

FILE NO. 081333

ORDINANCE NO. 302-08

1 [Zoning - SoMa Youth and Family Zone Special Use Districts.]

2
3 **Ordinance amending the San Francisco Planning Code by adding Section 249.41 and**
4 **amending various sheets of the Zoning Map of the City and County of San Francisco to**
5 **establish the South of Market (SoMa) Youth and Family Zone Special Use District,**
6 **bounded generally by Natoma Street on the north, Harrison Street on the south, 4th**
7 **Street on the east, and 7th Street on the west, to address youth and family concerns**
8 **and expand affordable housing opportunities, including establishment of in-lieu**
9 **affordable housing fees; and adopting environmental findings and findings of**
10 **consistency with the General Plan and the Priority Policies of Planning Code Section**
11 **101.1(b).**

12 Note: Additions are single-underline italics Times New Roman;
13 deletions are ~~strikethrough-italics Times New Roman~~.
14 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough-normal~~.

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

16 Section 1. Findings.

17 (a) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
18 ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in
19 Planning Commission Resolution No. 17755, and incorporates those reasons herein
20 by reference. A copy of said Planning Commission Resolution is on file with the Clerk of the
21 Board of Supervisors in File No. 081333.

22 (b) The Board of Supervisors finds that this ordinance is, on balance, consistent
23 with the General Plan and the Priority Policies of Planning Code Section 101.1(b) for the
24 reasons set forth in Planning Commission Resolution No. 17755, and incorporates
25 those reasons herein by reference.

1 (c) In accordance with the actions contemplated herein, this Board adopted
2 Ordinance No. 297-08, concerning findings pursuant to the California Environmental
3 Quality Act (California Public Resources Code sections 21000 et seq.). A copy of said
4 Ordinance is on file with the Clerk of the Board of Supervisors in File No. 081152 and is
5 incorporated by reference herein.

6 Section 2. The San Francisco Planning Code is hereby amended by adding Section
7 249.41, to read as follows:

8 SEC. 249.41. SOMA YOUTH AND FAMILY ZONE SPECIAL USE DISTRICT.

9 (a) Purpose. The South of Market (SoMa) Youth and Family Zone Special Use District is
10 intended to expand the provision of affordable housing in the area defined below. In addition, this
11 zoning is intended to protect and enhance the health and environment of youth and families by
12 adopting polices to maximize light access and minimize shadow and wind impacts that focus
13 on certain lower density areas of this District for the expansion of affordable housing
14 opportunities. The findings of Planning Code Section 319.1 concerning the provision of affordable
15 housing are incorporated herein by reference.

16 (b) Geography. The general boundaries of the SoMa Youth and Family Zone Special Use
17 District are Natoma Street on the north, Harrison Street on the south, 4th Street on the east, and 7th
18 Street on the west. The Special Use District is more particularly identified in the Zoning Map.

19 (c) Controls.

20 (1) For the entire Special Use District, all All provisions of the Planning Code shall continue
21 to apply, except for the following:

22 (A) The following uses shall require a Conditional Use authorization, pursuant to
23 Section 303, unless the underlying zoning is more restrictive:

24 (i) Religious facilities, as defined in Sec. 890.50(d);
25

1 (ii) Bars, as defined in Sec. 890.22;

2 (iii) Liquor stores, as defined in Sec. 790.55;

3 (iv) Amusement arcades, as defined in Sec. 890.4;

4 (v) Full service restaurants, as defined in Sec. 890.92;

5 (vi) Large fast food restaurants, as defined in Sec. 890.91;

6 (vii) Adult entertainment, as defined in Sec. 890.36;

7 (viii) Other entertainment, as defined in Sec. 890.37;

8 (ix) Movie theatres, as defined in Sec. 890.64;

9 (x) Parking lots, as defined in Sections 890.7, 890.9, and 890.11; and

10 (xi) Parking garages, as defined in Sections 890.8, 890.10, and 890.12.

11 (B) The Land Dedication alternative is available for any project of 55 feet or more under
12 the same terms and conditions as provided for in Section 319.4(b)(2)(A) – (J).

13 (2) In addition to the controls above, the following provisions shall apply to all
14 properties that are not tangent to the following streets: Howard Street, Harrison Street,
15 Folsom Street, 4th, 5th, 6th and 7th Streets:

16 (A1) With the exception of Subsection (2) below, a*Any project containing 5 or more dwelling*
17 *units or in excess of 40 feet in height within this Special Use District shall be subject to the Tier C*
18 *affordable housing requirements of Sections 319 et seq*subject to the following modifications:(A)
19 No Middle Income alternative is available.

20 ~~——(B) The Land Dedication alternative provided for in Section 319.4 is available~~
21 ~~for any project with a height of 55 feet or greater. In addition, the Land Dedication alternative~~
22 ~~may be satisfied through the dedication to the City of air space parcels above or adjacent to~~
23 ~~the project, upon the approval of the Mayor's Office of Housing or a successor entity, and~~
24 ~~provided the requirements of Section 319.4(b)(2)(A)-(I) are otherwise satisfied.~~

1 ~~_____ (C) If a project subject to Subsection (2)(A4) above does not provide on-site~~
2 ~~inclusionary housing or elects the Land Dedication alternative set forth in Subsection (1)(B), it shall be~~
3 ~~subject to a conditional use authorization pursuant to Section 303.~~

4 ~~_____ (D) Any residential project shall provide a minimum of 20% 2-bedroom units, a~~
5 ~~minimum of 20% 3-bedroom units, and a minimum of 20% 4-bedroom units.~~

6 ~~_____ (2) Any residential project within this Special Use District that was zoned as SLY as of~~
7 ~~October 21, 2008, shall be subject to the following:~~

8 ~~_____ (A) Dwelling units may be authorized only as a conditional use pursuant to Section 303~~
9 ~~of this Code provided that the affordability of housing as defined in Section 315.1 under the~~
10 ~~definition of affordable to qualifying households shall be no greater than 120% of median~~
11 ~~income for the City and County of San Francisco; provided, however, that the project's~~
12 ~~average for all affordable units shall be no greater than 80% of median income for the City~~
13 ~~and County of San Francisco. The project is otherwise required to comply with Sections 315~~
14 ~~ET seq.~~

15 ~~_____ (B) Any residential project shall provide a minimum of 20% 2-bedroom units, a~~
16 ~~minimum of 20% 3-bedroom units, and a minimum of 20% 4-bedroom units.~~

17 ~~_____ (3) Any project in this Special Use District shall submit, as part of its application,~~
18 ~~studies of how the project will affect light, shadow, and wind on the District's schools, parks,~~
19 ~~recreation facilities, open spaces, existing housing, and pedestrian environments. Such~~
20 ~~studies shall be prepared by a professional with expertise in the relevant subject matter.~~

21 ~~(4) Any change of use in this Special Use District shall be subject to conditional use~~
22 ~~authorization pursuant to Section 303.~~

1 Section 3. Under Sections 106 and 302(c) of the Planning Code, the Zoning Map of
2 the City and County of San Francisco are amended as follows:

<u>Description of Property</u>	<u>Special Use District Hereby Approved</u>
Assessor Block/Lot	SoMa Youth and Family Zone Special Use District
3752 177	
3733 030	
3754 092	
3752 240	
3731 101	
3755 215	
3754 086	
3752 346	
3755 016	
3753 145	
3753 276	
3754 089	
3753 164	
3752 230	
3752 141	
3731 088	
3731 169	

1	3752	471
2	3732	099
3	3753	259
4	3752	168
5	3726	146
6	3732	029
7	3752	303
8	3752	397
9	3732	071
10	3731	180
11	3752	433
12	3753	220
13	3752	140
14	3753	114
15	3732	143
16	3726	125
17	3753	282
18	3753	269
19	3752	403
20	3753	223
21	3753	288
22	3753	255
23	3731	023
24		
25		

1	3730	007
2	3733	117
3	3725	012
4	3733	083
5	3731	027
6	3753	303
7	3730	145
8	3733	149
9	3752	019
10	3731	119
11	3752	200
12	3732	215
13	3733	129
14	3753	171
15	3732	076
16	3754	078
17	3730	118
18	3752	444
19	3751	054
20	3752	352
21	3753	141
22	3752	178
23	3754	111
24		
25		

1	3727	192
2	3731	066
3	3755	134
4	3753	235
5	3732	229
6	3753	070
7	3731	124
8	3754	083
9	3753	233
10	3752	436
11	3752	270
12	3752	406
13	3731	147
14	3731	176
15	3752	328
16	3733	161
17	3724	070
18	3752	146
19	3724	018
20	3731	061
21	3752	183
22	3753	096
23	3732	009
24		
25		

1	3753	257
2	3753	150
3	3733	112
4	3752	398
5	3752	345
6	3733	145
7	3726	015
8	3731	134
9	3753	230
10	3753	071
11	3731	109
12	3753	156
13	3752	461
14	3731	164
15	3732	230
16	3753	226
17	3752	282
18	3732	101
19	3752	018
20	3753	183
21	3726	119
22	3732	146
23	3754	039
24		
25		

1	3752	174
2	3732	216
3	3752	078
4	3732	094
5	3730	142
6	3752	017
7	3752	149
8	3752	396
9	3733	146
10	3726	129
11	3752	012
12	3725	103
13	3753	291
14	3731	158
15	3731	188
16	3752	357
17	3753	059
18	3753	210
19	3752	293
20	3753	185
21	3753	157
22	3753	094
23	3751	028
24		
25		

1	3754	119
2	3753	277
3	3726	139
4	3726	120
5	3752	389
6	3752	211
7	3732	167
8	3753	207
9	3751	053
10	3733	107
11	3754	058
12	3752	124
13	3752	238
14	3752	459
15	3733	124
16	3732	117
17	3753	239
18	3752	229
19	3731	177
20	3733	159
21	3752	417
22	3726	017
23	3753	119
24		
25		

1	3753	037
2	3733	018
3	3726	128
4	3733	150
5	3731	205
6	3752	426
7	3732	090A
8	3733	147
9	3733	132
10	3732	110
11	3725	008
12	3753	042
13	3752	339
14	3752	169
15	3754	072
16	3731	189
17	3752	111
18	3752	299
19	3752	255
20	3733	134
21	3752	248
22	3752	338
23	3754	095
24		
25		

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2	3731	043
3	3755	004
4	3752	409
5	3732	152
6	3752	467
7	3726	149
8	3752	142
9	3753	252
10	3753	196
11	3752	158
12	3726	136
13	3753	022
14	3755	018
15	3754	112
16	3731	175
17	3752	205
18	3753	202
19	3752	442
20	3752	460
21	3753	219
22	3752	271
23	3725	017
24		
25		

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2	3752	321
3	3752	354
4	3724	072
5	3754	016
6	3732	084
7	3754	026
8	3726	019
9	3752	441
10	3752	157
11	3752	466
12	3752	285
13	3753	258
14	3753	294
15	3733	081
16	3726	144
17	3732	102
18	3752	110
19	3753	251
20	3733	128
21	3751	165
22	3754	093
23	3731	204
24		
25		

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2	3753	120
3	3751	411
4	3730	155
5	3752	418
6	3752	209
7	3752	435
8	3731	210
9	3753	005
10	3753	304
11	3752	367
12	3732	033
13	3752	316
14	3752	353
15	3752	404
16	3752	408
17	3752	218
18	3752	347
19	3752	153
20	3731	069
21	3731	208
22	3753	242
23	3732	189
24		
25		

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2	3733	156
3	3753	004
4	3732	190
5	3753	129
6	3752	166
7	3752	351
8	3753	262
9	3732	106
10	3753	116
11	3730	119
12	3730	143
13	3752	162
14	3731	187
15	3752	234
16	3752	371
17	3754	057
18	3732	151
19	3726	027
20	3752	429
21	3752	402
22	3732	097
23	3727	187
24		
25		

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2	3753	289
3	3752	052
4	3754	116
5	3752	304
6	3731	076
7	3727	190
8	3752	119
9	3754	080
10	3731	178
11	3731	170
12	3752	245
13	3732	227
14	3754	109
15	3754	038
16	3732	145A
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18	3753	200
19	3754	063
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21	3752	448
22	3732	192
23	3755	117
24		
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3	3755	208
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7	3726	151
8	3753	246
9	3732	194
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12	3751	112
13	3752	287
14	3752	443
15	3753	193
16	3731	072
17	3753	238
18	3726	124
19	3752	236
20	3752	123
21	3733	113
22	3753	216
23	3732	199
24		
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6	3754	100
7	3726	011
8	3732	188
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11	3731	214
12	3752	131
13	3752	161
14	3733	133
15	3752	136
16	3753	163
17	3751	034
18	3733	108
19	3730	009
20	3731	125
21	3753	285
22	3752	139
23	3731	122
24		
25		

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3	3752	415
4	3727	195
5	3752	376
6	3752	468
7	3731	207
8	3752	326
9	3732	164
10	3754	103
11	3754	049
12	3753	072
13	3752	260
14	3751	161
15	3752	156
16	3752	201
17	3725	021
18	3752	079
19	3753	152
20	3752	192
21	3753	098
22	3752	449
23	3752	278
24		
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2	3725	098
3	3732	066
4	3727	197
5	3726	145
6	3731	218
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8	3751	413
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13	3755	005
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15	3753	089
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17	3754	104
18	3753	225
19	3753	186
20	3732	212
21	3731	062A
22	3753	250
23	3754	110
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25		

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2	3733	127
3	3752	145
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5	3752	385
6	3732	160
7	3752	336
8	3754	046
9	3752	208
10	3732	062
11	3753	286
12	3752	300
13	3752	280
14	3732	155
15	3752	118
16	3753	281
17	3753	132
18	3752	331
19	3732	217
20	3730	148
21	3731	183
22	3731	132
23	3753	038
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5	3752	033
6	3732	211
7	3752	112
8	3753	100
9	3731	127
10	3731	131
11	3752	095
12	3731	191
13	3755	130
14	3754	099
15	3731	004
16	3732	080
17	3732	090
18	3755	003
19	3731	010
20	3733	138
21	3752	296
22	3752	388
23	3753	298
24		
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2	3752	247
3	3732	231
4	3752	263
5	3732	177
6	3753	063
7	3752	180
8	3754	082
9	3752	330
10	3731	209
11	3752	451
12	3733	096
13	3731	145
14	3752	395
15	3732	175
16	3732	035
17	3725	015
18	3731	031
19	3751	150
20	3753	283
21	3753	084
22	3731	115
23	3752	295
24		
25		

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2	3753	201
3	3732	112
4	3732	111
5	3753	221
6	3755	010
7	3752	356
8	3732	024
9	3752	362
10	3752	194
11	3751	105
12	3731	113
13	3733	136
14	3726	130
15	3752	010
16	3754	115
17	3753	175
18	3731	203
19	3752	281
20	3752	163
21	3730	149
22	3752	350
23	3754	118
24		
25		

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2	3752	228
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5	3752	425
6	3731	182
7	3732	169
8	3752	179
9	3731	136
10	3753	273
11	3752	269
12	3753	209
13	3731	151
14	3730	111
15	3731	196
16	3731	195
17	3754	015
18	3755	017
19	3752	381
20	3752	167
21	3752	253
22	3733	105
23	3754	094
24		
25		

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3	3751	153
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5	3731	213
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9	3752	009
10	3752	420
11	3753	232
12	3733	160
13	3753	229
14	3753	099
15	3752	257
16	3752	014
17	3731	058
18	3752	413
19	3753	261
20	3752	401
21	3731	138
22	3731	130
23	3731	055
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25		

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2	3752	368
3	3752	427
4	3731	054
5	3731	133
6	3730	008
7	3753	161
8	3731	179
9	3725	019
10	3732	222
11	3732	166
12	3733	026
13	3752	054
14	3732	100
15	3752	434
16	3752	276
17	3725	025
18	3727	009
19	3730	156
20	3752	011A
21	3752	133
22	3733	109
23	3732	064
24		
25		

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2	3731	149
3	3730	011
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5	3732	196
6	3732	204
7	3753	121
8	3752	235
9	3731	105
10	3753	060
11	3732	173
12	3752	374
13	3731	143
14	3754	105
15	3752	465
16	3731	087
17	3752	335
18	3727	194
19	3753	085
20	3752	289
21	3753	260
22	3732	089
23	3752	428
24		
25		

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2	3731	116
3	3752	309
4	3732	018
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6	3733	029
7	3726	142
8	3752	125
9	3752	121
10	3753	274
11	3752	114
12	3755	203
13	3731	026
14	3732	153
15	3753	033
16	3753	117
17	3752	172
18	3752	315
19	3752	308
20	3731	093
21	3752	375
22	3732	147
23	3752	159
24		
25		

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2	3732	078
3	3733	158
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6	3752	284
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8	3731	044
9	3753	218
10	3753	101
11	3753	009
12	3753	056
13	3752	341
14	3752	251
15	3755	205
16	3752	076
17	3731	024
18	3731	206
19	3754	084
20	3726	018
21	3751	414
22	3752	268
23	3753	184
24		
25		

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2	3753	191
3	3732	122
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6	3752	176
7	3752	469
8	3727	010
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10	3726	121
11	3752	207
12	3752	217
13	3754	091
14	3754	106
15	3752	222
16	3753	062
17	3752	473
18	3752	446
19	3752	107
20	3731	095
21	3731	002
22	3753	244
23	3731	144
24		
25		

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3	3733	091
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6	3752	419
7	3752	258
8	3732	208
9	3732	200
10	3753	122
11	3753	187
12	3731	166
13	3731	040
14	3733	135
15	3752	298
16	3752	008
17	3731	201
18	3732	161
19	3733	122
20	3732	171
21	3753	287
22	3752	292
23	3755	217
24		
25		

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2	3726	022
3	3752	137
4	3753	147
5	3732	179
6	3731	202
7	3732	130
8	3753	227
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10	3755	210
11	3733	157
12	3732	168
13	3753	090
14	3752	185
15	3732	125
16	3732	172
17	3732	095
18	3752	199
19	3754	043
20	3753	271
21	3752	252
22	3754	067
23	3755	200
24		
25		

1	3752	430
2	3755	213
3	3726	141
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6	3753	082
7	3753	241
8	3753	178
9	3752	091
10	3752	290
11	3753	222
12	3732	126
13	3752	024
14	3731	168
15	3752	144
16	3753	270
17	3732	149
18	3754	073
19	3753	217
20	3753	208
21	3732	092
22	3752	109
23	3752	215
24		
25		

1	3753	188
2	3731	211
3	3733	115
4	3732	181
5	3754	087
6	3753	278
7	3754	001
8	3752	197
9	3752	342
10	3732	219
11	3732	163
12	3752	080
13	3755	019
14	3732	226
15	3732	221
16	3753	174
17	3753	190
18	3752	320
19	3731	094
20	3726	135
21	3731	012
22	3752	130
23	3753	179
24		
25		

1	3754	085
2	3752	147
3	3752	340
4	3733	142
5	3754	097
6	3752	355
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6
7 Section 4. This Section is uncodified. This legislation is companion legislation to the
8 Eastern Neighborhoods Planning Code and Zoning Map amendments (the "Eastern
9 Neighborhoods Amendments"), copies of which are in Clerk of the Board of Supervisors File
10 Nos. 081153 and 081154 and are incorporated herein by reference. This Ordinance relies on
11 Planning Code Sections and Zoning Map changes contained in the Eastern Neighborhoods
12 Amendments. Consequently, the Board of Supervisors would not adopt this legislation
13 without adoption of the Eastern Neighborhoods Amendments. Therefore, this Ordinance will
14 not be effective unless and until the Eastern Neighborhoods Amendments are effective.
15 Further, the zoning provisions set forth in this Ordinance shall prevail over any contrary
16 provisions in the Eastern Neighborhoods Amendments. To the extent there is any conflict
17 between this Ordinance and the Planning Code provisions applicable to properties that are
18 not effected by the Eastern Neighborhoods Amendments, this Ordinance shall prevail.

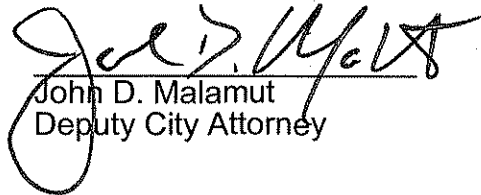
19 Section 5. This Section is uncodified. Neighborhood Preference in Allocation of
20 Affordable Housing. The Board urges the Mayor's Office of Housing, in consultation with the
21 Planning Department, to prepare a written report analyzing the maximum extent to which the
22 allocation of affordable housing can include a preference for the residents of the Youth and
23 Family Zone Special Use District taking into account the diversity of such residents and the
24 their need and ability to purchase such housing. The Mayor's Office of Housing shall submit
25

1 the report to the Board of Supervisors within 6 months of the effective date of this Ordinance.
2 The report also shall include recommendations for legislation or programmatic changes to the
3 procedures for affordable housing allocation based on the findings of the report.

4 Section 6. This Section is uncodified. Severability. If any provision of this Ordinance
5 or its application to any housing project or to the subject Special Use District areas, is held
6 invalid, the remainder of this Ordinance, or the application of such provision to other housing
7 projects or to the subject Special Use District areas, shall not be affected thereby.

8
9 APPROVED AS TO FORM:
10 DENNIS J. HERRERA, City Attorney

11 By:


12 John D. Malamut
13 Deputy City Attorney



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 081333

Date Passed:

Ordinance amending the San Francisco Planning Code by adding Section 249.41 and amending various sheets of the Zoning Map of the City and County of San Francisco to establish the South of Market (SoMa) Youth and Family Special Use District, bounded generally by Natoma Street on the north, Harrison Street on the south, 4th Street on the east, and 7th Street on the west, to address youth and family concerns and expand affordable housing opportunities, including establishment of in-lieu affordable housing fees; and adopting environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1(b).

November 18, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

November 25, 2008 Board of Supervisors — CONTINUED ON FINAL PASSAGE

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

December 9, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Campos, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

File No. 081333

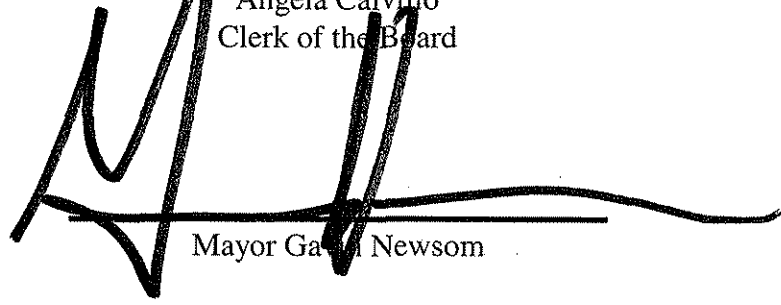
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on December 9,
2008 by the Board of Supervisors of the City
and County of San Francisco.



Angela Calvillo
Clerk of the Board

12/19/2008

Date Approved



Mayor Gavin Newsom