

BOARD of SUPERVISORS



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MEMORANDUM

Date: February 12, 2025
To: Planning Department/Planning Commission
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 250125
Planning Code, Zoning Map - 600 Townsend Street West Special Use District

- ☒ California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
 - ☒ Ordinance / Resolution
 - ☐ Ballot Measure
- ☒ Amendment to the Planning Code, including the following Findings:
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
 - ☒ General Plan ☒ Planning Code, Section 101.1 ☒ Planning Code, Section 302
- ☐ Amendment to the Administrative Code, involving Land Use/Planning
(*Board Rule 3.23: 30 days for possible Planning Department review*)
- ☐ General Plan Referral for Non-Planning Code Amendments
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)
- ☐ Historic Preservation Commission
 - ☐ Landmark (*Planning Code, Section 1004.3*)
 - ☐ Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
 - ☐ Mills Act Contract (*Government Code, Section 50280*)
 - ☐ Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to John Carroll at john.carroll@sfgov.org.

[Planning Code, Zoning Map - 600 Townsend Street West Special Use District]

Ordinance amending the Planning Code and Zoning Map to establish the 600 Townsend Street West Special Use District, encompassing the real property consisting of Assessor's Parcel Block No. 3783, Lot No. 008, to allow the legalization of the longstanding office uses at the site by principally permitting office uses on all floors and waiving or reducing bicycle parking, open space, streetscape, and impact fee requirements; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

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

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

Section 1. Land Use and Environmental Findings.

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

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

6 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that the
7 actions contemplated in this ordinance will serve the public necessity, convenience, and
8 welfare for the reasons set forth in Planning Commission Resolution No. _____, and adopts
9 such reasons by this reference thereto. A copy of said Resolution is on file with the Clerk of
10 the Board of Supervisors in File No. _____, and is incorporated herein by reference.
11

12 Section 2. Background and General Findings.

13 (a) 600 Townsend Street West (Assessor's Parcel Block No. 3783, Lot No. 008) and
14 600 Townsend Street East (Assessor's Parcel Block No. 3783, Lot No. 007) are located on
15 adjacent lots. 600 Townsend Street West is five stories plus a basement; 600 Townsend
16 Street East is four stories plus a basement. An arcade and pedestrian bridge connect the two
17 buildings. As originally constructed, the two buildings contained Production, Distribution, and
18 Repair Uses.

19 (b) The building at 600 Townsend Street East was determined to have legally
20 converted to office use in the 1980s. However, the building at 600 Townsend Street West
21 converted to Office Use in the 1990s without required authorizations. Since the 1990s, the
22 Department of Building Inspection has issued numerous building permits for tenant
23 improvements of the office space at both buildings.

24 (c) In 2008, both 600 Townsend Street West and 600 Townsend Street East were
25 rezoned to the Urban Mixed Use (UMU) District as part of the Eastern Neighborhoods Area

1 Plan. Office Uses in the UMU District are subject to controls that restrict the amount of office
2 space in a building relative to the number of building stories. For buildings five to seven
3 stories in height (including the building at 600 Townsend Street West), Office Uses are limited
4 to two floors and not permitted on the ground floor.

5 (d) On November 7, 2019, the Zoning Administrator issued a Letter of Determination
6 finding that 600 Townsend Street East contained both legal conforming and legal non-
7 conforming Office Use. However, the Office Use at 600 Townsend Street West was never
8 legally established under the Planning Code. Consequently, 600 Townsend Street East can
9 operate office uses on all floors of the building, while Office Use at 600 Townsend Street West
10 may only be authorized for two floors and is not permitted on the ground floor.

11 (e) Given 600 Townsend Street West's longstanding operation as an office building, its
12 permitting history, and its close operational relationship with 600 Townsend Street East,
13 legalizing all five floors of office space at 600 Townsend Street West would serve the public
14 interest. To achieve that end, this ordinance creates the 600 Townsend Street West Special
15 Use District ("SUD"), which makes Office Use principally permitted on all floors of the building.
16 The SUD also reduces the usable open space requirement for non-residential uses at the site
17 and waives Class 2 bicycle parking requirements and streetscape and pedestrian
18 improvements.

19 (f) The SUD also reduces development impact fees to the levels that would have been
20 required in 2012 under the Eastern Neighborhoods Legitimization Program (Planning Code
21 Section 179.1), adjusted for inflation per the Consumer Price Index for All Urban Consumers.
22 The Eastern Neighborhoods Legitimization Program was a time-limited program that enabled
23 existing uses operating without the benefit of a required permit to obtain those permits, and
24 fixed certain impact fee rates at those amounts applicable immediately prior to the Eastern
25 Neighborhoods rezoning. Though the Program expired in 2012, applying these fee rates (in

1 Planning Code Section 179.1), adjusted for inflation, is consistent with the treatment of other
2 legitimized Office Uses in the Eastern Neighborhoods Area Plan.

3 (g) Additionally, in 2023, the City enacted Ordinance No. 20-23 (Planning Code
4 Section 403), which provides a time-limited 33% reduction of impact fees for projects that
5 meet prescribed milestones. The SUD applies the 33% reduction to the adjusted 2012
6 Eastern Neighborhood Legitimization Program rates, and provides that no further reductions
7 or offsets are available under the Planning Code.

8
9 Section 3. The Planning Code is hereby amended by adding Section 249.10 and
10 revising Sections 249.45, 803.9, and 838, to read as follows:

11
12 **SEC. 249.10. 600 TOWNSEND STREET WEST SPECIAL USE DISTRICT.**

13 (a) **Location.** A special use district entitled the “600 Townsend Street West Special Use
14 District” (“SUD”) consisting of Assessor’s Parcel Block No. 3783, Lot No. 008, is hereby established
15 for the purposes set forth below. The boundaries of the SUD are designated on Sectional Map No.
16 SU08 of the Zoning Map.

17 (b) **Purpose.** The purpose of this SUD is to allow the legalization of the longstanding office use
18 at 600 Townsend Street West.

19 (c) **Controls.** The Planning Code shall control except as otherwise provided in this Section
20 249.10. If there is a conflict between other provisions of the Planning Code and this Section 249.10,
21 this Section 249.10 shall prevail.

22 (1) **Uses.**

23 (A) Office Uses shall be principally permitted on all floors.

24 (B) Section 803.9(e) (“Vertical Controls for Office Uses”) shall not apply.

1 (2) **Development Controls.** For any change of use to Office within the building as it
2 exists as of the effective date of this SUD, the following development controls shall apply:

3 (A) **Open Space.** The Planning Code Section 135.3 open space requirement for
4 changes of use to Office within Eastern Neighborhood Mixed Use Districts shall be a maximum of
5 2,600 gross square feet.

6 (B) **Bicycle Parking.** The Planning Code Section 155 et seq. requirement for
7 Class 2 bicycle parking shall not apply. All other requirements of Section 155 et seq., including Class
8 1 bicycle parking, shall apply.

9 (C) **Streetscape and Pedestrian Improvements.** The streetscape and pedestrian
10 improvements of Planning Code Section 138.1 shall not apply.

11 **(3) Impact Fees.**

12 (A) Projects that file a Development Application on or before November 1, 2026
13 to establish an Office use pursuant to this Section 249.10 shall pay only the following impact fees under
14 the Planning Code:

15 (i) Child-care (Planning Code Section 414): \$0.99 per gross square foot;

16 (ii) Jobs-Housing Linkage Program (Planning Code Section 413): \$7.94
17 per gross square foot; and

18 (iii) Transportation Sustainability Fee (Planning Code Section 411A):
19 \$1.87 per gross square foot.

20 (B) The impact fee rates prescribed in this Section 249.10 include the 33%
21 reduction available under Section 403 and shall not be offset by any further waiver or reduction.

22
23 **SEC. 249.45. VISITACION VALLEY/SCHLAGE LOCK SPECIAL USE DISTRICT.**

24 * * * *

(e) **Controls in Zone 1.** Development in Zone 1 of the Special Use District shall be regulated by the controls contained in this Section 249.45(e) and the Design for Development. Where not explicitly superseded by definitions and controls established in this Section 249.45(e) or the Design for Development, the definitions and controls in this Planning Code shall apply except where those controls conflict with the Development Agreement. The following shall apply only in Zone 1 of the Special Use District:

* * * *

(2) **Use Requirements.**

* * * *

(C) **Prohibited Uses.** The following uses shall be prohibited within this Special Use District:

* * * *

(ii) Office, except in existing buildings or as an accessory use to other permitted uses. The floor controls set forth in Section 803.9~~(e)~~^(f) for the MUG zoning designation shall not apply to office use in the Old Office Building or to the existing building located on Assessor's Block and Lot No. 5100-007;

* * * *

SEC. 803.9. COMMERCIAL USES IN EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.

* * * *

(e) **Vertical Controls for Office Uses.**

* * * *

(2) **Applicability.** This subsection 803.9(e)~~803.9(f)~~ shall apply to all Office Uses in the MUG and UMU Districts and all office uses in buildings in the PDR-1-D and PDR-

1 1-G Districts that are designated as landmarks pursuant to Article 10 of the Planning Code,
2 where permitted.

3 * * * *

4 **Table 803.9~~(f)~~(e)**

Total Number of Stories	Maximum Number of Designated Office Stories
1-story	0 stories (office use NP)
2 - 4 stories	1-story
5 - 7 stories	2-stories
8 or more stories	3-stories

11 * * * *

12
13 **SEC. 838. UMU – URBAN MIXED USE DISTRICT.**

Table 838 UMU – URBAN MIXED USE DISTRICT ZONING CONTROL TABLE		
Zoning Category	§ References	Urban Mixed Use District Controls
* * * *		
NON-RESIDENTIAL STANDARDS AND USES		
* * * *		
Sales and Service Category		
Non-Retail Sales and Service*	§§ 102	P

Office Uses	§§ 102; 803.9 (f) (e)	P(4)
* * * *		

* Not listed below

* * * *

(4) Unless located within a historic building per §803.9(c), uses subject to vertical control of § 803.9~~(f)~~(e).

* * * *

Section 4. Zoning Map Amendment. Pursuant to Sections 106 and 302(c) of the Planning Code, Sectional Map SU08 of the Zoning Map of the City and County of San Francisco is hereby amended, as follows:

Description of Property	Special Use District Hereby Created
Assessor's Parcel Block No. 3783, Lot No. 008	600 Townsend Street West Special Use District

Section 5. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal

Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the “Note” that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/ Austin Yang
AUSTIN YANG
Deputy City Attorney

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LEGISLATIVE DIGEST

[Planning Code, Zoning Map - 600 Townsend Street West Special Use District]

Ordinance amending the Planning Code and Zoning Map to establish the 600 Townsend Street West Special Use District, encompassing the real property consisting of Assessor's Parcel Block No. 3783, Lot No. 008, to allow the legalization of the longstanding office uses at the site by principally permitting office uses on all floors and waiving or reducing bicycle parking, open space, streetscape, and impact fee requirements; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Existing Law

Office Uses in the UMU District are subject to controls that restrict the amount of office space in a building relative to the number of building stories. (See Planning Code § 803.9.) For buildings five to seven stories in height, Office Uses are limited to two floors and not permitted on the ground floor. (*Id.*)

The Planning Code also imposes open space requirements (Section 135.3), bicycle parking requirements (Section 155 et seq.), streetscape and pedestrian improvements (Section 138.1), and impact fee requirements (Article 4) on Office Uses in the UMU District.

The Eastern Neighborhoods Legitimization Program was a time-limited program that enabled existing uses operating without the benefit of a required permit to obtain those permits, and fixed certain impact fee rates at those amounts applicable immediately prior to the Eastern Neighborhoods rezoning. (Planning Code Section 179.1.) This program expired in 2012.

Planning Code Section 403 provides a time-limited 33% reduction in impact fees for projects that meet prescribed milestones.

Amendments to Current Law

This ordinance amends the Planning Code and Zoning Map to create the 600 Townsend Street West Special Use District ("SUD"), consisting of Assessor's Parcel Block No. 3783, Lot No. 008. Within the SUD, office space is principally permitted on all floors of the building.

The SUD also provides waivers and reductions of various controls and impact fees for any change of use to Office within the building as it exists as of the effective date of the SUD, specifically:

- reducing open space requirements to a maximum of 2,600 gross square feet;
- waiving Class 2 bicycle parking requirements; and
- waiving streetscape and pedestrian improvements.

The SUD also reduces impact fees to the levels set forth below for projects that file a Development Application on or before November 1, 2026 to establish an Office Use:

- Child-care (Planning Code Section 414): \$0.99 per gross square foot;
- Jobs-Housing Linkage Program (Planning Code Section 413): \$7.94 per gross square foot; and
- Transportation Sustainability Fee (Planning Code Section 411A): \$1.87 per gross square foot.

The SUD provides that the fees set forth above already include the 33% reduction in Planning Code Section 403 and shall not be offset by any further waiver or reduction.

Background Information

This ordinance contains background information and findings describing the longstanding, unauthorized office uses at 600 Townsend Street West and the public interest in legalizing the longstanding office uses. The findings also describe the history of the Eastern Neighborhoods Legitimization Program and explain that the SUD reduces the required impact fees to the levels that would have been required in 2012 under the Program, adjusted for inflation per the Consumer Price Index for All Urban Consumers.

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Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- ☒ 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- ☐ 2. Request for next printed agenda Without Reference to Committee.
- ☐ 3. Request for hearing on a subject matter at Committee.
- ☐ 4. Request for letter beginning : "Supervisor inquiries"
- ☐ 5. City Attorney Request.
- ☐ 6. Call File No. from Committee.
- ☐ 7. Budget Analyst request (attached written motion).
- ☐ 8. Substitute Legislation File No.
- ☐ 9. Reactivate File No.
- ☐ 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- ☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission
- ☐ Planning Commission ☐ Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Subject:

The text is listed:

Ordinance amending the Planning Code and Zoning Map to establish the 600 Townsend Street West Special Use District, encompassing the real property consisting of Assessor's Parcel Block No. 3783, Lot No. 008, to allow the legalization of the longstanding office uses at the site by principally permitting office uses on all floors and waiving or reducing bicycle parking, open space, streetscape, and impact fee requirements; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Signature of Sponsoring Supervisor:

For Clerk's Use Only