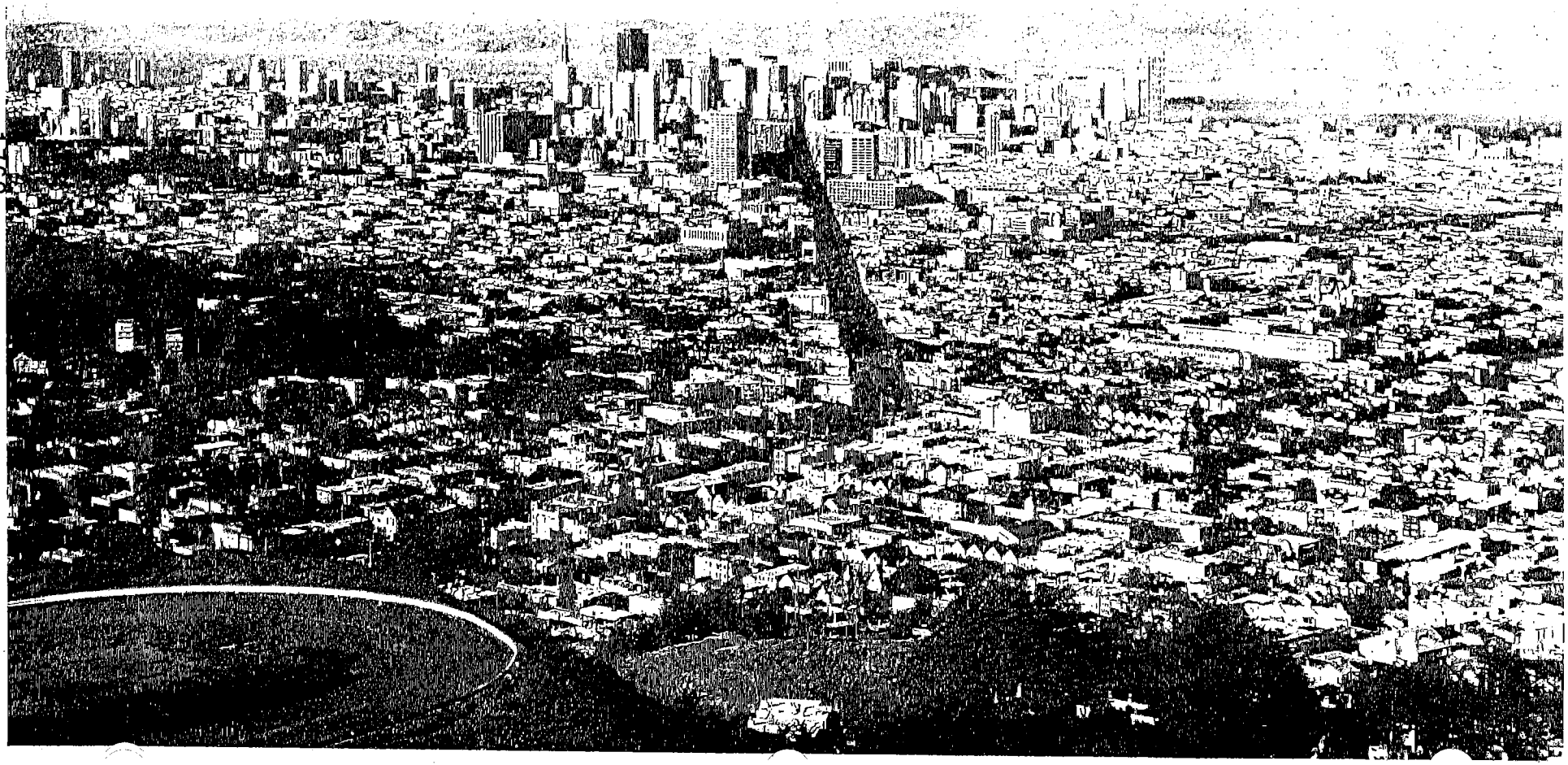
SAN FRANCISCO
PLANNING
DEPARTMENT

Transit Center District Plan: Heights



1759

Urban Form: Existing Zoning



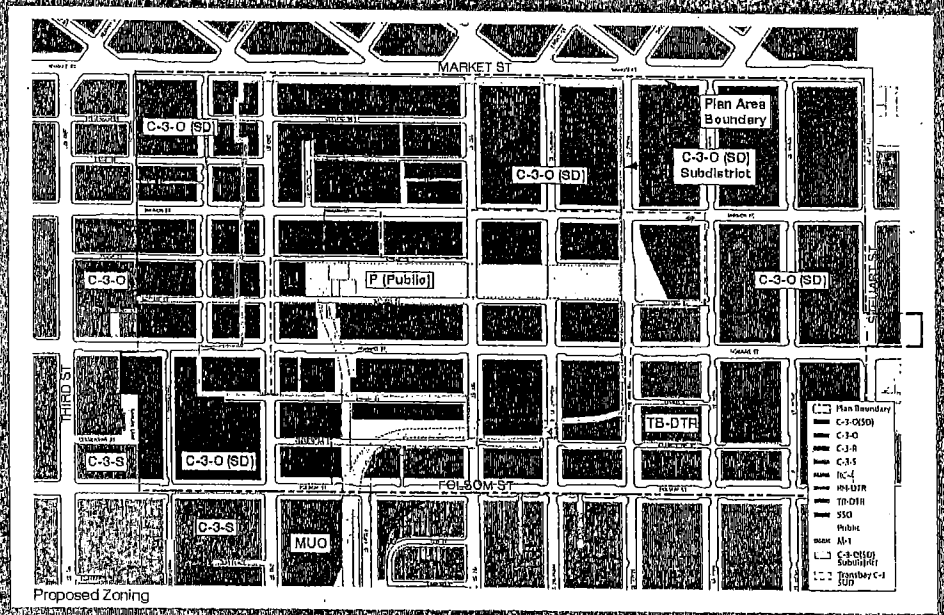
1760

Urban Form: Plan Proposal

Financial Center District Plan

Transit Oriented Districts Plan

Land Use



Proposed Zoning

Reclassify entire Plan Area as C-3-O(SD) and eliminate 18:1 FAR limit

Commercial Special Use District: Minimum 2:1 ratio of commercial to non-commercial space on large lots (>15,000 sf)

Eliminate CU requirement for high-density housing

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Plan Area Buildout Potential

	Net Additional Space	Increment over Existing Zoning
Office Space	6.35 million gsf	+2.2 million gsf
Housing Units	1,300	+800
Hotel Rooms	975	+800
Retail Space	85,000 gsf	--
Total Space	9.39 million gsf	+4.02 million gsf

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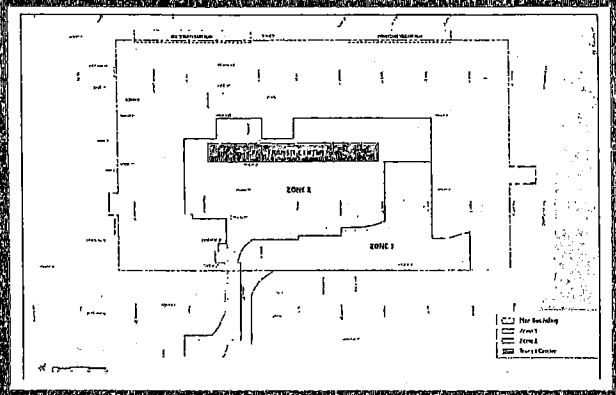
Affordable Housing

State law requires **35% of all units** built in the Transbay Redevelopment Area be affordable.

City is building **as many 100% affordable projects as possible on public parcels** to help meet this requirement.

Lack of available sites makes off-site BMR impractical in Redevelopment Area for private developments, hence on-site requirement.

TCDP development projected to generate up to **$117M from Jobs-Housing Linkage Fees** for affordable housing citywide.



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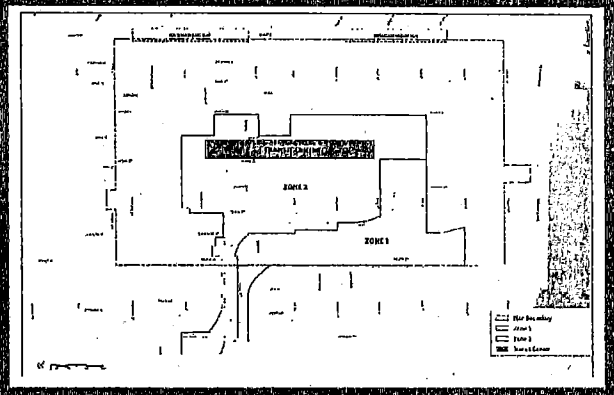
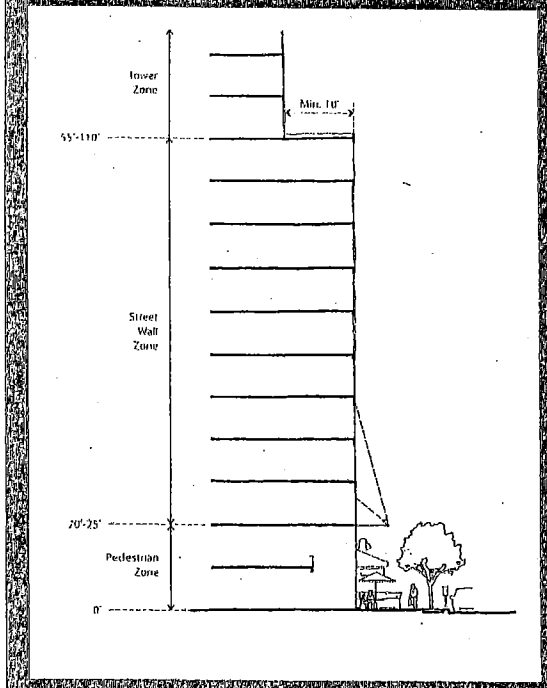
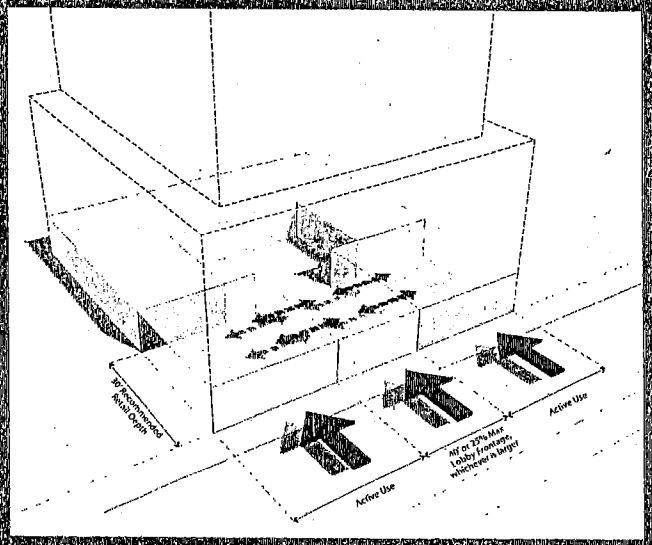
Affordable Housing

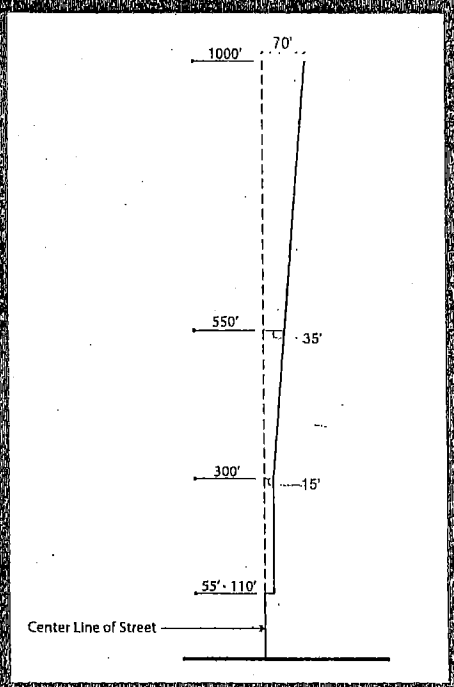
	Units	Affordable Units
Redevelopment Area (35% BMR)		
Public Parcels (Mix of 100% stand-alone and 15% inclusionary)	3,300	1,255
Private Parcels (15% on-site)	500	75
Other TCDP (Sec 415 Inclusionary)	700	105
Total Units	*4,500*	*1,435*



Urban Design Controls and Guidelines



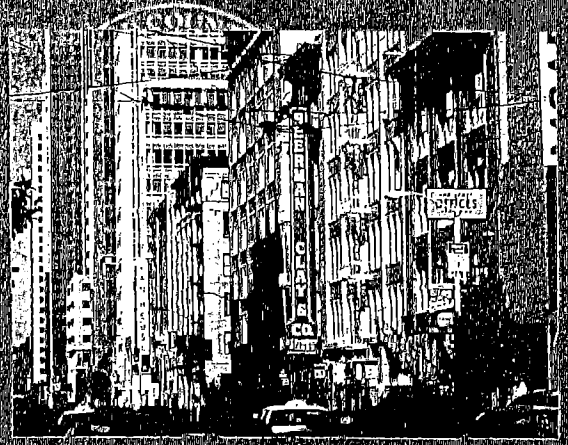




Active ground floor uses

Defining the streetwall

Separation of towers



1768

Public Realm: Streets and Circulation

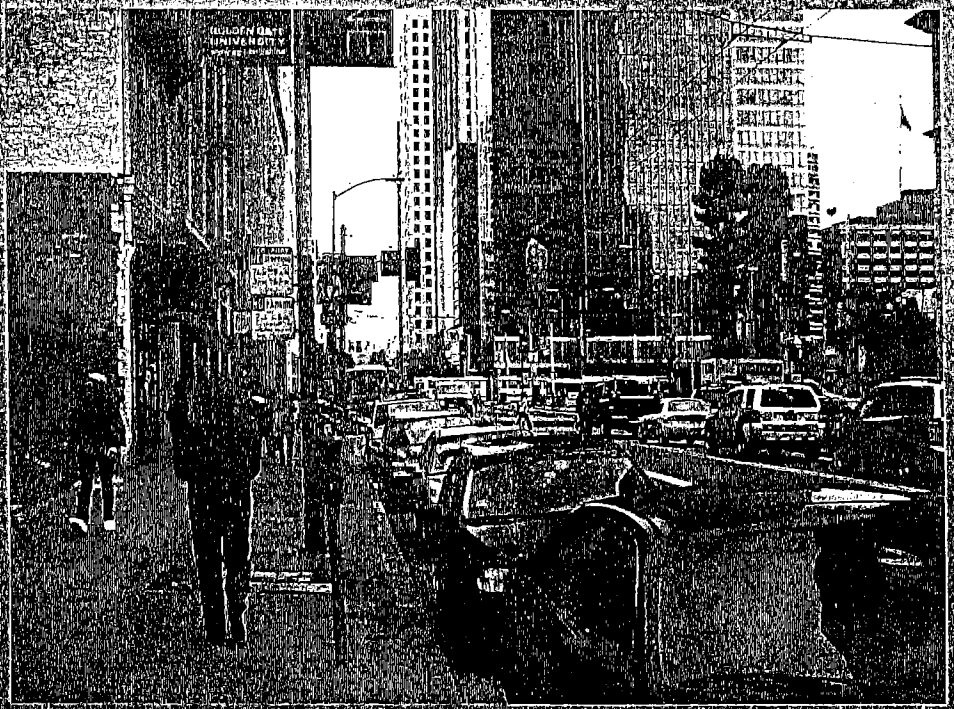
Expand and Improve Transit lanes

Widen and Improve Sidewalks

Create Mid-block Signalized Crosswalks

Augment Bicycle Network

Convert portions of some 1-way streets to 2-way



1770

Transportation Policies

Reduce allowable non-residential parking in Plan Area to 3.5% of gross floor area (from 7%)

Create a downtown parking cap (requires further study)

Pursue congestion pricing as necessary

Update TMA and TDM requirements

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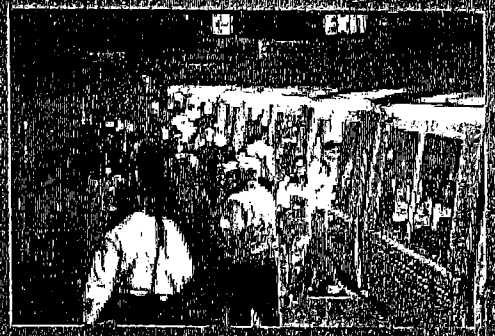
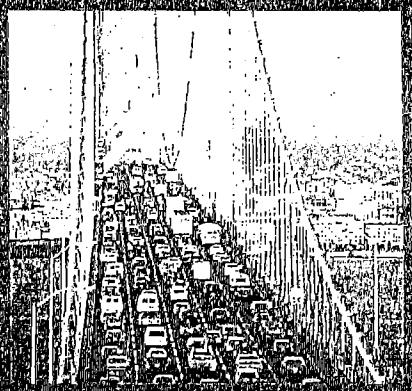
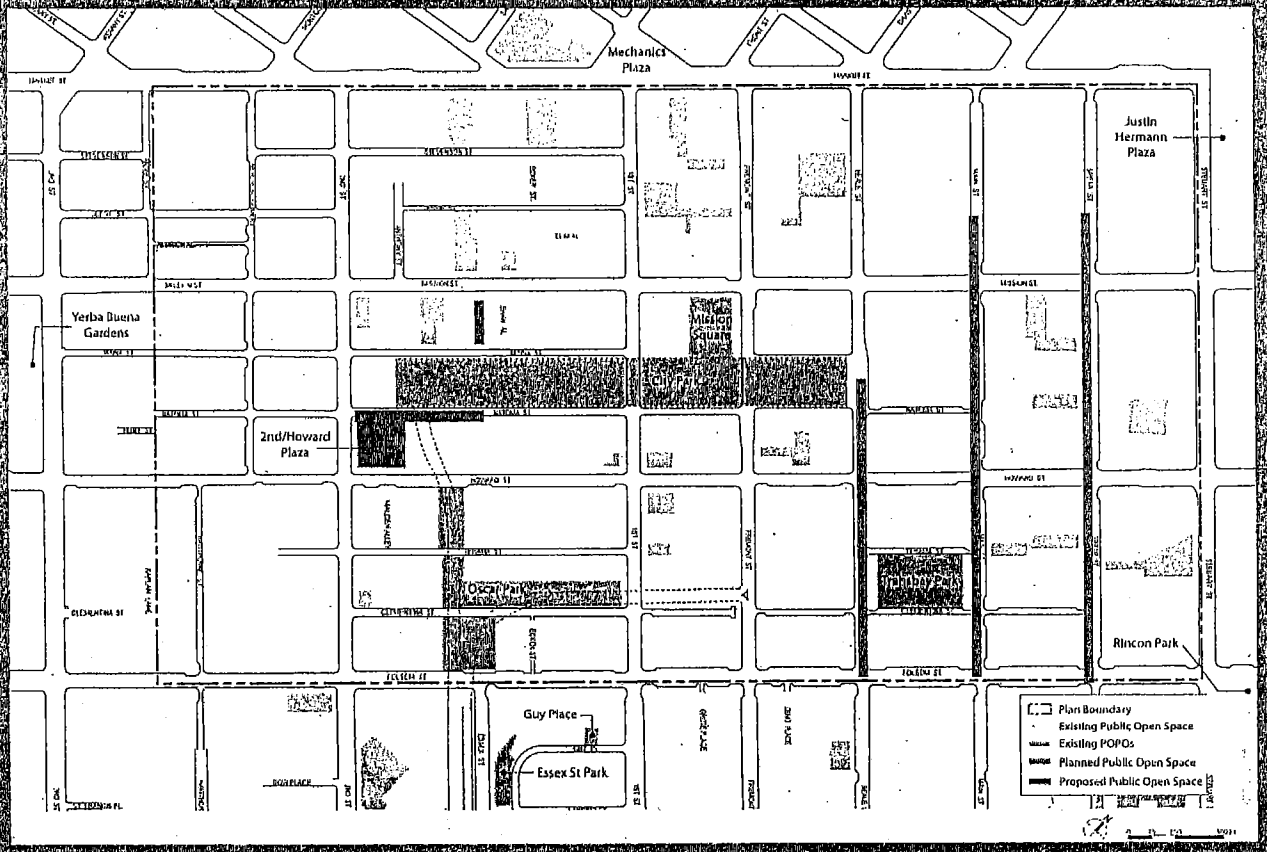




1772

Public Realm: Open Space

- 2nd/Howard public space
- Connections to Transit Center rooftop park
- Mid-block pedestrian ways



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Shadow Analysis

Shadow Considerations

Shadows reach these distant parks generally in early hours in certain months when the sun is low in the sky.

As a result...

- Shadows ***sweep quickly*** through the spaces and generally last for ***no longer than 5-60 minutes during a few weeks each year***.
- Because the parks are such a far distance from the buildings, the shadows are ***more diffuse than if the buildings were close-by or immediately adjacent to the spaces***.
- Shadow impacts described in the EIR are ***likely overstated***. Specific building designs would likely result in less shadow than indicated.

Shadow Analysis

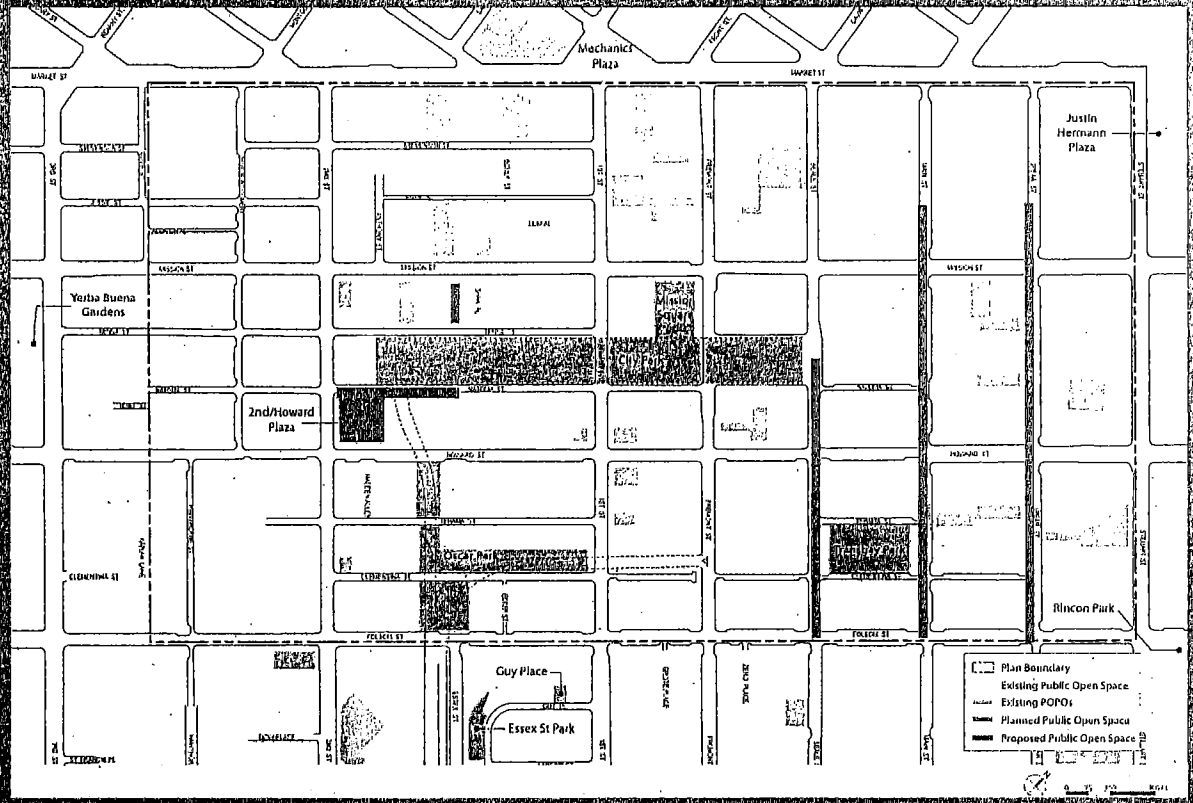
SHADOW ON SECTION 295 PARKS FROM DEVELOPMENT IN THE PLAN AREA

Open Space	Existing Shadow[1]	Permitted Shadow[2]	Shaded By:[3]	Plan Shadow[4]	Shadow w/Plan[5]	Time/Date of Net New Shadow	Maximum Shadow[6]
Union Square[7]	38.30%	0.1% (0.098%)	Pal., 50 F, TT, GGU, 181 Frmt.	0.19%	38.5%	mid-March – late September – 7:10 - 8:40 a.m.	24.5% (8:00 am, early Apr. & early Sept.)
St. Mary's Square[8]	51.90%	0.0%	TT, 50 F, GGU	0.09%	52.0%	mid- Sep – mid-October; late February – late March –8:10 - 9:10 a.m.	26.3% (8:45 am, mid-Mar. & late Sept.)
Portsmouth Square	39.00%	0.0%	TT, 50 First	0.41%	39.4%	late October – mid-February – 8:00 - 9:10 a.m.	42.5% (8:30 am, mid-Jan. & late Nov.)
Justin Herman Plaza[9]	37.60%	0.1% (0.007%)	TT, 50 F, 350 Msh.	0.09%	37.7%	early November - early February – 1:00 - 2:40 p.m.	10.1% (1:15 pm, early Jan. & early Dec.)
Willie "Woo Woo" Wong Plgrd.	52.80%	0.0%	P-F; GGU	0.03%	52.83%	early November. - early December; January – 8:00 - 8:20 a.m.	15.1% (8:15 am, mid-Jan. & late Nov.)
Maritime Plaza	68.40%	0.0%	Transit Tower	<0.01%	68.4%	early to mid-December; late December- early January – 10:40 to 11:05 a.m.	1.9% (10:45 am, late December)
Woh Hei Yuen Park[10]	n/a	n/a	Transit Tower	<0.01%	n/a	Early November and early February, approximately 7:45 a.m.	1.9% (7:44 am,* late Jan. & early Nov.)
Chinese Recreation Ctr.	n/a	0.0%	Transit Tower	<0.01%	n/a	Mid-October and mid-February, approximately 8:25 a.m.	36.5%(8:23 am,* late Feb. & mid-Oct.)
Boeddeker Park[11]	37.70%	0.244% (0.000%)	Transit Tower	<0.01%	37.70%	early June – early July, from 6:50 to 7:00 a.m.	2.9% (6:47 am,* late June)

Plan Open Space

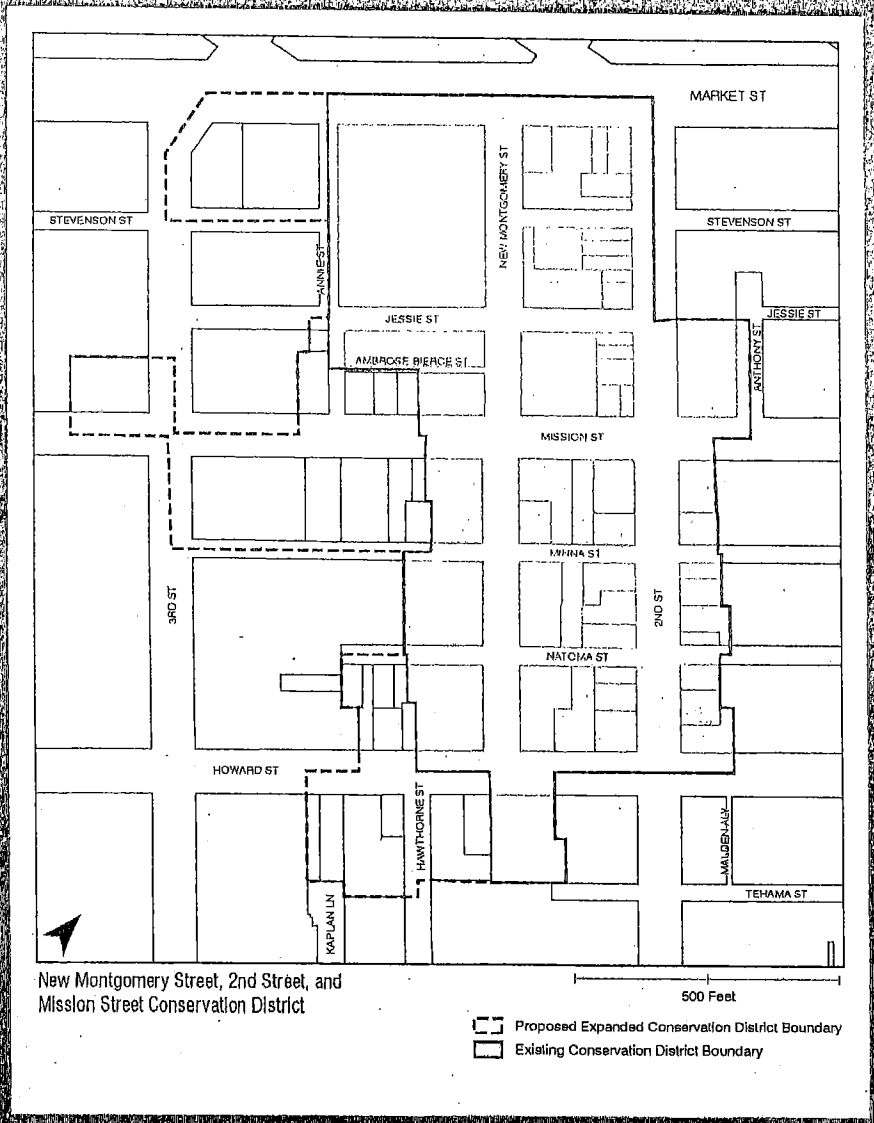
Plan Would Help Create and Fund 11+ Acres of New Open Space...

City Park	5.4 ac
Transbay Park	1.1 ac
Natoma Street Plaza	1.3 ac
2nd/Howard Plaza	0.6 ac
Mission Square	0.5 ac
Shaw Plaza	0.1 ac
Living Streets	0.6 ac
Oscar Park	1.4 ac
Essex Street	0.25 ac



...and provide an additional $125+ million for open space improvements outside of the Plan Area

Historic Resources



New Montgomery Street, 2nd Street, and Mission Street Conservation District

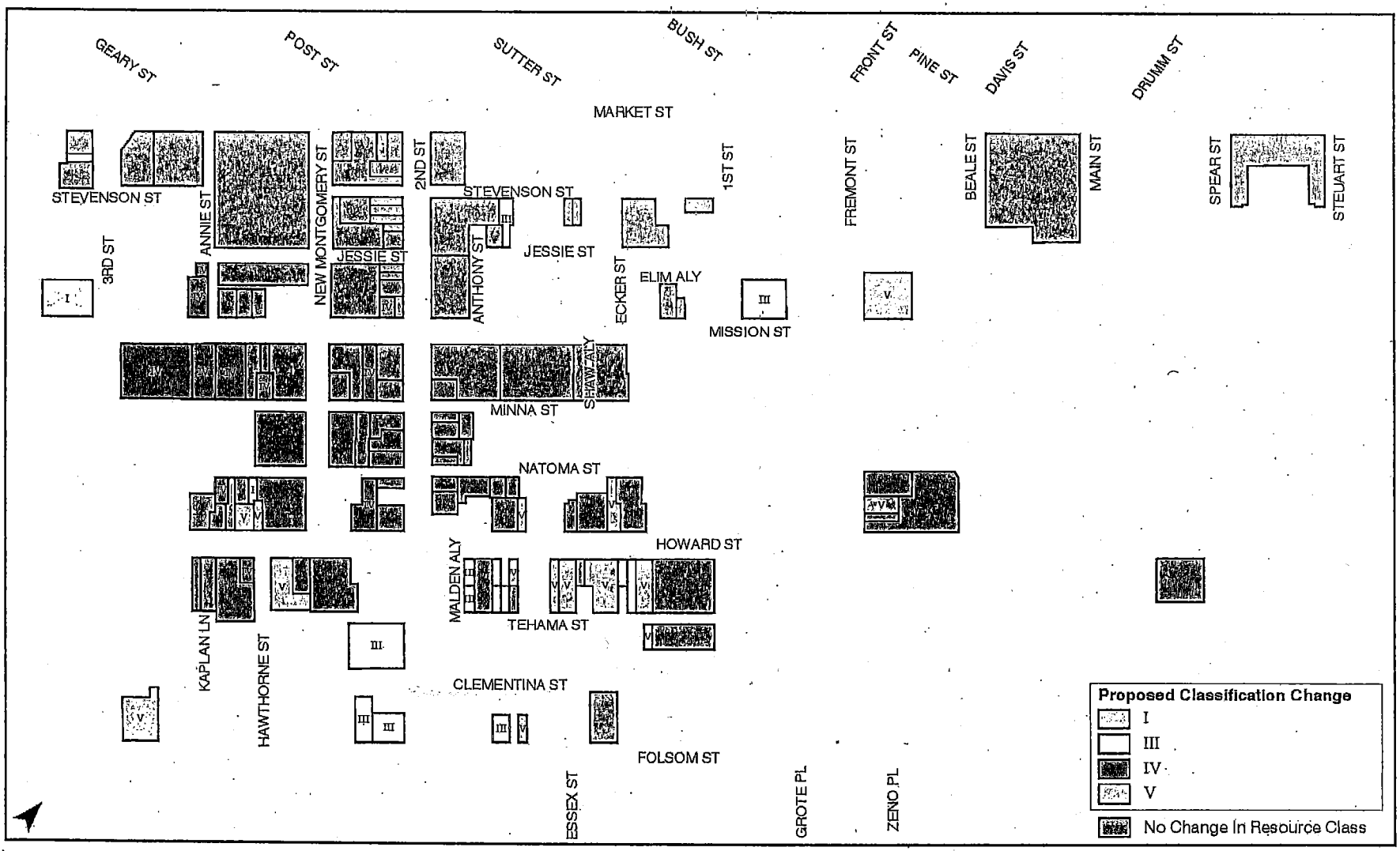
Expand Conservation District

Update Art. 11 ratings

Consider new Landmark designations

Maintain, but amend TDR program

Historic Resources



Proposed Classifications Under Article 11 of the Planning Code

Historic Resources

Require TDR for square footage between FAR 6:1 and 9:1 instead of all square footage above 6:1

Pursue expansion of TDR supply through:

- Addition of new eligible historic properties
- Publicly-owned historic properties

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Public Improvement Costs

Streets and Pedestrian Circulation (est. $278m)

- Sidewalk widening and mid-block crossings
- Streetscape improvements
- *Underground TTC-BART/Muni pedestrian connector ($125M)**

Transit and Other Transportation (est. $2.6B)

- *Downtown Rail Extension ($2.54B)**
- BART station capacity improvements
- Additional Traffic and Congestion Studies

Open Space (est. $117m)

- *Transit Center Park ($50M)**
- 2nd/Howard Plaza
- Connections to Transit Center Park
- Improvements to other downtown parks

CITY AND COUNTY OF SAN FRANCISCO
PLANNING DEPARTMENT

*Transit Center Program-related

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Potential Revenues

Revenue Mechanism		
Impact Fees	*Actual*	$ 175,000,000
Mello-Roos Special Tax	*NPV*	$ 421,000,000

Total net new public revenue:

Approx. $596 million

Proposed Impact Fees

Transit Center District Open Space Fee

Use	Base Fee (applies to all GSF)	Tier 2 Fee (applies to GSF above 9:1)
Residential	$2.50/gsf	N/A
Office	$3.00/gsf	$7.00/gsf
Retail	$5.00/gsf	$4.50/gsf
Hotel	$4.00/gsf	N/A
Institutional/ Cultural/ Medical	$5.00/gsf	$4.30/gsf
Industrial	$2.50/gsf	N/A

Transit Center District Transportation and Street Improvement Fee

Use	Transit Delay Mitigation Fee (applies to all GSF)	Base Fee (applies to all GSF)	Tier 2 Fee (applies to GSF above 9:1)	Tier 3 Fee (applies to GSF above 18:1)
Residential	$0.06/gsf	$3.94/gsf	$6.00/gsf	$3.00/gsf
Office	$0.20/gsf	$3.80/gsf	$19.50/gsf	$10.00/gsf
Retail	$1.05/gsf	$2.05/gsf	$19.50/gsf	$10.00/gsf
Hotel	$0.10/gsf	$3.90/gsf	$8.00/gsf	$3.00/gsf
Institutional/ Cultural/ Medical	$0.30/gsf	$3.70/gsf	$19.50/gsf	$10.00/gsf
Industrial	N/A	$4.00/gsf	N/A	N/A

Tiered fees based on project FAR

Denser, taller projects are more valuable and have greater feasibility to pay

Open Space: $2.50 - $10/sf

Streets & Transit: $2 - $33.50/sf

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Existing Fee Requirements & Revenues

Affordable Housing: $117M

Jobs-Housing Linkage *(Commercial) -- $20/sf*

Inclusionary Housing *(Residential) – 15% on-site/20% off-site*

Transit: $60M

$12/sf *(SFMTA only)*

Downtown Open Space: $12M

$2/sf *(Commercial only; for Recreation & Parks Dept.)*

Childcare: $6M

$1/sf *(Commercial only)*

Water and Wastewater Capacity: $5M

Schools

Funding Program

TRANSIT CENTER DISTRICT PLAN FUNDING PROGRAM *(for projection purposes only)*

		PLAN REVENUES			OTHER SOURCES				
Contributions by Source >		Plan Open Space Fee	Plan Transportation Fee	Mello Roos CFD	Development Open Space Requirements (Sec 138)	Development Streetscape Requirements (Sec 138.1)	Redevelopment Plan Tax Increment Funding	Downtown Open Space Fee (Sec 412) + Redevelopment Area Only	TBD/Other Funding
PUBLIC IMPROVEMENT	**COST**								
STREETSCAPE AND PEDESTRIAN									
ROW Improvements (sidewalks, transit lanes, landscaping, etc)									
Living Streets (Spear, Main, Beale)	$15,000,000		$5,000,000	$5,000,000			$5,000,000		
Primary Streets (Mission, Howard, Fremont, 1st, 2nd, New Montgomery)	$90,000,000		$34,000,000	$47,000,000		$2,400,000	$6,600,000		
Alleys	$21,000,000		$5,000,000	$11,500,000		$3,000,000	$1,500,000		
Zone 1 Streets	$32,875,000						$32,875,000		
Fremont/Folsom Off-ramp realignment	$2,500,000						$2,500,000		
Mid-Block Crossings	$3,000,000		$2,700,000				$300,000		
Signalization	$8,750,000		$1,500,000	$7,250,000					
Casual Carpool	$250,000		$27,000				$223,000		
Natoma	$13,300,000		$13,300,000						
Shaw Plaza	$1,700,000		$1,530,000				$170,000		
Underground Pedestrian Connector	$125,000,000								$125,000,000
TRANSIT AND OTHER TRANSPORTATION									
Transit Delay Mitigation	$3,000,000		$3,000,000						
BART Station Capacity	$10,000,000		$9,000,000	$1,000,000					
TMA Guidelines	$250,000		$80,000	$170,000					
Traffic Studies	$2,500,000		$1,900,000	$600,000					
Congestion Charging Studies and Pilot	$1,000,000		$400,000	$600,000					
DOWNTOWN RAIL EXTENSION	$2,596,000,000		$45,300,000	$332,880,000					$2,220,620,000
OPEN SPACE									
City Park	$50,000,000	$18,200,000		$15,000,000				$3,750,000	$13,050,000
City Park connections	$18,500,000	$4,650,000			$13,850,000				
2nd/Howard	$15,000,000	$12,150,000						$2,850,000	
Transbay Park	$10,100,000						$10,100,000		
Improvements to Downtown/Chinatown Parks outside Plan Area									
Chinatown Open Space Improvements	$9,000,000	$9,000,000							
Other Downtown Open Space Improvements	$3,500,000	$3,500,000							
Mission Square	$5,000,000				$5,000,000				
Bus Ramps/Oscar Park	$18,300,000						$18,300,000		
Total by Source		$47,500,000[1]	$122,737,000[1]	$421,000,000	$18,850,000	$5,400,000	$77,568,000	$6,600,000	$2,364,520,000
SUBTOTALS		$591,237,000			$108,418,000				

[1]Totals for Plan Impact Fee expenditures do not include fee administration costs, allowed up to 5% of impact fee revenues per the enabling ordinances.

Funding Program

Plan improvements *fully funded* through new Plan-related revenues and existing dedicated funding sources

TJPA Revenue :

$424 M for Downtown Rail Extension, City Park

($348M from Mello-Roos, $76M from Fees)

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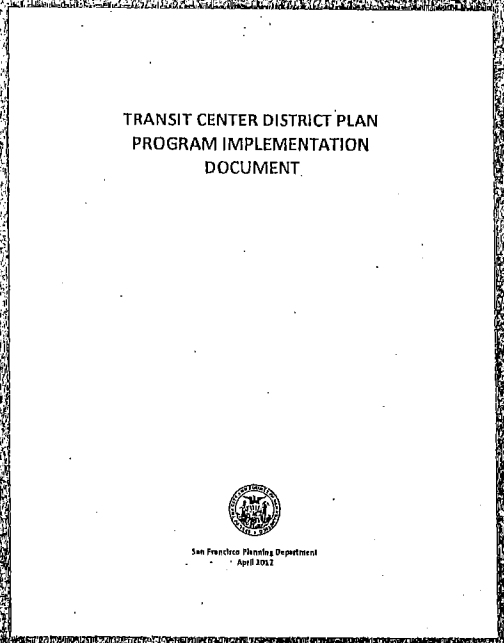
DTX Funding Plan

- DTX elevated to regional New Starts priority in MTC's Regional Transportation Plan (RTP)
- Draft RTP approved May 17, 2012
- Final RTP approval expected April 2013

New Starts	$ 650,000,000
Bridge Tolls	$ 300,000,000
High Speed Rail	$ 557,000,000
San Francisco Obligation	$ 450,000,000
Total	***$ 1,957,000,000***

Plan Program Implementation Document


TRANSIT CENTER DISTRICT PLAN
PROGRAM IMPLEMENTATION
DOCUMENT

San Francisco Planning Department
April 2012

- Inventory of Plan Improvements
- Summary of Revenue Measures and Projections
- Proportional Revenue Allocations
- Summary of Implementation

Implementation:

- Plan revenues to be administered by Board of Supervisors in consideration of recommendations by Interagency Plan Implementation Committee (IPIC)
- IPIC bases recommendations on Implementation Document
- Planning Commission approves In-Kind Agreements for Impact Fees
- Incorporated by reference in the Planning and Admin Codes

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Plan Program Implementation

Amendments to Administrative Code (Chapters 10E and 36):

Add Transit Center District Plan to Interagency Plan Implementation Committee (IPIC)

Add TJPA and BART as invitees to IPIC

Add Plan to Downtown Plan monitoring requirements

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Plan Adoption Elements

(1) General Plan Amendments (incl. Transit Center District Sub-Area Plan)

(2) Planning Code Amendments

(3) Zoning Map Amendments

(4) Administrative Code Amendments

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Thank You

Questions?

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