BOARD of SUPERVISORS

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July 26, 2018

Planning Commission
Attn: Jonas Ionin
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Commissioners:

On July 23, 2018, the Land Use and Transportation Committee amended the following ordinances. The Office of the City Attorney has advised that these ordinances requires an additional Planning Commission hearing:

File No. 180185 Planning Code, Zoning Map - Central South of Market Special Use District

Ordinance amending the Zoning Map of the Planning Code to create the Central South of Market (SoMa) Special Use District and make other amendments to the Height and Bulk District Maps and Zoning Use District Maps consistent with the Central SoMa Area Plan, encompassing an area generally bounded on its western portion by Sixth Street, on its eastern portion by Second Street, on its northern portion by the border of the Downtown Plan Area (an irregular border that generally jogs along Folsom, Howard and Stevenson Streets), and on its southern portion by Townsend Street; 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.

File No. 180453 Business and Tax Regulations, Planning Codes - Central South of Market Housing Sustainability District

Ordinance amending the Business and Tax Regulations and Planning Codes to create the Central South of Market Housing Sustainability District (encompassing an area generally bounded on its western portion by Sixth Street, on its eastern portion by Second Street, on its northern portion by the border of the Downtown Plan Area (an irregular border that generally tracks Folsom, Howard, or Stevenson Streets), and on its southern portion by Townsend Street) to provide a streamlined and ministerial approval process for certain housing projects within the District meeting specific labor, on-site affordability, and other requirements; creating an expedited Board of Appeals process for appeals of projects within the District; and making approval findings under the California Environmental Quality Act, findings of public convenience, necessity, and welfare under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

File No. 180184 **Administrative, Planning Codes - Central South of Market Area Plan**

Ordinance amending the Administrative and Planning Codes to give effect to the Central South of Market Area Plan, encompassing an area generally bounded on its western portion by Sixth Street, on its eastern portion by Second Street, on its northern portion by the border of the Downtown Plan Area (an irregular border that generally jogs along Folsom, Howard and Stevenson Streets), and on its southern portion by Townsend Street; making approval findings under the California Environmental Quality Act, including adopting a statement of overriding considerations; 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.

The proposed ordinance is being transmitted pursuant to Planning Code, Section 302, for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

c: John Rahaim, Director
Scott Sanchez, Zoning Administrator
Lisa Gibson, Environmental Review Officer
Devyani Jain, Deputy Environmental Review Officer
AnMarie Rodgers, Director of Citywide Planning
Dan Sider, Director of Executive Programs
Aaron Starr, Manager of Legislative Affairs
Joy Navarrete, Environmental Planning
Laura Lynch, Environmental Planning

[Planning Code, Zoning Map - Central South of Market Special Use District]

Ordinance amending the Zoning Map of the Planning Code to create the Central South of Market (SoMa) Special Use District and make other amendments to the Height and Bulk District Maps and Zoning Use District Maps consistent with the Central SoMa Area Plan, encompassing an area generally bounded on its western portion by Sixth Street, on its eastern portion by Second Street, on its northern portion by the border of the Downtown Plan Area (an irregular border that generally jogs along Folsom, Howard and Stevenson Streets), and on its southern portion by Townsend Street; 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.

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 ~~strikethrough 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. Environmental and Planning Code Findings.

(a) On May 10, 2018 after a duly noticed public hearing, the Planning Commission certified the Final Environmental Impact Report (EIR) for the proposed Central SoMa Area Plan (the Project) by Motion No. 20182, finding the Final EIR reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, contains no significant revisions to the Draft EIR, and the content of the report and

the procedures through which the Final EIR was prepared, publicized, and reviewed comply with the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.), the CEQA Guidelines (14 Cal. Code Regs. Section 15000 et seq.) and Chapter 31 of the San Francisco Administrative Code. Copies of the Planning Commission Motion and Final EIR are on file with the Clerk of the Board in File No. 180490 and are incorporated herein by reference.

(b) The Project evaluated in the Final EIR includes the proposed amendments to the Planning Code and Zoning Map as well as amendments to the General Plan, adopting the Central SoMa Area Plan and other related amendments. The proposed Planning Code and Zoning Map amendments set forth in this ordinance are within the scope of the Project evaluated in the Final EIR.

(c) At the same hearing during which the Planning Commission certified the Final EIR, the Planning Commission adopted findings under CEQA regarding the Project's environmental impacts, the disposition of mitigation measures, and project alternatives, as well as a statement of overriding considerations (CEQA Findings) and adopted a mitigation monitoring reporting program (MMRP), by Resolution No. 20183.

(d) At the same hearing, the Planning Commission, in Resolution No. 20184, recommended the proposed Planning Code and Zoning Map amendments for approval and adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 180490, and is incorporated herein by reference.

(e) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this Zoning Map Amendment will serve the public necessity, convenience, and welfare for the

reasons set forth in Planning Commission Resolution No. 302, and the Board incorporates such reasons herein by reference.

(f) The Board of Supervisors has reviewed and considered the Final EIR and the environmental documents on file referred to herein. The Board of Supervisors has reviewed and considered the CEQA Findings, and hereby adopts them as its own and incorporates them by reference as though such findings were fully set forth in this Ordinance.

(g) The Board of Supervisors adopts the MMRP as a condition of this approval, and endorses those mitigation measures that are under the jurisdiction of other City Departments, and recommends for adoption those mitigation measures that are enforceable by agencies other than City agencies, all as set forth in the CEQA Findings and MMRP.

(h) The Board of Supervisors finds that no substantial changes have occurred in the proposed Project that would require revisions in the Final EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, no substantial changes have occurred with respect to the circumstances under which the proposed Project is to be undertaken that would require major revisions to the Final EIR due to the involvement of new environmental effects or a substantial increase in the severity of effects identified in the Final EIR, and no new information of substantial importance to the proposed Project has become available which indicates that (1) the Project will have significant effects not discussed in the Final EIR, (2) significant environmental effects will be substantially more severe, (3) mitigation measure or alternatives found not feasible that would reduce one or more significant effects have become feasible or (4) mitigation measures or alternatives that are considerably different from those in the Final EIR would substantially reduce one or more significant effects on the environment.

(a) The San Francisco Planning Code is hereby amended by amending Zoning Use District Map ZN01of the Zoning Map of the City and County of San Francisco, as follows:

Description of Property		Use Districts to be Superseded	Use Districts Hereby Approved
Assessor's Block	Lot		
~~3725~~	~~007, 014-015, 017-021, 029, 031, 033, 035, 102-103~~	~~MUR~~	~~MUG~~
~~3732~~	~~003-005, 008-009, 018, 023-026, 028-030, 035, 040, 044-045, 048, 062, 064, 066-068, 080, 087-090, 090A, 091, 094-097, 099-103, 106-108, 110-112, 114, 117, 119, 125-127, 129-130, 137-140, 143, 145A, 146-147, 149-200, 202-239, 261-265, 271-555, 561-759, 763-764~~	~~MUR~~	~~MUG~~
3733	014, 017-020, 020A, 021, 024-026, 028-031, 034, 091-092, 145-158	WMUG	~~CMUO~~MUR
	093, 105	M-1	~~CMUO~~MUR
3750	003, 008, 073, 515-598	MUO	CMUO
	~~009, 013, 050, 054, 078, 081-082, 086~~	~~MUR~~	~~CMUO~~
3751	028-029, 033-034, 053-054, 150, 157-158, 161-162, 165, 411-415, 420-522	MUO	CMUO
	~~105, 112, 155, 167-170, 173, 175-409~~	~~MUR~~	~~CMUO~~

3752	~~001-003, 008-010, 051-054, 070, 076, 078-081, 083, 107, 109-126, 130-153, 156-392, 394-473, 501-502, 521-589~~	~~MUR~~	~~CMUO~~
	011, 011A, 014-015, 017-018, 026-028, 032-033, 036, 095, 590-617	WMUG	~~CMUO~~MUR
~~3753~~	~~001, 003-005, 006A, 007-010, 022, 024-029, 033-034, 037, 041-042, 048-049, 056-063, 070-072, 075-079, 081-085, 089-090, 093-101, 106, 113-122, 129-132, 138-139, 141-142, 145-148, 150, 152-165, 169-204, 207-239, 241-304, 311-312, 315-318, 328-344~~	~~MUR~~	~~MUG~~
3762	001, 003, 007-008, 011-012, 014, 016-019, 021, 023-026, 032, 036-037, 040-041, 043, 046, 048-049, 053-055, 058, 106, 108-109, 112-113, 116-119, 121-124, 126-146	SLI	CMUO
3763	001, 105	SSO	CMUO
	006-009, 011-015, 015A, 015B, 015C, 032-034, 037, 078-080, 080A, 081, 093-096, 113, 116, 119-124	MUO	CMUO
	016-025	SLI	CMUO
	099-101	M-1	CMUO
	112	P	CMUO within 175 feet of Harrison

			Street; remainder of lot to remain P
3775	001-002, 004-005, 008, 012, 015, 087, 089, 091-096, 099-101, 104-105, 164-171, 181-216	MUO	CMUO
	016-018, 020-022, 025, 072-073, 075, 078-081, 083-086, 122-136, 140-163	SLI	CMUO
3776	004-005, 007-008, 011, 015, 019-021, 024-025, 032, 034, 038-044, 049, 062, 077, 080, 093-094, 098-101, 105-106, 113-115, 117-118, 120-148, 151, 153-475	SLI	CMUO
3777	001-003, 017, 019-020, 030-034	SLI	CMUO
	005, 007, 009, 013, 023-027, 056-070, 073-174	RED	CMUO
	011, ~~028-029, 035-037, 042, 044~~-045, 050-051, 054-055	SALI	CMUO
	028-029, 035-037, 042, 044, 047-049	SALI	~~CMUO~~MUG
	052	P	CMUO
3786	027-028, 036-037	WMUO	CMUO
	035, 038, 321-322	MUO	CMUO
3787	001-008, 012-019, 021-024, 026, 028, 033, 036-037, 040, 040A, 044, 048-50,	SLI	CMUO

	052-139, 144-149, 151-159, 161-164, 166-218, 241-246		
	031	MUO	CMUO
3788	002, 006, 008-009, 009A, 037-039, 042-044, 049-073	MUO	CMUO
	010, 012-015, 020-024, 024A, 041, 045, 074-085, 088-107, 110-113, 131-226	SLI	CMUO

(b) The San Francisco Planning Code is hereby amended by amending Zoning Use District Map ZN08 of the Zoning Map of the City and County of San Francisco, as follows:

Description of Property		Use Districts to be Superseded	Use Districts Hereby Approved
Assessor's Block	Lot		
3778	001, 001C, 001D, 001E, 001F, 016-019, 022-023, 025-026, 032, 046A, 046B, 046C, 046D, 046E, 046F, 046G, 046H, 051-087	SALI	~~CMUO~~MUG
	001B, 002B, 004-005, 047-048	SALI	CMUO
3785	002, 002A, 003-004, 004A, 004B, 005, 022-024, 030-131	WMUO	CMUO
	009, 016-018, 132, 137-313	SALI	~~CMUO~~MUG
3786	014, 14B, 15-016, 018, 19A, 043-102, 161-262	WMUO	CMUO
	020, 104-160, 263-307	MUO	CMUO

(c) The San Francisco Planning Code is hereby amended by amending Height and Bulk District Map HT01 of the Zoning Map of the City and County of San Francisco, as follows:

Description of Property		Height and Bulk Districts to be Superseded	Height and Bulk Districts Hereby Approved	Additional Information for Split Lots
Assessor's Block	Lot			
3732	003	85-X	180-CS/300-CS	300 feet to a depth of 75 feet from 5th Street
	004	45-X/85-X	45-X/180-CS/300-CS	300 feet to a depth of 75 feet from 5th Street, 45 to a depth of 50 feet from Tehama Street
	005, 149	85-X	300-CS	
	099	45-X	45-X/180-CS	45 feet to a depth of 50 feet from Tehama Street
	100	45-X/85-X	45-X/180-CS	45 feet to a depth of 50 feet from Tehama Street

	145A, 146	85-X	180-CS	
3733	014, 148-158	55-X	180-CS	
	017-020, 020A, 021, 024-026, 031, 034, 091-092, 145-147	55-X	85-X	
	028-030	55-X	130-CS	
	093, 105	130-L	180-CS	
3750	003	130-E	200-CS	
	008, 073, 086	85-X	200-CS	
	009	85-X	130-G	
	013	85-X	130-CS	
	090-509	85-X/130-G	130-G	
	515-598	130-E	200-CS	
3751	029, 150	85-X	45-X/85-X	85 feet to a depth of 80 feet from Harrison Street
	053-054	85-X	45-X	
	168	85-X	45-X/85-X	45 feet to a depth of 150 feet from Lapu Lapu Street
	169	85-X	45-X/85-X	45 feet to a depth of 150 feet from Lapu Lapu Street, 45 to a depth of

				45 feet from Rizal Street
	173	130-G	OS	
3752	011, 011A	55-X	85-X	
	012, 014-015, 017-018, 026-028, 032-033, 036	55-X	45-X	
	095	55-X	45-X/85-X	85 feet to a depth of 85 feet from Harrison Street
	590-617	55-X	85-X	
3762	001, 032, 121	85-X	130-CS	
	003	55-X/85-X	130-CS	
	011-012, 014, 016-019, 021, 023-024, 040-041, 043, 046, 048-049, 053-055, 124, 126, 139-146	45-X	85-X	
	025	45-X	130-CS	
	026, 036-037, 118	55-X	130-CS	
	058, 119, 122-123	55-X	85-X	
	106	55-X	130-CS-160-CS	
	108-109, 117	55-X	85-X-160-CS	
	112	55-X/85-X	130-CS-160-	160 feet to a

			CS/160-CS	depth of 250 feet from 4th Street
	113	45-X	130-CS-160-CS	
	116	45-X	85-X-160-CS/130-CS-160-CS	130-160 feet to a depth of 350 feet from 4th Street
3763	001	40-X	350-CS	
	008-009, 017-018, 025, 037	65-X	85-X	
	011-015, 015A, 015B, 015C, 016, 032-034, 119-124	45-X	85-X	
	078-079	45-X	130-CS-350-CS	
	080, 080A, 081	65-X	130-CS-350-CS	
	093-096	65-X	130-CS	
	099-101	40-X	130-CS-350-CS	
	105	40-X	130-CS-200-CS	
	112	45-X	45-X/350-CS	350 to a depth of 175 feet from Harrison Street

	113	85-X	350-CS	350 feet to a depth of 175 feet from Harrison Street
	116	65-X/85-X	130-CS	
3776	008, 011, 015, 019-021, 024, 077, 080, 113-114	65-X	85-X	
	025	85-X	200-CS	
	032, 117	85-X	130-CS	
	034, 038-044, 049, 118	65-X	130-CS	
	151	55-X/65-X	85-X	
	455	55-X/65-X	65-X/85-X	85 feet to a depth of 205 feet from Brannan Street
3777	005, 007, 009, 013, 023-027, 056-070	40-X	45-X	
	011	40/55-X	45-X/65-X	65 feet to a depth of 85 feet from Bryant Street

	017	65-X	45-X/65-X	65 feet to a depth of 80 feet from 4th Street
	028-029	40/55-X	45-X	
	035-036, 054-055	40/55-X	65-X	
	037	40/55-X	45-X/65-X	65 feet to a depth of 80 feet from Brannan Street
	042, 044	40/55-X	45-X/85-X	85 feet to a depth of 80 feet from Brannan Street
	045	40/55-X	160-CS	
	047-049	40/55-X	130-CS	
	050	40/55-X	45-X/130-CS/160-CS	130 feet to the depth of a linear extension of the northwest edge of the Welsh Street right-of-way, 45 feet in the area between the linear extension of the northwest edge of the Welsh Street right-of-

				way and the linear extension of the southeast edge of the Welsh Street right-of-way
	051	40/55-X	45-X/130-CS	130 feet to the depth of a linear extension of the northwest edge of the Welsh Street right-of-way
	052	40-X	5045-X/130-CS/160-CS	130 feet to the depth of a linear extension of the northwest edge of the Welsh Street right-of-way, 160 feet to a depth of 345 feet from 5th Street
	073-174	40-X	45-X/65-X	65 feet to a depth of 80 feet from Brannan Street
3786	027-028, 036, 039	65-X	130-CS	

	035, 038, 321-322	85-X	250-CS	
	037	65-X	130-CS/200-CS	200 feet to a depth of 310 feet from 5th Street
3787	026, 028, 050	85-X	400-CS	
	144-149	55-X	65-X	
	161-164	55-X	400-CS	

(d) The San Francisco Planning Code is hereby amended by amending Height and Bulk District Map HT08 of the Zoning Map of the City and County of San Francisco, as follows:

Description of Property		Height and Bulk Districts to be Superseded	Height and Bulk Districts Hereby Approved	Additional Information for Split Lots
Assessor's Block Number	Lot			
3778	001, 001C, 001D, 001E, 001F	40/55-X	85-X	
	001B, 002B, 004-005	40/55-X	270-CS	
	016	40/55-X	65-X	
	017-019, 022-023, 025-026, 032, 046A,	40/55-X	55-X	

	046B, 046C, 046D, 046E, 046F, 046G, 046H, 051-087			
	047-048	40/55-X	160-CS	
3785	002	65-X	160-CS	
	003	85-X	160-CS	
	002A, 004	65-X/85-X	85-X	
	009, 016	40/55-X	65-X/85-X	85 feet to a depth of 137.5 feet from Brannan Street
	017, 185-232	40/55-X	85-X	
	018, 135, 137-184, 233-313	40/55-X	65-X	
	132	40/55-X	160-CS	
3786	014	65-X/85-X	300-CS	
	015-016, 043-082, 104-160, 263-307	85-X	130-CS	
	018, 19A, 020, 083-102, 161-262	65-X	130-CS	
	014B	65-X/85-X	130-CS	

(e) The San Francisco Planning Code is hereby amended by amending Special Use District Map SU01 of the Zoning Map of the City and County of San Francisco, as follows:

Description of Property		Special Use District Hereby Superseded	Special Use District Hereby Approved
Assessor's Block	Lot		
3704	025-026, 049-053	N/A	Central SoMa Special Use District
3725	007, 014-015, 017-021, 025-026, 029, 031, 033, 035, 060-064, 079, 081, 102-103	N/A	
3732	003-005, 008-009, 018, 023-026, 028-033, 035, 040, 044-045, 048, 062, 064, 066-068, 074, 076, 078, 080, 087-090, 090A, 091, 094-097, 099-103, 106-108, 110-112, 114, 117, 119, 122-127, 129-130, 137-140, 143, 145A, 146-147, 149-200, 202-239, 261-265, 271-555, 561-759, 763-764	N/A	
3733	014, 017-020, 020A, 021, 024-026, 028-031, 034, 091-092, 145-158	Western SoMa Special Use District	
	093, 105	N/A	
3750	003, 008-009, 013, 050, 054, 073, 078, 081-082, 086, 089-509, 515-598	N/A	
3751	028-029, 033-034, 053-054, 105, 112, 150, 155, 157-158, 161-162, 165, 167-170, 173, 175-409, 411-415, 420-522	N/A	

3752	001-003, 008-010, 051-054, 070, 076, 078-081, 083, 107, 109-126, 130-153, 156-392, 394-473, 501-502, 521-589	N/A	
3752	011, 011A, 012, 014-015, 017-018, 026-028, 032-033, 036, 095, 590-617	Western SoMa Special Use District	
3753	001, 003-005, 006A, 007-010, 021-022, 024-029, 033-034, 037, 041-042, 048-049, 056-063, 070-072, 075-079, 081-085, 089-090, 093-101, 106, 113-122, 129-132, 138-139, 141-142, 145-148, 150, 152-165, 169-204, 207-239, 241-304, 311-318, 328-344, 367-375	N/A	
3760	001-002, 011-014, 016-017, 019-022, 024-026, 026A, 027-028, 035, 055, 059, 071, 081, 100, 105-108, 111-112, 114, 116-117, 119-129, 131, 134-141	Western SoMa Special Use District	
3761	002, 005C, 006-007, 062-064	Western SoMa Special Use District	
3762	001, 003-004, 007-008, 011-012, 014, 016-019, 021, 023-026, 032, 036-037, 040-041, 043, 046, 048-049, 053-055, 058, 106, 108-109, 112-113, 116-119, 121-124, 126-146	N/A	

3763	001, 006-009, 011-015, 015A, 015B, 015C, 016-025, 032-034, 037, 078-080, 080A, 081, 093-096, 099-101, 105, 112-113, 116, 119-124	N/A	
3775	001-002, 004-005, 008, 012, 015-018, 020-022, 025, 028-030, 032-033, 036, 038-040, 042, 046, 048-049, 053-055, 057-070, 072-073, 075, 078-081, 083-087, 089, 091-096, 099-217, 219-224	N/A	
3776	004-005, 007-008, 011, 015, 019-021, 024-025, 032, 034, 038-044, 049, 062, 077, 080, 093-094, 098-101, 105-106, 113-115, 117-118, 120-148, 151, 153-475	N/A	
3777	001-003, 017, 019-020, 030-034	N/A	
3777	005, 007, 009, 011, 013, 023-029, 035-037, 042, 044-045, 047-052, 054-070, 073-174	Western SoMa Special Use District	
3786	027-028, 036-037, 039	Western SoMa Special Use District	
3786	035, 038, 321-322	N/A	
3787	001-005, 007-008, 012-019, 021-024, 026, 028, 031, 033, 036-037, 040, 040A, 044, 048-050, 052-139, 144-149,	N/A	

	151-159, 161-164, 166-218, 241-246		
3788	002, 006, 008-009, 009A, 010, 012-015, 020-024, 024A, 037-039, 041-045, 049-085, 088-107, 110-113, 131-226	N/A	

(f) The San Francisco Planning Code is hereby amended by amending Special Use District Map SU08 of the Zoning Map of the City and County of San Francisco, as follows:

Description of Property		Special Use District Hereby Superseded	Special Use District Hereby Approved
Assessor's Block	Lot		
3778	001, 001B, 001C, 001D, 001E, 001F, 002B, 004-005, 016-019, 022-023, 025-026, 032, 046A, 046B, 046C, 046D, 046E, 046F, 046G, 046H, 047-048, 051-087	Western SoMa Special Use District	Central SoMa Special Use District
3785	002, 002A, 003-004, 004A, 004B, 005, 009, 016-018, 022-024, 030-132, 135, 137-313	Western SoMa Special Use District	
3786	014, 014B, 015-016, 018, 019A, 043-102, 161-262,	Western SoMa Special Use District	

3786	020, 104-160, 263-307	N/A	

Section 3. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

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

By: _____
PETER R. MILJANICH
Deputy City Attorney

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FILE NO. 180185

REVISED LEGISLATIVE DIGEST

(Amended in Committee, 7/23/2018)

[Planning Code, Zoning Map - Central South of Market Special Use District]

Ordinance amending the Zoning Map of the Planning Code to create the Central South of Market (SoMa) Special Use District and make other amendments to the Height and Bulk District Maps and Zoning Use District Maps consistent with the Central SoMa Area Plan, encompassing an area generally bounded on its western portion by Sixth Street, on its eastern portion by Second Street, on its northern portion by the border of the Downtown Plan Area (an irregular border that generally jogs along Folsom, Howard and Stevenson Streets), and on its southern portion by Townsend Street; 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.

Existing Law

Currently, Zoning Use District Maps ZN01 and ZN08, Height and Bulk District Maps HT01 and HT08, and Special Use District Maps SU01 and SU08 reflect zoning districts, bulk and height controls and controls for the Western SoMa Special Use District.

Amendments to Current Law

The ordinance would amend Zoning Use District Maps ZN01 and ZN08, Height and Bulk District Maps HT01 and HT08, and Special Use District Maps SU01 and SU08 to create the Central SoMa Special Use District and the Central SoMa Mixed Use Office zoning district, and to make other amendments consistent with the Central SoMa Area Plan.

Background Information

The proposed ordinance is intended to be considered in conjunction with an ordinance to amend the Administrative Code and the Planning Code, and an ordinance to amend the General Plan, pursuant to the Central SoMa Plan.

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[Business and Tax Regulations, Planning Codes - Central South of Market Housing Sustainability District]

Ordinance amending the Business and Tax Regulations and Planning Codes to create the Central South of Market Housing Sustainability District (encompassing an area generally bounded on its western portion by Sixth Street, on its eastern portion by Second Street, on its northern portion by the border of the Downtown Plan Area (an irregular border that generally tracks Folsom, Howard, or Stevenson Streets), and on its southern portion by Townsend Street) to provide a streamlined and ministerial approval process for certain housing projects within the District meeting specific labor, on-site affordability, and other requirements; creating an expedited Board of Appeals process for appeals of projects within the District; and making approval findings under the California Environmental Quality Act, findings of public convenience, necessity, and welfare under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

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 ~~strikethrough 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. Environmental and Planning Code Findings.

(a) On May 10, 2018 after a duly noticed public hearing, the Planning Commission certified the Final Environmental Impact Report (EIR) for the proposed Central SoMa Area Plan (the Project) by Motion No. 20182, finding the Final EIR reflects the independent

judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and contains no significant revisions to the Draft EIR, and the content of the report and the procedures through which the Final EIR was prepared, publicized, and reviewed comply with the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code Sections 21000 et seq.), the CEQA Guidelines (14 Cal. Code Regs. Sections 15000 et seq.) and Chapter 31 of the Administrative Code. Copies of the Planning Commission Motion and Final EIR are on file with the Clerk of the Board of Supervisors in File No. 180453 and are incorporated herein by reference.

(b) The Project evaluated in the Final EIR includes proposed amendments to the Planning Code, Administrative Code, and Zoning Map, as well as amendments to the General Plan to adopt the Central South of Market ("Central SoMa") Area Plan and other related amendments. The proposed Planning Code amendments and Business and Tax Regulations Code amendments set forth in this ordinance are within the scope of the Project evaluated in the Final EIR.

(c) At the same hearing during which the Planning Commission certified the Final EIR, the Planning Commission adopted findings under CEQA regarding the Project's environmental impacts, the disposition of mitigation measures, and project alternatives, as well as a statement of overriding considerations (CEQA Findings) and adopted a mitigation monitoring reporting program (MMRP), by Resolution No. 20188.

(d) At the same hearing, the Planning Commission, in Resolution No. 20188, recommended the proposed Planning Code amendments for approval and adopted findings that the actions contemplated in this ordinance creating the Central South of Market Housing Sustainability District are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own.

A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 180453, and is incorporated herein by reference.

(e) Pursuant to Planning Code Section 302, the Board of Supervisors finds that the Planning Code amendments and Business and Tax Regulations Code amendments will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. 20188, and the Board incorporates such reasons herein by reference.

(f) The Board of Supervisors has reviewed and considered the Final EIR and the environmental documents on file referred to herein. The Board of Supervisors has reviewed and considered the CEQA Findings, and hereby adopts them as its own and incorporates them by reference as though such findings were fully set forth herein.

(g) The Board of Supervisors adopts the MMRP as a condition of this approval, and endorses those mitigation measures that are under the jurisdiction of other City Departments, and recommends for adoption those mitigation measures that are enforceable by agencies other than City agencies, all as set forth in the CEQA Findings and MMRP.

(h) The Board of Supervisors finds that no substantial changes have occurred in the proposed Project that would require revisions in the Final EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; no substantial changes have occurred with respect to the circumstances under which the proposed Project is to be undertaken that would require major revisions to the Final EIR due to the involvement of new environmental effects or a substantial increase in the severity of effects identified in the Final EIR, and no new information of substantial importance to the proposed Project has become available that indicates that (1) the Project will have significant effects not discussed in the Final EIR, (2) significant environmental effects will be substantially more severe, (3) mitigation measures or

alternatives found not feasible that would reduce one or more significant effects have become feasible or (4) mitigation measures or alternatives that are considerably different from those in the Final EIR would substantially reduce one or more significant effects on the environment.

Section 2. The Business and Tax Regulations Code is hereby amended by revising Sections 8 and 26, to read as follows:

SEC. 8. METHOD OF APPEAL TO THE BOARD OF APPEALS.

(a) Except for variance decisions and permits issued by the Entertainment Commission or its Director, *and as otherwise specified in this Section 8,* appeals to the Board of Appeals shall be taken within 15 days from the making or entry of the order or decision from which the appeal is taken. Appeals of variance decisions shall be taken within 10 days.

(b) Appeals to the Board of Appeals of permit decisions made pursuant to Planning Code Section 343 shall be taken within 10 days of the permit decision. This subsection (b) shall expire on the Sunset Date of Planning Code Section 343, as defined in that Section. Upon the expiration of this subsection, the City Attorney shall cause this subsection to be removed from the Business and Tax Regulations Code.

(c) Appeals of actions taken by the Entertainment Commission or its Director on the granting, denial, amendment, suspension, or revocation of a permit, or on denial of exceptions from regulations for *an* Extended-Hours Premises Permit, shall be taken within 10 days from the making of the decision. Nothing in this Section *8* is intended to require an appeal to the Board of Appeals if any provision of Article 15, Article 15.1 (Entertainment Regulations Permit and License Provisions), or Article 15.2 (Entertainment Regulations for Extended-Hours Premises) of the Police Code governing these permits otherwise provides.

(d) Appeals shall be taken by filing a notice of appeal with the Board of Appeals and paying to said Board at such time a filing fee as follows:

(a1) **Zoning Administrator, Planning Department, Director of Planning, and Planning Commission.**

(1A) For each appeal from the Zoning Administrator's variance decision, the fee shall be $600.

(2B) For each appeal from any order, requirement, decision, or other determination (other than a variance) made by the Zoning Administrator, the Planning Department or Commission or the Director of Planning, including an appeal from disapproval of a permit which results from such an action, the fee shall be $600.

(b2) **Department of Building Inspection.**

(1A) For each appeal from a Department of Building Inspection denial, conditional approval, or granting of a residential hotel or apartment conversion permit, the fee shall be $525.

(2B) For each appeal from the granting or denial of a building demolition, or other permit (other than residential hotel conversion), the fee shall be $175.

(3C) For each appeal from the imposition of a penalty only, the fee shall be $300.

(c3) **Police Department and Entertainment Commission.**

(1A) For each appeal from the denial or granting of a permit or license issued by the Police Department, Entertainment Commission, or the Director of the Entertainment Commission, to the owner or operator of a business, the fee shall be $375; for each such permit or license issued to an individual employed by or working under contract to a business, the fee shall be $150.

(~~2~~*B*) For each appeal from the revocation or suspension of a permit or license by the Police Department, Entertainment Commission, or the Director of the Entertainment Commission, the fee shall be $375 for an entity or individual.

(~~d~~*4*) **Department of Public Works.** For each appeal from the decision of the Director of the Department of Public Works concerning street tree removal by a City agency, commission, or department, the fee shall be $100.

(~~e~~*5*) For each appeal from any other order or decision, the fee shall be $300.

(~~f~~*6*) For requests for rehearing under Section 16 of this Article *1*, the fee shall be $150.

(~~g~~*7*) For requests for jurisdiction, the fee shall be $150.

(~~h~~*8*) An exemption from paying the full fee specified in ~~S~~*s*ubsections *(d)(1) through (7)*~~(a), (b), (c), (d), (e), (f), and (g)~~ herein may be granted upon the filing under penalty of perjury of a declaration of indigency on the form provided and approved by the Board. All agencies of the City and County of San Francisco are exempted from these fees.

(~~i~~*9*) **Additional Requirements.**

(~~1~~*A*) Notice of appeal shall be in such form as may be provided by the rules of the Board of Appeals.

(~~2~~*B*) On the filing of any appeal, the Board of Appeals shall notify in writing the department, board, commission, officer or other person from whose action the appeal is taken of such appeal. On the filing of any appeal concerning a structural addition to an existing building, the Board of Appeals shall additionally notify in writing the property owners of buildings immediately adjacent to the subject building.

(~~3~~*C*) *Except as otherwise specified in this subsection (d)(9)(C), t*~~T~~he Board of Appeals shall fix the time and place of hearing, which shall be not less than 10 nor more than

45 days after the filing of said appeal, and shall act thereon not later than 60 days after such filing or a reasonable time thereafter.

(i) In the case of a permit issued by the Entertainment Commission or its Director, the Board of Appeals shall set the hearing not less than 15 days after the filing of said appeal, shall act thereon not more than 30 days after such filing, and shall not entertain a motion for rehearing.

(ii) In the case of a decision on a permit application made pursuant to Planning Code Section 343, the Board of Appeals shall set the hearing not less than 10 days after the filing of said appeal, shall act thereon not more than 30 days after such filing, and shall not entertain a motion for rehearing. This subsection (d)(9)(C)(ii) shall expire on the Sunset Date of Planning Code Section 343, as defined in that Section. Upon the expiration of this subsection, the City Attorney shall cause this subsection to be removed from the Business and Tax Regulations Code.

(4D) With respect to any decision of the Board of Appeals related to any "dwelling" in which "protected class members" are likely to reside (each as defined in Administrative Code Chapter 87), the Board of Appeals shall comply with the requirements of Administrative Code Chapter 87 which requires, among other things, that the Board of Appeals not base any decision regarding the development of such units on information which may be discriminatory to any member of a "protected class."

(~~5~~E) Pending decision by the Board of Appeals, the action of such department, board, commission, officer or other person from which an appeal is taken, shall be suspended, except for: (*i*) actions of revocation or suspension of permit by the Director of Public Health when determined by the Director to be an extreme public health hazard; (*ii*) actions by the Zoning Administrator or Director of the Department of Building Inspection stopping work under or suspending an issued permit; (*iii*) actions of suspension or revocation by the Entertainment Commission or the Director of the Entertainment Commission when the

suspending or revoking authority determines that ongoing operation of the activity during the appeal to the Board of Appeals would pose a serious threat to public safety; and (*iv*) actions of the Director of the Office of Cannabis awarding a Temporary Cannabis Business Permit.

SEC. 26. FACTS TO BE CONSIDERED BY DEPARTMENTS.

(a) Subject to *Ss*ubsection (b) ~~*below*~~, in the granting or denying of any permit, or the revoking or the refusing to revoke any permit, the granting or revoking power may take into consideration the effect of the proposed business or calling upon surrounding property and upon its residents, and inhabitants thereof; and in granting or denying said permit, or revoking or refusing to revoke a permit, may exercise its sound discretion as to whether said permit should be granted, transferred, denied, or revoked.

* * * *

(e) Notwithstanding subsection (a), the provisions of Planning Code Section 343 shall govern actions taken on the granting, denial, amendment, suspension, and revocation of permits regulated under that Section 343, not the standards set forth in subsection (a) of this Section 26. This subsection (e) shall become operative upon receipt of preliminary approval of Planning Code Section 343 by the California Department of Housing and Community Development under California Government Code Section 66202. This subsection shall expire by the operation of law in accordance with the provisions of Planning Code Section 343(k). Upon its expiration, the City Attorney shall cause this subsection to be removed from the Business and Tax Regulations Code.

Section 3. The Planning Code is hereby amended by adding Section 343, to read as follows:

SEC. 343. CENTRAL SOMA HOUSING SUSTAINABILITY DISTRICT.

*(a) **Purpose.** This Section 343 establishes a Housing Sustainability District within the Central SoMa Plan Area ("Central SoMa Housing Sustainability District" or "Central SoMa HSD") under California Government Code Sections 66200 et seq. The purpose of the Central SoMa Housing Sustainability District is to encourage the provision of on-site affordable housing in new residential and mixed-use projects in Central SoMa by providing a streamlined, ministerial approval process for such projects. The Central SoMa Plan anticipates that 33% of all new residential units produced within the Plan Area will be permanently affordable to households of very low, low, or moderate income. This Section 343 sets forth eligibility criteria, design review standards, and entitlement and approval procedures for projects seeking approval pursuant to the requirements of the Central SoMa Housing Sustainability District.*

*(b) **Geography.** The Central SoMa Housing Sustainability District shall include all parcels within the Central SoMa Special Use District, which is defined in Section 249.78(b). The entirety of the Central SoMa Special Use District is an "eligible location," as that term is defined in California Government Code Section 66200(e).*

*(c) **Relationship to Other Planning Code Provisions.** Except as otherwise provided in this Section 343, all provisions of the Planning Code, including Section 249.78, that would be applicable to projects approved pursuant to this Section 343 shall apply to such projects. In the event of a conflict between other provisions of the Planning Code and this Section, this Section shall control.*

*(d) **Eligibility.** Projects seeking approval pursuant to this Section 343 shall meet all of the following requirements:*

(1) The project is located in a zoning district that principally permits residential uses.

(2) The project proposes no less than 50 dwelling units per acre, and no more than 750 dwelling units per acre.

(3) A majority of the project's gross square footage is designated for residential uses. All non-residential uses must be principally permitted in the underlying zoning district and any

applicable special use district(s), and may not include greater than 24,999 gross square feet of office space that would be subject to the annual limit on office development set forth in Sections 321 et seq.

(4) The project does not exceed a height of 160 feet, except that any project whose principal use is housing, where all such housing is restricted for a minimum of 55 years as affordable for "persons and families of low or moderate income," as defined in California Health & Safety Code Section 50093, shall be deemed to satisfy this subsection (c)(4) regardless of height.

(5) If the project sponsor seeks a density bonus pursuant to California Government Code Section 65915 et seq., the project sponsor demonstrates to the satisfaction of the Planning Department that the project would not result in a significant shadow impact.

(6) The project is not located on a lot containing a structure listed as a designated landmark pursuant to Article 10 of the Planning Code or a contributory or significant structure pursuant to Article 11 of the Planning Code.

(7) The project ~~provides no less than 10% of its dwelling units as units affordable to very low or low income families, using one of~~complies with *the following* ~~methods~~affordability requirements, as applicable*:*

(A) ~~For p~~P*rojects subject to Section 415,* ~~by electing to~~ shall *comply with Section 415 by choosing the On-Site Affordable Housing Alternative under Section*~~s~~ *415.5(g)(1)(A)* ~~or 415.5(g)(1)(D); or~~, and shall provide no less than 10% of dwelling units as units affordable to very low or low income families.

(B) ~~For p~~P*rojects not subject to Section 415* shall provide no less than 10% of dwelling units as units affordable to very low or low income families, *by entering into a regulatory agreement with the City that contains the terms specified in Section 206.6(f).*

(8) The project does not demolish, remove, or convert to another use any existing dwelling unit(s).

(9) The project complies with all applicable zoning and any adopted design review standards.

(10) The project sponsor complies with all Mitigation Measures in the Central SoMa Environmental Impact Report (Central SoMa EIR) that the Planning Department determines are applicable to the project.

(11) The project sponsor certifies that the project will comply with all applicable requirements of California Government Code Section 66201(f)(4).

(12) The project shall comply with Government Code Section 66201(f)(5).

(13) A project is not deemed to be for residential use if it is infeasible for actual use as a single or multifamily residence.

*(e) **Approving Authority**. The Planning Department is the approving authority designated to review permit applications for compliance with this Section 343.*

*(f) **Application**.*

(1) Prior to submittal of an application for required approvals from the Planning Department, a project sponsor seeking to apply pursuant to this Section 343 shall submit an application for a preliminary project assessment (PPA), pursuant to Planning Department procedures.

(2) In addition to any requirements under other provisions of this Code for submittal of application materials, an application under this Section 343 shall be submitted to the Department on a form prescribed by the Department and shall include at minimum the following materials:

(A) A full plan set, including site plan, elevations, sections, and floor plans, showing total number of units, and number of and location of units affordable to very low or low income households;

(B) All documentation required by the Department in its response to the project sponsor's previously-submitted PPA application;

(C) Documentation sufficient to support determinations that:

(i) the project meets all applicable zoning and any adopted design review standards;

(ii) the project sponsor will implement any and all Mitigation Measures in the Central SoMa EIR that the Planning Department determines are applicable to the project, including but not limited to the following:

a. An agreement to implement any and all Mitigation Measures in the Central SoMa EIR that the Planning Department determines are applicable to the project; and

b. Scope(s) of work for any studies required as part of any and all Mitigation Measures in the Central SoMa EIR that the Planning Department determines are applicable to the project. An application pursuant to this Section 343 shall not be deemed complete until such studies are completed to the satisfaction of the Environmental Review Officer.

(iii) the project sponsor will comply with subsections (d)(10) and (d)(11) of this Section 343.

(g) ***Decision and Hearing.*** *The Department shall exercise ministerial approval of projects that meet all the requirements in this Section 343. Section 329 of this Code shall not apply to projects that are approved pursuant to this Section 343.*

(1) ***Hearing.*** *The Planning Department shall conduct an informational public hearing for all projects that are subject to this Section 343 within 100 days of receipt of a complete application, as defined in subsection (f).*

(2) ***Decision.*** *Within 120 days of receipt of a complete application, as defined in subsection (f), the Planning Director or the Director's designee shall issue a written decision approving, disapproving, or approving subject to conditions, the project. The applicant and the Department may mutually agree to extend this 120-day period. If no written decision is issued within 120 days of the Department's receipt of a complete application, or within the period mutually agreed upon by the Department and applicant, the project shall be deemed approved. The Planning Director*

or the Director's designee shall include any certifications required by California Government Code Section 66205(e) in a copy of the written decision.

(3) ***Grounds for Permit Denial.*** *The Department may deny a Central SoMa HSD project application only for one or more of the following reasons:*

(A) The proposed project does not fully comply with this Section 343, including but not limited to meeting all adopted design review standards and demonstrating compliance with all applicable Mitigation Measures in the Central SoMa EIR that the Department determines are applicable to the project.

(B) The project sponsor has not submitted all of the information or paid any application fee required by this Section 343 and necessary for an adequate and timely design review or assessment of potential impacts on neighboring properties.

(C) The Department determines, based upon substantial evidence in light of the whole record of the public hearing on the project, that a physical condition on the site of development that was not known and could not have been discovered with reasonable investigation at the time the application was submitted would have a specific adverse impact upon the public health or safety and that there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. As used in this subsection (g)(3)(C), "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact based on identified objective written public health or safety standards, policies, or conditions, as in existence at the time the application is deemed complete.

(4) ***Appeal.*** *The procedures for appeal to the Board of Appeals of a decision by the Department under this Section 343 shall be as set forth in Section 8 of the Business and Tax Regulations Code.*

(5) ***Discretionary Review.*** *No requests for discretionary review shall be accepted by the Planning Department* ~~or heard by the Planning Commission or Board of Appeals~~ *for projects subject to this Section 343.* As long as the Planning Commission has delegated its authority to

the Planning Department to review applications for projects subject to this Section 343, the Planning Commission shall not hold a public hearing for discretionary review of projects subject to this Section 343.

(6) ~~Progress Requirement. The project sponsor of any project approved pursuant to this Section 343 shall obtain the first site or building permit for the project from the Department of Building Inspection within 36 months of the Department's issuance of a written decision pursuant to subsection (g)(2) of this Section 343. If the project sponsor has not obtained the first site or building permit from the Department of Building Inspection within 36 months, then as soon as is feasible after 36 months has elapsed, the Planning Director shall hold a hearing requiring the project sponsor to report on the status of the project, to determine whether the project sponsor has demonstrated good faith in its effort to obtain the first site or building permit for the project. If the Planning Director finds that the project sponsor has not demonstrated good faith in its efforts to obtain the first site or building permit for the project, the Planning Director shall revoke the approvals for the project. Factors in determining whether the project sponsor has demonstrated good faith in its efforts include, but are not limited to, whether any delays are the result of conditions outside the control of the project sponsor and whether changes in the financing of the project are necessary in order for construction to proceed.~~**Expiration of approval.** Approval of a project pursuant to this Section 343 shall expire if the project sponsor has not procured a building permit or site permit for construction of the project within 30 months of the date of the Department's issuance of a written decision pursuant to subsection (g)(2) of this Section 343. If the Planning Director finds that the project sponsor has demonstrated good faith in its efforts to obtain the first site or building permit for the project, the Planning Director may extend the approval for the project for a maximum of six additional months. Such deadline shall additionally be extended in the

event of any appeal of such approval for the duration of the appeal, and in the event of litigation seeking to invalidate the approval for the duration of the litigation.

(h) ***Design Review Standards.*** *Projects subject to this Section 343 shall be reviewed for compliance with the design standards set forth in the San Francisco Urban Design Guidelines and the Central SoMa Plan's Guide to Urban Design, which are on file with the Planning Department, as approved by the California Department of Housing and Community Development.*

(i) ***District Affordability Requirement.*** *At the request of the California Department of Housing and Community Development, the Planning Department shall demonstrate that at least 20% of the residential units constructed in the Central SoMa Housing Sustainability District during the life of the District and pursuant to this Section 343 will be affordable to very low, low-, and moderate-income households and subject to a recorded affordability restriction for at least 55 years.*

(j) ***Monitoring and Enforcement.*** *The Planning Department shall include, as conditions of approval of all projects approved pursuant to this Section 343, monitoring and enforcement provisions to ensure that the project meets all labor and wage requirements and complies with all identified applicable mitigation measures. Projects found to be in violation of any of these conditions shall be subject to the Administrative Enforcement Procedures in Section 176.1 of this Code, including initiation of abatement proceedings or referral to the City Attorney or District Attorney for prosecution, if not corrected within 90 days of service of any notice of violation issued under Section 176.1(c). Conditions of approval shall include, but are not limited to:*

(1) A project sponsor shall submit weekly reports to the Office of Labor Standards Enforcement, certifying that a project approved pursuant to this Section 343 is complying with subsections (d)(11) and (d)(12), if applicable to the project. Projects found to be in violation of subsections (d)(11) and (d)(12) shall be subject to penalties pursuant to Section 1741 of the Labor Code, in addition to any penalties assessed pursuant to Section 176.1 of this Code. All penalties shall be paid prior to issuance of the project's First Certificate of Occupancy.

(2) The Planning Department shall monitor compliance with Central SoMa EIR Mitigation Measures.

(3) The Planning Department shall monitor and report the construction of affordable housing units under the Central SoMa Housing Sustainability District in its annual Housing Inventory, which shall include the following information:

(A) Number of projects approved pursuant to this Section 343.

(B) Number of projects under construction pursuant to approvals obtained under this Section 343.

(C) Number of projects completed pursuant to approvals obtained under this Section 343.

(D) Number of dwelling units within projects completed pursuant to approvals obtained under this Section 343.

(E) Number of dwelling units affordable to very low, low, moderate, and middle income households within projects completed pursuant to approvals obtained under this Section 343.

(k) ***Operative and Sunset Dates.***

(1) This Section 343 shall become operative upon receipt of preliminary approval by the California Department of Housing and Community Development under California Government Code Section 66202 ("Operative Date").

(2) This Section 343 shall expire by operation of law seven years from the Operative Date, unless this Section 343 is renewed by ordinance pursuant to Government Code Section 66201(g), in which case this Section 343 shall expire on the date specified in that ordinance ("Sunset Date").

(3) Upon the expiration of this Section 343, the City Attorney shall cause this Section 343 to be removed from the Planning Code. Pursuant to Government Code Section 66205(b), this Section 343 shall govern the processing and review of any complete application submitted pursuant to this Section 343 prior to the Sunset Date.

Section 4. Effective Date; Operative Date.

(a) 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.

(b) Consistent with Section 343(k)(1) of the Planning Code, this ordinance in its entirety shall become operative upon receipt of preliminary approval by the California Department of Housing and Community Development under California Government Code Section 66202.

Section 5. 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:
DENNIS J. HERRERA, City Attorney

By: _____
PETER R. MILJANICH
Deputy City Attorney

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FILE NO. 180453

REVISED LEGISLATIVE DIGEST

(Amended in Committee, 7/23/2018)

[Business and Tax Regulations, Planning Codes - Central South of Market Housing Sustainability District]

Ordinance amending the Business and Tax Regulations and Planning Codes to create the Central South of Market Housing Sustainability District (encompassing an area generally bounded on its western portion by Sixth Street, on its eastern portion by Second Street, on its northern portion by the border of the Downtown Plan Area (an irregular border that generally tracks Folsom, Howard, or Stevenson Streets), and on its southern portion by Townsend Street) to provide a streamlined and ministerial approval process for certain housing projects within the District meeting specific labor, on-site affordability, and other requirements; creating an expedited Board of Appeals process for appeals of projects within the District; and making approval findings under the California Environmental Quality Act, findings of public convenience, necessity, and welfare under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Existing Law

1. City law.

The Planning Code regulates development in the City, including residential and mixed-use developments. Article 3 of the Planning Code sets forth zoning procedures, including procedures for the City's consideration and approval of certain development permit applications.

Section 8 of the Business and Tax Regulations Code sets forth requirements for the appeal of permit decisions to the Board of Appeals, including the timeline for filing such appeals. Section 26 of the Business and Tax Regulations Code permits City departments to exercise discretion as to whether permits should be granted, transferred, denied, or revoked.

2. New State law.

Assembly Bill 73 (AB 73), California Government Code Sections 66200 et seq., authorizes local agencies to establish by ordinance one or more Housing Sustainability Districts (HSD) to provide a streamlined, ministerial approval process for residential and mixed use developments meeting certain requirements. Local agencies must obtain approval of any HSD ordinance from the California Department of Housing and Community Development.

AB 73 requires local agencies to prepare an Environmental Impact Report (EIR) to identify and mitigate the environmental impacts of the HSD designation. Projects approved under an HSD ordinance must implement applicable mitigation measures identified in the EIR.

An HSD ordinance must require that at least 20 percent of the residential units constructed within an HSD be affordable to very low, low-, and moderate-income households and subject to a recorded affordability restriction for at least 55 years.

Among other requirements, at least 10 percent of the units in any development project seeking approval under an HSD ordinance must be affordable for lower income households, unless the local agency has adopted a requirement that a greater percentage of the units be affordable for lower income households. Subject to certain exceptions, project sponsors must commit to complying with certain prevailing wage and skilled and trained workforce requirements when constructing a project approved under an HSD ordinance.

AB 73 authorizes local agencies to adopt design review standards applicable to development projects within the HSD.

If a development project meets the requirements of an HSD ordinance, the local agency must hold a hearing and issue a written decision on the project within 120 days of receipt of an application, and must exercise ministerial approval of the project. AB 73 limits the grounds on which a local agency may deny an application for approval under the HSD ordinance.

A local agency that establishes an HSD approved by the California Department of Housing and Community Development will be entitled to a zoning incentive payment, based on the number of new residential units constructed within the HSD, upon appropriation of funds by the California Legislature for that purpose.

Amendments to Current Law

The ordinance would add new Planning Code Section 343 to establish the Central SoMa Housing Sustainability District (Central SoMa HSD). The Central SoMa HSD would include all parcels within the proposed Central SoMa Special Use District.

The ordinance would create a streamlined, ministerial approval process for residential and mixed use developments meeting the requirements of AB 73 and other eligibility criteria. The ordinance would provide that the Planning Department, the Planning Commission, and the Board of Appeals will not exercise discretionary review of projects seeking approval under the Central SoMa HSD.

The ordinance would require the Planning Department to hold an informational hearing and issue a written decision on the project within 120 days of receiving a complete application.

The ordinance would create a process for expiration of the Planning Department's approval of a project under the Central SoMa HSD. If the project sponsor fails to obtain the first site or building permit for the project from the Department of Building Inspection within 30 months of the Planning Department's issuance of a written decision on the project, the approval would

expire. The ordinance would authorize the Planning Director to extend this approval for a maximum of 6 additional months.

The ordinance would require projects seeking approval under the Central SoMa HSD to construct all required affordable housing units on-site.

The ordinance would require the Planning Department to review projects seeking approval under the Central SoMa HSD for compliance with the design standards set forth in the San Francisco Urban Design Guidelines and the Central SoMa Plan's Guide to Urban Design.

The ordinance would require the Planning Department to monitor and enforce compliance with the requirements of the Central SoMA HSD ordinance.

The ordinance would amend Section 8 of the Business and Tax Regulations Code to expedite appeals to the Board of Appeals of permit decisions made under the Central SoMa HSD, as follows: such appeals must be taken within 10 days of the permit decision; the Board of Appeals must set the hearing no less than 10 days after the filing of the appeal; and the Board of Appeals must act on the appeal not more than 30 days after the filing, and shall not entertain a motion for rehearing.

The ordinance would amend Section 26 of the Business and Tax Regulations Code to provide that the Central SoMa HSD's ministerial approval process in Planning Code Section 343 will govern permit decisions.

The ordinance would become operative upon receipt of preliminary approval by the California Department of Housing and Community Development. The ordinance would expire by operation of law seven years after its operative date, unless renewed.

Background Information

This Legislative Digest reflects amendments made by the Land Use Committee of the Board of Supervisors on July 23, 2018. These amendments modify the process for expiration of approvals under the Central SoMa HSD, require HSD projects to construct all affordable housing units on-site, and clarify that the Planning Commission shall not hold a public hearing for discretionary review of HSD projects as long as the Planning Commission has delegated its authority to the Planning Department to review HSD projects.

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FILE NO. 180184 AMENDED IN COMMITTEE 7/23/2018 ORDINANCE NO.

[Administrative, Planning Codes - Central South of Market Area Plan]

Ordinance amending the Administrative and Planning Codes to give effect to the Central South of Market Area Plan, encompassing an area generally bounded on its western portion by Sixth Street, on its eastern portion by Second Street, on its northern portion by the border of the Downtown Plan Area (an irregular border that generally jogs along Folsom, Howard and Stevenson Streets), and on its southern portion by Townsend Street; making approval findings under the California Environmental Quality Act, including adopting a statement of overriding considerations; 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 ~~strikethrough 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. Environmental and Planning Code Findings.

(a) On May 10, 2018, after a duly noticed public hearing, the Planning Commission certified the Final Environmental Impact Report (EIR) for the proposed Central South of Market (SoMa) Area Plan (the Project) by Motion No. 20182, finding that the Final EIR reflects the independent judgment and analysis of the City and County of San Francisco, is adequate,

accurate, and objective, and contains no significant revisions to the Draft EIR, and that the content of the report and the procedures through which the Final EIR was prepared, publicized, and reviewed comply with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.), the CEQA Guidelines (14 Cal. Code Regs. Section 15000 et seq.), and Chapter 31 of the Administrative Code. Copies of the Planning Commission Motion and the Final EIR are on file with the Clerk of the Board in File No. 180651 and are incorporated herein by reference.

(b) The Project evaluated in the Final EIR includes the proposed amendments to the Planning Code and Zoning Map as well as amendments to the General Plan, adopting the Central SoMa Area Plan and other related amendments. The proposed Planning Code and Zoning Map amendments set forth in this ordinance are within the scope of the Project evaluated in the Final EIR.

(c) At the same hearing during which the Planning Commission certified the Final EIR, the Planning Commission adopted findings under CEQA regarding the Project's environmental impacts, the disposition of mitigation measures, and project alternatives, as well as a statement of overriding considerations (CEQA Findings) and adopted a mitigation monitoring reporting program (MMRP), by Resolution No. 20183.

(d) At the same hearing, the Planning Commission, in Resolution No. 20185, recommended the proposed Planning Code and Zoning Map amendments for approval and adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 180184, and is incorporated herein by reference.

(e) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this Planning Code Amendment will serve the public necessity, convenience, and welfare for the

reasons set forth in Planning Commission Resolution Nos. 20185 and 20186, and the Board incorporates such reasons herein by reference.

(f) The Board of Supervisors has reviewed and considered the Final EIR and the environmental documents on file referred to herein. The Board of Supervisors has reviewed and considered the CEQA Findings, and hereby adopts them as its own and incorporates them by reference as though such findings were fully set forth in this ordinance.

(g) The Board of Supervisors adopts the MMRP as a condition of this approval, and endorses those mitigation measures that are under the jurisdiction of other City Departments, and recommends for adoption those mitigation measures that are enforceable by agencies other than City agencies, all as set forth in the CEQA Findings and MMRP.

(h) The Board of Supervisors finds that no substantial changes have occurred in the proposed Project that would require revisions in the Final EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, no substantial changes have occurred with respect to the circumstances under which the proposed Project is to be undertaken that would require major revisions to the Final EIR due to the involvement of new environmental effects or a substantial increase in the severity of effects identified in the Final EIR, and no new information of substantial importance to the proposed Project has become available which indicates that (1) the Project will have significant effects not discussed in the Final EIR, (2) significant environmental effects will be substantially more severe, (3) mitigation measure or alternatives found not feasible that would reduce one or more significant effects have become feasible or (4) mitigation measures or alternatives that are considerably different from those in the Final EIR would substantially reduce one or more significant effects on the environment.

Section 2. General Findings

(a) Findings Regarding Setback Requirement on Fourth Street. The increased development in Central SoMa is likely to cause congestion and crowding for pedestrians on the Central SoMa Plan Area's sidewalks, particularly near the intersection of the Central Subway and Caltrain, due to the increased concentration of commuters using Muni and Caltrain at that location. In most of the Plan Area, pedestrian congestion will be ameliorated by widening sidewalks to the widths identified in the Better Streets Plan, pursuant to Planning Code Section 138.1. However, the sidewalks on 4th Street between Bryant and Townsend Streets cannot be widened to the extent recommended by the Better Streets Plan because the Central Subway will run at grade in the middle of the street. Therefore, requiring the buildings on 4th Street between Bryant Street and Townsend Street be set back five feet at ground level will alleviate this impact to pedestrian congestion and crowding.

(b) Findings Regarding Micro-Retail Uses in the Central SoMa Special Use District. The Plan seeks to provide small retail spaces, referred to as "micro-retail," to ensure that space is available for small, non-Formula Retail establishments, which are more likely to offer non-traditional and unique merchandise for residents and visitors. The micro-retail space requirements provide for a diversity of retail land uses, which will help preserve Central SoMa's distinct neighborhood character and help fulfill the City's Priority Policy of the General Plan that existing neighborhood-serving retail uses be preserved and enhanced and that opportunities for resident employment in and ownership of neighborhood-serving retail establishments be enhanced. In addition, the Board hereby incorporates by reference and adopts the findings set forth in Planning Code Section 303.1(a), which further support the provision of non-Formula Retail micro-retail spaces in the Central SoMa Plan Area.

(c) Findings Regarding Privately-Owned Public Open Space (POPOS).

(1) Adequate open space is of vital importance to the desirability of downtown and South of Market as a place to visit, work or shop.

(2) New non-residential development increases demands on the City's existing limited parks, recreational facilities, and open spaces, contributing to overcrowding of those facilities.

(3) Publicly-accessible open space and recreation facilities are essential to creating and maintaining an attractive central business district and to generally create an environment appealing for workers, shoppers, and visitors. The economic sustainability and well-being of the City is dependent on the reputation of its commercial and visitor areas as pleasant and amenity-filled. Businesses choose to locate in San Francisco because of its balance of high-accessibility to other businesses and services and its livability. The skilled and creative workforce sought by businesses growing in San Francisco values spending time in an interesting and amenity-filled walkable urban environment. These spaces directly enhance the economic value of the commercial properties themselves.

(4) New non-residential development increases the demand for parks, recreational facilities, and open space. These amendments provide for open space demanded as a result of new non-residential development. These amendments also provide for a reduction in open space requirements where recreational and open space amenities are provided by other means. Also, to ensure that these publicly accessible spaces mitigate the impacts described above, truly supplement the public open space system, and provide welcoming environments to all members of the public, indoor and upper-story spaces are discouraged in favor of outdoor, street-level spaces, except where a specific recreational amenity is provided that is necessarily indoors or the project location makes outdoor space undesirable (e.g., adjacent to a freeway). Further, limited amounts of food and beverage service retail are permitted in larger spaces created pursuant to this ordinance to ensure that these spaces are active and attractive to workers, visitors, and shoppers, as well as provide some revenue for the property owners.

(5) To ensure that the requirements of this ordinance provide sufficient flexibility for project sponsors to address the context of their particular sites and address the impacts of their developments, project sponsors are given options to meet the requirements other than by setting aside space on their project sites. These options include (depending on zoning district) provision of off-site open space and payment of fees in lieu of providing any space. Reasonable geographic latitude is given in provision of off-site spaces. In-lieu fee amounts are set based on the reasonably comparable costs of acquiring land in the area of the development and improving the property to the same high standard of investment as would be expected in a highly-trafficked public space in a high-density urban area (i.e., significantly higher cost per square foot for more intensive amenity, hardscape, and engineering investment than relatively cheaper expansive lawns and landscape areas common in less dense more outlying neighborhoods). These in-lieu fees are based on costs identified in Downtown San Francisco Park, Recreation, and Open Space Development Impact Fee Nexus Study by Hausrath Economics from April 2012.

(6) The San Francisco Infrastructure Level of Service Analysis (2014) ("LOS Analysis"), p. 22, concludes that four acres of open space are necessary for every 1,000 "Service Population Units." Each employee is equivalent to 0.19 "Service Population Units" (Hausrath Economics Group, "Phoenix Park and EDU Factors Study," A Report to City of Phoenix Planning Department, Sept. 1998, cited in San Francisco Citywide Nexus Analysis (2014) at p. 14 n. 22.) Thus, every 1,000 additional employees creates a demand for 0.76 acres of open space (4.0 acres/1,000 employees x 0.19 = 0.76 acres/1,000 workers).

(7) Development under the Central SoMa Plan is expected to add 8.5 million gross square feet (gsf) of new non-residential building space, based on the Planning Department's *Buildout Analysis for Central SoMa* (January 25, 2018).

(8) This 8.5 million gsf would result in approximately 40,000 jobs (assuming an employment density of approximately 220 gsf per worker). ("Central SoMa Growth Allocation by TAZ - August 2016.")

(9) Because, as noted above, every 1,000 additional employees creates a demand for 0.76 acres of open space, the Central SoMa Plan would create demand for an additional 30.4 acres of open space.

(10) The San Francisco Citywide Nexus Analysis (2014) ("Citywide Nexus Analysis"), at p. 15, states that the cost to construct new open space is approximately $10.3 million per acre. Therefore providing 30.4 acres of new open space in Central SoMa would cost the City approximately $313 million.

(11) Non-residential development projects in Central SoMa pay the Eastern Neighborhoods Infrastructure Impact Fee (Fee), of which 6% is dedicated to open space. As of 2018, the maximum Fee paid by non-residential uses was $19.81 per gsf; 6% of which is $1.19 per gsf. As such, non-residential projects in Central SoMa are expected to generate approximately $10 million towards open space, leaving an unfunded portion of nearly $300 million.

(12) The Central SoMa Plan POPOS program would yield approximately four acres of open space, based on the proposed requirement of 1 gsf of POPOS for every 50 gsf of non-residential development and the expectation of 8.5 million of gsf of non-residential development. At a cost of $10.3 million per acre, these four acres of POPOS would be the equivalent of approximately $40 million of additional open space fees.

(13) Therefore, expanding the POPOS requirement to the Central SoMa Plan Area is an essential part of the City's overall strategy to meet the demand for open space generated by new residents and workers.

(d) Findings Regarding the Establishment of Citizens Advisory Committees to Guide Plan Implementation. Through the Eastern Neighborhoods planning process, the City established the Eastern Neighborhoods Citizens Advisory Committee (CAC) to advise on the implementation of the Eastern Neighborhoods Plans and community improvements programming within the Central Waterfront, East SoMa, Western SoMa, Mission, and Showplace Square/Potrero Hill areas. However, with the addition of the Central SoMa Area Plan and its related implementation and community improvements programming, it is evident that a single CAC can no longer provide the appropriate community input necessary to serve these growing areas. The Board of Supervisors intends to revise the composition and jurisdiction of the Eastern Neighborhoods CAC, such that it is split into two CACs, one which serves the three SoMa Plan Areas (East SoMa, Central SoMa, and Western SoMa) and one which serves the southern Plan Areas (Mission, Showplace Square/Potrero Hill, and Central Waterfront). Any process of modifying existing and proposed CACs should incorporate community input. Therefore it is the Board's intent to create a process which incorporates the recommendations of neighborhood stakeholders and community members as they develop the necessary details of restructuring these bodies.

(e) Findings Regarding Access to Good Jobs. While accommodating the growth of jobs is important, it is just as important that these are jobs that pay a living wage. Many of the office jobs in the technology sector and even the PDR jobs are certain to be good jobs, particularly in that they pay well relative to education. However, it is important that the City supports good jobs across all sectors, including construction workers, hotel workers, and other professions. Therefore, it is the intent of the Board of Supervisors to develop a "Good Jobs Policy" to help enable permanent jobs at good living wages with benefits within the future development.

Section 3. The Administrative Code is hereby amended by revising Chapter 35, to read as follows:

CHAPTER 35: RESIDENTIAL, *HOTEL,* AND ~~*INDUSTRIAL*~~*PDR* COMPATIBILITY AND PROTECTION

SEC. 35.1. SHORT TITLE.

This Chapter *35* may be referred to as the Residential and ~~*Industrial*~~*PDR* Compatibility and Protection Ordinance.

SEC. 35.2. DECLARATION OF POLICY.

It shall be the policy of the City and County of San Francisco *(City)* to protect its existing and future ~~*industrial businesses*~~*Production, Distribution, and Repair (PDR) Uses* from potentially incompatible adjacent and nearby development provided that such ~~*industrial*~~ *Uses* are conducted and maintained ~~*in a manner consistent with proper and accepted customs and standards and*~~ in accordance with all applicable federal, state, and local laws and regulations. The City ~~*and County of San Francisco*~~ encourages the use of best available control technologies and best management practices whenever possible to further reduce the potential for incompatibility with other uses, including residential.

Furthermore, it shall be the policy of the City ~~*and County of San Francisco*~~ to *support the health, safety, and welfare of*~~*protect*~~ the future residents of *and overnight visitors to* ~~*industrial*~~*Industrial, PDR,* and mixed-use neighborhoods by providing for a notification process so that such residents *and overnight visitors* are made aware of some of the possible consequences of moving to *or staying in* ~~*an industrial or mixed use*~~ *such* neighborhoods and by ~~*encouraging and, if possible,*~~ requiring~~,~~ features in any new residential *or hotel* construction designed to promote the compatibility of residential *and hotel* and adjacent or nearby ~~*industrial*~~ *PDR* uses.

SEC. 35.3. DEFINITIONS.

For the purposes of this Chapter *35*, the following definitions shall apply.

~~*(a) "Adjacent Property" means all real property inside or within 150 feet of an Industrial Use Zoning District.*~~

~~*(b)*~~ "Eligible ~~*Industrial*~~*PDR* Use" means any legally existing, including legally non-conforming, or future ~~*Industrial*~~*PDR* Use, conducted or maintained for ~~*industrial*~~*PDR* purposes, ~~*in a manner consistent with proper and accepted customs and standards, as established and followed by similar industrialPDR uses in the same neighborhood if such uses exist, and*~~ in accordance with all applicable federal, state, and local laws and regulations.

"Hotel Use" is as defined in Planning Code Section 102.

~~*(c)*~~ "~~*Industrial*~~*PDR* Use" ~~*means any industrial use as*~~*is as* defined in ~~*the*~~ Planning Code *Section 102.*~~*, including, but not limited to, Automotive as defined in Planning Code Section 223, Animal Services as defined in Planning Code Section 224, Wholesaling, Storage, Distribution and Open Air Handling of Materials and Equipment as defined in Planning Code Section 225, Manufacturing and Processing as defined in Planning Code Section 226. Other Uses as defined in Planning Code Section 227, and Light Manufacturing. Wholesale Sales, Storage as defined in Planning Code Section 890.54. Upon adoption of the permanent Eastern Neighborhoods Zoning Controls. "Industrial Use" shall also include Production, Design, and Repair Uses ("PDR Uses"), as defined in the zoning controls, including, but not limited to, Publishing, Audio/Visual, Arts, Fashion, Transport, Food/Event, Interior Design. Construction, Equipment, Motor Vehicles, and Other PDR uses.*~~

~~*(d)*~~ "~~*Industrial*~~*PDR* Use Zoning District" means a zoning district designated *in Planning Code Section 201 as an Industrial District, Production Distribution Repair District, or Eastern Neighborhoods Mixed Use District*~~*C-M (Heavy Commercial), M-1 (Light Industrial), M-2 (Heavy Industrial), SPD (South Park), RSD (Residential/Service Mixed Use), SLR (Service/Light Industrial/Residential Mixed Use), SLI (Service/Light Industrial), SSO (Service/Secondary Office), or*~~

~~*MB-CI (Mission Bay-Commercial Industrial). Upon adoption of the permanent Eastern Neighborhoods Zoning Controls, "Industrial Use Zoning District" shall also include a zoning district within the Eastern Neighborhoods Plan Area in which PDR is a principally permitted use, including, but not limited to, zoning districts designated PDR Zone, Employment and Business Development Zone, or Urban Mixed Use Zone*~~.

"Property" means all real property inside a PDR Use Zoning District.

~~*(e)*~~ "Residential Use" *is as defined in Planning Code Section 102*~~*means the use of any real property as a dwelling unit or units, regardless of whether it is a primary residence*~~.

~~*(f)*~~ "Transfer" means~~*, but is not limited to, the following:*~~ sale or lease.

"Transferee" means a purchaser or lessee of all or any portion of a Property, and includes but is not limited to the purchaser or lessee's partners, assigns, successors, representatives, and heirs. "Transferee" shall not mean a guest at a Hotel or Motel.

"Transferor" means an owner of a Property who sells or leases all or any portion of the structure to a Transferee, and includes but is not limited to the owner's partners, assigns, successors, and representatives.

SEC. 35.4. PROTECTION OF ~~*INDUSTRIAL*~~*PDR* USES.

No Eligible ~~*Industrial*~~*PDR* Use shall be or become a public or private nuisance *if the PDR Use operates in compliance with the Municipal Code and state and federal law, and with the terms of its permits*~~*due to any changed condition in Adjacent Property after the Industrial Use has been in operation for more than two years if it was not a nuisance at the time it was established*~~.

SEC. 35.5. EXEMPTIONS AND NONAPPLICATION.

(a) The provisions of Section 35.4 shall not apply whenever a nuisance results from the negligent, improper, or illegal operation of any ~~*Industrial*~~*PDR* Use.

(b) This Chapter *35* is not intended to supere*s*ede or limit any other provisions of the Municipal Code with regard to the regulation and control of ~~*Industrial*~~*PDR* Uses, including, but not limited to, Article 11 of the Health and Safety Code.

* * * *

SEC. 35.6. NOTICE REQUIREMENTS FOR TRANSFER OF REAL PROPERTY FOR RESIDENTIAL USE.

(a) **Notice Requirement.** The ~~*t*~~*T*ransferor of ~~*Adjacent*~~ Property for Residential Use *or Hotel Use* must provide notice to the ~~*t*~~*T*ransferee as follows.

(1) ***Timing of Disclosure.*** For all transfers of ~~*Adjacent*~~ Property having any Residential Use *or Hotel Use*, the ~~*t*~~*T*ransferor shall provide the disclosure described in ~~*S*~~*s*ubsection 35.6(a)(2) on a written document. This notice shall be provided for a lease prior to the tenant(s) signing ~~*a*~~*the* lease, or for a purchase agreement for the transfer of the ~~*Adjacent*~~ Property at the time required by California Civil Code Section 1102.3.

(2) ~~*Disclosure*~~***Contents of Disclosure Notice***. The disclosure shall include a citation to this Section 35.6, *a copy of this Chapter 35 as is in effect when the disclosure notice is provided,* and a written statement containing substantially the following language in at least 12-point font:

"DISCLOSURE OF ~~*ADJACENT*~~*NEIGHBORING* ~~*INDUSTRIAL*~~*PDR* USES

You are purchasing or leasing property *in an area that permits Production, Distribution, and Repair (PDR) U*~~*u*~~*ses, as defined in Planning Code Section 102*~~*that may be adjacent to an existing industrial use*~~. ~~*Industrial*~~*PDR U*~~*u*~~*ses* may subject you to inconveniences or discomfort arising from ~~*Industrial*~~*their* operations, which may include, but are not limited to: noise, odors, dust, chemicals, smoke, operation of machinery, and loading and unloading operations, *which may occur throughout the day and night*. One or more of these types of inconveniences may occur even if the ~~*industrial*~~*PDR U*~~*u*~~*se* is operating in conformance with existing laws and regulations

and locally accepted customs and standards for operations of such use. ~~*If you live near industrial uses, you*~~*You* should be prepared to accept such inconveniences or discomfort as normal and a necessary aspect of living in a neighborhood with mixed ~~*industrial*~~*PDR* and residential *U~~u~~ses*. *A PDR U~~u~~se shall not be considered a public or private nuisance if it operates in compliance with the Municipal Code and state and federal law, and with the terms of its permits*~~*Transferor shall maintain a copy of this disclosure in the transferor's records for not less than two years, and a copy shall be provided to the City or the transferee upon request*~~."

(b) **Affidavit of Disclosure.**

*(1) **Contents of Affidavit.*** The ~~*t*~~*T*ransferor shall make and sign, upon penalty of perjury, an affidavit *containing the following information, with appropriate terms to be inserted in place of the bracketed language, as specified:* ~~*stating that the transferor provided the disclosure required by this Section and shall attach a copy of the notice actually provided; provided, however, that the attachment need not also include a copy of the then-current text of this Chapter. This affidavit, with the attached notice provided, shall be maintained in the transferor's records for not less than two years, and a copy shall be provided to the City or the transferee upon request.*~~

(A) the identities of the Transferor and any entity on whose behalf the Transferor is acting;

(B) the identity of the Transferee;

(C) the address, including unit number, of the portion of the Project being transferred;

(D) whether the Transfer is a sale or lease; and

(E) the following language:

"I have provided to the [purchaser or lessee] the disclosure required by San Francisco Administrative Code Chapter 35. Attached is a true and correct copy of the notice provided to the [purchaser or lessee].

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on [date] in [city and state]."

*(2) **Affidavit Transmitted to the Planning Department.** The Transferor shall transmit to the Planning Department, by any means acceptable to the Planning Department, the affidavit and a copy of the disclosure notice provided to each Transferee; provided however, that the attachment need not also include a copy of the then-current text of this Chapter 35. This transmittal must occur within 90 days of the transfer. Upon request of the Transferee, the Transferor shall also provide a copy of this affidavit, with an attached copy of the disclosure notice referenced in the affidavit, to the Transferee.*

*(3) **Affidavits Available to the Public.** Pursuant to state and local law, upon request, the Planning Department shall provide a copy of the affidavit and attached notice to any member of the public.*

*(4) **Covenants, Conditions, and Restrictions for Condominium Projects.** If the Property will be subdivided into condominiums, the requirements of this Section 35.6(b) shall be included as terms of the Covenants, Conditions, and Restrictions ("CC&Rs") that will be filed with the State and that govern owners of the property. Upon request, a copy of the CC&Rs shall be provided to the Planning Department.*

* * * *

(e) ~~*This Chapter shall not create any private right of action against the City. The City shall have no duty or liability based on any failure to achieve the disclosure required by this Chapter or based on the City's failure to prosecute.*~~***Enforcement***. *The Planning Department shall enforce this Section 35.6 through the application of Planning Code Sections 176 and 176.1.*

SEC. 35.7. PLANNING DEPARTMENT AND COMMISSION REVIEW OF RESIDENTIAL PROJECTS.

The Planning Department and Commission shall consider, among other ~~*considerations*~~*factors*, the compatibility of uses when approving Residential Uses *and Hotel Uses*

in PDR Use Zoning Districts ~~*adjacent to or near existing Industrial Uses and to*~~*shall* take all reasonably available means through the City's design review and approval processes to ensure that the design of such new residential *and hotel* development projects is sensitive to both the existing *and future* ~~*Industrial*~~*PDR* Uses *in these Districts* and the future residents *and overnight visitors* of the new development. Such ~~*considerations*~~*factors* may include, among others:

(a) The proposed project's consistency with the Industrial Area Design Guidelines;

(b) The proposed project's overall design, acoustical treatment, and ventilation to achieve interior noise levels and ventilation compatible with residential standards; and

(c) The location of non-habitable spaces or spaces such as closets, bathrooms, kitchens, and/or landscaping so that such spaces may provide a buffer between the proposed habitable residential areas and any common property line with ~~*Industrial*~~*PDR* Uses.

SEC. 35.8. SEVERABILITY.

In the event that a court or agency of competent jurisdiction holds that a Federal or State law, rule, or regulation invalidates any clause, sentence, paragraph, or section of this Chapter *35* or the application thereof to any person or circumstances, it is the intent of the Board of Supervisors that the court or agency sever such clause, sentence, paragraph, or section *or application thereof* so that the remainder of this ~~*ordinance*~~ *Chapter* shall remain in effect.

SEC. 35.9. NO PRIVATE RIGHT OF ACTION AGAINST CITY.

This Chapter 35 shall not create any private right of action against the City. The City shall have no duty or liability based on any failure to achieve the disclosure required by this Chapter or based on the City's failure to enforce or prosecute pursuant to this Chapter.

Section 4. The Planning Code is hereby amended by adding Sections 128.1, 132.4, 175.1, 249.78, 263.32, 263.33, 263.34, 413.7, 432, 433, 434, and 848; revising Sections 102, 124, 134, 135, 135.3, 138, 140, 145.1, 145.4, 151.1, 152, 152.1, 153, 155, 163, 169.3, 181, 182, 201, 206.4, 207.5, 208, 211.2, 249.36, 249.40, 249.45, 260, 261.1, 263, 270, 270.2, 303.1, 304, 307, 329, 401, 411A.3, 413.10, 415.3, 415.5, 415.7, 417.5, 418.7, 419, 419.6, 423.1, 423.2, 423.3, 423.5, 426, 427, 429.2, 603, 608.1, 802.1, 802.4, 803.3, 803.4, 803.5, 803.9, 809, 813, 825, 840, 841, 842, 843, 844, 845, 846, 847, 890.37, 890.116, and 890.124; and deleting Sections 263.11, 425, 802.5, 803.8, 815, 816, 817, and 818, to read as follows:

SEC. 102. DEFINITIONS.

* * * *

Floor Area, Gross. In Districts other than C-3, ~~CMUO~~the Central SoMa Special Use District, *and the Van Ness Special Use District,* 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) that 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 the C-3 *and* ~~CMUO~~Central SoMa ~~Districts~~ and ~~the~~ Van Ness Special Use Districts, 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, but not be limited to, the following:

* * * *

(7) In districts other than the C-3 *and* ~~CMUO~~Central SoMa Special Use Districts, floor space in accessory buildings; and

(8) In the C-3 *and* ~~CMUO~~Central SoMa Special Use Districts, any floor area dedicated to accessory or non-accessory parking, except for bicycle parking, required off-street loading, and accessory parking as specified in subsection (b)(7); and

* * * *

(b) "Gross Floor Area" shall not include the following:

* * * *

(4) Mechanical equipment, appurtenances, and areas necessary to the operation or maintenance of the building itself (A) if located at an intermediate story of the building and forming a complete floor level; or (B) in the C-3 *and* ~~CMUO~~Central SoMa Special Use 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;

* * * *

(7) In C-3 *and CMUO* Districts, floor space dedicated to parking which does not exceed the amount principally permitted as accessory, and is located underground.

* * * *

(13) Ground floor area in the C-3-O, C-3-O(SD), C-3-S, C-3-S(SU), ~~*and*~~ and C-3-G Districts *and* ~~CMUO~~in the Central SoMa Special Use Districts devoted to building or pedestrian circulation and building service;

* * * *

(16) 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 Planning Commission that there is a lack of need for child care and that the space will be used for a facility described in ~~*S*~~*s*ubsection ~~*(*~~*b)(*~~17) below dealing with cultural, educational, recreational, religious, or social service facilities;

(17) 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 ~~*S*~~*s*ubsection shall be counted as Occupied Floor Area, except as provided in ~~*S*~~*s*ubsections(a) through (f) in the definition for Floor Area, Occupied, for the purpose of calculating the freight loading requirements for the project;

* * * *

SEC. 124. BASIC FLOOR AREA RATIO.

(a) Except as provided in *Ss*ubsections (b), (c), (d), (e), and (l) of this Section *124*, the basic Floor Area Ratio limits specified in the Zoning Control Table for the district in which the lot is located, or in Table 124 below, shall apply to each building or development in the districts indicated.

TABLE 124

BASIC FLOOR AREA RATIO LIMITS

District	***Basic Floor Area Ratio Limit***
* * * *	
~~*RSD,*~~ SPD, NC-1, NCT-1, NC-S	1.8 to 1
Haight	
Inner Clement	
Inner Sunset	
North Beach	
Outer Clement	
Sacramento	
24th Street-Noe Valley	
West Portal	
* * * *	
~~*SLR, SLI*~~	~~*2.5 to 1*~~

~~*SSO and in a 40 or 50 foot height district*~~	~~*3.0 to 1*~~
~~*SSO and in a 65 or 80 foot height district*~~	~~*4.0 to 1*~~
~~*SSO and in a 130 foot height district*~~	~~*4.5 to 1*~~
* * * *	

* * * *

(j) Within *the* ~~*any RSD,*~~ SPD~~, *SLR, SLI or SSO*~~ District, Live/Work Units constructed above the floor area ratio limits in Section 102 (Floor Area Ratio, subsection (b)(19)) of this Code shall be subject to the following conditions and standards:

(1) Considering all Dwelling Units and all Live/Work Units on the lot, existing and to be constructed, there shall be no more than one Live/Work Unit and/or Dwelling Unit per 200 square feet of lot area~~, *except that, for projects in the RSD District which will exceed 40 feet in height, and therefore are required to obtain conditional use approval, the allowable density for Dwelling Units and Live/Work Units shall be established as part of the conditional use determination*~~; and

* * * *

SEC. 128.1. TRANSFER OF DEVELOPMENT RIGHTS IN THE CENTRAL SOMA SPECIAL USE DISTRICT.

(a) ***Purpose.*** *The purpose of this Section is to use Transferable Development Rights to facilitate the economic viability of buildings that are of civic importance, that are not built to their full development potential, and that are within the Central SoMa Special Use District, established in Section 249.78.*

(b) ***Definitions.***

"Development Lot." *A lot within the Central SoMa Special Use District to which Transferable Development Rights may be transferred.* The Development Lot shall not include any

land dedicated to the City for affordable housing pursuant to Section 249.78 or for publicly-owned parks or publicly-owned recreation centers.

"Preservation Lot." *A parcel of land within the Central SoMa Special Use District on which exists (1) a Significant or Contributory Building, as designated pursuant to Article 11 of this Code; or (2) a structure designated as an individual landmark or as contributory to a historic district designated pursuant to Article 10 of this Code. The boundaries of the Preservation Lot shall be the boundaries of the Assessor's Lot on which the building is located at the time the ordinance making the designation is adopted, unless boundaries are otherwise specified in that ordinance.*

"Transfer Lot." *A lot within the Central SoMa Special Use District from which Transferable Development Rights may be transferred.*

"Transferable Development Rights (TDR)." *Units of allowable Gross Floor Area that may be transferred, pursuant to the provisions of this Section and Article 11 of this Code, from a Transfer Lot to increase the allowable Gross Floor Area of a development on a Development Lot.*

"Unit of TDR." *One unit of TDR is one square foot of Gross Floor Area.*

(c) ***Applicability.*** *TDR may be transferred from a* Transfer Lot to a *Development Lot, subject to the requirements set forth in this Section 128.1.*

(1) The maximum TDR available for transfer from a Transfer Lot consists of the difference between the allowable Gross Floor Area on the Transfer Lot and the actual Gross Floor Area of the development located on the Transfer Lot. For purposes of this Section, the allowable Gross Floor Area of the Transfer Lot is as follows:

(A) 3.0 Floor Area Ratio for projects in height districts of 40 to 49 feet;

(B) 4.0 Floor Area Ratio for projects in height districts of 50 to 59 feet;

(C) 5.0 Floor Area Ratio for projects in height districts of 60 to 69 feet;

(D) 6.0 Floor Area Ratio for projects in height districts of 70 to 85 feet; and

(E) 7.5 Floor Area Ratio for projects in height districts over 85 feet.

(2) TDR may not be transferred for use on any lot on which there is a Significant or Contributory building designated pursuant to Article 11 or any building designated pursuant to Article 10; provided that this restriction shall not apply if the Historic Preservation Commission finds that the additional space resulting from the transfer of TDR is essential to make economically feasible the reinforcement of a Significant or Contributory building designated pursuant to Article 11 to meet the standards for seismic loads and forces of the Building Code, in which case TDR may be transferred for that purpose, provided that the project sponsor has satisfied all other requirements of this Section and Article 11, including but not limited to the requirements of Sections 1111 through 1111.6.

(3) Notwithstanding any other provision of this Section 128.1, development on a Development Lot is limited by the provisions of this Code, other than those on floor area ratio, governing the approval of projects, including but not limited to the requirements relating to height, bulk, setback, sunlight access, and separation between towers, and any limitations imposed pursuant to Section 329 review applicable to the Development Lot.

*(d) **Controls.** The transfer of TDR shall be allowed only under the following circumstances:*

(1) The Transfer Lot is a Preservation Lot or consists of a building all of the housing units of which are Affordable Housing Units as defined in Section 401.

(2) The purchaser of the TDR is a Development Lot as defined in Section 128 and 128.1.

*(e) **Additional Requirements.** Projects transferring TDR pursuant to this Section 128.1 are subject to the requirements of Planning Code Section 128(e) through (l).*

SEC. 132.4. SETBACKS, STREETWALL ARTICULATION, AND TOWER SEPARATION IN THE CENTRAL SOMA SPECIAL USE DISTRICT.

*(a) **Purpose.** The controls in this Section 132.4 are intended to ensure that new buildings in the Central SoMa Special Use District contribute to the activation, safety, and dynamism of the*

neighborhood, help create a strong urban room, and facilitate a substantial amount of light and air to the neighborhood's major streets.

(b) ***Definitions.*** *The definitions of Section 102 shall apply, as well as the following additional definitions.*

"Mid-Rise Building." *A building above 85 feet and up to 160 feet in Height.*

"Mid-Rise Portion." *The portion of a Mid-Rise Building above 85 feet in Height.*

"Separation." *The distance, measured horizontally, between the outside surfaces of the exterior walls of the subject buildings.*

"Tower." *Any building taller than 160 feet in Height.*

"Tower Portion." *The portion of a Tower above 85 feet in Height.*

(c) ***Applicability.*** *The controls in this Section 132.4 apply within the Central SoMa Special Use District, established in Section 249.78.*

(d) ***Controls.***

(1) ***Streetwall.***

(A) ***Requirements.*** *Buildings shall be built up to the street- or alley-facing property line up to 65 feet in Height, subject to the controls of Section 261.1 as applicable, except as provided in subsection (B) below.*

(B) ***Permitted Streetwall Setbacks.*** *Notwithstanding the requirements of subsection (A), any building may be recessed from the property line as follows:*

(i) To the extent necessary to accommodate any setback required by this Code;

(ii) For portions of residential buildings with walk-up dwelling units that have setbacks in accordance with the Ground Floor Residential Guidelines;

(iii) For publicly-accessible open space built pursuant to the requirements of Section 138; or

(iv) For building façade architectural articulation and modulation up to a maximum depth of ~~5~~8 feet.

(2) Setbacks.

(A) For Mid-Rise Buildings in the CS Bulk District, as defined in Section 270(h), the following requirements apply:

(i) Along all street- and alley-facing property lines, a 15-foot setback is required for the Mid-Rise Portion for at least 60 percent of the frontage length. This setback may be reduced for obstructions permitted by Section 136;

(ii) Along all interior property lines, a 15-foot setback is required for the Mid-Rise Portion for the entire frontage. This setback may be reduced for obstructions permitted according to Section 136.

(B) For Towers in the CS Bulk District, along all property lines, a 15-foot setback is required for the Tower Portion for the entire frontage. This setback may be reduced for obstructions permitted according to Section 136.

(C) Along 4th Street between Bryant Street and Townsend Street, building facades on new development shall be set back from the street-facing property line by a minimum depth of five feet to a minimum height of 25 feet above sidewalk grade. This setback shall be designed as an extension of the sidewalk, free of columns or other obstructions, except as allowed according to Section 136, and shall generally be available to the public at all times for pedestrian circulation.

(3) Building Separation.

(A) The Tower Portion of a project shall have a horizontal separation of at least 115 feet from the Tower Portion of any other Tower.

(B) Through the procedures of Section 329, the Planning Commission may reduce the separation required under subsection (A) if it finds that a Tower project meets all of the following criteria:

(i) The Tower Portion of the project has, at a minimum, a horizontal separation of at least 85 feet from the Tower Portion of any other Tower;

(ii) The maximum floor area of any floor of the Tower Portion of the project is no more than 10,000 gross square feet;

(iii) The maximum height of the uppermost building element or mass, occupied or unoccupied, of the Tower has a difference of at least 50 feet in Height from the maximum height of the uppermost element of any other Tower within 115 feet of horizontal distance; and

(iv) The Tower Portion of the project is designed so as to maximize apparent distance and architectural differentiation from any other nearby Tower.

(C) The Tower Portion of a project shall have a horizontal separation of at least 30 feet from any Mid-Rise Portion on the same development lot, except that a bridge between the Tower Portion and the Mid-Rise Portion may be permissible up to a height of 130 feet if the bridge is no more than one story in height, is set back a minimum of 15 feet from any property line, and is visually subordinate to the buildings it connects.

(D) Any development containing both a Tower Portion and Mid-Rise Portion shall be designed to emphasize a visual distinction between the Tower and Mid-Rise Portions as separate structures.

* * * *

SEC. 134. REAR YARDS, R, NC, C, SPD, M, MUG, WMUG, MUO, MUR, UMU, RED, *AND* RED-MX*, ~~RSD, SLR, SLI AND SSO~~* DISTRICTS.

The rear yard requirements established by this Section 134 shall apply to every building in the districts listed below. To the extent that these provisions are inconsistent with any Special Use District or Residential Character District, the provisions of the Special Use District or Residential Character District shall apply. These requirements are intended to assure the protection and continuation of established midblock, landscaped open spaces, and

maintenance of a scale of development appropriate to each district, consistent with the location of adjacent buildings.

(a) **Basic Requirements.** The basic rear yard requirements shall be as follows for the districts indicated:

(1) **RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC-3, RC-4, NC Districts other than the Pacific Avenue NC District, C, M, MUG, WMUG, MUO, MUR, UMU, RED, RED-MX, *and* SPD*, ~~RSD, SLR, SLI and SSO~~* Districts.** The minimum rear yard depth shall be equal to 25% of the total depth of the lot on which the building is situated, but in no case less than 15 feet. For buildings containing only SRO Units in the *~~South of Market Mixed Use and~~* Eastern Neighborhoods Mixed Use Districts, the minimum rear yard depth shall be equal to 25% of the total depth of the lot on which the building is situated, but the required rear yard of SRO buildings not exceeding a height of 65 feet shall be reduced in specific situations as described in *Ss*ubsection (c) below.

* * * *

(C) **RC-3, RC-4, NC-3, NCT-3, Broadway, Fillmore Street NCT, Hayes-Gough NCT, Japantown, SoMa NCT, Mission Street NCT, Polk Street, Pacific Avenue, C, M, SPD, *~~RSD, SLR, SLI, SSO,~~* MUR, MUG, MUO, and UMU Districts.** Rear yards shall be provided at the lowest story containing a Dwelling Unit, and at each succeeding level or story of the building. In the Hayes-Gough NCT, lots fronting the east side of Octavia Boulevard between Linden and Market Streets (Central Freeway Parcels L, M, N, R, S, T, U, and V) are not required to provide rear yards at any level of the building, provided that the project fully meets the usable open space requirement for Dwelling Units *~~per~~ pursuant to* Section 135 of this Code, the exposure requirements of Section 140, and gives adequate architectural consideration to the light and air needs of adjacent buildings given the constraints of the project site.

* * * *

(c) **Reduction of Requirements in RH-2, RH-3, RTO, RTO-M, RM-1, and RM-2 Districts.** The rear yard requirement stated in ~~*Paragraph*~~ *subsection* (a)(2) above and as stated in ~~*Paragraph*~~ *subsection* (a)(1) above for SRO buildings located in ~~*either the South of Market Mixed Use or*~~ *the* Eastern Neighborhoods Mixed Use Districts not exceeding a height of 65 feet, shall be reduced in specific situations as described in this ~~*S*~~*s*ubsection (c), based upon conditions on adjacent lots. Except for those SRO buildings referenced above in this paragraph whose rear yard can be reduced in the circumstances described in ~~*S*~~*s*ubsection (c) to a 15-foot minimum, under no circumstances, shall the minimum rear yard be thus reduced to less than a depth equal to 25 percent of the total depth of the lot on which the building is situated, or to less than 15 feet, whichever is greater.

* * * *

SEC. 135. USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING, R, NC, MIXED USE, C, AND M DISTRICTS.

Except as provided in Sections 134.1, 172, and 188 of this Code, usable open space shall be provided for each dwelling and each group housing structure in R, NC, C, Mixed Use, and M Districts according to the standards set forth in this Section *135* unless otherwise specified in specific district controls elsewhere in this Code.

* * * *

(d) **Amount Required.** Usable open space shall be provided for each building in the amounts specified herein and in Tables 135A and B for the district in which the building is located; provided, however, that in the Downtown Residential (DTR) Districts, open space shall be provided in the amounts specified in Section 825 of this Code.

In Neighborhood Commercial Districts, the amount of usable open space to be provided shall be the amount required in the nearest Residential District, but the minimum

amount of open space required shall be in no case greater than the amount set forth in Table 135A for the district in which the building is located. The distance to each Residential District shall be measured from the midpoint of the front lot line or from a point directly across the street therefrom, whichever requires less open space.

* * * *

(5) **Eastern Neighborhoods Mixed Use Districts.**

*(A) **Minimum amount.***

*(i) **Dwelling units, excluding SRO dwelling units.*** The minimum amount of usable open space to be provided for use by each dwelling unit shall be as specified in Table 135B.

*(ii) ~~For g~~**Group housing** ~~*structures and,*~~ *including* **SRO** *dwelling* **units**~~,~~. ~~*t*~~*T*he minimum amount of usable open space provided for use by each bedroom shall be one-third the amount required for a dwelling unit as specified in Table 135B.

*(B) **Compliance.***

*(i) **Privately-owned public open space.*** Usable open space requirements in these areas may be fulfilled by providing privately-owned public open space as specified in Table 135B.

*(ii) **Towers in the*** ~~CMUO~~***Central SoMa Special Use District.***

Residential developments taller than 160 feet shall provide on-site at least 36 square feet per unit or bedroom of the open space requirement of Table 135B. Any additional open space required pursuant to Table 135B may be satisfied through payment of the fee established in Section 427.

*(iii) **Payment in case of Variance or exception.** Projects granted a usable open space Variance pursuant to Section 305 or an exception through Section 329 shall pay the fee established in Section 427 for each square foot of useable open space not provided.*

* * * *

TABLE 135 A MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING OUTSIDE THE EASTERN NEIGHBORHOODS MIXED USE DISTRICT		
District	**Square Feet ~~Of~~ *of* Usable Open Space Required ~~For~~ *for* Each Dwelling Unit If All Private**	**Ratio of Common Usable Open Space That May Be Substituted for Private**
* * * *		
C-3, ~~*C-M, SLR, SLI, SSO,*~~ M-1, M-2	36	1.33
* * * *		

* * * *

(h) **Publicly-Accessible Usable Open Space Standards.** In DTR Districts and the Eastern Neighborhoods Mixed Use Districts, some or all of the usable open space requirements may be fulfilled by providing privately-owned public open space. Any space credited as publicly-accessible usable open space, where permitted or required by this Code, shall meet the following standards:

(1) **Types of Open Space.** Open space shall be of one or more of the following types:

(A) An unenclosed park or garden at street grade or following the natural topography, including improvements to hillsides or other unimproved public areas;

(B) An unenclosed plaza at street grade, with seating areas and landscaping and no more than 10 percent of the total floor area devoted to facilities for food or beverage service, exclusive of seating areas as regulated in Section 138(d)~~(5)~~;

(C) An unenclosed pedestrian pathway which complies with the standards of Section 270.2 and which is consistent with applicable design guidelines.

(D) Streetscape improvements with landscaping and pedestrian amenities that result in additional pedestrian space beyond the pre-existing sidewalk width and conform to the Better Streets Plan and any other applicable neighborhood streetscape plans ~~*per*~~*pursuant to* Section 138.1 or other related policies such as those associated with sidewalk widenings or building setbacks, other than those intended by design for the use of individual ground floor residential units; and

(2) **Standards of Open Space.** Open space shall meet the standards described in Section 138(d)~~*(1) through (11) of this Code*~~.

(3) **Maintenance.** Maintenance requirements for open space in these areas are subject to Section 138(h) of this Code.

(4) **Informational Plaque.** Signage requirements for open space in these areas are subject to Section 138(i) of this Code.

(5) **Open Space Provider.** Requirements regarding how to provide and maintain open space are subject to Section 138(f) of this Code.

(6) **Approval of Open Space Type and Features.** Approval of open space in these areas is subject to requirements of Section 138(d) of this Code.

* * * *

SEC. 135.3. USABLE OPEN SPACE FOR USES OTHER THAN DWELLING UNITS, GROUP HOUSING AND LIVE/WORK UNITS WITHIN THE ~~*SOUTH OF MARKET,*~~ EASTERN NEIGHBORHOODS MIXED USE~~,~~ AND DTR DISTRICTS.

(a) **Amount of Open Space Required.** All newly constructed structures, all structures to which ~~*gross floor area*~~*Gross Floor Area* equal to 20~~*% percent*~~ or more of existing ~~*gross floor area*~~*Gross Floor Area* is added, and all structures in the ~~*SSO and*~~ Eastern Neighborhoods Mixed

Use Districts within which floor area is converted to office use other than office use accessory to a non-office use shall provide and maintain usable open space for that part of the new, additional or converted square footage which is not subject to Sections 135.1 and 135.2 as follows:

MINIMUM USABLE OPEN SPACE REQUIREMENTS FOR USES OTHER THAN DWELLING UNITS, GROUP HOUSING AND LIVE/WORK UNITS IN THE ~~*SOUTH OF MARKET,*~~ EASTERN NEIGHBORHOODS MIXED USE~~,~~ AND DTR DISTRICTS

Use	Square Feet of Useable Open Space Required
* * * *	
~~*Manufacturing and light industrial, storage without distribution facilities, and like uses in the South of Market Mixed Use Districts*~~	~~*1 sq. ft. per 120 gross sq. ft. of occupied floor area of new or added square footage*~~
* * * *	
~~*Office uses, as defined in 890.70, in the South of Market Mixed Use Districts*~~	~~*1 sq. ft. per 90 sq. ft. of occupied floor area of new, converted or added square footage*~~
* * * *	

* * * *

(2) **Eastern Neighborhoods Mixed Use Districts.** In the Eastern Neighborhoods Mixed Use Districts, the open space requirements of this Section *135.3* may be fulfilled by providing privately-owned public open space. Such open space is subject to the following:

(A) The amount of open space required pursuant to Table 135.3 may be reduced by 33*%* ~~*percent*~~ if it is publicly accessible usable open space.

(B) Publicly accessible usable open space is required to meet all requirements specified in Section 135(h) of this Code.

(C) Up to 50% ~~percent~~ of the publicly accessible open space may be provided off-site, subject to Section 329 ~~of this Code~~ for projects to which that Section applies and Section 307(h) for other projects. Any such space shall meet the publicly accessible open space standards set forth *in* Section 135(h) and be provided within 800 feet of the project. The publicly accessible off-site usable open space shall be constructed, completed, and ready for use no later than the project itself, and shall receive its Certificate of Final Completion from the Department of Building Inspection prior to the issuance of any Certificate of Final Completion or Temporary Certificate of Occupancy for the project itself. *This subsection (C) shall not apply to projects in the* ~~CMUO~~Central SoMa Special Use *District, and instead such projects shall comply with Section 138.*

* * * *

SEC. 138. PRIVATELY-OWNED PUBLIC OPEN SPACE *(POPOS)* REQUIREMENTS ~~*IN C-3 DISTRICTS*~~.

(a) ~~***Requirement***~~ ***Applicability.*** *The following projects shall provide open space in the amount and in accordance with the standards set forth in this Section:*

(1) In C-3 Districts, any project proposing new construction of ~~*An applicant for a permit to construct a new*~~ *a Non-Residential* building or an addition of Gross Floor Area equal to 20 percent or more of an existing *Non-Residential* building ~~*(hereinafter "building")*~~. *Institutional uses in C-3 Districts are exempt from the requirements of this Section 138.* ~~*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*~~.

(2) In the ~~CMUO~~Central SoMa Special Use *District, any project proposing new construction or an addition of 50,000 gross square feet or more of Non-Residential use.* Retail, *Institutional, and PDR uses in the* ~~CMUO~~Central SoMa Special Use *District are exempt from the requirements of this Section 138.*

(b) **Amount Required.** ~~*Except in the C-3-O(SD) District, o*~~*O*pen space shall be provided in the amounts specified *in Table 138* ~~*below for all uses except (i) Residential Uses, which shall be governed by Section 135 of this Code and (ii) Institutional Uses*~~.

Table 138

Minimum Amount of Open Space Required	
Use District	**Ratio of Square Feet of Open Space to Gross Floor Area 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
~~CMUO~~Central SoMa Special Use District	*1:50; however, every square foot of the following amenities shall count as 1.33 square feet towards meeting the requirements of this Section: (1) playgrounds; (2) community gardens; (3) sport courts; and (4) dog runs.*

(c) **Location.** The open space required by this Section may be on the same site as the ~~*building*~~*project* 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 *required by this Section for a project within the C-3 District shall* ~~*must*~~ be located

entirely within the C-3 District. *Projects within the* ~~CMUO~~Central SoMa Special Use *District may provide the open space required by this Section within one-half mile of the project if the required open space is on publicly-owned land underneath or adjacent to the I-80 freeway*. Open space is within 900 feet of the building *for which the permit is sought* within the meaning of this Section if any portion of the ~~*building*~~*project* 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 first certificate of occupancy, as defined in Section 401 *of this Code*, of the ~~*building*~~*project* whose open space requirement is being met off-site. Failure to comply with the requirements of this subsection shall be grounds for enforcement under this Code, including but not limited to the provisions of Sections 176 and 176.1.

(d) **Types and Standards of Open Space.**

(1) ***C-3 Districts.*** *In C-3 Districts,* ~~*E*~~except as otherwise provided in ~~*S*~~subsection (*e*~~*f*~~), 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, in a public street or alley, 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~~*A*) Be of adequate size;

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

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

(~~4~~*D*) Be protected from uncomfortable wind;

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

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

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

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

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

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

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

(2) ~~CMUO~~***Central SoMa Special Use District.*** *In the* ~~CMUO~~Central SoMa Special Use *District, a project shall satisfy the requirements listed below, as well as the approval process described in subsection (*e*):*

(A) Projects shall meet the minimum standards of subsection (~~d~~*)(1).*

(B) Projects may provide open spaces outdoors or indoors, or may pay the in-lieu fee as set forth in Section 42~~7~~6 *and subject to Commission review pursuant to (*e*) below, except that development on sites of 40,000 square feet or more and located south of Bryant Street shall provide the required open space outdoors and may not pay an in-lieu fee.*

(C) All open space provided shall be at street grade up to an amount that equals 15 percent of the lot area. Any additional required open space may be provided above street grade.

(D) All open space shall be publicly accessible, at a minimum, from 7AM to 6PM every day.

(E) All outdoor open space provided at street grade, except space provided underneath the I-80 freeway, shall meet the following requirements:

(i) The open space shall be open to the sky, except for obstructions permitted by Section 136 and up to 10% of space that may be covered by a cantilevered portion of the building if the space has a minimum height of 20 feet;

(ii) Any buildings on the subject property that directly abut the open space shall meet the active space requirements of Section 145.1; and

(iii) The open space shall be maximally landscaped with plantings on horizontal and vertical surfaces, subject to the appropriate design for circulation routes and any recreational or public amenities provided.

(F) All indoor open spaces provided at street grade shall:

(i) Have a minimum area of 2,500 square feet;

(ii) Have a minimum floor-to-ceiling height of 20 feet for at least 75% of the space;

(iii) Provide openings directly to a sidewalk or other publicly-accessible outdoor space and, weather permitting, be accessible without the need to open doors;

(iv) Be situated, designed, and programmed distinctly from building lobbies or other private entrances to the building;

(G) All spaces shall include at least one publicly-accessible potable water source convenient for drinking and filling of water bottles.

(H) Any food service area provided in the required open space shall occupy no more than 20% of the open space;

(I) Any restaurant seating shall not take up more than 20% of the seating and tables provided in the required open space; and

(J) All spaces shall facilitate three-stream waste sorting and collection.

(e) **Approval of Open Space Type and Features.**

*(1) In C-3 Districts, ~~T~~t*he 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*" in the Open Space Section of the Downtown Plan, or any amendments thereto.*

The Commission may, by resolution, declare certain types of open space ineligible *to meet the requirements of this Section 138, either* 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 Planning Department.

Over time, no more than 20 percent of *POPOS in the ~~space provided under this Section 138~~C-3 Districts* 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 *subsection~~Section~~* exceeds 80 percent of the total square footage of all open spaces approved under this *subsection~~Section~~*.

(2) In the ~~CMUO~~Central SoMa Special Use *District, all determinations concerning the adequacy of the location, amount, amenities, design, and implementation of open space required by this Section shall be made in accordance with the provisions of Section 329 and subsection (*d(2)*), above. As part of this determination, the Planning Commission shall consider the ability of the open space to meet the open space, greening, and community needs of the neighborhood, as follows:*

(A) ***Location.*** *The provision of outdoor space, including off-site, should be given preference over the provision of indoor space and/or the payment of the in-lieu fee. The*

Commission may approve the provision of indoor space and/or the payment of the in-lieu fee only where the provision of outdoor space would:

(i) Be subject to substantially negative or unpleasant environmental conditions, such as noise, wind, or lack of access to direct sunlight; and/or

(ii) Where provision of the open space outdoors would substantially degrade the street wall or otherwise undermine the pedestrian experience.

(B) ***Amenities.*** *The type of amenities provided shall take into consideration and complement the amenities currently and foreseeably provided in nearby publicly-accessible open spaces and recreational facilities, both publicly and privately owned, with a preference given to provision of amenities and types of spaces lacking or over-utilized in the area.*

* * * *

SEC. 140. ALL DWELLING UNITS IN ALL USE DISTRICTS TO FACE ON AN OPEN AREA.

(a) **Requirements for Dwelling Units.** ~~*With the exception of Dwelling Units in SRO buildings in the South of Market Mixed Use Districts, i*~~In each Dwelling Unit in any use district, the required windows (as defined by Section 504 of the San Francisco Housing Code) of at least one room that meets the 120-square-foot minimum superficial floor area requirement of Section 503 of the Housing Code shall face directly on*to* an open area of one of the following types:

(1) A public street, public alley at least 20 feet in width, side yard at least 25 feet in width, or rear yard meeting the requirements of this Code; provided, that if such windows are on an outer court whose width is less than 25 feet, the depth of such court shall be no greater than its width; or

(2) An open area (whether an inner court or a space between separate buildings on the same lot) which is unobstructed (except for fire escapes not projecting more

than necessary for safety and in no case more than four feet six inches, chimneys, and those obstructions permitted in Sections 136(c)(14), (15), (16), (19), (20) and (29) of this Code) and is no less than 25 feet in every horizontal dimension for the floor at which the Dwelling Unit in question is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor, except for SRO buildings in the Eastern Neighborhoods Mixed Use Districts, which are not required to increase five feet in every horizontal dimension until the fifth floor of the building.

* * * *

SEC. 145.1. STREET FRONTAGES IN NEIGHBORHOOD COMMERCIAL, RESIDENTIAL-COMMERCIAL, COMMERCIAL, AND MIXED USE DISTRICTS.

(a) **Purpose.** The purpose of this Section is to preserve, enhance, and promote attractive, clearly defined street frontages that are pedestrian-oriented *and* fine-grained, and ~~*which*~~*that* are appropriate and compatible with the buildings and uses in Neighborhood Commercial Districts, Commercial Districts, Residential-Commercial Districts, and Mixed Use Districts.

* * * *

(c) **Controls.** The following requirements shall generally apply, except for those controls listed in subsections (1) Above Grade Parking Setback and (4) Ground Floor Ceiling Height, which only apply to a "development lot" as defined above.

In NC-S Districts, the applicable frontage shall be the primary facade(s) ~~*which*~~*that* contain*s* customer entrances to commercial spaces.

* * * *

(4) **Ground Floor Ceiling Height.** Unless otherwise established elsewhere in this Code:

(A) All ground floor uses in UMU Districts shall have a minimum floor-to-floor height of 17 feet, as measured from grade. Ground floor Residential Uses shall also be designed to meet the City's Ground Floor Residential Design Guidelines.

(B) Ground floor Non-Residential Uses in all C-3, NCT, DTR, Chinatown Mixed Use, ~~*RSD, SLR, SLI,*~~ SPD, ~~*SSO,*~~ RED-MX, WMUG, MUG, MUR, WMUO, and MUO Districts shall have a minimum floor-to-floor height of 14 feet, as measured from grade.

* * * *

SEC. 145.4. REQUIRED GROUND FLOOR COMMERCIAL USES.

(a) **Purpose.** To support active, pedestrian-oriented commercial uses on important commercial streets.

(b) **Applicability.** The requirements of this Section apply to the following street frontages.

* * * *

(7) Fourth Street, between *Folsom* ~~*Bryant*~~ and Townsend *Streets* in the ~~*SLI and*~~ ~~CMUO~~Central SoMa Special Use District~~s~~;

* * * *

(28) Any street frontage that is in the Polk Street Neighborhood Commercial District; ~~*and,*~~

(29) Pacific Avenue, between Van Ness Avenue and Jones Street, on lots where the last known ground floor use was a commercial or retail use~~.~~;

(30) Folsom Street, between 4th and 6th Streets in the ~~CMUO and MUG~~Central SoMa Special Use *District*~~s~~;

(31) Second Street, on the west side, between Dow Place and Townsend Street in the ~~CMUO~~Central SoMa Special Use *District;*

(32) Third Street, between Folsom Street and Townsend Street in the ~~CMUO~~Central SoMa Special Use District *and C-3-O District*~~s~~*;*

(33) Brannan Street, between Third Street and Fourth Street, in the ~~CMUO~~Central SoMa Special Use *District; and*

(34) Townsend Street, on the north side, between Second Street and Fourth Street.

* * * *

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

* * * *

Table 151.1

OFF-STREET PARKING PERMITTED AS ACCESSORY

Use or Activity	**Number of Off-Street Car Parking Spaces or Space Devoted to Off-Street Car Parking Permitted**
RESIDENTIAL USES	
* * * *	
Dwelling Units and SRO Units in ~~*SLI,*~~ SALI, ~~*SSO,*~~ MUG *outside of the Central SoMa SUD*, WMUG, MUR, MUO, WMUO, SPD Districts, except as specified below	P up to one car for each four Dwelling or SRO Units; C up to 0.75 cars for each Dwelling Unit, subject to the criteria and conditions and procedures of Section 151.1(e) or (f); NP above 0.75 cars for each Dwelling or SRO Unit.
Dwelling Units in ~~*SLI,*~~ SALI, ~~*SSO,*~~ MUG *outside of the Central SoMa SUD*, WMUG, MUR, MUO, WMUO, *and* SPD Districts with	P up to one car for each four Dwelling Units; C up to one car for each Dwelling Unit, subject to the criteria and conditions and

at least two bedrooms and at least 1,000 square feet of Occupied Floor Area	procedures of Section 151.1(e) or (f); NP above one car for each Dwelling Unit.
* * * *	
Dwelling Units ~~in MUG District~~ *within the Central SoMa SUD* ~~and the CMUO Districts~~	*P up to one car for each* ~~two~~four *Dwelling Units;* ~~NP~~C *above 0.2*~~5~~0 and up to 0.5 *cars for each Dwelling Unit.*
* * * *	
NON-RESIDENTIAL USES IN DISTRICTS OTHER THAN C-3	
* * * *	
Entertainment, Arts, and Recreation Uses Category	
Arts Activities, except theaters and auditoriums	P up to one for each 2,000 square feet of Occupied Floor Area. ~~*In South of Market Mixed Use Districts, participation in transportation programs may be required per Section 151.1(j).*~~
* * * *	
Sales and Services Category	
* * * *	
All retail in the Eastern Neighborhoods Mixed Use Districts where any portion of the parcel is *within the* ~~CMUO~~Central SoMa Special Use *District or is* less than 1/4 mile from Market, Mission, 3rd Streets and 4th Street north of Berry Street, except grocery stores of over 20,000 gross square feet.	P up to one for each 1,500 square feet of Gross Floor Area.

* * * *	
Office uses in DTR, ~~*SSO,*~~ SPD, MUG, WMUG, MUR, WMUO, and MUO Districts	P up to 7% of the Occupied Floor Area of such uses and subject to the pricing conditions of Section 155(g); NP above.
Office uses in the ~~CMUO~~Central SoMa Special Use *District*	*P up to one car per 3,500 square feet of Occupied Floor Area.*
* * * *	

* * * *

(f) **Small Residential Projects in MUG, WMUG, MUR, MUO, *CMUO,* WMUO, RED, RED-MX and SPD Districts.** Any project that is not subject to the requirements of Section 329 and that requests residential accessory parking in excess of what is principally permitted in Table 151.1 shall be reviewed by the Zoning Administrator subject to Section 307(i). The Zoning Administrator may grant parking in excess of what is principally permitted in Table 151.1, not to exceed the maximum amount stated in Table 151.1, only if the Zoning Administrator determines that:

* * * *

SEC. 152. SCHEDULE OF REQUIRED OFF-STREET FREIGHT LOADING SPACES IN DISTRICTS OTHER THAN C-3, *AND* EASTERN NEIGHBORHOODS MIXED USE DISTRICTS, *~~OR SOUTH OF MARKET MIXED USE DISTRICTS~~*.

In districts other than C-3, *and* Eastern Neighborhoods Mixed Use Districts, *~~and the South of Market Mixed Use Districts~~*, off-street freight loading spaces shall be provided in the minimum quantities specified in the following table, except as otherwise provided in Section 152.2 and Section 161 of this Code. The measurement of Occupied Floor Area shall be as defined in this Code, except that nonaccessory parking spaces and driveways and maneuvering areas incidental thereto shall not be counted.

Table 152

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

* * * *

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

In C-3, *and* 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 152.1. 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 Occupied 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*~~*pursuant to* 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, *AND* 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
* * * *		
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 Occupied Floor Area (to closest whole number *perpursuant to* Section 153)
* * * *		

* * * *

SEC. 153. RULES FOR CALCULATION OF REQUIRED SPACES.

(a) In the calculation of off-street parking, freight loading spaces, and bicycle parking spaces required under Sections 151, 152, 152.1, 155.2, 155.3 and 155.4 of this Code, the following rules shall apply:

* * * *

(6) In C-3, MUG, MUR, MUO, *CMUO, and* UMU~~, and South of Market Districts~~, substitution of two service vehicle spaces for each required off-street freight loading space may be made, provided that a minimum of 50 percent of the required number of spaces are provided for freight loading. Where the 50 percent allowable substitution results in a fraction, the fraction shall be disregarded.

* * * *

SEC. 154. DIMENSIONS FOR OFF-STREET PARKING, FREIGHT LOADING AND SERVICE VEHICLE SPACES.

(a) Parking Spaces. Required parking spaces may be either independently accessible or space-efficient as described in 154(a)(4) and 154(a)(5), except as required elsewhere in the Building Code for spaces specifically designated for persons with physical disabilities. Space-efficient parking is encouraged.

(1) Each independently accessible off-street parking space shall have a minimum area of 144 square feet (8 feet by 18 feet) for a standard space and 112.5 square feet for a compact space (7.5 feet by 15 feet), except for the types of parking spaces authorized by Paragraph (a)(4) below and spaces specifically designated for persons with physical disabilities, the requirements for which are set forth in the Building Code. Every required space shall be of usable shape. The area of any such space shall be exclusive of driveways, aisles and maneuvering areas. The parking space requirements for the Bernal Heights Special Use District are set forth in Section 242.

(2) Any ratio of standard spaces to compact spaces may be permitted, so long as compact car spaces are specifically marked and identified as a compact space. Special provisions relating to the Bernal Heights Special Use District are set forth in Section 242.

(3) Off-street parking spaces in DTR, C-3, RTO, NCT, Eastern Neighborhoods Mixed Use, PDR-1-D, and PDR-1-G Districts shall have no minimum area or dimension

requirements, except as required elsewhere in the Building Code for spaces specifically designated for persons with physical disabilities. For all uses in all Districts for which there is no minimum off-street parking requirement, per Section 151.1, refer to 151.1(c) for rules regarding calculation of parking spaces.

(4) Parking spaces in mechanical parking structures that allow a vehicle to be accessed without having to move another vehicle under its own power shall be deemed to be independently accessible. Parking spaces that are accessed by a valet attendant and are subject to such conditions as may be imposed by the Zoning Administrator to insure the availability of attendant service at the time the vehicle may reasonably be needed or desired by the user for whom the space is required, shall be deemed to be independently accessible. Any conditions imposed by the Zoning Administrator pursuant to this Section shall be recorded as a Notice of Special Restriction.

(5) Space-efficient parking is parking in which vehicles are stored and accessed by valet, mechanical stackers or lifts, certain tandem spaces, or other space-efficient means. Tandem spaces shall only count towards satisfying the parking requirement if no more than one car needs to be moved to access the desired parking space. Space-efficient parking is encouraged, and may be used to satisfy minimum-parking requirements so long as the project sponsor can demonstrate that all required parking can be accommodated by the means chosen.

(6) Ground floor ingress and egress to any off-street parking spaces provided for a structure or use, and all spaces to be designated as preferential carpool or van pool parking, and their associated driveways, aisles and maneuvering areas, shall maintain a minimum vertical clearance of seven feet.

(b) Freight Loading and Service Vehicle Spaces. Every required off-street freight loading space shall have a minimum length of 35 feet, a minimum width of 12 feet, and a minimum vertical clearance including entry and exit of 14 feet, except as provided below.

(1) Minimum dimensions specified herein shall be exclusive of platform, driveways and maneuvering areas except that minimum vertical clearance must be maintained to accommodate variable truck height due to driveway grade.

(2) The first such space required for any structure or use shall have a minimum width of 10 feet, a minimum length of 25 feet, and a minimum vertical clearance, including entry and exit, of 12 feet.

(3) Each substituted service vehicle space provided under Section 153(a)(6) of this Code shall have a minimum width of eight feet, a minimum length of 20 feet, and a minimum vertical clearance of seven feet.

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 Better Streets Plan and 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.

* * * *

(d) **Enclosure of Off-Street Loading and Service Vehicle Spaces Required.** All off-street freight loading and service vehicle spaces in the C-3, DTR, MUO, *CMUO,* WMUO, MUG, WMUG, *and* 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*~~ *that* 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, *CMUO,* WMUO, MUG, WMUG, or MUR District, or by administrative decision of the Zoning Administrator for projects that are not subject to Section 329 in a MUO, *CMUO,* WMUO, MUG, WMUG, or MUR District.

* * * *

(g) **Parking Pricing Requirements.** 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, DTR, ~~*SSO,*~~ SPD, MUG, WMUG, MUR, *CMUO,* WMUO, or MUO District, whether classified as an accessory or Conditional Use, ~~*which*~~*that* 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.

* * * *

(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:

* * * *

(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~~,

* * * *

(Y) 2nd Street from Market to ~~Folsom~~ *Townsend* Streets,

* * * *

(CC) Buchanan Street from Post Street to Sutter Street~~.~~,

(DD) Grant Avenue between Columbus Avenue and Filbert Street,

(EE) Green Street between Grant Avenue and Columbus/Stockton,

(FF) All Alleys within the North Beach NCD and the Telegraph Hill-North Beach Residential SUD~~;~~.

(GG) Howard Street from 5th Street to 13th Street,

(HH) Folsom Street from 2nd Street to 13th Street,

(II) Brannan Street from 2nd Street to 6th Street,

(JJ) Townsend Street from 2nd Street to 6th Street, except as ~~set forth in~~permitted pursuant to *Section* 329(e)(3)(B)~~249.78(e)(3)~~.

(KK) 3rd Street from Folsom Street to Townsend Street,

(LL) 4th Street from Folsom Street to Townsend Street, and

(MM) 6th Street from Folsom Street to Brannan Street.

(3) Not permitted except with a Conditional Use authorization, except that in the C-3-O(SD) *and the* ~~CMUO~~Central SoMa Special Use District*s*, the Planning Commission may grant such permission as an exception pursuant to Section*s* 309 *or 329* 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.

* * * *

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

(J) The eastern (water) side of The Embarcadero between Townsend and Taylor Streets~~;~~.

(K) Harrison Street from 2nd Street to 6th Street,

(L) Bryant Street from 2nd Street to 6th Street, and

(M) 5th Street from Howard Street to Townsend Street.

* * * *

(u) Driveway and Loading Operations Plan (DLOP) in the Central SoMa Special Use District.

*(1) **Purpose.** The purpose of a Driveway* and *Loading* ~~and~~ *Operations Plan (DLOP) is to reduce potential conflicts between driveway* and loading *operations, including* passenger and freight *loading activities, and pedestrians, bicycles, and vehicles, to maximize reliance of on-site loading spaces to accommodate new loading demand,* and to ensure that off-site loading activity is considered in the design of new buildings.

*(2) **Applicability.** Development projects of more than 100,000 net new gross square feet in the Central SoMa Special Use District.*

*(3) **Requirement.** Applicable projects shall prepare a DLOP for review and approval by the Planning Department and the SFMTA. The DLOP shall be written in accordance with any guidelines issued by the Planning Department.*

* * * *

SEC. 163. TRANSPORTATION MANAGEMENT PROGRAMS AND TRANSPORTATION BROKERAGE SERVICES IN COMMERCIAL AND MIXED USE DISTRICTS.

(a) **Purpose.** This Section 163 is intended to ~~*assure*~~ *ensure* that adequate services are undertaken to minimize the transportation impacts of added office employment and residential development 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:

* * * *

(4) In the case of the ~~*SSO,*~~ WMUO, ~~CMUO~~Central SoMa Special Use District, or MUO District, where the occupied square feet of new, converted or added floor area for office use equals at least 25,000 square feet.

* * * *

SEC. 169. TRANSPORTATION DEMAND MANAGEMENT PROGRAM.

Sections 169 through 169.6 (hereafter referred to collectively as "Section 169") set forth the requirements of the Transportation Demand Management Program (TDM Program).

* * * *

SEC. 169.3. APPLICABILITY.

* * * *

(e) *Operative Date.*

(1) Except as described in subsection (3) below, Development Projects with a Development Application filed or an Environmental Application deemed complete on or before September 4, 2016 shall be subject to 50% of the applicable target, as defined in the Planning Commission's Standards.

(2) Except as described in subsection (3) below, Development Projects with no Development Application filed or an Environmental Application deemed complete on or before September 4, 2016, but that file a Development Application on or after September 5, 2016, and before January 1, 2018, shall be subject to 75% of such target.

(3) Development Projects with a Development Application filed on or after January 1, 2018 shall be subject to 100% of such target.

(4) Development Projects within the Central SoMa Special Use District that have a Central SoMa ~~Development~~Fee *Tier of A, B, or C, as defined in Section 423.2, regardless of the dat*~~ae~~ *filed of any Development Application or Environmental Application, shall be subject to 100% of such target.*

* * * *

SEC. 175.1. EFFECTIVE DATE OF THE CENTRAL SOMA ZONING CONTROLS.

*(a) **Intent.** It is the intent of this Section 175.1 to provide for an orderly transition from prior zoning and planning requirements to the requirements under the Central SoMa Controls, without impairing the validity of prior actions by the City or frustrating completion of actions authorized prior to the effective date of those Controls.*

*(b) **Definitions.** The following definitions shall apply to this Section 175.1:*

(1) "Central SoMa Controls" shall mean all Ordinances adopted in furtherance of the Central SoMa Area Plan, including but not limited to Ordinance Nos. _____, and associated amendments to the Planning Code, Zoning Map, and Administrative Code.

(2) "Development Application" is defined in Planning Code Section 401.

(3) "Project Approval" shall mean any required approval or determination on a Development Application that the Planning Commission, Planning Department, or Zoning Administrator issues.

(4) "Code Conforming Project" shall mean a development project for which all required Development Applications could have received Project Approval under the Planning Code immediately prior to the effective date of the Central SoMa Controls.

*(c) **Applicability.** A Code Conforming Project within the Central SoMa Special Use District may elect to be exempt from the Central SoMa Controls and instead be subject to those controls in place immediately prior to the effective date of the Central SoMa Controls, if at least one Development Application for such project was filed before February 15, 2018 and the project receives its first Project Approval by December 31, 2019.*

SEC. 181. NONCONFORMING USES: ENLARGEMENTS, ALTERATIONS AND RECONSTRUCTION.

The following provisions shall apply to nonconforming uses with respect to enlargements, alterations and reconstruction:

* * * *

(f) **Nighttime Entertainment Uses in Certain Mixed-Use Districts.** A nighttime entertainment use within the ~~*RSD,*~~ MUG~~,~~ *or* MUR~~, or SLR~~ Districts may be enlarged, intensified, extended, or expanded, including the expansion to an adjacent lot or lots, provided that: (1) the enlargement, intensification, extension, or expansion is approved as a conditional use pursuant to Sections 303 and 316 of this Code; (2) the use as a whole meets the parking and signage requirements, floor area ratio limit, height and bulk limit, and all other requirements of this Code ~~*which*~~*that* would apply if the use were a permitted one; and (3) the provisions of Section 803.5(b) of this Code are satisfied.

* * * *

SEC. 182. NONCONFORMING USES: CHANGES OF USE.

The following provisions shall apply to nonconforming uses with respect to changes of use:

(a) A nonconforming use shall not be changed or modified so as to increase the degree of nonconformity under the use limitations of this Code, with respect to the type of use or its intensity except as provided in Section 181 for Nighttime Entertainment uses within the ~~*RSD,*~~ MUG, *or* MUR~~, or SLR~~ Districts. The degree of nonconformity shall be deemed to be increased if the new or modified use is less widely permitted by the use districts of the City than the nonconforming use existing immediately prior thereto. For purposes of this Section, intensification of a Formula Retail use as defined in Section 178(c) is determined to be a change or modification that increases the degree of nonconformity of the use.

(b) Except as limited in this *Ss*ubsection, a nonconforming use may be reduced in size, extent or intensity, or changed to a use that is more widely permitted by the use districts of the

City than the existing use, subject to the other applicable provisions of this Code. Except as otherwise provided herein, the new use shall still be classified as a nonconforming use.

* * * *

~~*(3) A nonconforming use in any South of Market Mixed Use District may not be changed to an Office, Retail, Bar, Restaurant, Nighttime Entertainment, Adult Entertainment, Hotel, Motel, inn, hostel, or Movie Theater use in any district where such use is otherwise not permitted or conditional, except as provided in Subsection (f) below.*~~

* * * *

(f) Once a nonconforming use has been changed to a principal or ~~*c*~~C*onditional* ~~*u*~~U*se* permitted in the district in which the property is located, or brought closer in any other manner to conformity with the use limitations of this Code, the use of the property may not thereafter be returned to its former nonconforming status~~*, except that within any South of Market Mixed Use District, any area occupied by a nonconforming Office use that is changed to an arts, home and/or business service use falling within the definition of an Arts Activity in Section 102 or zoning categories 816.42 through 816.47 or a wholesale, storage, or light manufacturing use falling within zoning categories 816.64 through 816.67 shall be allowed to return to its former nonconforming Office use*~~. Upon restoration of a previous nonconforming use as permitted above, any modification, enlargement, extension, or change of use, from circumstances that last lawfully existed prior to the change from office use, shall be subject to the provisions of this Article, and the restored nonconforming use shall be considered to have existed continuously since its original establishment, prior to the change to Office use, for purposes of this Article.

* * * *

SEC. 201. CLASSES OF USE DISTRICTS.

In order to carry out the purposes and provisions of this Code, the City is hereby divided into the following classes of use districts:

* * * *

~~*South of Market Use Mixed Use Districts*~~ ~~*(Also see Sec. 802.5)*~~	
~~*RSD*~~	~~*Residential Service District (Defined in Sec. 815)*~~
~~*SLR*~~	~~*Service/Light Industrial/Residential District (Defined in Sec. 816)*~~
~~*SLI*~~	~~*Service/Light Industrial District (Defined in Sec. 817)*~~
~~*SSO*~~	~~*Service/Secondary Office District (Defined in Sec. 818)*~~

* * * *

~~*Eastern Neighborhoods Mixed Use Districts*~~ ~~*(Also see Sec. 802.4)*~~	
CMUO	*Central SoMa Mixed Use – Office District (Defined in Sec. 848)*
SPD	South Park District (Defined in Sec. 814)
* * * *	

* * * *

In addition to the classes of use districts in the above table, the following terms shall apply:

"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 or RC-4 District;

"M District" shall mean any M-1 or M-2 District;

"PDR District" shall mean any PDR-1-B, PDR-1-D, PDR-1-G or PDR-2 District;

"RH District" shall mean any RH-1(D), RH-1, RH-1(S), RH-2, or RH-3 District;

"RM District" shall mean any RM-1, RM-2, RM-3, or RM-4 District;

"RTO District" shall mean any RTO or RTO-M District;

"C-3 District" shall mean any C-3-O, 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 South

of Market Extended Preservation District designated on Section Map SU03 of the Zoning Map;

"NCT District" 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; and

"Mixed Use District" shall mean all Chinatown Mixed use~~, South of Market Mixed Use~~, Eastern Neighborhood Mixed use, and Downtown Residential Districts.

* * * *

SEC. 206.4. THE 100 PERCENT AFFORDABLE HOUSING BONUS PROGRAM.

(a) **Purpose and Findings.** This Section 206.~~3~~4 describes the 100 Percent Affordable Housing Bonus Program, or "100 Percent Affordable Housing Program". In addition to the purposes described in Section 206.1, the purpose of the 100 Percent Affordable Housing Program is to facilitate the construction and development of projects in which all of the residential units are affordable to Low and Very-Low Income Households. Projects pursuing a development bonus under this 100 Percent Affordable Program would exceed the City's shared Proposition K housing goals that 50% of new housing constructed or rehabilitated in the City by 2020 be within the reach of working middle class San Franciscans, and at least 33% affordable for low and moderate income households.

* * * *

(b) **Applicability.** A 100 Percent Affordable Housing Bonus Project under this Section 206.~~3~~4 shall be a Housing Project that:

* * * *

(3) is not seeking and receiving a density or development bonus under the provisions of California Government Code Sections 65915 et seq., Planning Code Sections

207, 124(f), 304, ~~*803.8*~~ or any other state or local program that provides development bonuses;

* * * *

SEC. 207.5. DENSITY OF DWELLING UNITS IN MIXED USE DISTRICTS.

(a) The dwelling unit density in the Chinatown Mixed Use District shall be at a density ratio not exceeding the amount set forth in the specific district tables in Article 8.

(b) ~~*Except as indicated in Paragraph (c) below, the dwelling unit density in the South of Market Mixed Use Districts shall be as specified in the specific district tables in Article 8.*~~

~~*(c) There shall be no density limit for single room occupancy (SRO) units in any South of Market Mixed Use District.*~~

~~*(d)*~~ There shall be no density limit for any residential use, as defined by Section 890.88 in any DTR district.

(*ec*) There shall be no density limits for any residential use, as defined by Section 890.88, in the Eastern Neighborhoods Mixed Use Districts.

* * * *

SEC. 208. DENSITY LIMITATIONS FOR GROUP HOUSING OR HOMELESS SHELTERS.

~~*Except for Single Room Occupancy Units in the South of Market Mixed Use Districts, t*~~The density limitations for Group Housing or Homeless Shelters, as described in Sections 102, 790.88(b) and (c) and 890.88(b) and (c) of this Code, shall be as follows:

(a) For Group Housing, the maximum number of Bedrooms on each Lot shall be as specified in the Zoning Control Table for the District in which the Lot is located, except that in RTO, RTO-M, RCD, UMU, MUG, WMUG, MUR, MUO, *CMUO,* WMUO, RED, RED-MX, SPD, DTR, and all NCT Districts the density of Group Housing shall not be limited by lot area, and except that for Lots in NC Districts, the group housing density shall not exceed the number of

Bedrooms permitted in the nearest R District provided that the maximum density not be less than the amount permitted by the ratio specified for the NC District in which the lot is located. For Homeless Shelters, the maximum number of beds on each lot shall be regulated ~~*per*~~*pursuant to* the requirements of the Standards of Care for City Shelters contained in Administrative Code, Chapter 20, Article XIII, in addition to the applicable requirements of the Building Code and Fire Code.

* * * *

SEC. 211.2. CONDITIONAL USES, P DISTRICTS.

The following uses shall require Conditional Use authorization from the Planning Commission, as provided in Section 303 of this Code, unless otherwise permitted under Section 211.1 of this Code:

* * * *

(b) For P Districts located within the right-of-way of any State or federal highway:

(1) Parking lot or garage uses when: (A) adjacent to any Eastern Neighborhoods Mixed Use Districts~~*, or the South of Market Mixed Use District,*~~ or (B) within the Market and Octavia Plan Area.

* * * *

SEC. 249.36. LIFE SCIENCE AND MEDICAL SPECIAL USE DISTRICT.

(a) **Purpose.** The Life Science and Medical Special Use District is intended to support uses that benefit from proximity to the University of California, San Francisco (UCSF) campus at Mission Bay. These uses include medical office and life science (biotechnology) uses.

(b) **Geography.** The boundaries of the Life Science and Medical Special Use District are shown on Sectional Map No. 8SU of the Zoning Map. Generally, the area borders

Mariposa St. on the north, 23rd St. on the south, I-280 to the west, and 3rd St. to the east. Within this area, the Dogpatch Historic District is generally excluded.

(c) **Controls.** All provisions of the Planning Code currently applicable shall continue to apply, except as otherwise provided in this Section:

(1) **Medical Services.** Medical services, including medical offices and clinics, as defined in Section 890.114, are a principally permitted use and are exempted from use size limitations, PDR replacement requirements (Sec. 230), and vertical (floor-by-floor) zoning controls (Sec. 803.9(~~h~~*f*)). For the purposes of this Section, a medical service use may be affiliated with a hospital or medical center as defined in 890.44.

(2) **Life Science Offices.** Office uses that contain Life Science facilities, as defined in Section 890.53, are a principally permitted use and are exempted from use size limitations, PDR replacement requirements (Sec. 230), and vertical (floor-by-floor) zoning controls (Sec. 219.1 and 803.9(~~h~~*f*)).

(3) **Life Science Laboratories.** Laboratories that engage in life science research and development, as defined in Section 890.52, are a principally permitted use and are exempted from use size limitation, PDR replacement requirements (Sec. 230), and vertical (floor-by-floor) zoning controls (Sec. 219.1 and 803.9(~~h~~*f*)).

* * * *

SEC. 249.40. POTRERO CENTER MIXED-USE SPECIAL USE DISTRICT.

(a) **Purpose.** The Potrero Center Mixed-Use Special Use District is intended to facilitate the continued operation of the shopping center located at 2300 16th Street, which is characterized by large formula retail sales and services, while providing an appropriate regulatory scheme for a potential phased mixed-use redevelopment of the shopping center in the future.

(b) **Geography.** The boundaries of the Potrero Center Mixed-Use Special Use District shall consist of Assessor's Block 3930A, Lot 002 as designated on the Zoning Map of the City and County of San Francisco and generally bound by Bryant Street to the west, 16th Street to the south, Potrero Avenue to the east, and Assessor's Blocks 3931A, 3921A and 3922A to the north.

(c) **Controls.** All provisions of the Planning Code shall continue to apply, except for the following:

(1) **Floor Area Ratio.** The maximum floor area ratio (FAR) set forth in Section 124 shall not apply to Retail Sales and Services uses or to Gym uses. The maximum FAR for Retail Sales and Service uses and Gym uses shall not exceed 3.0:1.

(2) **Use Size Limitations for Retail Sales and Services and Gyms.** The use size limitations and ratio requirements applicable to Retail Sales and Service uses and Gym uses of Sections 121.6(a), 803.9(*ig*), 843.45 and 843.51 shall not apply. Retail Sales and Service uses and Gym uses are principally permitted, and the replacement of one such use or tenant by another such use or tenant in an existing store or gym, regardless of its size, is permitted. Newly constructed space for Retail Sales and Service uses or Gym uses larger than 25,000 gross square feet per use or the expansion of an existing Retail Sales and Services use or Gym use by more than 25,000 new gross square feet per use shall require conditional use authorization pursuant to the provisions of Section 303.

* * * *

SEC. 249.45. VISITACION VALLEY/SCHLAGE LOCK SPECIAL USE DISTRICT.

A Special Use District entitled the "Visitacion Valley/Schlage Lock Special Use District" is hereby established for a portion of the Visitacion Valley neighborhood and the Schlage Lock site within the City and County of San Francisco, the boundaries of which are designated on Sectional Map SU10 of the Zoning Maps of the City and County of San Francisco, and which

includes properties generally fronting Bayshore Boulevard between Tunnel Avenue in the north and the San Francisco/San Mateo County line in the south, and properties fronting Leland Avenue between Bayshore Boulevard and Cora Street. The following provisions shall apply within the Special Use District:

* * * *

(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:

(i) Auto repair services;

(ii) Office, except in existing buildings or as an accessory use to other permitted uses. The floor controls set forth in Section 803.9(~~h~~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. 249.78. CENTRAL SOMA SPECIAL USE DISTRICT.

*(a) **Purpose.** In order to implement the goals, objectives, and policies of the Central SoMa Plan (Ordinance No. _____, on file with the Clerk of the Board of Supervisors in File No. _____), the Central SoMa Special Use District (SUD) is hereby established.*

*(b) **Geography.** The SUD is within the South of Market (SoMa) neighborhood, and its boundaries generally run from 2nd Street to the east to 6th Street to the west, and from Townsend Street to the south to an irregular border that generally follows Folsom, Howard, and Stevenson Streets to the north, as more specifically shown on Sectional Maps 1SU and 8SU of the Zoning Map.*

*(c) **Land Use Controls.***

*(1) **Active Uses.** The controls of Section 145.1 and 145.4 shall apply, except as specified below:*

(A) Active uses, as defined in Section 145.1, are required along any outdoor publicly-accessible open space;

(B) An office use, as defined in Section 890.70, is not an "active use" on the ground floor;

(C) POPOS, as defined in Section 138, is an "active use" on the ground floor;

(D) Hotels and *Production, Distribution, and Repair uses,* both *as defined in Section 102, shall be considered "Active commercial uses," as defined in Section 145.4(c).*

(E) Active uses shall be required within the first 10 feet of building depth if any of the following conditions apply:

(i)The use is a Micro-Retail use located on a Narrow Street as defined in Section 261.1(b)(1); or

(ii) The use is along a Narrow Street provided there is a doorway provided every 25 feet along the street frontage, at minimum.

(F) Notwithstanding the PDR exemption found in Section 145.1(c)(6), PDR uses shall meet the transparency and fenestration requirements contained in that Section.

*(2) **Nighttime Entertainment.** Nighttime Entertainment uses are principally permitted, regardless of the underlying zoning district, in the area bounded by 4th Street, 6th Street, Bryant Street, and Townsend Street.*

*(3) **Hotels.** Hotels* in the CMUO District *shall not be subject to the land use ratio requirements of Section 803.9(g).*

*(4) **Micro-Retail.** "Micro-Retail" shall mean a Retail Use, other than a Formula Retail Use,* measuring no less than 100 gross square feet and *no greater than 1,000 gross square feet.*

*(A) **Applicability.** Micro-Retail controls shall apply to new* non-residential *development projects on* lots *of 20,000 square feet or more.*

*(B) **Controls.***

*(i) **Amount.** Applicable development projects are required to have at least one Micro-Retail unit for every 20,000 square feet of* lot *area, rounded to the nearest unit.*

*(ii) **Location and Design.** All Micro-Retail units shall be on the ground floor, independently and directly accessed from a public right-of-way or publicly-accessible open space, and designed to be accessed and operated independently from other spaces or uses on the subject property.*

*(iii) **Type.** Formula Retail uses, as defined in Section 303.1, are not permitted as Micro-Retail.*

*(5) **PDR** and **Community Building Space** **Requirements.***

(A) For purposes of this subsection, "Community Building Space" shall mean space provided for a Social Service, Institutional Community, ~~Grocery Store,~~ Community Facility, or Public Facility Use or for a Legacy Business.

(B) *In addition to the requirements of Section 202.8,* ~~the following shall apply to~~ *any newly constructed project that contains at least 50,000 gross square feet of office* shall provide one of the following:

~~(A) The project shall provide a~~(i) A*n amount of* ~~PDR~~ *space* for PDR Uses or Community Building Space, or a combination thereof, *that is the greater of the following:*

~~(i)~~a. *the square footage of PDR space required by the controls of Section 202.8, or*

~~(ii)~~b. *on-site dedication of space for PDR Uses* or Community Building Space, or a combination thereof, that is *equivalent to 40 percent of the lot area, in which case for purposes of this* Section 249.78(b)(5), the following areas are exempted from the calculation of the lot area: *land dedicated to a building whose housing units consist entirely of Affordable Housing Units as defined in Section 401; publicly accessible open space and mid-block alleys that are fully open to the sky except for obstructions permitted pursuant to Section 136* or under a cantilevered portion of the building for up to 10% of space pursuant to Section 138(d)(2); any portion of the lot or lots containing a building dedicated primarily to residential use; *and ground floor space dedicated to* a *Child Care* Facility.

~~(B)~~(ii) ~~In the alternative, the project sponsor may provide either of the following:~~

~~(i)~~ *Establishment off-site, through new construction, addition, or change of use, of a minimum of 150 percent of gross square feet of the on-site PDR requirement* for PDR Uses or for Community Building Space. *Such off-site* ~~PDR~~space *shall be located within the area bounded by Market Street,* ~~the Embarcadero~~Second Street, *King Street, Division Street, and South Van Ness Avenue; or*

(iii) Preservation of existing PDR uses off-site, at a minimum of 200 percent of the on-site requirement, for the life of the project that is subject to the requirements of this subsection (6) ~~or for 55 years, whichever is less~~. *This off-site PDR shall be located on one or more lots in the area bounded by Market Street,* ~~the Embarcadero~~Second Street, *King Street, Division*

Street, and South Van Ness Avenue. The PDR space preserved off-site shall not include any space already required to be preserved pursuant to this Section or Section 202.8.

(C) The PDR and Community Building Space *requirements of this subsection may be reduced by 25 percent for any project subject to any contract or agreement meeting the requirements of California Civil Code Section 1954.28(d), including but not limited to a development agreement approved by the City under California Government Code Section 65864 et seq. if, pursuant to the terms of such agreement, the required replacement space is rented, leased, or sold at 50 percent below market rate for PDR space for* ~~a period of not less than 55 years or~~ *the life of the project,* ~~whichever is less~~*. Such restrictions on the rent, lease, or sale price shall be recorded on the subject property as a Notice of Special Restrictions.*

(D) Any project that meets the requirements of this Section 249.78 and the PDR replacement requirements of Section 202.8 shall not be subject to the Conditional Use Authorization required by Section 202.8.

(E) Any development application submitted to the Planning Department for a project that is subject to the PDR and Community Building Space requirements of this Section 249.78 or the PDR replacement requirements of Section 202.8 shall include the following materials:

(i) Documentation demonstrating that the applicant has provided written notification to all existing PDR tenants that the applicant intends to develop the property pursuant to this Section 249.78.

(ii) Documentation demonstrating that the applicant has provided all existing PDR tenants with information regarding the Central SoMa PDR Relocation Fund described in the Central SoMa Implementation Program Document, and PDR Sector Assistance for Displaced Businesses available from the Office of Economic and Workforce Development (OEWD) or its successor agency.

*(6) **Use on Large Development Sites.***

*(A) **Applicability.** South of Harrison Street on sites larger than 40,000 square feet that entail new construction or an addition of 100,000 square feet or more.*

*(B) **Requirement.** At least two-thirds of the Gross Floor Area of all building area below 160 feet in height shall be non-residential.*

*(d) **Urban Design and Density Controls.***

*(1) **Design of Buildings.** New construction shall comply with the "Central SoMa Guide to Urban Design" as adopted and periodically amended by the Planning Commission.*

*(2) **Floor Area Ratio.** There shall be no maximum Floor Area Ratio limit for lots within the CMUO, MUR, MUG, and WMUO Districts in this SUD.*

*(3) **Living and Solar Roofs and Renewable Energy.***

*(A) **Definitions.** For the purpose of this subsection, all terms shall be as defined in Sections 102 and 149.*

*(B) **Applicability.** Any development that meets all of the following criteria:*

(i) The development lot is 5,000 square feet or larger; and

(ii) The building constitutes a Large Development Project or Small Development Project under the Stormwater Management Ordinance (Public Works Code Secs. 147-147.6); and

(iii) The building height is 160 feet or less.

*(C) **Requirements.***

(i) Notwithstanding the requirements of Section 149, at least fifty percent of the roof area shall be covered by one or more Living Roofs.

(ii) Residential projects subject to this subsection (d)(3) shall comply with Green Building Code Section 4.201.2, which sets forth requirements for solar photovoltaic systems and/or solar thermal systems.

(iii) Non-residential projects shall comply with Green Building Code Section 5.201.1.2, which sets forth requirements for solar photovoltaic systems and/or solar thermal systems.

~~(iv) All projects shall commit, as a condition of approval, to sourcing electricity from 100% greenhouse gas-free sources.~~

(iv) The Living Roof shall be considered in determining compliance with the Stormwater Management Ordinance.

(v) The Planning Department, after consulting with the Public Utilities Commission and the Department of the Environment, shall adopt rules and regulations to implement this subsection 249.78(d)(3) and shall coordinate with those departments to ensure compliance with the Stormwater Management Ordinance.

(vi) All projects shall commit, as a condition of approval, to sourcing electricity from 100% greenhouse gas-free sources.

(vii) Projects that consist of multiple buildings may choose to locate the required elements in this subsection 249.78(d)(3)(i)-(v) on any rooftops within the subject project, including on buildings that are not subject to these requirements, provided the equivalent amount of square footage is provided elsewhere on the project site.

*(D) **Waiver.** If the project sponsor demonstrates to the Zoning Administrator's satisfaction that it is physically infeasible to meet the Living Roof requirements as written for the project in question, the Zoning Administrator may, in his or her sole discretion and pursuant to the procedures set forth in Planning Code Section 307(h), reduce the requirements stated in subsection (C) from fifty percent to thirty-three percent.*

*(4) **Lot Coverage.** For residential uses, the rear yard requirements of Section 134 of this Code shall not apply. Lot coverage is limited to 80 percent at all residential levels, except that on levels in which all residential units face onto a public right-of-way, 100 percent lot coverage may*

occur. The unbuilt portion of the lot shall be open to the sky except for those obstructions permitted in yards pursuant to Section 136(c) of this Code. Where there is a pattern of mid-block open space for adjacent buildings, the unbuilt area of the new project shall be designed to adjoin that mid-block open space.

(5) Lot Merger Restrictions.

(A) ***Applicability.*** *Lots that meet both of the following criteria shall be subject to the lot merger restrictions of this Section:*

(i) Lots containing one or more buildings with California Historic Resources Status Code 1, 2, 3, 4, 5, or 6L, as identified in a survey adopted by the Historic Preservation Commission; and

(ii) Lots with any single street frontage under 200 feet in length.

(B) ***Control.*** *Any lot to which this subsection is applicable shall not merge with an adjacent lot in such a way that any existing street frontage of under 200 feet is increased to 200 feet in length or longer.*

(C) ***Exemptions.***

(i) The street frontages of lots abutting the north side of Perry Street and the street frontages along Harrison Street on Block 3763 in lots 099 and 100 *are exempt from this control.*

(ii) On blocks of less than 200 feet in length between streets or alleys, an applicable lot may merge with an adjacent non-applicable lot if the non-applicable lot is a corner lot.

(6) Open Space. *A project whose housing units consist entirely of Affordable Housing Units, as defined in Section 401, shall provide at least 36 square feet of usable Open Space, as set forth in Section 135, per unit unless the project is located directly adjacent to a publicly-owned park in which case such project shall not be required to provide usable Open Space.*

(7) Wind.

*(A) **Applicability.** This subsection shall apply to new buildings above 85 feet in Height and additions to existing buildings that result in a building above 85 feet in Height.*

*(B) **Definitions.***

"Comfort Level" means ground-level equivalent wind speeds of 11 miles per hour in areas of substantial pedestrian use and seven miles per hour in public seating areas between 7:00 a.m. and 6:00 p.m. when occurring for more than 15 percent of the time year round.

"Equivalent Wind Speed" means an hourly mean wind speed adjusted to incorporate the effects of gustiness or turbulence on pedestrians.

"Nine-Hour Hazard Criterion" means a ground-level equivalent wind speed of 26 miles per hour for more than nine hours per year per test location.

"One-Hour Hazard Criterion" means a ground-level equivalent wind speed of 26 miles per hour for more than one hour per year per test location.

"Substantial Increase" means an increase in wind speeds of more than six miles per hour for more than 15 percent of the time year round.

*(C) **Controls for Wind Comfort.***

(i) Projects may not result in wind speeds that exceed the Comfort Level at any location.

(ii) Projects may not cause a Substantial Increase in wind speed at any location where the existing or resulting wind speed exceeds the Comfort Level.

(iii) Pursuant to Section 329, the Planning Commission may grant an exception to the standards of subsections (i) and (ii) above as applied to a project if it finds that the project meets the following criteria:

(aa) It has undertaken all feasible measures to reduce wind speeds through such means as building sculpting and appurtenances, permanent wind baffling measures, and landscaping; and

(bb) Reducing wind speeds further would substantially detract from the building design or unduly restrict the square footage of the project.

(D) ***Controls for Hazardous Winds.***

(i) Projects shall not result in net new locations with an exceedance of the One-Hour Hazard Criterion, except as allowed by the Planning Commission based on criteria described in subsection (ii) below.

(ii) Pursuant to Section 329, the Planning Commission may grant an exception to the standard of subsection (i) above as applied to a proposed project if it finds that the proposed project meets all of the following criteria:

(aa) The project with mitigations *does not result in net new locations with an exceedance of the Nine-Hour Hazard Criterion;*

(bb) The project has undertaken all feasible measures to reduce hazardous wind speeds, such as building sculpting and appurtenances, permanent wind baffling measures, and landscaping; and

(cc) Meeting the requirements of subsection (i) would detract from the building design or unduly restrict the square footage of the project.

(iii) No exception shall be granted and no building or addition shall be permitted for any project that causes net new locations with an exceedance in the Nine-Hour Hazard Criterion.

(E) ***Guidelines.*** *Procedures and methodologies for implementing this subsection shall be issued by the Department.*

(8) ***Ground Floor Heights.*** *PDR space provided at the ground floor that is subject to the requirements of Section 202.8 or 249.78(c)(5) shall have a minimum floor-to-floor height of 17 feet, as measured from grade.*

(9) **Dwelling Unit Exposure.** The requirements of Section 140 shall apply, except that the required windows (as defined by Section 504 of the San Francisco Housing Code) of at least one room that meets the 120-square-foot minimum superficial floor area requirement of Section 503 of the Housing Code shall face on an open area as follows:

(A) For units constructed above 85 feet in height, the required windows shall face directly on an open area that is no less than 15 feet by 15 feet;

(B) 10% of units constructed at or below 85 feet may face directly onto an open area that is no less than 15 feet by 15 feet; and

(C) Where required windows are built on an open area, pursuant to 140(a)(2), the requirements to increase the horizontal dimension at each subsequent floor do not apply.

*(e) **Community Development Controls.***

*(1) **Affordable Housing Funds.** Affordable Housing Fees for projects within the Central SoMa Special Use District shall be deposited in the Central SoMa Affordable Housing Fund and shall be expended within a limited geographic area, as specified in Administrative Code Section 10.100-46.*

*(2) **Land Dedication.***

(A) Residential projects in this SUD may opt to fulfill the Inclusionary Housing requirement of Section 415 through the Land Dedication alternative contained in Section 419.6.

(B) Non-Residential projects in this Special Use District may opt to fulfill their Jobs-Housing Linkage Fee requirement of Section 413 through the Land Dedication alternative contained in Section 413.7.

*(3) **TDR Requirements for Large Development Sites.***

*(A) **Applicability.** This control applies to projects that:*

(i) Are located in Central SoMa ~~Development~~Fee Tier C, as defined in Section 423.2;

(ii) Contain new construction, or addition, of 50,000 non-residential gross square feet or greater; and

(iii) Have a Floor Area Ratio of 3:1 or greater.

*(B) **Requirement.***

(i) A project subject to this subsection (4) will be considered a "Development Lot," pursuant to Section 128.1;

(ii) To exceed a Floor Area Ratio of 3:1, a Development Lot shall acquire one Unit of TDR from a Transfer Lot, as defined in Sections 128 and 128.1, per square foot of development *up to a Floor Area Ratio of 4.25:1. Above 4.25:1, the acquisition of additional TDR is not required.*

* * * *

SEC. 260. HEIGHT LIMITS: MEASUREMENT.

* * * *

(b) **Exemptions.** In addition to other height exceptions permitted by this Code, the features listed in this subsection (b) 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 subsection (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-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 subsection (b)(1) may be equal to 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.

* * * *

(E) In any C-3 District ~~and~~ *the CMUO District*, and any MUR or MUG District within the Central SoMa Special Use District, enclosed space related to the recreational use of the roof, not to exceed 16 feet in height.

(F) Rooftop enclosures and screening for features listed in subsections (b)(1)(A) and (B) above that add additional building volume in any C-3 District except as otherwise allowed in the S-2 Bulk district according to subsection (M) below~~,~~ *or the* Eastern Neighborhoods Mixed Use Districts~~, or South of Market Mixed Use District~~. The rooftop enclosure or screen creating the added volume:

(i) shall not be subject to the percentage coverage limitations otherwise applicable to this Section 260(b) but shall meet the requirements of Section 141;

(ii) shall not exceed 20 feet in height, measured as provided in subsection (a) above;

(iii) may have a volume, measured in cubic feet, not to exceed three-fourths of the horizontal area of all upper tower roof areas multiplied by the maximum permitted height of the enclosure or screen;

(iv) shall not be permitted within the setbacks required by Sections 132.1, 132.2, and 132.3;

(v) shall not be permitted within any setback required to meet the sun access plane requirements of Section 146; and

(vi) shall not be permitted within any setback required by Section 261.1.

* * * *

(L) ~~*[Reserved.]*~~ *In the Central SoMa Special Use District, additional building volume used to enclose or screen from view the features listed in 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 the building, but shall meet the requirements of Section 141; shall not exceed 10 percent of the total height of any building taller than 200 feet; shall have a horizontal area not more than 100 percent of the total area of the highest occupied floor; and shall contain no space for human occupancy. The features described in subsection (b)(1)(B) shall not be limited to 16 feet for buildings taller than 200 feet, but shall be limited by the permissible height of any additional rooftop volume allowed by this subsection (L).*

* * * *

(2) The following features shall be exempt, without regard to their horizontal area, provided the limitations indicated for each are observed:

* * * *

(O) ~~*Additional building height, up to a height of five feet above the otherwise applicable height limit, where the uppermost floor of the building is to be occupied solely by live/work units located within a South of Market District.*~~

~~*(P)*~~ Enclosed recreational facilities up to a height of 10 feet above the otherwise applicable height limit when located within a 65-U Height and Bulk District and ~~*either*~~ an MUO ~~*or SSO*~~ District, and only then when authorized by the Planning Commission as a Conditional Use pursuant to Section 303 of this Code, provided that the project is designed in such a way as to reduce the apparent mass of the structure above a base 50-foot building height.

(*QP*) Historic Signs and Vintage Signs permitted pursuant to Article 6 of this Code.

(*RQ*) In the Eastern Neighborhoods Mixed Use Districts, enclosed utility sheds of not more than 100 square feet, exclusively for the storage of landscaping and gardening equipment for adjacent rooftop landscaping, with a maximum height of 8 feet above the otherwise applicable height limit.

(*SR*) Hospitals, as defined in this Code, that are legal non-complying structures with regard to height, may add additional mechanical equipment so long as the new mechanical equipment 1) is not higher than the highest point of the existing rooftop enclosure, excluding antennas; 2) has minimal visual impact and maximum architectural integration; 3) is necessary for the function of the building; and 4) no other feasible alternatives exist. Any existing rooftop equipment that is out of service or otherwise abandoned ~~*must*~~*shall* be removed prior to installation of new rooftop equipment.

* * * *

SEC. 261.1. ADDITIONAL HEIGHT LIMITS FOR NARROW STREETS AND ALLEYS IN, RTO, NC, NCT, *AND* EASTERN NEIGHBORHOODS MIXED USE, ~~*AND SOUTH OF MARKET MIXED USE*~~ DISTRICTS.

(a) **Purpose.** The intimate character of narrow streets (rights-of-way 40 feet in width or narrower) and alleys is an important and unique component of the City and certain neighborhoods in particular. The scale of these streets should be preserved to ensure they do not become overshadowed or overcrowded. Heights along alleys and narrow streets are hereby limited to provide ample sunlight and air, as follows:

(b) **Definitions.**

(1) "Narrow Street" shall be defined as a public right of way less than or equal to 40 feet in width, or any mid-block passage or alley that is less than 40 feet in width created under the requirements of Section 270.2.

(2) "Subject Frontage" shall mean any building frontage in an RTO, NC, NCT or Eastern Neighborhood Mixed Use District that abuts a Narrow Street and that is more than 60 feet from an intersection with a street wider than 40 feet.

(3) "East-West Narrow Streets" shall mean all Narrow Streets, except those created pursuant to Section 270.2, that are oriented at 45 degrees or less from a true east-west orientation or are otherwise named herein: Elm, Redwood, Ash, Birch, Ivy, Linden, Hickory, Lily, Rose, Laussat, Germania, Clinton Park, Brosnan, Hidalgo, and Alert Streets.

(4) "North-South Narrow Streets" shall mean all Narrow Streets, except those created pursuant to Section 270.2, that are oriented at 45 degrees or less from a true north-south orientation.

(c) **Applicability.** The controls in this Section shall apply in all RTO, NC, NCT, *and* Eastern Neighborhoods Mixed Use~~, and South of Market Mixed Use~~ Districts. *Notwithstanding the foregoing, in the CS Bulk District these controls shall only apply on certain frontages as described in Section 270(h).*

(d) **Controls.**

(1) **General Requirement.** Except as described below, all ~~s~~Subject ~~f~~Frontages shall have upper stories set back at least 10 feet at the property line above a height equivalent to 1.25 times the width of the abutting ~~n~~Narrow ~~s~~Street.

(2) **Southern Side of East-West *Narrow* Streets *and, within the Central SoMa Special Use District, all North-South Narrow Streets*.** All ~~s~~Subject ~~f~~Frontages on the southerly side of an East-West Narrow Street *and, within the Central SoMa Special Use District, all Subject Frontages on a North-South Narrow Street* shall have upper stories which are set back at the property line such that they avoid penetration of a sun access plane defined by an angle of 45 degrees extending from the most directly opposite northerly property line (as illustrated in Figure 261.1A.) No part or feature of a building, including but not limited to any feature listed in Sections 260(b), may penetrate the required setback plane.

(3) ***Northern Side of all Narrow Streets with the Central SoMa Special Use District.*** *Subject Frontages in a 65- or 85- foot Height district are required to meet Apparent Mass Reduction requirements, as defined in Section 270(h), as follows:*

(A) All Subject Frontages in a 65-foot Height district are required to have an Apparent Mass Reduction of fifty percent, as measured utilizing a Base Height of 35 feet.

(B) All Subject Frontages in a 85-foot Height district are required to have an Apparent Mass Reduction of seventy percent, as measured utilizing a Base Height of 35 feet.

(~~3~~4) **Mid-block Passages.** Subject ~~f~~Frontages abutting a mid-block passage provided ~~per~~*pursuant to* the requirements of Section 270.2 shall have upper story setbacks as follows:

* * * *

SEC. 263. HEIGHT LIMITS: SPECIAL EXCEPTIONS.

In the height and bulk districts indicated in the following Sections, buildings and structures exceeding the prescribed height limits may be approved by the Planning Commission according to the procedures for conditional use approval in Section 303 of this Code unless otherwise specified herein; ~~provided, however, that such.~~ Any exceptions granted may be permitted only in the areas specified and only to the extent stated in each Section.

~~***SEC. 263.11. SPECIAL HEIGHT EXCEPTIONS: SOUTH OF MARKET RSD 40-X/85-B HEIGHT DISTRICT.***~~

~~*(a) **General.** In the 40-X/85-B Height and Bulk District, as designated on Sectional Map No. HT01 of the Zoning Map, located within the boundaries of the South of Market RSD District, height exceptions above the 40-foot base height to a maximum of 85 feet may be approved in accordance with the Conditional Use procedures and criteria provided in Sections 303 of this Code, and the criteria and conditions set forth below.*~~

~~*(b) **Reduction of Shadows on Certain Public, Publicly Accessible, or Publicly Financed or Subsidized Private Open Space.***~~

~~*(1) New buildings or additions subject to this Section shall be shaped to reduce substantial shadow impacts on public plazas, parks or other nearby publicly accessible or publicly financed private open spaces. The criteria set forth in Section 147 of this Code shall be used to assess the shadow impacts of new building development over 40 feet in height.*~~

~~*(2) To the extent that height above 40 feet on lots 14, 16, 18, 19, 20, 20A, 21, 22, 24, 25, 26, 28, 29, 30, 31, 34, 91 and 92 of Assessor's Block 3733 and on lots 14, 15, 17, 18, 19, 23, 24, 26, 27, 28, 32, 33, 36 and 95 of Assessor's Block 3752 would create adverse impact on light and air to adjacent residential uses and/or sunlight access to residential open spaces, such additional height shall not be permitted.*~~

~~*(c) **Reduction of Ground Level Wind Currents.** New buildings or additions subject to this Section shall be shaped, or other wind baffling measures shall be adopted, so that the development will not cause ground level wind currents to exceed, more than 10 percent of the time year-round, between 7:00 a.m. and 6:00 p.m., the comfort level of 11 m.p.h. equivalent wind speed in areas of substantial pedestrian use and seven m.p.h. equivalent wind speed in public seating areas. When pre-existing ambient wind speeds exceed the comfort level, the building or addition shall be designed to reduce the ambient wind speeds to meet the requirements.*~~

~~*If it is shown that a building or addition cannot be shaped or wind baffling measures cannot be adopted to meet the foregoing requirements without creating an unattractive and ungainly building form and without unduly restricting the development potential of the building site in question, and/or it is concluded that, because of the limited amount by which the comfort level is exceeded, the limited location in which the comfort level is exceeded, the limited time during which the comfort level is exceeded, or the addition is insubstantial, an exception may be granted as part of the conditional use process, allowing the building or addition to add to the amount of time that the comfort level is exceeded by the least practical amount.*~~

~~*No exception shall be allowed and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 miles per hour for a single hour of the year.*~~

~~*For the purposes of this Section, the term "equivalent wind speed" shall mean an hourly mean wind speed adjusted to incorporate the effects of gustiness or turbulence on pedestrians.*~~

~~*(d) **Construction of Live/Work Units Above the 40-Foot Base Height Limit.** Live/work units may be relied upon to qualify for a height exception under this Section only if:*~~

~~*(1) Each non-residential use within each individual live/work unit is limited to an activity permitted within the district or conditional within the district and specifically approved as a conditional use;*~~

~~*(2) Each live/work unit is sufficiently insulated for noise attenuation between units to insure that noise shall not exceed the acceptable decibel levels established for residential use as specified in the San Francisco Noise Control Ordinance; and*~~

~~*(3) The project satisfies the open space, parking and freight loading provisions of this Code without administrative exceptions.*~~

~~*(e) **Affordability.** In determining whether to allow a height exception under this Section the Planning Commission shall, in addition to the criteria set forth in Section 303(e) of this Code, consider the extent to which the project seeking the exception will include residential and live/work units affordable to low-income and moderate-income households. The City Planning Commission may impose conditions on the approval of additional height pursuant to this Subsection to assure housing affordability and the enforceability and enforcement of housing affordability and use provisions, which may include, but need not be limited to, a requirement that a minimum stated percentage of the total number of units approved pursuant to this Section remain affordable to households whose incomes are not greater than a stated percentage of a defined median income for a period of not less than a stated number of years.*~~

~~*(1) The property owner shall submit an annual report to the City, along with a fee whose amount shall be determined periodically by the City Planning Commission, to cover costs of the enforcement of the affordability of designated units. The fee shall not exceed the amount of those costs. The report shall state rents, annual household income, number of adults and children living in each designated unit, and such other information as the City may require.*~~

* * * *

SEC. 263.32. SPECIAL HEIGHT EXCEPTIONS: PERMITTED BUILDING HEIGHTS IN THE CENTRAL SOMA SPECIAL USE DISTRICT.

*(a) **Purpose.** The provision of affordable housing, public open space, and recreational amenities are encouraged in the Central SoMa Special Use District to achieve the policy objectives of*

the Central SoMa Plan. To facilitate the creation of these amenities, additional height may be allowed, as long as it does not result in a net increase in development potential for the primary project as set forth in subsection (c), below.

(b) ***Applicability.*** *This Section shall apply to any project that:*

(1) Provides housing units consisting entirely of on-site or off-site Affordable Housing Units as defined in Section 401;

(2) Dedicates land pursuant to Sec. 249.78(e) for housing consisting entirely of Affordable Housing Units as defined in Section 401, which land the City deems suitable for such use, taking into consideration size, configuration, physical characteristics, physical and environmental constraints, access, location, adjacent use, and other relevant planning criteria; *or*

(3) Provides land for publicly-owned parks or publicly-owned recreational amenities, which land the City deems suitable for such use, taking into consideration size, configuration, physical characteristics, physical and environmental constraints, access, location, adjacent use, and other relevant planning criteria.

(c) ***Controls.*** *An additional 25 feet of height above the otherwise applicable height limit is permitted for applicable development projects* without requiring conditional use authorization by the Planning Commission ~~subject~~ only if it meets *the following conditions:*

(1) The development capacity of the primary project shall not be increased due to the provision of the additional height as compared to the development capacity achievable without the special height exception. For purposes of this section, the development capacity of the primary project shall be calculated as the Gross Floor Area of development proposed on the site, less:

(A) Any Gross Floor Area constructed in the project providing housing units consisting entirely of Affordable Housing Units, as defined in Section 401;

(B) Any Gross Floor Area of potential development of land dedicated to the City for affordable housing pursuant to Section 249.78(e)(2), as determined by the Planning Department;

(C) Any Gross Floor Area of potential development of land dedicated to the City for publicly-owned parks or publicly-owned recreation centers, as determined by the Planning Department; and

(D) Any Gross Floor Area constructed as a publicly-owned recreation center.

(2) The additional height shall not cause any new or substantially increased significant impacts that cannot be mitigated to less than significant levels related to wind and shadow that would not have occurred without the additional height, as determined by the Environmental Review Officer.

(3) A project using a special height exception pursuant to this Section 263.32 shall be subject to Sections 132.4 and 270(h), based on the otherwise applicable Height limit for the lot.

(4) A project ~~utilizing~~ using *a* special *height* ~~exemption~~ exception *pursuant to this Section 263.32 may add 25 feet above the otherwise applicable Height limit for purposes of calculating its Apparent Mass Reduction pursuant to Section 270(h).*

SEC. 263.33. SPECIAL HEIGHT EXCEPTIONS: VASSAR AND HARRISON STREETS.

(a) ***Purpose.*** *To facilitate the provision of increased affordable housing and a large hotel proximate to the Moscone Convention Center.*

(b) ***Applicability.*** *Assessor's Block No. 3763, Lots 078, 079, 080, 080A, 081, 099, 100, 101, and 105.*

(c) ***Controls.***

(1) The applicable lots shall have a base H~~h~~*eight limit of 130 feet.*

(2) For development on Assessor's Block No. 3763, Lot 105, the Height limit shall be 200 feet for a project that includes a hotel and/or residential uses~~*of not less than 400 guest rooms.*~~

(3) For development on Assessor's Block No. 3763, Lots 078, 079, 080, 080A, 081, 099, 100, and 101, the Height limit shall be 350 feet for a project that includes affordable housing in an amount that is equal to or greater than 110% of the requirement set forth in Section 415.

(4) Conditional use authorization by the Planning Commission shall not be required for use of this special height exception.

SEC. 263.34. SPECIAL HEIGHT EXCEPTIONS: FOURTH AND HARRISON STREETS

(a) ***Purpose.*** *To facilitate the provision of affordable housing* or other public benefits.

(b) ***Applicability.*** *Assessor's Block No. 3762, Lots 106, 108, 109, 112, 116, and 117.*

(c) ***Controls.***

(1) Lots 108, 109, 117, and portions of Lot 116 shall have a base height limit of 85 feet, as shown on Height and Bulk District Map HT01 of the Zoning Map of the City and County of San Francisco.

(2) Lots 106, 113 and portions of Lots 112 and 116 shall have a base height limit of 130 feet, as shown on Height and Bulk District Map HT01 of the Zoning Map of the City and County of San Francisco.

(3) The Height limit shall be 160 feet for a project that dedicates land for the provision of affordable housing, pursuant to Section 419.5(a)(2)(A) and (C) through (J) .

(4) Conditional use authorization by the Planning Commission shall not be required for use of this special height exception.

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.

TABLE 270 BULK LIMITS			
District Symbol on Zoning Map	**Height Above Which Maximum Dimensions Apply (in feet)**	**Maximum Plan Dimensions (in feet)**	
		Length	**Diagonal Dimension**
* * * *			
CS	*This table not applicable. But see Section 270(h).*		

* * * *

(h) ***CS Bulk District.*** *In the CS Bulk District, the bulk limits contained in this subsection 270(h) shall apply.*

(1) ***Definitions.*** *For purposes of this subsection, the definitions of Section 102 and the following definitions apply unless otherwise specified in this Section:*

Apparent Mass Reduction. *The percentage of the Skyplane that does not include the Projected Building Mass from the subject lot. For purposes of calculating Apparent Mass Reduction, any portion of the Projected Building Mass that projects above the Height limit shall be added to the projection within the Skyplane.*

Base Height. *The lowest Height from which the Skyplane is measured.*

Lower Tower. *The lower two-thirds of the Tower Portion of a Tower, rounded to the nearest floor.*

Major Street. *2nd Street, 3rd Street, 4th Street, 5th Street, 6th Street, Mission Street, Howard Street, Folsom Street, Harrison Street, Bryant Street, Brannan Street, and Townsend Street.*

Mid-Block Passage. *Any passage created pursuant to Section 270.2.*

Narrow Street. *A right-of-way with a width of 40 feet or less and more than 60 feet from an intersection with a street wider than 40 feet.*

Projected Building Mass. *The portion of the subject building that projects into the Skyplane as viewed from the most directly opposite property line. This volume includes all parts and features of a building, including but not limited to any feature listed in Section 260(b).*

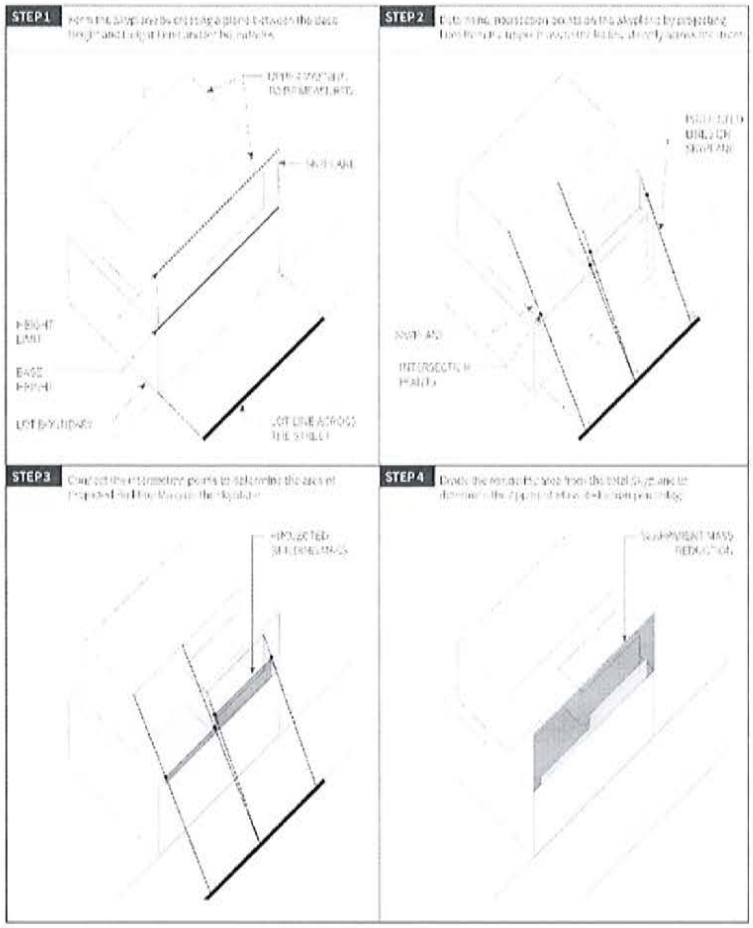
Skyplane.

(i) A plane along each street-facing property line of the subject lot extending:

(aa) Vertically from the Base Height up to the Height limit for the subject lot; and

(bb) Horizontally for the length of the street-facing property line.

(ii) The figure below illustrates how a skyplane is to be measured:



Tower. *Any building taller than 160 feet in Height.*

Tower Portion. *The portion of a Tower above 85 feet in Height.*

Upper Tower. *The upper one-third of the Tower Portion of a Tower, rounded to the nearest floor.*

(2) ***Apparent Mass Reduction.*** *Projects in the CS Bulk District are subject to the Apparent Mass Reduction controls of Table 270(h), as well as the setback requirements of Section 132.4.*

Table 270(h)				
Apparent Mass Reduction				
Building Frontage	***Side of the Street***	***Height District***	***Base Height***	***Apparent Mass Reduction***
Major Street	*Southeast and southwest*	*130 feet*	*85 feet*	*67%*
Major Street	*Southeast and southwest*	*160 feet*	*85 feet*	*80%*
Major Street	*Northeast and northwest*	*130 feet*	*85 feet*	*50%*
Major Street	*Northeast and northwest*	*160 feet*	*85 feet*	*70%*
Major Street	*All*	*Above 160 feet*	*85 feet*	*None for the Tower Portion, as defined in Section 132.4. 80% for the remainder of the building, using a Height limit of 160 feet for purposes of this calculation.*
Narrow Street	*Southeast and southwest*	*160 feet and less*	*35 feet*	*The controls of Section 261.1(d)(2) shall apply.*
Narrow Street	*Northeast and northwest*	*135 feet and 160 feet*	*35 feet*	*85%*

Narrow Street	*All*	*Above 160 feet*	*35 feet*	*None for the Tower Portion, as defined in Section 132.4. 85% for the remainder of the building, using a Height limit of 160 feet for purposes of this calculation.*
Mid- Block Passage	*All*	*All*	*None*	*The controls of Section 261.1(d)(3) shall apply.*
Perry Street	*Northwest*	*All*	~~35 feet~~None	*The controls of Section 261.1(d)(1) shall apply.*
Other Street	*All*	*All*	*Width of the abutting street*	*Same as the Apparent Mass Reduction for projects along Major Streets in the same height district and on the same side of the street.*

*(3) **Bulk Controls for Buildings Towers.***

*(A) **Maximum Floor Area for the Tower Portion.***

(i) For residential and hotel uses, the maximum Gross Floor Area of any floor is 12,000 gross square feet.

(ii) For all other uses, the maximum Gross Floor Area of any floor is 17,000 gross square feet and the average Gross Floor Area for all floors in the Tower Portion shall not exceed 15,000 gross square feet.

*(B) **Maximum Plan Dimensions for the Tower Portion.***

(i) The maximum length shall be 150 feet.

(ii) The maximum diagonal shall be 190 feet.

(iii) For buildings with a Height of 250 feet or more, the average Gross Floor Area of the Upper Tower shall not exceed 85 percent of the average Gross Floor Area of the Lower Tower, and the average diagonal of the Upper Tower shall not exceed 92.5 percent of the average diagonal of the Lower Tower.

*(4) **Exceptions.** Except as specifically described in this subsection (h) and in Section 329(e), no exceptions to the controls in the CS Bulk District shall be permitted. The procedures for granting special exceptions to bulk limits described in Section 272 shall not apply.*

* * * *

SEC. 270.2. SPECIAL BULK AND OPEN SPACE REQUIREMENT: MID-BLOCK ALLEYS IN LARGE LOT DEVELOPMENT IN THE EASTERN NEIGHBORHOODS MIXED USE DISTRICTS, SOUTH OF MARKET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT, FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT, REGIONAL COMMERCIAL DISTRICT, ~~*SOUTH OF MARKET MIXED USE DISTRICT*~~, C-3 DISTRICT, AND DTR DISTRICT.

* * * *

(c) **Applicability.** This Section 270.2 applies to all new construction on parcels that have one or more street or alley frontages of over 200 linear feet on a block face longer than 400 feet between intersections, and are in the C-3 Districts, if located south of Market Street, or in the ~~*South of Market Mixed Use Districts,*~~ South of Market Neighborhood Commercial Transit District, Folsom Street Neighborhood Commercial Transit District, Regional Commercial District, Eastern Neighborhoods Mixed Use Districts, or DTR Districts, except for parcels in the RH DTR District, which are subject to Section 827.

* * * *

SEC. 303.1. FORMULA RETAIL USES.

* * * *

(b) **Definition.** A Formula Retail use is hereby defined as a type of retail sales or service activity or retail sales or service establishment that has eleven or more other retail sales establishments in operation, or with local land use or permit entitlements already approved, located anywhere in the world. In addition to the eleven establishments either in operation or with local land use or permit entitlements approved for operation, the business maintains two or more of the following features: a standardized array of merchandise, a standardized facade, a standardized decor and color scheme, uniform apparel, standardized signage, a trademark or a servicemark.

* * * *

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

* * * *

(12) The C-3-G District with frontage on Market Street, between 6th Street and the intersection of Market Street, 12th Street and Franklin Street~~.~~*; and*

(13) The Central SoMa ~~Mixed-Use Office~~Special Use *District as defined in Section 848, except for those uses not permitted pursuant to subsection (f) below.*

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

* * * *

(9) Chinatown Mixed Use Districts do not permit Formula Retail uses that are also Restaurant or Limited-Restaurant uses as defined in Sections 790.90 and 790.91~~.~~*; and*

(10) Central SoMa ~~Mixed-Use Office~~Special Use *District does not permit Formula Retail Uses that are also Bar, Restaurant, or Limited Restaurant Uses as defined in Section 102.*

* * * *

SEC. 304. PLANNED UNIT DEVELOPMENTS.

In districts other than C-3, the Eastern Neighborhoods Mixed Use Districts, *or* the DTR Districts~~, or the South of Market Mixed Use Districts~~, the Planning Commission may authorize as conditional uses, in accordance with the provisions of Section 303, Planned Unit Developments subject to the further requirements and procedures of this Section. After review of any proposed development, the Planning Commission may authorize such development as submitted or may modify, alter, adjust or amend the plan before authorization, and in authorizing it may prescribe other conditions as provided in Section 303(d). The development as authorized shall be subject to all conditions so imposed and shall be excepted from other provisions of this Code only to the extent specified in the authorization.

* * * *

SEC. 307. OTHER POWERS AND DUTIES OF THE ZONING ADMINISTRATOR.

In addition to those specified in Sections 302 through 306 of this Code, the Zoning Administrator shall have the following powers and duties in administration and enforcement of this Code. The duties described in this Section shall be performed under the general supervision of the Director of Planning, who shall be kept informed of the actions of the Zoning Administrator.

* * * *

(g) **Exceptions from Certain Specific Code Standards through Administrative Review in the Chinatown Mixed Use Districts** ~~*and the South of Market Mixed Use Districts*~~**.** The Zoning Administrator may allow complete or partial relief from rear yard, open space and wind and shadow standards as authorized in the applicable sections of this Code, when

modification of the standard would result in a project better fulfilling the criteria set forth in the applicable section. The procedures and fee for such review shall be the same as those which are applicable to Variances, as set forth in Sections 306.1 through 306.5 and 308.2.

(h) **Exceptions from Certain Specific Code Standards through Administrative Review.** The Zoning Administrator may allow complete or partial relief from certain standards specifically identified below, in Section 161, or elsewhere in this Code when modification of the standard would result in a project fulfilling the criteria set forth below and in the applicable section.

(1) **Applicability.**

* * * *

(E) **Better Roofs; Living Roof Alternative.** For projects subject to Section 149 *and 249.78(d)(3)*, the Zoning Administrator may waive portions of the applicable requirements as provided in Section 149(e) *and 249.78(d)(3)(D), respectively*.

* * * *

SEC. 329. LARGE PROJECT AUTHORIZATION IN EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.

(a) **Purpose.** The purpose of this Section is to ensure that all large projects proposed in the Eastern Neighborhoods Mixed Use Districts are reviewed by the Planning Commission, in an effort to achieve the objectives and policies of the General Plan, the applicable Design Guidelines, and the purposes of this Code.

(b) **Applicability.** This Section applies to all projects in the Eastern Neighborhoods Mixed Use *Districts*, except projects in the Western SoMa Special Use District, *that are* subject to Section 823(c)(~~12~~11), that meet at least one of the following criteria:

(1) ***Outside the Central SoMa Special Use District.***

(A) The project includes the construction of a new building greater than 75 feet in height (excluding any exceptions permitted ~~*per*~~*pursuant to* Section 260(b)), or includes a vertical addition to an existing building with a height of 75 feet or less resulting in a total building height greater than 75 feet; or

(~~*2*~~*B*) The project involves a net addition or new construction of more than 25,000 gross square feet.

(2) Within the Central SoMa Special Use District.

(A) The project includes the construction of a new building greater than 85 feet in height (excluding any exceptions permitted pursuant to Section 260(b)), or includes a vertical addition to an existing building with a height of 85 feet or less resulting in a total building height greater than 85 feet; or

(B) The project involves a net addition or new construction of more than 50,000 gross square feet.

* * * *

(d) **Exceptions.** As a component of the review process under this Section 329, projects may seek specific exceptions to the provisions of this Code as provided for below:

* * * *

(4) Exception from satisfaction of loading requirements of Section 152.1 as specified therein. In the Central SoMa SUD, the Commission may consider the project's Driveway and Loading Operations Plan (DLOP) pursuant to Section 155(u) in making its determination.

* * * *

(12) Where not specified elsewhere in this *S*ubsection (d), ~~modification of~~ exceptions to other Code requirements ~~which~~ that could otherwise be modified as a Planned Unit Development (as set forth in Section 304), irrespective of the zoning district in which the

property is located, *except that such* exceptions *shall not be permitted for projects in the Central SoMa Special Use District*.

(13) For development located within the Central SoMa SUD:

(A) Exception to the building separation requirements pursuant to Section 132.4(d)(3)(B).

(B) Exception to the freight loading requirements, pursuant to Sections 152.1, 154, and 155.

(C) Exception to Dwelling Unit Exposure requirements pursuant to Sections 140 and 249.78(d)(9).

(D) Exception to the Controls for Wind Comfort pursuant to Section 249.78(d)(7).

(E) Exception to the lot coverage limits of Section 249.78(d)(4) for conversions of existing non-residential structures to residential use.

(e) ***Exceptions for Key Sites in Central SoMa.***

(1) ***Purpose.*** *The Central SoMa Plan Area contains a number of large, underutilized development sites. By providing greater flexibility in the development of these sites, the City has an opportunity to achieve key objectives of the Central SoMa Plan and to locate important public assets that would otherwise be difficult to locate in a highly developed neighborhood like SoMa.*

(2) ***Applicability.*** *The controls discussed below apply to the following lots, as identified in the Key Site Guidelines adopted by the Central SoMa Area Plan (Ordinance No. _____, on file with the Clerk of the Board of Supervisors in File No. _____):*

(A) The southwest corner of the intersection of 5th Street and Howard Street, consisting of Block 3732, Lots 003, 004, 005, 099, 100, 145A, 146, and 149, as well as any other parcels included as part of the same development application for one of these lots;

(B) The southeast corner of the intersection of 4th Street and Harrison Street, consisting of Block 3762, Lots 106, 108, 109, 112, 116, and 117;

(C) The southwest corner of the intersection of 2nd Street and Harrison Street, consisting of Block 3763, Lots 001, 078, 079, 080, 080A, 081, 099, 100, 101, 105, 112, and 113.

(D) The northeast corner of the intersection of 4th Street and Brannan Street, consisting of Block 3776, Lot 025;

(E) The northeast corner of the intersection of 5th Street and Brannan Street, consisting of Block 3777, Lots 045, 050, 051, and 052;

(F) The southern half of the block north of Brannan Street between 5th Street and 6th Street, consisting of Block 3778, Lots 001B, 002B, 004, 005, 047, and 048;

(G) The southeast corner of the intersection of 5th and Brannan Streets, consisting of Block 3786, Lots 036 and 037; and

(H) The northeast corner of the intersection of 4th and Townsend Streets, consisting of Block 3787, Lots 026, 028, 050, 161, 162, 163, and 164.

*(3) **Controls.** Pursuant to this Section 329(e) and the Key Site Guidelines adopted as part of the Central SoMa Area Plan, the Planning Commission may grant exceptions to the provisions of this Code as set forth* in subsection (d) above and may also grant the exceptions listed *below for projects that provide qualified amenities in excess of what is required by the Code.*

*(A) **Qualified Amenities.** Qualified additional amenities* that may be *provided by these Key Sites include: affordable housing beyond what is required under Section 415 et seq.;* land dedication by non-residential projects for construction of affordable housing in satisfaction of or in excess of that required to satisfy the Jobs-Housing linkage Fee pursuant to Section 413.7; land dedication by residential projects for construction of affordable housing in satisfaction of or in excess of that required to satisfy the Alternatives to the Inclusionary Housing Component pursuant to Section 419.6; to the extent permitted by state law, *PDR at a*

greater amount and/or lower rent than is otherwise required under Sections 202.8 or 249.78(c)(5); public parks, recreation centers, or plazas; and improved pedestrian networks.

(B) ***Exceptions.*** *Upon consideration of qualified amenities in excess of what is required by the Code, the Planning Commission may grant one or more exceptions to the following* requirements*: the streetwall* and *setback controls* ~~established~~ *in Section 132.4;* the building separation controls in Section 132.4, including but not limited to the controls in subsection 132.4(d)(3)(B); ~~protected street frontages in Section 155(r);~~ *the setback requirements* in *Section 261.1; bulk controls* ~~established~~ *in Section 270(h);* and *the lot merger restrictions* ~~established~~ *in Section 249.78(d)(5);* ~~;or the commercial orientation of large sites established in Section 249.78(c)(6).~~

In addition to these exceptions, the Planning Commission may grant one or more of the following exceptions:

(i) On the Key Site identified in Section 329(e)(2)(B), the ground floor non-residential height required by Sections 145.1 and 249.78(d)(8) may be reduced to 14 feet. In addition, the apparent mass reduction controls in Table 270(h) may be reduced as follows: (A) on the building frontage on Harrison Street, a reduction in the apparent mass reduction requirement to 50%; (B) on the building frontage on Fourth Street, elimination of the apparent mass reduction requirement.

(ii) On the Key Site identified in Section 329(e)(2)(C), exception to the lot coverage limits in Section 249.78(d)(4), the micro-retail requirement in 249.78(c)(4), the active use requirement in Section 145.1, and the ground floor commercial use requirements in Section 145.4. In addition, the site may be permitted to seek a Conditional Use Authorization to establish a Formula Retail Limited Restaurant, pursuant to Section 303.1.

(iii) On the Key Site identified in Section 329(e)(2)(D), exception to the requirement in Section 138(d)(2)(E)(i) that ground floor POPOS be open to the sky.

(iv) On the Key Site identified in Section 329(e)(2)(E), exception to the lot coverage limits in Section 249.78(d)(4), the street frontage requirements in Section 145.1, and the protected pedestrian-, cycling-, and transit-oriented street frontage requirements of Section 155(r).

(~~i~~v) On the Key Site identified in Section 329(e)(2)(G), exception to the PDR space requirements of Section 249.78(c)(5).

(vi) On the Key Site identified in Section 329(e)(2)(H), exception to ~~the protected pedestrian-, cycling-, and transit-oriented street frontage requirements of Section 155(r) and to~~the street frontage requirements in Section 145.1, the required ground floor commercial uses in Section 145.4, and the requirement that at least two-thirds of the Gross Floor Area of all building area below 160 feet be non-residential in Section 249.78(c)(6). In addition, the usable open space requirement pursuant to Section 135 may be reduced to 60 square feet of usable open space required for each dwelling unit if not publicly accessible.

*(4) **Determination.** In granting such exceptions, the Planning Commission shall determine that the provision of the proposed amenities and exceptions would meet the following criteria:*

(A) The amenities and exceptions would, on balance, be in conformity with and support the implementation of the Goals, Objectives, and Policies of the Central SoMa Plan,

(B) The amenities would result in an equal or greater benefit to the City than would occur without the exceptions, and

(C) The exceptions are necessary to facilitate the provision of important public assets that would otherwise be difficult to locate in a highly developed neighborhood like SoMa.

(*ef*) **Hearing and Decision.**

* * * *

SEC. 401. DEFINITIONS.

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

* * * *

"Designated affordable housing zones." For the purposes of implementing the Eastern Neighborhoods *Community Improvements*~~*Public Benefits*~~ Fund, shall mean the Mission NCT defined in Section 754 ~~*and those Mixed Use Residential Districts defined in Section 841 that are located within the boundaries of either the East SoMa or Western SoMa Plan Areas*~~.

* * * *

"Eastern Neighborhoods *Community Improvements*~~*Public Benefits*~~ Fund." The fund into which all fee revenue collected by the City from the Eastern Neighborhoods Impact Fee is deposited.

* * * *

SEC. 411A.3. APPLICATION OF TSF.

* * * *

(d) **Application of the TSF to Projects in the Approval Process at the Effective Date of Section 411A.** The TSF shall apply to Development Projects that are in the approval process at the effective date of Section 411A, except as modified below:

(1) Projects that have a Development Application approved before the effective date of this Section shall not be subject to the TSF, but shall be subject to the TIDF at the rate applicable ~~*per*~~*pursuant to* Planning Code Sections 411.3 (e) and 409, as well as any other applicable fees.

(2) Projects that have filed a Development Application or environmental review application on or before July 21, 2015, and have not received approval of any such application, shall be subject to the TSF as follows*, except as described in subsection (3) below*:

(A) Residential Uses subject to the TSF shall pay 50% of the applicable residential TSF rate, as well as any other applicable fees.

(B) The Non-residential or PDR portion of any project shall be subject to the TSF but pay the applicable TIDF rate ~~per~~*pursuant to* Planning Code Sections 411.3(e) and 409, as well as any other applicable fees.

(3) Projects that have not filed a Development Application or environmental review application before July 22, 2015, and file the first such application on or after July 22, 2015, and have not received approval of any such application, *as well as projects within the Central SoMa Special Use District that have a Central SoMa* ~~Development~~Fee *Tier of A, B, or C, as defined in Section 423.2, regardless of the date filed of any Development Application,* shall be subject to the TSF as follows:

(A) Residential Uses subject to the TSF shall pay 100% of the applicable residential TSF rate, as well as any other applicable fees.

(B) The Non-residential or PDR portion of any project shall pay 100% of the applicable Non-residential or PDR TSF rate, as well as any other applicable fees.

* * * *

SEC. 413.7. COMPLIANCE BY LAND DEDICATION WITHIN THE CENTRAL SOMA SPECIAL USE DISTRICT.

(a) ***Controls.*** *Within the Central SoMa Special Use District, projects may satisfy all or a portion of the requirements of Section 413.5, 413.6 and 413.8 via dedication of land* ~~with equivalent or greater value than the fee owed pursuant to Section 413 et seq.~~ Projects may receive a credit against such requirements up to the value of the land donated, calculated pursuant to subsection (b) below.

(b) ***Requirements.***

(1) The value of the dedicated land shall be determined by the Director of Property pursuant to Chapter 23 of the Administrative Code*. Prior to issuance by DBI of the first site or building permit for a development project subject to Section 413.1 et seq. the sponsor shall submit to the Department, with a copy to MOHCD and* the Director of Property, the *appraisal reports* required by Chapter 23 of the Administrative Code *of the fair market value of any land to be dedicated by the sponsor to the City and County of San Francisco.*

(2) Projects are subject to the requirements of Section 419.5(a)(2)(A) and (C) through (J).

* * * *

SEC. 413.10. CITYWIDE AFFORDABLE HOUSING FUND.

All monies contributed pursuant to Sections 413.6 or 413.8 or assessed pursuant to Section 413.9 shall be deposited in the Citywide Affordable Housing Fund ("Fund"), established in Administrative Code Section 10.100-49. The receipts in the Fund collected under Section 413et seq. shall be used solely to increase the supply of housing affordable to qualifying households subject to the conditions of this Section. The fees collected under this Section may not be used, by way of loan or otherwise, to pay any administrative, general overhead, or similar expense of any entity. The Mayor's Office of Housing and Community Development ("MOHCD") shall develop procedures such that, for all projects funded by the Citywide Affordable Housing Fund, MOHCD requires the project sponsor or its successor in interest to give preference in occupying units as provided for in Administrative Code Chapter 47.

Pursuant to Section 249.78(e)(1), all monies contributed pursuant to the Jobs-Housing Linkage Program and collected within the Central SoMa Special Use District shall be paid into the Citywide Affordable Housing Fund, but the funds shall be separately accounted for. Such funds shall be

expended within the area bounded by Market Street, the Embarcadero, King Street, Division Street, and South Van Ness Avenue.

* * * *

SEC. 415.3. APPLICATION.

* * * *

(b) *Except as provided in subsection (3) below, a*~~A~~ny development project that has submitted a complete Environmental Evaluation application prior to January 12, 2016 shall comply with the Affordable Housing Fee requirements, the on-site affordable housing requirements or the off-site affordable housing requirements, and all other provisions of Section 415.1 *et seq.*, as applicable, in effect on January 12, 2016. For development projects that have submitted a complete Environmental Evaluation application on or after January 1, 2013, the requirements set forth in Planning Code Sections 415.5, 415.6, and 415.7 shall apply to certain development projects consisting of 25 dwelling units or more during a limited period of time as follows.

* * * *

(3) During the limited period of time in which the provisions of Section 415.3(b) apply, *the following provisions shall apply:*

*(A) F*or any housing development that is located in an area with a specific affordable housing requirement set forth in an Area Plan or a Special Use District, or in any other section of the Code such as Section 419, with the exception of the UMU Zoning District or in the South of Market Youth and Family Zoning District, the higher of the affordable housing requirement set forth in such Area Plan or Special Use District or in Section 415.3(b) shall apply~~.~~*:*

(B) Development projects that are within the Central SoMa Special Use District; that are designated as Central SoMa Development Tier A, B, or C, as defined in Section

423.2; and that submitted a complete Environmental Evaluation application prior to January 12, 2016 shall be subject to the affordable housing requirements set forth in Sections 415.5, 415.6, and 415.7 that apply to projects that submitted a complete Environmental Evaluation Application on or after January 13, 2016 and before December 31, 2017; and

(C) Any affordable housing impact fee paid pursuant to an Area Plan or Special Use District shall be counted as part of the calculation of the inclusionary housing requirements contained in Planning Code Sections 415.1 *et seq.*

* * * *

SEC. 415.5. AFFORDABLE HOUSING FEE.

* * * *

(f) **Use of Fees.** All monies contributed pursuant to the Inclusionary Affordable Housing Program shall be deposited in the Citywide Affordable Housing Fund ("the Fund"), established in Administrative Code Section 10.100-49, *except as specified below*. The Mayor's Office of Housing and Community Development ("MOHCD") shall use the funds collected under this Section 415.5 in the following manner:

* * * *

(2) **"Small Sites Funds."**

(A) **Designation of Funds.** MOHCD shall designate and separately account for 10% of all fees that it receives under Section 415.1 *et seq.* that are deposited into the Citywide Affordable Housing Fund, established in Administrative Code Section 10.100-49, excluding fees that are geographically targeted such as those referred to in Sections *249.78(e)(1),* 415.5(b)(1), and 827(b)(1), to support acquisition and rehabilitation of Small Sites ("Small Sites Funds"). MOHCD shall continue to divert 10% of all fees for this purpose until the Small Sites Funds reach a total of $15 million, at which point, MOHCD will stop designating funds for this purpose. At such time as designated Small Sites Funds are

expended and dip below $15 million, MOHCD shall start designating funds again for this purpose, such that at no time the Small Sites Funds shall exceed $15 million. When the total amount of fees paid to the City under Section 415.1 *et seq.* totals less than $10 million over the preceding 12-month period, MOHCD is authorized to temporarily divert funds from the Small Sites Fund for other purposes. MOHCD ~~*must*~~*shall* keep track of the diverted funds, however, such that when the amount of fees paid to the City under Section 415.1 *et seq.* meets or exceeds $10 million over the preceding 12-month period, MOHCD shall commit all of the previously diverted funds and 10% of any new funds, subject to the cap above, to the Small Sites Fund.

* * * *

(4) Pursuant to Section 249.78(e)(1), all monies contributed pursuant to the Inclusionary Affordable Housing Program and collected within the Central SoMa Special Use District shall be paid into the Citywide Affordable Housing Fund, but the funds shall be separately accounted for. Such funds shall be expended within the area bounded by Market Street, the Embarcadero, King Street, Division Street, and South Van Ness Avenue.

* * * *

SEC. 415.7. OFF-SITE AFFORDABLE HOUSING ALTERNATIVE.

* * * *

(c) **Location of off-site housing:**

(1) Except as specified in subsection (ii) below, t~~*T*~~he off-site units shall be located within one mile of the principal project;

(2) Projects within the Central SoMa SUD must be located within the area bounded by Market Street, the Embarcadero, King Street, Division Street, and South Van Ness Avenue.

* * * *

SEC. 417.5. USE OF FUNDS.

The Eastern Neighborhoods Area Plan Alternate Affordable Housing Fee shall be paid into the Citywide Affordable Housing Fund, but the funds shall be separately accounted for. MOH shall expend the funds according to the following priorities: First, to increase the supply of housing affordable to qualifying households in the Eastern Neighborhoods Project Areas; second, to increase the supply of housing affordable to qualifying households within 1 mile of the boundaries of the Eastern Neighborhoods Project Areas; third, to increase the supply of housing affordable to qualifying households in the City and County of San Francisco. The funds may also be used for monitoring and administrative expenses subject to the process described in Section 415.5(e). *All monies contributed pursuant to the Eastern Neighborhoods Area Plan Alternate Affordable Housing Fee and collected within the Central SoMa Special Use District shall be paid into the Citywide Affordable Housing Fund, but the funds shall be separately accounted for. Such funds shall be expended within the area bounded by Market Street, the Embarcadero, King Street, Division Street, and South Van Ness Avenue.*

* * * *

SEC. 418.7. SOMA COMMUNITY STABILIZATION FUND.

(a) ***Purpose.*** There is hereby established a separate fund set aside for a special purpose entitled the SOMA Community Stabilization Fund ("Fund"), and within the Fund an account related to the Community Facilities District defined in Section 434 called the SoMa Community Facilities District Account ("Community Facilities District Account"). The Fund and the Community Facilities District Account shall be held and maintained by the Controller. All monies collected by DBI pursuant to Section ~~419.3~~418.3 shall be deposited in the Fund~~a special fund~~, to be maintained by the Controller. The Controller may direct certain proceeds of the Community Facilities District special tax, as defined in Section 434, collected pursuant to Section 434, to be deposited into the Community Facilities District Account. Proceeds of bonds issued for the Community Facilities District shall not be deposited into the Community

Facilities District Account .The receipts in the Fund and the Community Facilities District Account are hereby appropriated in accordance with law to be used solely to address the effects of destabilization on residents and businesses in SOMA subject to the conditions of this Section.

(b) ***Use of Funds.***

(1) All monies deposited in the Fund shall be used to address the impacts of destabilization on residents and businesses in SOMA including assistance for: affordable housing and community asset building, small business rental assistance, development of new affordable homes for rental units for low income households, rental subsidies for low income households, down payment assistance for home ownership for low income households, eviction prevention, employment development and capacity building for SOMA residents, job growth and job placement, small business assistance, leadership development, community cohesion, civic participation, cultural preservation, and community based programs and economic development. Monies in the Community Facilities District Account may be used for the purposes specified in this subsection (b) that are authorized uses of Community Facilities District revenues under the proceedings for the Community Facilities District and that are described in the Central SoMa Implementation Program Document.

(2) Monies from the Fund may be appropriated by MOHCD without additional approval by the Board of Supervisors to the Planning Commission or other City department or office to commission economic analyses for the purpose of revising the fee, to complete a nexus study to demonstrate the relationship between residential development and the need for stabilization assistance if this is deemed necessary, provided these expenses do not exceed a total of $100~~,~~000. The receipts in the Fund may be used to pay the expenses of MOHCD in connection with administering the Fund and monitoring the use of the Funds. Before expending funds on administration, MOCHD must obtain the approval of the Board of

Supervisors by Resolution. Monies in the Community Facilities District Account may not be used for the purposes described in this subsection.

~~(3) Receipts in the Fund shall also be used to reimburse the Department for conducting a study as follows. Within 60 days of the effective date of Section 418.1et seq. the Department shall commence a study on the impact, in nature and amount, of market rate housing development on the production of permanently affordable housing and recommend the range of possible fees to be paid by market rate housing developers to mitigate such impact should one be found. The Department shall make timely progress reports on the conduct of this study and shall submit the completed report along with recommendations for legislation to the Land Use & Economic Development Committee of the Board of Supervisors. This study is meant to accomplish the same purposes as the study authorized by the Board of Supervisors in Planning Code Section 415.8(e) and thus supersedes 415.8(e)4.~~

(c) ***Reporting.*** The Controller's Office shall file a report with the Board of Supervisors in even-numbered years, which report shall set forth the amount of money collected in the Fund. The Fund shall be administered and expended by MOHCD, but all expenditures shall first be approved by the Board of Supervisors through the legislative process. In approving expenditures from the Fund, MOHCD and the Board of Supervisors shall accept any comments from the Community Advisory Committee, the public, and any relevant City departments or offices. With respect to the Community Facilities District Account, the Controller's Office also shall comply with the reporting requirements set forth in the Special Tax Financing Law and Government Code Section 50075 *et seq.*~~Before approving any expenditures, the Board of Supervisors shall determine the relative impact from the development in the Rincon Hill Plan Area on the areas described in Section 418.7(b) and shall insure that the expenditures are consistent with mitigating the impacts from the development.~~

(d) ***Oversight.*** There shall be a SOMA Community Stabilization Fund Community Advisory Committee to advise MOHCD and the Board of Supervisors on the administration of the Fund.

(1) The Community Advisory Committee shall be composed of seven members appointed as follows:

(A) One member representing low-income families who lives with his or her family in SOMA, appointed by the Board of Supervisors.

(B) One member who has expertise in employment development and/or represents labor, appointed by the Board of Supervisors.

(C) One member who is a senior or disabled resident of SOMA, appointed by the Board of Supervisors.

(D) One member with affordable housing expertise and familiarity with the SOMA neighborhood, appointed by the Board of Supervisors

(E) One member who represents a community based organization in SOMA, appointed by the Board of Supervisors.

(F) One member who provides direct services to SOMA families, appointed by the Board of Supervisors.

(G) One member who has small business expertise and a familiarity with the SOMA neighborhood, appointed by the Board of Supervisors.

(2) The Community Advisory Committee shall comply with all applicable public records and meetings laws and shall be subject to the Conflict of Interest provisions of the City's Charter and Administrative Code. The initial meeting of the Advisory Committee shall be called within 30 days from the day the Board of Supervisors completes its initial appointments. MOHCD shall provide administrative support to the Committee. The Committee shall develop annual recommendations to MOHCD on the Expenditure Plan.

(3) The members of the Community Advisory Committee shall be appointed for a term of two years; provided, however, that the members first appointed shall by lot at the first meeting, classify their terms so that three shall serve for a term of one year and four shall serve for a term of two years. At the initial meeting of the Committee and yearly thereafter, the Committee members shall select such officer or officers as deemed necessary by the Committee. The Committee shall promulgate such rules or regulations as are necessary for the conduct of its business under this Section. In the event a vacancy occurs, a successor shall be appointed to fill the vacancy consistent with the process and requirements to appoint the previous appointee. When a vacancy occurs for ~~an~~ reason other than the expiration of a term of office, the appointee to fill such vacancy shall hold office for the unexpired term of his or her predecessor. Any appointee who misses four meetings within a twelve-month period, without the approval of the Committee, shall be deemed to have resigned from the Committee.

~~(e) Within 90 days of the effective date of Section 418.1et seq., the Director of MOCD shall propose rules, regulations and a schedule for administrative support governing the Fund to the Board of Supervisors for its approval.~~

SEC. 419. HOUSING REQUIREMENTS FOR RESIDENTIAL DEVELOPMENT PROJECTS IN THE UMU ZONING DISTRICTS OF THE EASTERN NEIGHBORHOODS AND THE LAND DEDICATION ALTERNATIVE IN THE *UMU DISTRICT,* MISSION NCT DISTRICT, *AND CENTRAL SOMA SPECIAL USE DISTRICT*.

Sections 419.1 through 419.6, hereafter referred to as Section 419.1 et seq., set forth the housing requirements for residential development projects in the UMU Zoning Districts of the Eastern Neighborhoods and the Land Dedication Alternative in the *UMU District,* Mission NCT District, *and Central SoMa Special Use District*. The effective date of these requirements

shall be either December 19, 2008, which is the date that the requirements originally became effective, or the date a subsequent modification, if any, became effective.

* * * *

SEC. 419.6. LAND DEDICATION ALTERNATIVE IN THE MISSION NCT DISTRICT *AND CENTRAL SOMA SPECIAL USE DISTRICT*.

*(a) **Mission NCT District.*** The Land Dedication alternative is available for any project within the Mission NCT District under the same terms and conditions as provided for in Section 419.5(a)(2)(A)-(J).

*(b) **Central SoMa Special Use District.** The Land Dedication alternative is available for projects within the Central SoMa Special Use District under the same terms and conditions as provided for in Section 419.5(a)(2), except that in lieu of the* Land Dedication Alternative *requirements of Table 419.5, projects may satisfy the requirements of Section 415.5 by dedicating land for affordable housing if the dedicated site will result in a total amount of dedicated Gross Floor Area that is equal to or greater than 45% of the potential Gross Floor Area that could be provided on the principal site, as determined by the Planning Department. Any dedicated land shall be within the area bounded by Market Street, the Embarcadero, King Street, Division Street, and South Van Ness Avenue.*

* * * *

SEC. 423.1. PURPOSE AND FINDINGS SUPPORTING EASTERN NEIGHBORHOODS IMPACT FEES AND COMMUNITY IMPROVEMENTS FUND.

(a) **Purpose.** The Board takes legislative notice of the purpose of the Eastern Neighborhoods Area Plan as articulated in the Eastern Neighborhoods Area Plan of the San Francisco General Plan. San Francisco's Housing Element establishes the Eastern Neighborhoods as a target area for development of new housing to meet San Francisco's identified housing targets. The release of some of the area's formerly industrial lands, no longer needed to meet current industrial or PDR needs, offer an opportunity to achieve higher

affordability, and meet a greater range of need. The Mission, Showplace Square - Potrero Hill, *Central SoMa,* East SoMa, Western SoMa and Central Waterfront Area Plans of the General Plan (Eastern Neighborhoods Plans) thereby call for creation of new zoning intended specifically to meet San Francisco's housing needs, through higher affordability requirements and through greater flexibility in the way those requirements can be met, as described in Section 419. To support this new housing, other land uses, including PDR businesses, retail, office and other workplace uses will also grow in the Eastern Neighborhoods.

This new development will have an extraordinary impact on the Plan Area's already deficient neighborhood infrastructure. New development will generate needs for a significant amount of public open space and recreational facilities; transit and transportation, including streetscape and public realm improvements; community facilities and services, including child care; and other amenities, as described in the Eastern Neighborhoods Community Improvements Program, on file with the Clerk of the Board in File No. 081155.

A key policy goal of the Eastern Neighborhoods Plans is to provide a significant amount of new housing affordable to low, moderate and middle income families and individuals, along with "complete neighborhoods" that provide appropriate amenities for these new residents. The Plans obligate all new development within the Eastern Neighborhoods to contribute towards these goals, by providing a contribution towards affordable housing needs and by paying an Eastern Neighborhoods Impact Fee.

* * * *

SEC. 423.2. DEFINITIONS.

~~(a)~~ In addition to the definitions set forth in Section 401 of this Article, the following definitions shall govern interpretation of Section 423.1 *et seq.*

(a) ***Eastern Neighborhoods Base Height.*** *The Height limit immediately prior to the adoption of the following:*

(1) The Eastern Neighborhoods Plan (Ordinance No. 298-08, on file with the Clerk of the Board of Supervisors in File No. 081153), regardless of subsequent changes in the Height limit, for parcels within the East SoMa Plan Area at the time of plan adoption;

(2) The Western SoMa Area Plan (Ordinance No. 41-13, on file with the Clerk of the Board of Supervisors in File No. 130001), regardless of subsequent changes in the Height limit, for parcels within the Western SoMa Area Plan at the time of plan adoption; or

(3) Ordinance No. 13-14 (on file with the Clerk of the Board of Supervisors in File No. 131161), regardless of subsequent changes in the Height limit, for parcels added to the East SoMa Plan Area by Ordinance No. 13-14.

(b) ***Central SoMa Base Height.***

(1) For all parcels except those described in subsection (2) below, the Height limit established by the Central SoMa Plan (Ordinance No. _____, on file with the Clerk of the Board of Supervisors in File No. _____), regardless of subsequent changes in the Height limit.

(2) ***Exception for Narrow Sites.*** *Projects on parcels in the CS Bulk District, as defined in Section 270, with a Height limit greater than 85 feet and with no street or alley frontage greater than 100 feet shall be considered for the purposes of Section 423 et seq. to have a Height limit of 85 feet regardless of the parcel's actual Height limit.*

(c) ***Eastern Neighborhoods Fee Tiers.***

(1) **Tier 1.**

(A) All development on sites ~~*which*~~*that* received a height increase of eight feet or less, received no height increase, or received a reduction in height, as *measured from the Eastern Neighborhoods Base Height*~~*part of the Eastern Neighborhoods Plan (on file with the Clerk of the Board of Supervisors in File No. 081154) or the Western SoMa Community Plan (on file with the Clerk of the Board of Supervisors in File No. 130001)*~~;

(B) The residential portion of all 100% affordable housing projects;

(C) The residential portion of all projects within the Urban Mixed Use (UMU) district; and

(D) All changes of use within existing structures.

(2) **Tier 2.** All additions to existing structures or new construction on other sites not listed in subsection (1) above ~~*which*~~*that* received a height increase of nine to 28 feet, as *measured from the Eastern Neighborhoods Base Height*~~*part of the Eastern Neighborhoods Plan (on file with the Clerk of the Board of Supervisors in File No. 081154) or the Western SoMa Community Plan (on file with the Clerk of the Board of Supervisors in File No. 130001);*~~

~~*For the purposes of this Section, increase in heights in the WMUG District in Assessor's Blocks 3733 and 3752 shall be measured by the base height (as defined in Section 263.11) prior to the effective date of the Western SoMa Plan (Ordinance No. Ord. 42-13)*~~;

(3) **Tier 3.** All additions to existing structures or new construction on other sites not listed in subsection (1) above ~~*which*~~*that* received a height increase of 29 feet or more, as *measured from the Eastern Neighborhoods Base Height*~~*part of the Eastern Neighborhoods Plan (on file with the Clerk of the Board of Supervisors in File No. 081154) or the Western SoMa Community Plan (on file with the Clerk of the Board of Supervisors in File No. 130001).*~~

~~*For purposes of this Section, increase in heights in the MUR District shall be measured by the base height (as defined in Section 263.11) prior to the effective date of the Eastern Neighborhoods (Ordinance No. 298-08)*~~.

(d) ***Central SoMa Fee Tiers.*** *For all applicable projects, the following Fee Tiers apply:*

(1) ***Tier A.***

(A) All development on sites rezoned from SALI or SLI to either CMUO, MUG, MUR, *or WMUO with a Height limit at or below 45 feet, pursuant to the adoption of the Central SoMa Area Plan (on file with the Clerk of the Board of Supervisors in File No. ____).*

(B) All development on all other sites that received a Height increase of 15 feet to 45 feet pursuant to the adoption of the Central SoMa Area Plan (on file with the Clerk of the Board of Supervisors in File No. ____).

(2) Tier B.

(A) All development on sites rezoned from SALI or SLI to either CMUO, MUG, MUR, *or WMUO with a Height limit of between 46 and 85 feet, pursuant to the adoption of the Central SoMa Area Plan (on file with the Clerk of the Board of Supervisors in File No. ____).*

(B) All development on all other sites that received a Height increase of 46 feet to 85 feet pursuant to the adoption of the Central SoMa Area Plan (on file with the Clerk of the Board of Supervisors in File No. ____).

(3) Tier C.

(A) For All development on sites rezoned from SALI or SLI to either CMUO, MUG, MUR, *or WMUO with a Height limit above 85 feet, pursuant to the adoption of the Central SoMa Area Plan (on file with the Clerk of the Board of Supervisors in File No. ____).*

(B) All development on all other sites that received a Height increase of more than 85 feet pursuant to the adoption of the Central SoMa Area Plan (on file with the Clerk of the Board of Supervisors in File No. ____).

SEC. 423.3. APPLICATION OF EASTERN NEIGHBORHOODS INFRASTRUCTURE IMPACT FEE.

* * * *

(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 Eastern Neighborhoods Infrastructure 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 Eastern Neighborhoods Community Improvements Program and where they substitute for improvements that could be provided by the Eastern Neighborhoods *Community Improvements* ~~*Public Benefits*~~ Fund (as described in Section 423.5). The City may reject in-kind improvements if they are not consistent with the priorities identified in the Eastern Neighborhoods Area Plans (Central Waterfront, East SoMa, Western SoMa, Mission, and Showplace Square/Potrero Hill), by the Interagency Plan Implementation Committee (see Section 36 of the Administrative Code), the Eastern Neighborhoods Citizens Advisory Committee, or other prioritization processes related to Eastern Neighborhoods Citizens community 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.

* * * *

(f) **Waiver or Reduction of Fees.** Development projects may be eligible for a waiver or reduction of impact fees, *pursuant to*~~*per*~~ Section 406 of this Article. Additionally, ~~*project sponsors with a development project located within an applicable San Francisco Redevelopment Project Area may reduce their required contribution to the Eastern Neighborhoods Public Benefits Fund by half of any total sum that they would otherwise be required to pay under this Section, if the sponsor*~~

~~*(1) has filed its first application, including an environmental evaluation application or any other Planning Department or Building Department application before the effective date of Section 423.1et seq. and*~~

~~*(2) provides the Zoning Administrator with written evidence, supported in writing by the San Francisco Redevelopment Agency, that demonstrates the annual tax increment*~~

~~*which could be generated by the proposed project would support a minimum future bonding capacity equal to $10,000,000 or greater.*~~ *office projects under 50,000 square feet, other non-residential projects, and residential projects in the Central SoMa Special Use District may reduce their required contribution to the Eastern Neighborhoods Community Improvements Fund as follows: for every gross square foot of PDR space required by Planning Code Section 202.8, the project may waive payment for four gross square feet of the Eastern Neighborhoods Infrastructure Impact Fee.*

* * * *

SEC. 423.5. THE EASTERN NEIGHBORHOODS COMMUNITY IMPROVEMENTS FUND.

* * * *

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

(1) All monies deposited in the Fund or credited against Fund obligations shall be used to design, engineer, acquire, improve, and develop public open space and recreational facilities; transit, streetscape and public realm improvements; and child care facilities. Funds may be used for childcare facilities that are not publicly owned or publicly-accessible.

(A) Funds collected from all zoning districts in the Eastern Neighborhoods Program Area, excluding Designated Affordable Housing Zones shall be allocated to accounts by improvement type according to Table 423.5.

(B) Funds collected in Designated Affordable Housing Zones ~~*(Mission NCT and MUR*~~, as defined in Section 401~~)~~, shall be allocated to accounts by improvement type as described in Table 423.5A.

* * * *

(c) Funds shall be allocated to accounts by improvement type as described below:

(1) Funds collected from all zoning districts in the Eastern Neighborhoods Program Area, excluding Designated Affordable Housing Zones shall be allocated to accounts by improvement type according to Table 423.5. Funds collected from MUR Zoning Districts outside of the boundaries of either the East SoMa or Western SoMa Area Plans shall be allocated to accounts by improvement type according to Table 423.5.

(2) Funds collected in Designated Affordable Housing Zones, ~~*(Mission NCT and MUR Use Districts within the boundaries of either the East SoMa or Western SoMa Area Plans (*~~as defined in Section 401~~*)*~~, shall be allocated to accounts by improvement type as described in Table 423.5A. For funds allocated to affordable housing, MOH shall expend the funds as follows:

(A) All funds collected from projects in the Mission NCT shall be expended on housing programs and projects within the Mission Area Plan boundaries.

~~*(B) All funds collected from projects in the MUR Use Districts within the boundaries of either the East SoMa or Western SoMa Area Plans shall be expended on housing programs and projects within the boundaries of 5th to 10th Streets/Howard to Harrison Streets.*~~

* * * *

~~***SEC. 425. ALTERNATIVE MEANS OF SATISFYING THE OPEN SPACE REQUIREMENT IN THE SOUTH OF MARKET MIXED USE DISTRICTS.***~~

~~*(The effective date of these provisions shall be either April 6, 1990, the date that it originally became effective, or the date a subsequent modification, if any, became effective.)*~~

~~*If it is the judgment of the Zoning Administrator that an open space satisfying the requirements and standards of subsections (b) and (c) of Section 135.3 of this Code cannot be created because of constraints of the development site, or because the project cannot provide safe, convenient access to the public, or because the square footage of open space is not sufficient to provide a usable open space, the Zoning Administrator may (i) authorize, as an eligible type of open space, a pedestrian mall or*~~

~~*walkway within a public right-of-way which is improved with paving, landscaping, and street furniture appropriate for creating an attractive area for sitting and walking, or (ii) waive the requirement that open space be provided upon payment to the Open Space Fund of a fee of $.80 for each square foot of open space otherwise required to be provided. These amounts shall be adjusted annually effective April 1st of each calendar year by the percentage of change in the Building Cost Index used by the San Francisco Bureau of Building Inspection. This payment shall be paid in full to the City prior to the issuance of any temporary or other certificate of occupancy for the subject property. Said fee shall be used for the purpose of acquiring, designing, improving and/or maintaining 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 South of Market Base District, as that District is defined in Section 820 of this Code and identified on Sectional Map 3SU of the Zoning Map of the City and County of San Francisco. Said fee, and any interest accrued by such fee, shall be used for the purpose stated herein unless it is demonstrated that it is no longer needed.*~~

SEC. 426. ALTERNATIVE MEANS OF SATISFYING THE *NON-RESIDENTIAL* OPEN SPACE REQUIREMENT IN THE EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.

(The effective date of these provisions shall be either December 19, 2008, the date that they originally became effective, or the date a subsequent modification, if any, became effective.)

In the Eastern Neighborhoods Mixed Use Districts, *except for* any parcels within *the* ~~CMUO~~Central SoMa Special Use *District,* the *usable* open space requirement *of Section 135.3* may be satisfied through payment of a fee of $76 for each square foot of usable open space not provided ~~*pursuant to that Variance*~~. *In the* ~~CMUO~~Central SoMa Special Use *District, the usable open space requirement of Section 135.3 may be satisfied through payment of a fee of $890 for each square foot of required usable open space not provided,* and the POPOS requirement of

Section 138 may be satisfied through a payment of a fee of $890 for each square foot of required open space not provided that meets the conditions of Sections 138 *et seq.* and 329(e). ~~*This*~~*These* fee*s* shall be adjusted in accordance with Section 423.3 of this Article. ~~*This*~~*These* fee*s* shall be paid into the *Recreation and Open Space subset of the* Eastern Neighborhoods *Community Improvements*~~*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.*~~

SEC. 427. PAYMENT IN CASES OF VARIANCE OR EXCEPTION FOR REQUIRED *RESIDENTIAL* OPEN SPACE.

(a) **Eastern Neighborhoods Mixed Use Districts.** In the Eastern Neighborhoods Mixed Use Districts, *except for the* ~~CMUO~~Central SoMa Special Use *District,* ~~*should a Variance from usable open space requirements for residential uses be granted by the Zoning Administrator,*~~ *any project that obtains a Variance pursuant to Section 305,* or an exception ~~*be granted for those projects subject*~~ *pursuant* to ~~*the*~~ Section 329 ~~*process*~~, *to provide less usable open space than otherwise required by Section 135 shall pay* a fee of $327 ~~*shall be required*~~ for each square foot of usable open space not provided ~~*pursuant to that Variance*~~. *In the* ~~CMUO~~Central SoMa Special Use *District, any project that obtains a Variance pursuant to Section 305, an exception pursuant to Section 329, or chooses the in-lieu option pursuant to Section 135(d)(5)(B)(ii) shall pay a fee of $890 for each square foot of required useable open space not provided.* ~~*This*~~*These* fee*s* shall be adjusted in accordance with Section 423.3 of this Article. ~~*This*~~*These* fee*s* shall be paid into the *Recreation and Open Space subset of the* Eastern Neighborhoods *Community Improvements*~~*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.*~~

* * * *

SEC. 429. ARTWORKS, OPTIONS TO MEET PUBLIC ART FEE REQUIREMENT, RECOGNITION OF ARCHITECT AND ARTISTS, AND REQUIREMENTS.

(The effective date of these requirements shall be either September 17, 1985, the date that they originally became effective, or the date a subsequent modification, if any, became effective.)

* * * *

SEC. 429.2. APPLICATION.

This section shall apply to:

(a) all projects that involve construction of a new building or addition of floor area in excess of 25,000 square feet to an existing building in a C-3 District; and

(b) all non-residential projects that involve construction of a new building or addition of floor area in excess of 25,000 square feet and that have submitted their first complete Development Application on or after January 1, 2013 on the following parcels:

(1) all parcels in RH-DTR, TB-DTR, SB-DTR, ~~*SLI, SLR, SSO, C-M,*~~ UMU, WMUG, WMUO and SALI Districts;

(2) properties that are zoned MUG, *CMUO, or* MUO~~*, or MUR*~~or MUR and that are north of Division/Duboce/13th Streets; and

(3) all parcels zoned C-2 except for those on Blocks 4991 (Executive Park) and 7295 (Stonestown Galleria Mall).

For the purposes of this Section, a "Development Application" shall mean any application for a building permit, site permit, environmental review, Preliminary Project Assessment (PPA), Conditional Use, or Variance.

* * * *

SEC. 432. CENTRAL SOMA COMMUNITY SERVICES FACILITIES FEE AND FUND.

Sections 432.1 through 432.4 set forth the requirements and procedures for the Central SoMa Community Services Facilities Fee and Fund.

SEC. 432.1. PURPOSE AND FINDINGS.

(a) ***Purpose.*** *New development in Central SoMa will increase the resident and employee populations, generating new demand for use of community service facilities, such as cultural facilities, health clinics, services for people with disabilities, and job training centers. New revenues to fund investments in community services are necessary to maintain the existing level of service. This fee will generate revenue that will be used to ensure an expansion in community service facilities in Central SoMa as new development occurs.*

(b) ***Findings.*** *In adopting the Central SoMa Plan (Ordinance No. _____, on file with the Clerk of the Board of Supervisors in File No. _____), the Board of Supervisors reviewed the Central SoMa Community Facilities Nexus Study, prepared by Economic & Planning Systems and dated March 2016. The Board of Supervisors reaffirms the findings and conclusions of this study as they relate to the impact of new development in Central SoMa on community services facilities, and hereby readopts the findings contained in the Central SoMa Community Facilities Nexus Study.*

SEC. 432.2. APPLICATION OF FEES.

(a) ***Applicable Projects.*** *The Central SoMa Community Services Facilities Fee is applicable to any development project in the Central SoMa Special Use District that:*

(1) Is in any Central SoMa Fee Tier, pursuant to Section 423; and

(2) Includes new construction or an addition of space in excess of 800 gross square feet.

(b) ***Fee Calculation.*** *For applicable projects, the Fee is as follows:*

(1) For Residential uses, $1.30 per gross square foot of net additional gross square feet, net replacement of gross square feet from PDR uses, or net change of use of gross square feet from PDR uses.

(2) For Non-residential uses,

(A) $1.75 per gross square foot of net additional gross square feet, net replacement of gross square feet from PDR uses, or net change of use of gross square feet from PDR uses.

(B) $0.45 per gross square foot of net replacement of gross square feet from Residential uses or net change of use of gross square feet from Residential uses.

(c) ***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 Central SoMa Community Services Facilities* ~~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 Central SoMa Community Improvements Program and substitute for improvements that could be provided by the Central SoMa Community Services Facilities Public Benefits Fund (as described in Section 432.4). The City may reject in-kind improvements if they are not consistent with the priorities identified in the Central SoMa Plan, by the Interagency Plan Implementation Committee (see Section 36 of the Administrative Code), the Eastern Neighborhoods Citizens Advisory Committee, or other prioritization processes related to Eastern Neighborhoods Citizens community 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.*

*(2) **Valuation, Content, Approval Process, and Administrative Costs.** The valuation, content, approval process, and administrative costs shall be undertaken pursuant to the requirements of Sections 423.3(d)(2) through 423.3(d)(5).*

*(d) **Timing of Fee Payments.** The Fee is due and payable to the Development Fee Collection Unit at DBI at the time of and in no event later than 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.*

*(e) **Waiver or Reduction of Fees.** Development projects may be eligible for a waiver or reduction of impact fees, pursuant to Section 406.*

SEC. 432.3. IMPOSITION OF CENTRAL SOMA COMMUNITY SERVICES FACILITIES FEE.

*(a) **Determination of Requirements.** The Department shall determine the applicability of Section 432 et seq. to any development project requiring a first construction document and, if Section 432 et seq. is applicable, the Department shall determine the amount of the Central SoMa Community Services Facilities 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 Section 432 et seq., the Department shall notify the Development Fee Collection Unit at DBI of its final determination of the amount of the Central SoMa Community Services Facilities 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 Section 432 et seq. that has elected to fulfill all or part of its Central SoMa Community Services Facilities 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 project complies with the requirements of Section 432 et seq., either through conformance with the In-Kind Improvements Agreement or payment of the remainder of the Central SoMa Community Services Facilities Fee 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 Section 432 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. 432.4. THE CENTRAL SOMA COMMUNITY SERVICES FACILITIES FUND.

(a) There is hereby established a separate fund set aside for a special purpose entitled the Central SoMa Community Services Facilities Fund ("Fund"). All monies collected by the Development Fee Collection Unit at DBI pursuant to Section 432.3(b) shall be deposited in a special fund maintained by the Controller. The receipts in the Fund are to be used solely to fund public infrastructure subject to the conditions of this Section.

(b) Expenditures from the Fund shall be administered by the Mayor's Office of Housing and Community Development, or its successor. The Mayor's Office of Housing and Community

Development or its successor shall have the authority to prescribe rules and regulations governing the Fund.

(1) All monies deposited in the Fund shall be used to design, engineer, and develop community services facilities, including cultural/arts facilities, social welfare facilities, and community health facilities, in the Central SoMa Special Use District as established in the Central SoMa Plan and the Central SoMa Plan Implementation Program Document and supported by the findings of the Central SoMa Community Facilities Nexus Study.

(2) Funds may be used for administration and accounting of fund assets, for additional studies as detailed in the Central SoMa Plan Implementation Program Document, and to defend the Central SoMa Community Services Facilities 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 Central SoMa Community Services Facilities Fund.

(3) The Mayor's Office of Housing and Community Development shall report annually to the Board of Supervisors on the current status of the fund, the amounts approved for disbursement, and the number and types of housing units or households assisted.

(4) All funds are justified and supported by the Central SoMa Community Facilities Nexus Study, adopted as part of the Central SoMa Plan (Ordinance No. _____, on file with the Clerk of the Board of Supervisors in File No. _____). Implementation of the Fee and Fund are

monitored according to the Eastern Neighborhoods Plan Monitoring Program required by the Administrative Code Section 10E.

SEC. 433. CENTRAL SOMA INFRASTRUCTURE IMPACT FEE AND FUND.

Sections 433.1 through 433.4 set forth the requirements and procedures for the Central SoMa Infrastructure Impact Fee and Fund.

SEC. 433.1. PURPOSE AND FINDINGS.

(a) ***Purpose.*** *New development in the Central SoMa Plan Area will increase the resident and employee populations, generating new demand for use of community-serving infrastructure such as transit, complete streets, and recreation and open space. New revenues to fund investments in this infrastructure are necessary to maintain the existing level of service. This fee will generate revenue that will be used to ensure an expansion in community-serving infrastructure in Central SoMa as new development occurs.*

(b) ***Findings.*** *The Board of Supervisors reviewed the San Francisco Citywide Nexus Analysis prepared by AECOM dated March 2014 ("Nexus Analysis"), the San Francisco Infrastructure Level of Service Analysis prepared by AECOM dated March 2014, and the Transportation Sustainability Fee Nexus Study (TSF Nexus Study), dated May, 2015, on file with the Clerk of the Board in Files Nos. 150149 and 150790, and, pursuant to Section 401A, adopts the findings and conclusions of those studies and the general and specific findings in that Section, specifically including the Recreation and Open Space Findings, Pedestrian and Streetscape Findings, Bicycle Infrastructure Findings, and Transit Findings, and incorporates those by reference herein to support the imposition of the fees under this Section.*

SEC. 433.2. APPLICATION OF FEES.

(a) ***Applicable Projects.*** *The Central SoMa Infrastructure Impact Fee is applicable to any development project in the Central SoMa Special Use District that:*

(1) Is in any Central SoMa Tier, pursuant to Section 423; and

(2) Includes new construction or an addition of space in excess of 800 gross square feet.

(b) ***Fee Calculation.*** *For applicable projects, the Fee is as follows:*

(1) For Residential uses in Central SoMa Fee Tier B , $20.00 per gross square foot of net additional gross square feet, net replacement of gross square feet from PDR uses, or net change of use of gross square feet from PDR uses.

(2) For Non-residential uses in Central SoMa Fee Tiers A and B that are seeking an Office Allocation of 50,000 gross square feet or more pursuant to the requirements of Planning Code Section 321, $21.50 per gross square foot of net additional gross square feet, net replacement of gross square feet from PDR uses, or net change of use of gross square feet from PDR uses.

(3) For Non-residential uses in Central SoMa Fee Tiers A and B that are not seeking an Office Allocation of 50,000 gross square feet or more pursuant to the requirements of Planning Code Section 321:

(A) $41.50 per gross square foot of net additional gross square feet, net replacement of gross square feet from PDR uses, or net change of use of gross square feet from PDR uses;

(B) $21.50 per gross square foot of net replacement of gross square feet from Residential uses or net change of use of gross square feet from Residential uses.

(4) For Non-residential uses in Central SoMa Fee Tier C that are not seeking an Office Allocation of 50,000 gross square feet or more pursuant to the requirements of Planning Code Section 321, $20.00 per gross square foot of net additional gross square feet, net replacement of gross square feet from PDR uses, or net change of use of gross square feet from PDR uses.

(c) ***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*

Central SoMa Infrastructure 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 Central SoMa Community Improvements Program and substitute for improvements that could be provided by the Central SoMa Infrastructure Public Benefits Fund (as described in Section 433.4). The City may reject in-kind improvements if they are not consistent with the priorities identified in the Central SoMa Plan, by the Interagency Plan Implementation Committee (see Section 36 of the Administrative Code), the Eastern Neighborhoods Citizens Advisory Committee, or other prioritization processes related to Eastern Neighborhoods Citizens community 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.*

*(2) **Valuation, Content, Approval Process, and Administrative Costs.** The valuation, content, approval process, and administrative costs shall be undertaken pursuant to the requirements of Sections 423.3(d)(2) through 423.3(d)(5).*

*(d) **Timing of Fee Payments.** The Fee is due and payable to the Development Fee Collection Unit at DBI at the time of and in no event later than 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.*

*(e) **Waiver or Reduction of Fees.** Development projects may be eligible for a waiver or reduction of impact fees, pursuant to Section 406.*

SEC. 433.3. IMPOSITION OF CENTRAL SOMA INFRASTRUCTURE IMPACT FEE.

*(a) **Determination of Requirements.** The Department shall determine the applicability of Section 433.2 et seq. to any development project requiring a first construction document and, if Section*

433.2 et seq. is applicable, the Department shall determine the amount of the Central SoMa Infrastructure 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 433 et seq., the Department shall notify the Development Fee Collection Unit at DBI of its final determination of the amount of the Central SoMa Infrastructure 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 Section 433 et seq. that has elected to fulfill all or part of its Central SoMa Infrastructure 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 project complies with the requirements of Section 433 et seq., either through conformance with the In-Kind Improvements Agreement or payment of the remainder of the Central SoMa Infrastructure 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 Section 433 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. 433.4. THE CENTRAL SOMA INFRASTRUCTURE IMPACT FUND.

(a) There is hereby established a separate fund set aside for a special purpose entitled the Central SoMa Infrastructure Impact Fund ("Fund"). All monies collected by the Development Fee Collection Unit at DBI pursuant to Section 433.3(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, and develop community public transit as established in the Central SoMa Plan and the Central SoMa Plan Implementation Program Document.

(2) Funds may be used for administration and accounting of fund assets, for additional studies as detailed in the Central SoMa Plan Implementation Program Document, and to defend the Central SoMa Infrastructure 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 Central SoMa Infrastructure Impact Fund.

(3) All funds are justified and supported by the San Francisco Citywide Nexus Analysis prepared by AECOM dated March 2014 ("Nexus Analysis"), and the Transportation Sustainability Fee Nexus Study (TSF Nexus Study), dated May, 2015, on file with the Clerk of the Board in Files Nos. 150149 and 150790. Implementation of the Fee and Fund are monitored according to the Eastern Neighborhoods Plan Monitoring Program required by Section 10E of the Administrative Code.

SEC. 434. CENTRAL SOMA COMMUNITY FACILITIES DISTRICT PROGRAM.

(a) ***Purpose.*** New construction that increases the density of the South of Market neighborhood will require the City to invest in substantial new infrastructure and services. By increasing height limits, removing restrictive zoning, relieving density and floor area ratio limitations, and making other regulatory changes, the Central SoMa Plan substantially increases the development potential of properties in the area. This new development potential will create a significant demand for infrastructure, improvements, and services as described in the Central SoMa Implementation Program Document, including but not limited to transit investments, street and environmental improvements, and development and maintenance of parks and recreation centers. The Central SoMa Community Facilities District ("CFD" or "Special Tax District") shall be a special tax district formed pursuant to Administrative Code Chapter 43, Article X to address these needs.

(b) ***Applicability.*** This Section 434 shall apply to a development on any lot in the Central SoMa Special Use District where all of the following apply:

(1) The project includes new construction or the net addition of more than 40,000 gross square feet;

(2) The proposed project exceeds a floor area ratio that was applicable to the subject lot for non-residential uses prior to the effective date of this Ordinance; and,

(3) The project includes

(A) new non-residential development on any lot that is either wholly or partially in Central SoMa Fee Tier C, as defined in Section 423.2; or

(B) new residential condominium development for which any units have been sold on any lot that is either wholly or partially in Central SoMa Fee Tier B or C, as defined in Section 423.2.

(c) ***Requirement.*** Except as specified herein, any applicable development project shall participate in the CFD to be established by the Board of Supervisors pursuant to Article X of Chapter 43 of the Administrative Code (the "Special Tax Financing Law") and successfully annex the lot or lots of the subject development into the CFD prior to the issuance of the first Certificate of Occupancy for the development. Any project lot or lots that contain areas that fall under more than one Central SoMa Fee Tier shall be wholly annexed into the CFD at the level of the highest applicable Fee Tier. Any project lot or lots that receive a condominium map pursuant to the Subdivision Code shall wholly annex the lot or lots of the subject development into the CFD prior to the sale of the first condominium on the site. For any lot to which the requirements of this Section 434 apply, the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property prior to the first Certificate of Occupancy for the development, except that for condominium projects, the Zoning Administrator shall approve and order the recordation of such Notice prior to the sale of the first condominium unit. This Notice shall state the requirements and provisions of subsections 434(b)-(c) above.

(d) ***Special Taxes.*** The Board of Supervisors will be authorized to levy a special tax on properties that annex into the Community Facilities District to finance facilities and services described in the proceedings for the Community Facilities District and the Central SoMa Implementation Program Document.

SEC. 603. EXEMPTED SIGNS.

Nothing in this Article 6 shall apply to any of the following signs:

* * * *

(c) Two General Advertising Signs each not exceeding 24 square feet in area on either a transit shelter or associated advertising kiosk furnished by contract with the Municipal Transportation Agency or predecessor agency for the Municipal Railway in RTO, RTO-M, RM-2, RM-3, RM-4, RC, NC, C, M, PDR, Eastern Neighborhoods Mixed Use Districts~~, and South of Market Mixed Use Districts~~, and in those P Districts where such Signs would not adversely affect the character, harmony, or visual integrity of the district as determined by the Planning Commission; eight General Advertising Signs each not exceeding 24 square feet in area on transit shelters located on publicly owned property on a high level Municipal Railway boarding platform in an RH-1D District adjacent to a C-2 District, provided that such advertising signs solely face the C-2 District; up to three double-sided General Advertising Signs each not exceeding 24 square feet in area on or adjacent to transit shelters on publicly owned high level Municipal Railway boarding platforms along The Embarcadero south of the Ferry Building, up to six double-sided panels at 2nd and King Streets, and up to four double-sided panels at 4th and King Streets; up to two double-sided panels not exceeding 24 square feet in area on each low-level boarding platform at the following E-Line stops: Folsom Street and The Embarcadero, Brannan Street and The Embarcadero, 2nd and King Streets, and 4th and King Streets; and a total of 71 double-sided General Advertising Signs each not exceeding 24 square feet in area on or adjacent to transit shelters on 28 publicly owned high level Municipal Railway boarding platforms serving the Third Street Light Rail Line. Each advertising sign on a low-level or high-level boarding platform shall be designed and sited in such a manner as to minimize obstruction of public views from pedestrian walkways and/or public open space.

Notwithstanding the above, no Sign shall be placed on any transit shelter or associated advertising kiosk located on any sidewalk which shares a common boundary with any property under the jurisdiction of the Recreation and Park Commission, with the exception of Justin Herman Plaza; on any sidewalk on Zoo Road; on Skyline Boulevard between Sloat Boulevard and John Muir Drive; on John Muir Drive between Skyline Boulevard and Lake Merced Boulevard; or on Lake Merced Boulevard on the side of Harding Park Municipal Golf Course, or on any sidewalk on Sunset Boulevard between Lincoln Way and Lake Merced Boulevard; on any sidewalk on Legion of Honor Drive; or in the Civic Center Special Sign Districts as established in Section 608.3 of this Code.

The provisions of this subsection (c) shall be subject to the authority of the Port Commission under Sections 4.114 and B3.581 of the City Charter and under State law.

* * * *

SEC. 608.1. NEAR R DISTRICTS.

No general advertising sign, and no other sign exceeding 100 square feet in area, shall be located in an NC, C, M, PDR, *or* Eastern Neighborhoods Mixed Use District ~~*or South of Market Mixed Use District*~~ within 100 feet of any R District in such a manner as to be primarily viewed from residentially zoned property or from any street or alley within an R District; any sign of which the face is located parallel to a street property line and lies for its entire width opposite an NC, C, M, PDR, *or* MUR, ~~*or South of Market SLR*~~ District shall be deemed prima facie not to be primarily so viewed. No sign of any size within 100 feet of any R District shall project beyond the street property line or building setback line of any street or alley leading off the main commercial frontage into the R District.

* * * *

SEC. 802.1. MIXED USE DISTRICTS.

The following districts are established for the purpose of implementing the Residence Element, the Commerce and Industry Element, the Downtown Plan, the Chinatown Plan, the Rincon Hill Plan, the South of Market Plan, the East SoMa Plan, the Mission Plan, the Showplace Square/Potrero Hill Plan, ~~and~~ the Central Waterfront Plan, *the Western SoMa Area Plan, and the Central SoMa Plan,* all of which are parts of the General Plan. Description and Purpose Statements outline the main functions of each Mixed Use District in this Article, supplementing the statements of purpose contained in Section 101 of this Code.

Description and purpose statements applicable to each district are set forth in Sections 810 through ~~843~~*848* of this Code. The boundaries of the various Mixed Use Districts are shown on the Zoning Map referred to in Section 105 of this Code, subject to the provisions of that Section. The following Districts are hereby established as Mixed Use Districts.

Districts	**Section Number**
* * * *	
~~*RSD - Residential/Service District*~~	~~*§ 815*~~
~~*SLR - Service/Light Industrial/Residential District*~~	~~*§ 816*~~
~~*SLI - Service/Light Industrial District*~~	~~*§ 817*~~
~~*SSO - Service/Secondary Office District*~~	~~*§ 818*~~
CMUO - Central SoMa Mixed-Use Office District	*§ 848*
* * * *	

* * * *

SEC. 802.4. EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.

Throughout the Planning Code, the term "Eastern Neighborhoods Mixed Use Districts" refers to the following districts: Residential Enclave District (RED), Residential Enclave- Mixed District (RED-MX), Mixed Use-General (MUG), Western SoMa Mixed Use-General (WMUG), Mixed Use-Office (MUO), *Central SoMa Mixed-Use Office (CMUO),* Western SoMa Mixed Use-Office (WMUO), Mixed Use- Residential (MUR), South Park District (SPD), Service/Arts/Light Industrial (SALI), and Urban Mixed Use (UMU).

~~***SEC. 802.5. SOUTH OF MARKET MIXED USE DISTRICTS.***~~

~~*Throughout the Planning Code, the term "South of Market Mixed Use Districts" refers to the following districts: Residential/Service District (RSD), Service/Light Industrial (SLI), Service/Light Industrial/Residential (SLR), and Service/Secondary Office (SSO).*~~

* * * *

SEC. 803.3. USES PERMITTED IN EASTERN NEIGHBORHOODS MIXED USE DISTRICTS ~~*AND SOUTH OF MARKET MIXED USE DISTRICTS*~~**.**

(a) **Use Categories.** A use is the specified purpose for which a property or building is used, occupied, maintained, or leased. Whether or not a use is permitted in a specific Eastern Neighborhood Mixed Use District ~~*and South of Market Mixed Use District*~~ is generally set forth, summarized or cross-referenced in Sections 813 through ~~*818*~~*814* and 840 through ~~*847*~~*848* of this Code for each district class.

(b) **Use Limitations.** Uses in Eastern Neighborhood Mixed Use Districts ~~*and South of Market Mixed Use Districts*~~ are either permitted, conditional, accessory, temporary or are not permitted.

(1) **Permitted Uses.** If there are two or more uses in a structure, any use not classified below under Section 803.3(b)(1)(C) of this Code as Accessory will be considered separately as an independent permitted, Conditional, temporary or not permitted use.

(A) **Principal Uses.** Principal uses are permitted as of right in an Eastern Neighborhood Mixed Use District ~~*and South of Market Mixed Use District*~~, when so indicated in Sections 813 through ~~*818*~~*814* and 840 through ~~*847*~~*848* of this Code for the district. Additional requirements and conditions may be placed on particular uses as provided pursuant to Section 803.5 through 803.9 and other applicable provisions of this Code.

(B) **Conditional Uses.** Conditional uses are permitted in an Eastern Neighborhood Mixed Use District ~~*and South of Market Mixed Use District*~~, when authorized by the Planning Commission; whether a use is conditional in a given district is generally indicated in Sections 813 through ~~*818*~~*814* and 840 through ~~*847*~~*848* of this Code. Conditional Uses are subject to the applicable provisions set forth in Sections 178, 179, ~~*263.11,*~~ 303, 316, and 803.5 through 803.9 of this Code.

* * * *

(C) **Accessory Uses.** Subject to the limitations set forth below and in Sections 204.1 (Accessory Uses for Dwelling Units in R and NC Districts), 204.2 (Accessory Uses for Uses Other Than Dwellings in R Districts), 204.4 (Dwelling Units Accessory to Other Uses), and 204.5(Parking and Loading as Accessory Uses) of this Code, an accessory use is a related minor use which is either necessary to the operation or enjoyment of a lawful Principal Use or Conditional Use, or is appropriate, incidental and subordinate to any such use, and shall be permitted as an Accessory Use in an Eastern Neighborhoods Mixed Use District ~~*and South of Market Mixed Use District*~~. In order to accommodate a Principal Use which is carried out by one business in multiple locations within the same general area, such Accessory Use need not be located in the same structure or lot as its Principal Use provided that (1) the Accessory Use is located within 1,000 feet of the Principal Use; and (2) the multiple locations existed on April 6, 1990. Accessory Uses to non-office uses (as defined in Section 890.70) may occupy space which is non-contiguous or on a different Story as the

Principal Use so long as the Accessory Use is located in the same building as the Principal Use and complies with all other restrictions applicable to such Accessory Uses. Any use which does not qualify as an Accessory Use shall be classified as a Principal Use.

No use will be considered accessory to a Principal Use which involves or requires any of the following:

(i) ~~T~~The use of more than one-third of the total Occupied Floor Area which is occupied by both the accessory use and principal use to which it is accessory, combined, except in the case of accessory off-street parking or loading which shall be subject to the provisions of Sections 151, 156 and 303 of this Code;

(ii) A hotel, motel, inn, hostel, adult entertainment, massage establishment, large fast food restaurant, or movie theater use in a RED, RED-MX, SPD, ~~*RSD, SLR, SLI, SSO,*~~ DTR, MUG, WMUG, MUR, MUO, *CMUO,* WMUO, SALI or UMU District;

(iii) Any take-out food use, except for a take-out food use which occupies 100 square feet or less (including the area devoted to food preparation and service and excluding storage and waiting areas) in a restaurant, bar, catering establishment, bakery, retail grocery or specialty food store.

(iv) Any sign not conforming to the limitations of Section 607.2(f)(3).

(v) Medical Cannabis Dispensaries as defined in 890.133.

(vi) Any nighttime entertainment use, as defined in Section 102; provided, however, that a Limited Live Performance Permit as set forth in Police Code Section 1060et seq. is allowed in any District except for an RED, RED-MX, ~~*RSD, SLR,*~~ MUR, or MUG District.

(vii) Cannabis Retail that does not meet the limitations set forth in 204.3(a)(3).

(D) **Temporary Uses.** Temporary uses not otherwise permitted are permitted in Eastern Neighborhoods Mixed Use Districts ~~*and South of Market Mixed Use Districts*~~ to the extent authorized by Sections 205 through 205.3 of this Code.

* * * *

SEC. 803.4. USES PROHIBITED IN SOUTH OF MARKET AND EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.

(a) ~~*Uses which are not specifically listed in this Article or Article 6 are not permitted in South of Market Mixed Use Districts unless they qualify as a nonconforming use pursuant to Sections 180 through 186.1 of this Code or are determined by the Zoning Administrator to be permitted uses in accordance with Section 307(a) of this Code. Uses not permitted in any South of Market District include, but are not limited to, the following: Adult entertainment, bookstore or theater; amusement game arcade or similar enterprise (except as permitted in the Service/Light Industrial District); shooting gallery; general advertising signs, except in the South of Market General Advertising Special Sign District; animal kennel, riding academy or livery stable; automobile, truck, van, recreational vehicle/trailer or camper sales, lease or rental; auto tow of inoperable vehicles; auto wrecking operation; drive-up facility; hotel (except as permitted as a conditional use as provided in Planning Code Section 818, Service/Secondary Office District), motel, hostel, inn, or bed and breakfast establishment; heavy industry subject to Section 226(e) through (w) of this Code; junkyard; landing field for aircraft; massage establishment subject to Section 218.1 of this Code; except in the Residential/Service Mixed Use District when provided in conjunction with full-service spa services; mortuary; movie theater and sports stadium or arena.*~~

~~*(b)*~~ No use, even though listed as a permitted use or otherwise allowed, shall be permitted in a*n* ~~*South of Market District or*~~ Eastern Neighborhood Mixed Use District ~~*which*~~*that*, by reason of its nature or manner of operation, creates conditions that are hazardous,

noxious, or offensive through the emission of odor, fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or excessive noise.

* * * *

SEC. 803.5. GOOD NEIGHBOR POLICIES GOVERNING USES IN MIXED USE DISTRICTS.

(a) **Eating and Drinking Uses in Mixed Use Districts.** Within Mixed Use Districts, the Operating Conditions of Section 202.2(a) shall apply to all Eating and Drinking Uses.

(b) **Good Neighbor Policies for Nighttime Entertainment Activities in Eastern Neighborhoods Mixed Use Districts*~~, South of Market Mixed Use Districts~~*** **and Downtown Residential Districts.** Within Eastern Neighborhoods Mixed Use Districts*~~, South of Market Mixed Use Districts,~~* and Downtown Residential Districts where nighttime entertainment activities, as defined by Section 102.17 of this Code, are permitted as a principal or conditional use shall not be allowed except on conditions which, in the judgment of the Zoning Administrator or City Planning Commission, as applicable, are reasonably calculated to insure that the quiet, safety and cleanliness of the premises and vicinity are maintained. Such conditions shall include, but not be limited to, the following:

* * * *

(c) **Good Neighbor Policies for Programs Serving Indigent Transient and Homeless Populations Within the Eastern Neighborhoods Mixed Use Districts*~~ and South of Market Mixed Use Districts~~*.** Within the Eastern Neighborhoods Mixed Use Districts*~~ and South of Market Mixed Use Districts~~* where social services are allowed as a Conditional Use pursuant to Sections 813.21 through 843.21 (Social Services), some or all of the following conditions shall, when appropriate for specific cases, be placed upon any applicable City permits for the proposed establishment:

* * * *

~~***SEC. 803.8. HOUSING IN MIXED USE DISTRICTS.***~~

~~*(a)* ***Low-Income Affordable Housing Within the Service/Light Industrial District.*** *Dwelling units and SRO units may be authorized in the SLI District as a conditional use pursuant to Sections 303, 316, 817.14, and 817.16 of this Code provided that such dwellings units shall be rented, leased or sold at rates or prices affordable to a household whose income is no greater than 80 percent of the median income for households in San Francisco ("lower income household"), as determined by Title 25 of the California Code of Regulations Section 6932 and implemented by the Mayor's Office of Housing.*~~

~~*(1) "Affordable to a household" shall mean a purchase price that a lower income household can afford to pay based on an annual payment for all housing costs of 33 percent of the combined household annual net income, a 10-percent down payment, and available financing, or a rent that a household can afford to pay, based on an annual payment for all housing costs of 30 percent of the combined annual net income.*~~

~~*(2) The size of the dwelling unit shall determine the size of the household in order to calculate purchase price or rent affordable to a household, as follows:*~~

~~*(A) For a one-bedroom unit, a household of two persons;*~~

~~*(B) For a two-bedroom unit, a household of three persons;*~~

~~*(C) For a three-bedroom unit, a household of four persons;*~~

~~*(D) For a four-bedroom unit, a household of five persons.*~~

~~*(3) No conditional use permit will be approved pursuant to this Subsection 803.8(b) unless the applicant and City have agreed upon enforcement mechanisms for the provisions of this Subsection which are acceptable to the City Attorney. Such enforcement mechanisms may include, but not be limited to, a right of first refusal in favor of the City, or a promissory note and deed of trust.*~~

~~*(4) The owner(s) of dwelling units authorized pursuant to this Subsection shall submit an annual enforcement report to the City, along with a fee whose amount shall be determined periodically by the Planning Commission to pay for the cost of enforcement of this Subsection. The fee*~~

~~*shall not exceed the amount of such costs. The annual report shall provide information regarding rents, mortgage payments, sales price and other housing costs, annual household income, size of household in each dwelling unit, and any other information the City may require to fulfill the intent of this Subsection.*~~

~~*(b) **Housing Requirement in the Residential/Service District.***~~

~~*(1) **Amount Required.** Nonresidential uses subject to Sections 815.26, 815.28, 815.30, 815.31 through 815.47, and 815.59 through 815.65, of this Code shall be permitted in new construction in the Residential/Service District only if the ratio between the amount of occupied floor area for residential use to the amount of occupied floor area of the above-referenced nonresidential use is three to one or greater.*~~

~~*(2) **Means of Satisfying the Housing Requirement.***~~

~~*(A) The residential space required pursuant to this Subsection may be satisfied by payment of a one-time in-lieu fee equal to $30 per square foot of residential space required by this Subsection and not provided on-site payable to the City's Affordable Housing Fund administered by the Mayor's Office of Housing; or*~~

~~*(B) The residential space requirement may be satisfied by providing the required residential space elsewhere within the South of Market Mixed Use District where housing is permitted or conditional and is approved as a conditional use.*~~

~~*(c) **Housing Requirement in the Mixed Use – Residential (MUR) District.** In new construction in the MUR District, three square feet of gross floor area for residential use is required for every one gross square foot of permitted nonresidential use, subject to Section 841 of this Code.*~~

SEC. 803.9. ~~*COMMERCIAL*~~ USES IN MIXED USE DISTRICTS.

(a) ~~*Preservation of Historic Buildings Within the South of Market Mixed Use Districts. Within the South of Market Mixed Use Districts, any use which is permitted as a principal or conditional use within the SSO District, excluding nighttime entertainment use, may be permitted as a conditional use*~~

~~*in (a) a landmark building located outside a designated historic district, (b) a contributory building which is proposed for conversion to office use of an aggregate gross square footage of 25,000 or more per building and which is located outside the SSO District yet within a designated historic district, or (c) a building designated as significant or contributory pursuant to Article 11 of this Code and located within the Extended Preservation District. For all such buildings the following conditions shall apply: (1) the provisions of Sections 316 through 318 of this Code must be met; (2) in addition to the conditional use criteria set out in Sections 303(c)(6) and 316 through 316.8, it must be determined that allowing the use will enhance the feasibility of preserving the landmark, significant or contributory building; and (3) the landmark, significant or contributory building will be made to conform with the San Francisco Building Code standards for seismic loads and forces which are in effect at the time of the application for conversion of use.*~~

~~*A contributory building which is in a designated historic district outside the SSO District may be converted to any use which is a principal use within the SSO District provided that: (1) such use does not exceed an aggregate square footage of 25,000 per building; and (2) prior to the issuance of any necessary permits the Zoning Administrator (a) determines that allowing the use will enhance the feasibility of preserving the contributory building; and (b) the contributory building will be made to conform with the San Francisco Building Code standards for seismic loads and forces which are in effect at the time of the application for conversion of use.*~~ ***Housing Requirement in the Mixed Use-Residential (MUR) District.*** *In new construction in the MUR District, three square feet of Gross Floor Area for Residential Use is required for every one gross square foot of permitted Non-Residential Use, subject to Section 841.*

(b) **Preservation of Historic Buildings within Certain Eastern Neighborhoods Mixed Use Districts.** The following controls are intended to support the economic viability of buildings of historic importance within Eastern Neighborhoods.

(1) This subsection applies only to buildings in SPD, MUG, MUO, *CMUO,* or MUR Districts that are designated landmark buildings or contributory buildings within a designated historic district ~~*per*~~*pursuant to* Article 10 of the Planning Code, or buildings listed on or determined eligible for the California Register of Historical Resources by the State Office of Historic Preservation.

(A) All uses are principally permitted, provided that:

(i) The project does not contain any nighttime entertainment use.

(ii) Prior to the issuance of any necessary permits, the Zoning Administrator, with the advice of the Historic Preservation Commission, determines that allowing the use will enhance the feasibility of preserving the building.

(iii) Residential uses meet the affordability requirements of the Residential Inclusionary Affordable Housing Program set forth in Section 415 through 415.9.

(B) The Historic Preservation Commission shall review the proposed project for compliance with the Secretary of the Interior's Standards, (36 C.F.R. § 67.7 (2001)) and any applicable provisions of the Planning Code.

* * * *

(d) ~~***Automated Bank Teller Machines Within South of Market Districts.*** *All automated bank teller machines (ATMs), whether freestanding structures or walk-up facilities associated with retail banking operations, shall have adequate lighting, waste collection facilities and parking resources.*~~

~~*(e)*~~ **Open Air Sales.** Flea markets, farmers markets, crafts fairs and all other open air sales of new or used merchandise except vehicles, within ~~*South of Market Mixed Use and*~~ Eastern Neighborhoods Mixed Use Districts, where permitted, shall be subject to the following requirements: (1) the sale of goods and the presence of booths or other accessory appurtenances shall be limited to weekend and/or holiday daytime hours; (2) sufficient numbers of publicly-accessible toilets and trash receptacles shall be provided on-site and

adequately maintained; and (3) the site and vicinity shall be maintained free of trash and debris.

(~~f~~e) **Legal and Government Office Uses in the Vicinity of the Hall of Justice.** Within an approximately 300-foot radius of the 800 Bryant Street entrance to the Hall of Justice, and Assessor's Block 3780, Lots 1 and 2, as shown on Sectional Map 8SU of the Zoning Map, the offices of attorneys, bail and services, government agencies, union halls, and other criminal justice activities and services directly related to the criminal justice functions of the Hall of Justice shall be permitted as a principal use. There shall be a Notice of Special Restriction placed on the property limiting office activities to uses permitted by this ~~S~~subsection.

~~*(g) Work Space of Design Professionals. The work space of design professionals, as defined in Section 890.28 of this Code, shall be permitted as a principal use within the SLR, RSD and SLI Districts provided that, as a condition of issuance of any necessary permits, the owner(s) of the building shall agree to comply with the following provisions:*~~

~~*(1) The occupied floor area devoted to this use per building is limited to the third story or above;*~~

~~*(2) The gross floor area devoted to this use per building does not exceed 3,000 square feet per design professional establishment;*~~

~~*(3) The space within the building subject to this provision has not been in residential use within a legal dwelling unit at any time within a five-year period prior to application for conversion under this Subsection; and*~~

~~*(4) The owner(s) of the building comply with the following enforcement and monitoring procedures;*~~

~~*(i) The owner(s) of any building with work space devoted to design professional use as authorized pursuant to this Subsection shall submit an annual enforcement report to the*~~

~~*Department of City Planning with a fee in an amount to be determined periodically by the City Planning Commission to pay for the cost of enforcement of this Subsection. The fee shall not exceed the amount of such costs. The report shall provide information regarding occupants of such space, the amount of square footage of the space used by each design professional establishment, amount of vacant space, compliance with all relevant City codes, and any other information the Zoning Administrator may require to fulfill the intent of this Subsection;*~~

~~*(ii) The owner(s) of any building containing work space of design professionals authorized pursuant to this Subsection shall permit inspection of the premises by an authorized City official to determine compliance with the limitations of this Subsection. The City shall provide reasonable notice to owners prior to inspecting the premises;*~~

~~*(iii) The owner(s) of any building containing work space of design professionals authorized pursuant to this Subsection shall record a Notice of Special Restriction, approved by the City Planning Department prior to recordation, on the property setting forth the limitations required by this Subsection. The Department of City Planning shall keep a record available for public review of all space for design professionals authorized by this Subsection.*~~

(~~*h*~~*f*) **Vertical Controls for Office Uses.**

* * * *

Table 803.9(~~*h*~~*f*)

* * * *

(~~*i*~~*g*) **Retail Controls in the MUG, MUO, *CMUO,* and UMU Districts.** In the MUG, MUO, *CMUO,* and UMU District, up to 25,000 gross square feet of retail use (as defined in Section 890.104 of this Code) is permitted per lot. Above 25,000 gross square feet, three gross square feet of other uses permitted in that District are required for every one gross square foot of retail. In the UMU District, gyms, as defined in Sec. 218(d), are exempt from

this requirement. *In the CMUO District, Tourist Hotels, as defined in Sec. 890.46, are exempt from this requirement.*

SEC. 809. GUIDE TO UNDERSTANDING THE MIXED USE DISTRICT ZONING CONTROLS.

Mixed Use District controls are set forth in the Zoning Control Tables in Sections 810 through 818, and in Sections 825, 827 through 843 or referenced in Section 899 of this Code.

(a) The first column in the Zoning Control Table, titled "No." provides a category number for each zoning control category.

(b) The second column in the table, titled "Zoning Control Category," lists zoning control categories for the district in question.

(c) The third column, titled "§ References," contains numbers of other sections in the Planning Code and other City Codes, in which additional relevant provisions are contained.

(d) In the fourth column, the controls applicable to the various Mixed Use Districts are indicated either directly or by reference to other Code Sections which contain the controls.

The following symbols are used in this table:

P - Permitted as a principal use.

C - Permitted as a conditional use, subject to the provisions set forth in this Code.

\- A blank space on the tables in Sections 810 through 812 indicates that the use or feature is not permitted within the Chinatown Mixed Use Districts. Unless a use or feature is permitted or required in the Chinatown Mixed Use Districts as set forth in the Zoning Control Tables or in those sections referenced in Section 899 of this Code, such use or feature is prohibited, unless determined by the Zoning Administrator to be a permitted use.

NP - Not Permitted. ~~*Section 803.4 lists certain uses not permitted in any South of Market District. NP in the Article 8 control column of Tables 813 through 818 also indicates that the use or feature is not permitted in the applicable South of Market District.*~~

- See specific provisions listed by section and zoning category number at the end of the table.

1st - 1st story and below, where applicable.

2nd - 2nd story, where applicable.

3rd+ - 3rd story and above, where applicable.

* * * *

SEC. 813. RED – RESIDENTIAL ENCLAVE DISTRICT.

Residential Enclave Districts (RED) encompass many of the clusters of low-scale, medium density, predominantly residential neighborhoods located along the narrow side streets of the South of Market area. Within these predominantly residential enclaves lie a number of vacant parcels, parking lots and other properties in open storage use. These properties are undeveloped or underdeveloped and are viewed as opportunity sites for new, moderate-income, in-fill housing.

* * * *

Table 813 **RED - RESIDENTIAL ENCLAVE DISTRICT ZONING CONTROL TABLE**			
No.	**Zoning Category**	**§ References**	**Residential Enclave Controls**
* * * *			
USES			
* * * *			
Other Uses			
* * * *			

813.66	Open Air Sales	§§ 803.9(*ed*), 890.38	NP
* * * *			

* * * *

~~***SEC. 815. RSD – RESIDENTIAL/SERVICE MIXED USE DISTRICT.***~~

~~*The Residential/Service Mixed Use District (RSD) runs along Harrison St. between 4th St. and 5th St. The RSD serves as a housing opportunity area within the South of Market Mixed Use Districts. The district controls are intended to facilitate the development of high-density, mid-rise housing, including residential hotels and live/work units, while also encouraging the expansion of retail, business service and commercial and cultural arts activities. Aecessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this Code.*~~

~~*Residential hotels are subject to flexible standards for parking, rear yard/open space and density. Continuous ground floor commercial frontage with pedestrian-oriented retail activities along major thoroughfares is encouraged.*~~

~~*General office, hotels, nighttime entertainment, adult entertainment, massage establishment, movie theaters and heavy industrial uses are not permitted, except that massages services are authorized as a conditional use in the Residential/Service Mixed Use District when provided in conjunction with full-service spa services.*~~

~~***Table 815***~~ ~~***RSD – RESIDENTIAL/SERVICE MIXED USE DISTRICT ZONING CONTROL TABLE***~~			
~~***No.***~~	~~***Zoning Category***~~	~~***§ References***~~	~~***Residential/Service Mixed Use District Controls***~~

~~815.01~~	~~Height~~		~~Map, generally ranges from 40 to 85 feet~~ ~~See Sectional Zoning Map 1~~
~~815.02~~	~~Bulk~~	~~§ 270~~	~~See Sectional Zoning Map 1~~
~~815.03~~	~~Residential Density Limit~~	~~§§ 124(b), 207.5, 208~~	~~1:200 for dwellings in projects below 40 ft., above 40 ft. density to be determined as part of Conditional Use process; 1 bedroom for each 70 sq. ft. of lot area for group housing~~
~~815.04~~	~~Non-Residential Density Limit~~	~~§§ 102, 123, 124, 127~~	~~Generally, 1.8 to 1 floor area ratio subject to § 803.5(j)~~
~~815.05~~	~~Usable Open Space for Dwelling Units and Group Housing~~	~~§ 135~~	~~36 sq. ft. per unit if private, 48 sq. ft. if common~~
~~815.06~~	~~Usable Open Space for Live/Work Units in Newly Constructed Buildings or Additions~~	~~§ 135.2~~	~~36 sq. ft. per unit~~
~~815.07~~	~~Usable Open Space for Other Uses~~	~~§ 135.3~~	~~Varies by use~~
~~815.09~~	~~Outdoor Activity Area~~	~~§ 890.71~~	~~P~~
~~815.10~~	~~Walk-Up Facility, except Automated Bank Teller Machine~~	~~§ 890.140~~	~~P~~
~~815.11~~	~~Automated Bank Teller Machine~~	~~§ 803.5(d)~~	~~P~~

~~*815.12*~~	~~*Residential Conversion or Merger*~~	~~*§ 317*~~	~~*C for Removal of one or more Residential Units or Unauthorized Units.*~~
~~*815.13*~~	~~*Residential Demolition*~~	~~*§ 317*~~	~~*C for Removal of one or more Residential Units or Unauthorized Units.*~~
~~***Residential Use***~~			
~~*815.14*~~	~~*Dwelling Units*~~	~~*§ 102.7*~~	~~*P*~~
~~*815.15*~~	~~*Group Housing*~~	~~*§ 890.88(b)*~~	~~*C*~~
~~*815.16*~~	~~*SRO Units*~~	~~*§ 890.88(c)*~~	~~*P*~~
~~*815.16B*~~	~~*Homeless Shelters*~~	~~*§§ 102, 890.88(d)*~~	~~*C*~~
~~***Institutions***~~			
~~*815.17*~~	~~*Hospital, Medical Centers*~~	~~*§ 890.44*~~	~~*NP*~~
~~*815.18*~~	~~*Residential Care*~~	~~*§ 890.50(c)*~~	~~*C*~~
~~*815.19*~~	~~*Educational Services*~~	~~*§ 890.50(c)*~~	~~*P*~~
~~*815.20*~~	~~*Religious Facility*~~	~~*§ 890.50(d)*~~	~~*C*~~
~~*815.21*~~	~~*Assembly and Social Service, except Open Recreation and Horticulture*~~	~~*§ 890.50(a)*~~	~~*C*~~
~~*815.22*~~	~~*Child Care*~~	~~*§ 102*~~	~~*P*~~
~~*815.23*~~	~~*Medical Cannabis Dispensary*~~	~~*§ 890.133*~~	~~*P #*~~

Vehicle Parking			
815.25	*Automobile Parking Lot, Community Residential*	*§ 890.7*	*P*
815.26	*Automobile Parking Garage, Community Residential*	*§ 890.8*	*C, pursuant to § 803.8(c)*
815.27	*Automobile Parking Lot, Community Commercial*	*§ 890.9*	*P*
815.28	*Automobile Parking Garage, Community Commercial*	*§ 890.10*	*C, pursuant to § 803.8(c)*
815.29	*Automobile Parking Lot, Public*	*§ 890.11*	*P*
815.30	*Automobile Parking Garage, Public*	*§ 890.12*	*C, pursuant to § 803.8(c)*
Retail Sales and Services			
815.31	*All Retail Sales and Services which are not Office Uses or prohibited by § 803.4, including Bars, Limited Restaurants, Restaurants, Cannabis Retail, and Personal Services*	*§§ 102, 890.104*	*P, pursuant to § 803.8(c)*
815.33	*Fringe Financial Service*	*§§ 249.35, 890.113*	*P #*
815.34	*Tobacco Paraphernalia Establishments*	*§ 890.123*	*C*

~~*815.34A*~~	~~*Massage Establishment*~~	~~*§ 890.60 Art. 29 Health Code*~~	~~*C #*~~
~~***Assembly, Recreation, Arts and Entertainment***~~			
~~*815.37*~~	~~*Nighttime Entertainment*~~	~~*§§ 102.17, 181(f), 803.5(b)*~~	~~*NP*~~
~~*815.38*~~	~~*Meeting Hall, not falling within Category 815.21*~~	~~*§ 221(e)*~~	~~*C, pursuant to § 803.8(c)*~~
~~*815.39*~~	~~*Recreation Building, not falling within Category 815.21*~~	~~*§ 221(e)*~~	~~*C, pursuant to § 803.8(c)*~~
~~*815.40*~~	~~*Pool Hall, Card Club, not falling within Category 815.21*~~	~~*§§ 221(f), 803.4*~~	~~*P, pursuant to § 803.8(c)*~~
~~*815.41*~~	~~*Theater, falling within § 221(d), except Movie Theater*~~	~~*§§ 221(d), 890.64*~~	~~*P, pursuant to § 803.8(c)*~~
~~***Home and Business Service***~~			
~~*815.42*~~	~~*Trade Shop*~~	~~*§ 890.124*~~	~~*P, pursuant to § 803.8(c)*~~
~~*815.43*~~	~~*Catering Services*~~	~~*§ 890.25*~~	~~*P, pursuant to § 803.8(c)*~~
~~*815.45*~~	~~*Business Goods and Equipment Repair Service*~~	~~*§ 890.23*~~	~~*P, pursuant to § 803.8(c)*~~
~~*815.46*~~	~~*Arts Activities, other than Theaters*~~	~~*§ 102.2*~~	~~*P, pursuant to § 803.8(c)*~~
~~*815.47*~~	~~*Business Services*~~	~~*§ 890.111*~~	~~*P, pursuant to § 803.8(c)*~~
~~***Office***~~			

~~815.48~~	~~Office Uses in Landmark Buildings or Contributory Buildings in Historic Districts~~	~~§ 803.9(a)~~	~~C~~
~~815.49~~	~~Work Space of Design Professionals~~	~~§§ 803.9(g), 890.28~~	~~P, subject to § 803.9(g)~~
~~815.50~~	~~All Other Office Uses~~	~~§ 890.70~~	~~NP~~
~~**Live/Work Units**~~			
~~815.51~~	~~Live/Work Units where the work activity is an Arts Activity~~	~~§§ 102.2, 102.13, 209.9(f) and (g), 233~~	~~P~~
~~815.52~~	~~Live/Work Units where all the work activity is otherwise permitted as a Principal Use~~	~~§§ 102.13, 233~~	~~P~~
~~815.53~~	~~Live/Work Units where the work activity is otherwise permitted as a Conditional Use~~	~~§ 233~~	~~C~~
~~815.54~~	~~Live/Work Units in Landmark Buildings or Contributory Buildings in Historic Districts~~	~~§ 803.9(a)~~	~~C~~
~~815.55~~	~~All other Live/Work Units~~		~~NP~~
~~**Motor Vehicle Services**~~			
~~815.57~~	~~Vehicle Storage - Open Lot~~	~~§ 890.131~~	~~NP~~

~~*815.58*~~	~~*Vehicle Storage - Enclosed Lot or Structure*~~	~~*§ 890.132*~~	~~*P*~~
~~*815.59*~~	~~*Motor Vehicle Service Station, Automotive Wash*~~	~~*§§ 890.18, 890.20*~~	~~*P, pursuant to § 803.8(c)*~~
~~*815.60*~~	~~*Motor Vehicle Repair*~~	~~*§ 890.15*~~	~~*P, pursuant to § 803.8(c)*~~
~~*815.61*~~	~~*Motor Vehicle Tow Service*~~	~~*§ 890.19*~~	~~*C, § 803.8(c)*~~
~~*815.62*~~	~~*Non-Auto Vehicle Sales or Rental*~~	~~*§ 890.69*~~	~~*P, § 803.8(c)*~~
~~*815.63*~~	~~*Public Transportation Facilities*~~	~~*§ 890.80*~~	~~*C, pursuant to § 803.8(c)*~~
~~***Industrial***~~			
~~*815.64*~~	~~*Wholesale Sales*~~	~~*§ 890.54(b)*~~	~~*P, pursuant to § 803.8(c)*~~
~~*815.65*~~	~~*Light Manufacturing*~~	~~*§ 890.54(a)*~~	~~*P, pursuant to § 803.8(c)*~~
~~*815.66*~~	~~*Storage*~~	~~*§ 890.54(c)*~~	~~*P*~~
~~*815.67*~~	~~*All Other Wholesaling, Storage, Distribution and Open Air Handling of Materials and Equipment*~~	~~*§ 225*~~	~~*P*~~
~~***Other Uses***~~			
~~*815.68*~~	~~*Animal Services*~~	~~*§ 224*~~	~~*NP*~~
~~*815.69*~~	~~*Open Air Sales*~~	~~*§§ 803.9(e), 890.38*~~	~~*P*~~
~~*815.70*~~	~~*Ambulance Service*~~	~~*§ 890.2*~~	~~*NP*~~

~~*815.71*~~	~~*Open Recreation*~~	~~*§§ 209.5(a), 209.5(b)*~~	~~*P*~~
~~*815.72*~~	~~*Public Use, except Public Transportation Facility*~~	~~*§ 890.80*~~	~~*C*~~
~~*815.74A*~~	~~*Industrial Agriculture*~~	~~*§ 102*~~	~~*NP*~~
~~*815.74B*~~	~~*Neighborhood Agriculture*~~	~~*§ 102*~~	~~*P*~~
~~*815.74C*~~	~~*Large-Scale Urban Agriculture*~~	~~*§ 102*~~	~~*C*~~
~~*815.75*~~	~~*Mortuary Establishment*~~	~~*§ 227(e)*~~	~~*NP*~~
~~*815.76*~~	~~*General Advertising Sign*~~	~~*§ 607.2(b) & (e)*~~	~~*NP*~~
~~*815.99*~~	~~*Wireless Telecommunications Services Facility*~~	~~*§ 102*~~	~~*C; P if the facility is a Micro WTS Facility*~~

~~***SPECIFIC PROVISIONS FOR RSD DISTRICTS***~~		
~~***Article Code Section***~~	~~***Other Code Section***~~	~~***Zoning Controls***~~
~~*§ 815*~~ ~~*§ 815.03*~~	~~*§ 207(c)(4)*~~	~~*ACCESSORY DWELLING UNITS*~~ ~~***Boundaries:*** *Within the boundaries of the Residential/Service Mixed Use District.*~~ ~~***Controls:*** *An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(c)(4) is permitted to be constructed*~~

		~~within an existing building in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot.~~
~~§ 815.23~~ ~~§ 890.133~~		~~Only those medical cannabis dispensaries that can demonstrate to the Planning Department they were in operation as of April 1, 2005 and have remained in continuous operation or that were not in continuous operation since April 1, 2005, but can demonstrate to the Planning Department that the reason for their lack of continuous operation was not closure due to an actual violation of federal, state or local law, may apply for a medical cannabis dispensary permit in an RSD District.~~
~~§ 815.33~~	~~§ 249.35~~ ~~§ 890.113~~	~~Fringe Financial Services are P subject to the restrictions set forth in Section 249.35, including, but not limited to, the proximity restrictions set forth in Subsection 249.35(c)(3).~~
~~§ 815.34A~~	~~§ 890.60~~ ~~Art. 29~~ ~~Health Code~~	~~MASSAGE ESTABLISHMENT~~ ~~**Controls.** Massage shall generally be subject to Conditional Use authorization. Only those businesses that can demonstrate to the satisfaction of the Planning Commission that massage services are provided in conjunction with full-service spa services are authorized to provide massage services.~~ ~~Certain exceptions to the Conditional Use authorization for massage are described in Section 303(n). 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 criteria described in Section 303(n) and 890.60(b).~~

~~*SEC. 816. SLR – SERVICE/LIGHT INDUSTRIAL/RESIDENTIAL MIXED USE DISTRICT.*~~

~~*The Service/Light Industrial/Residential (SLR) Mixed Use District is designed to maintain and facilitate the growth and expansion of small-scale light industrial, home and business service, wholesale distribution, arts production and performance/exhibition activities, live/work use, general commercial and neighborhood-serving retail and personal service activities while protecting existing housing and encouraging the development of housing and live/work space at a scale and density compatible with the existing neighborhood.*~~

~~*Housing and live/work units are encouraged over ground floor commercial/service/light industrial activity. New residential or mixed use developments are encouraged to provide as much mixed-income rental housing as possible. Existing group housing and dwelling units would be protected from demolition or conversion to nonresidential use by requiring conditional use review. Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this Code.*~~

~~*General office, hotels, nighttime entertainment, movie theaters, adult entertainment and heavy industrial uses are not permitted.*~~

~~***Table 816***~~

~~***SLR – SERVICE/LIGHT INDUSTRIAL/RESIDENTIAL MIXED USED DISTRICT***~~

~~***ZONING CONTROL TABLE***~~

~~***No.***~~	~~***Zoning Category***~~	~~***§ References***~~	~~***Service/Light Industrial/ Residential Mixed Use District Controls***~~
~~*816.01*~~	~~*Height Limit Designation*~~	~~*See Zoning Map*~~	~~*As shown on Sectional Maps 1 and 7 of the Zoning Map; generally ranges from 40 to 65 feet*~~

~~816.02~~	~~Bulk Limit Designation~~	~~See Zoning Map, § 270~~	~~As shown on Sectional Maps 1 and 7 of the Zoning Map~~
~~816.03~~	~~Residential Density Limit~~	~~§§ 124, 207.5, 208~~	~~1:200 for dwelling units #; 1 bedroom for each 70 sq. ft. of lot area for group housing~~
~~816.04~~	~~Non-Residential Density Limit~~	~~§§ 102, 123, 124, 127~~	~~Generally, 2.5 to 1 floor area ratio~~
~~816.05~~	~~Usable Open Space for Dwelling Units and Group Housing~~	~~§ 135~~	~~60 sq. ft. per unit if private, 80 sq. ft. if common~~
~~816.06~~	~~Usable Open Space for Live/Work Units in Newly Constructed Buildings or Additions~~	~~§ 135.2~~	~~36 sq. ft. per unit~~
~~816.07~~	~~Usable Open Space for Other Uses~~	~~§ 135.3~~	~~Varies by use~~
~~816.09~~	~~Outdoor Activity Area~~	~~890.71~~	~~P~~
~~816.10~~	~~Walk-up Facility, including Automated Bank Teller Machine~~	~~§§ 803.9(d), 890.140~~	~~P~~
~~816.12~~	~~Residential Conversion or Merger~~	~~§ 317~~	~~C for Removal of one or more Residential Units or Unauthorized Units~~

~~816.13~~	~~Residential Demolition~~	~~§ 317~~	~~C for Removal of one or more Residential Units or Unauthorized Units~~
~~**Residential Use**~~			
~~816.14~~	~~Dwelling Units~~	~~§ 102.7~~	~~P~~
~~816.15~~	~~Group Housing~~	~~§ 890.88(b)~~	~~C~~
~~816.16~~	~~SRO Units~~	~~§ 890.88(c)~~	~~P~~
~~816.16B~~	~~Homeless Shelters~~	~~§§ 102, 890.88(d)~~	~~C~~
~~**Institutions**~~			
~~816.17~~	~~Hospital, Medical Centers~~	~~§ 890.44~~	~~NP~~
~~816.18~~	~~Residential Care~~	~~§ 890.50(c)~~	~~C~~
~~816.19~~	~~Educational Services~~	~~§ 890.50(c)~~	~~P~~
~~816.20~~	~~Religious Facility~~	~~§ 890.50(d)~~	~~P~~
~~816.21~~	~~Assembly and Social Service, except Open Recreation and Horticulture~~	~~§ 890.50(a)~~	~~C~~
~~816.22~~	~~Child Care~~	~~§ 102~~	~~P~~
~~816.23~~	~~Medical Cannabis Dispensary~~	~~§ 890.133~~	~~P #~~
~~**Vehicle Parking**~~			
~~816.25~~	~~Automobile Parking Lot, Community Residential~~	~~§ 890.7~~	~~P~~

~~*816.26*~~	~~*Automobile Parking Garage, Community Residential*~~	~~*§ 890.8*~~	~~*P*~~
~~*816.27*~~	~~*Automobile Parking Lot, Community Commercial*~~	~~*§ 890.9*~~	~~*P*~~
~~*816.28*~~	~~*Automobile Parking Garage, Community Commercial*~~	~~*§ 890.10*~~	~~*P*~~
~~*816.29*~~	~~*Automobile Parking Lot, Public*~~	~~*§ 890.11*~~	~~*P*~~
~~*816.30*~~	~~*Automobile Parking Garage, Public*~~	~~*§ 890.12*~~	~~*C*~~
~~***Retail Sales and Services***~~			
~~*816.31*~~	~~*All Retail Sales and Services which are not Office Uses or prohibited by § 803.4, including Bars, Limited-Restaurants, Restaurants, Cannabis Retail, and Personal Services*~~	~~*§§ 102, 890.104*~~	~~*P*~~
~~*816.33*~~	~~*Fringe Financial Service*~~	~~*§§ 249.35, 890.113*~~	~~*P #*~~
~~*816.34*~~	~~*Tobacco Paraphernalia Establishments*~~	~~*§ 890.123*~~	~~*C*~~
~~***Assembly, Recreation, Arts and Entertainment***~~			

~~*816.36*~~	~~*Arts Activity, other than Theater*~~	~~*§ 102.2*~~	~~*P*~~
~~*816.37*~~	~~*Nighttime Entertainment*~~	~~*§§ 102.17, 181(f), 803.5(b)*~~	~~*NP*~~
~~*816.38*~~	~~*Meeting Hall, not falling within Category 816.21*~~	~~*§ 221(e)*~~	~~*C*~~
~~*816.39*~~	~~*Recreation Building, not falling within Category 816.21*~~	~~*§ 221(e)*~~	~~*C*~~
~~*816.40*~~	~~*Pool Hall, Card Club, not falling within Category 816.21*~~	~~*§§ 221(f), 803.4*~~	~~*P*~~
~~*816.41*~~	~~*Theater, falling within § 221(d), except Movie Theater*~~	~~*§§ 221(d), 890.64*~~	~~*P*~~
~~***Home and Business Service***~~			
~~*816.42*~~	~~*Trade Shop*~~	~~*§ 890.124*~~	~~*P*~~
~~*816.43*~~	~~*Catering Service*~~	~~*§ 890.25*~~	~~*P*~~
~~*816.45*~~	~~*Business Goods and Equipment Repair Service*~~	~~*§ 890.23*~~	~~*P*~~
~~*816.47*~~	~~*Business Service*~~	~~*§ 890.111*~~	~~*P*~~
~~***Office***~~			

~~816.48~~	~~Office Uses in Landmark Buildings or Contributory Buildings in Historic Districts~~	~~§ 803.9(a)~~	~~C~~
~~816.49~~	~~Work Space of Design Professionals~~	~~§§ 803.9(g), 890.28~~	~~P, subject to § 803.9(g)~~
~~816.50~~	~~All Other Office Uses~~	~~§ 890.70~~	~~NP~~
~~**Live/Work Units**~~			
~~816.51~~	~~Live/Work Units where the work activity is an Arts Activity~~	~~§§ 102.2, 102.13, 209.9(f) and (g), 233~~	~~P~~
~~816.52~~	~~Live/Work Units where all the work activity is otherwise permitted as a Principal Use~~	~~§§ 102.13, 233~~	~~P~~
~~816.53~~	~~Live/Work Units where the work activity is otherwise permitted as a Conditional Use~~	~~§ 233~~	~~C~~
~~816.54~~	~~Live/Work Units in Landmark Buildings or Contributory Buildings in Historic Districts~~	~~§ 803.9(a)~~	~~C~~
~~816.55~~	~~All Other Live/Work Units~~		~~NP~~
~~**Motor Vehicle Services**~~			
~~816.57~~	~~Vehicle Storage - Open Lot~~	~~§ 890.131~~	~~NP~~

~~816.58~~	~~Vehicle Storage - Enclosed Lot or Structure~~	~~§ 890.132~~	~~P~~
~~816.59~~	~~Motor Vehicle Service Station, Automotive Wash~~	~~§§ 890.18, 890.20~~	~~P~~
~~816.60~~	~~Motor Vehicle Repair~~	~~§ 890.15~~	~~P~~
~~816.61~~	~~Automobile Tow Service~~	~~§ 890.19~~	~~C~~
~~816.62~~	~~Non-Auto Vehicle Sales or Rental~~	~~§ 890.69~~	~~P~~
~~816.63~~	~~Public Transportation Facilities~~	~~§ 890.80~~	~~P~~
~~**Industrial**~~			
~~816.64~~	~~Wholesale Sales~~	~~§ 890.54(b)~~	~~P~~
~~816.65~~	~~Light Manufacturing~~	~~§ 890.54(a)~~	~~P~~
~~816.66~~	~~Storage~~	~~§ 890.54(c)~~	~~P~~
~~816.67~~	~~All Other Wholesaling, Storage, Distribution and Open Air Handling of Materials and Equipment~~	~~§ 225~~	~~P~~
~~**Other Uses**~~			
~~816.68~~	~~Animal Services~~	~~§ 224~~	~~NP~~
~~816.69~~	~~Open Air Sales~~	~~§§ 803.9(e), 890.38~~	~~P~~

~~*816.70*~~	~~*Ambulance Service*~~	~~*§ 890.2*~~	~~*NP*~~
~~*816.71*~~	~~*Open Recreation*~~	~~*§§ 209.5(a), 209.5(b)*~~	~~*P*~~
~~*816.72*~~	~~*Public Use, except Public Transportation Facility*~~	~~*§ 890.80*~~	~~*C*~~
~~*816.74A*~~	~~*Industrial Agriculture*~~	~~*§ 102*~~	~~*NP*~~
~~*816.74B*~~	~~*Neighborhood Agriculture*~~	~~*§ 102*~~	~~*P*~~
~~*816.74C*~~	~~*Large-Scale Urban Agriculture*~~	~~*§ 102*~~	~~*C*~~
~~*816.75*~~	~~*Mortuary Establishment*~~	~~*§ 227(c)*~~	~~*NP*~~
~~*816.76*~~	~~*General Advertising Sign*~~	~~*§ 607.2(b) & (c)*~~	~~*P in South of Market General Advertising Special Sign District, Otherwise NP*~~
~~*816.99*~~	~~*Wireless Telecommunications Services Facility*~~	~~*§ 102*~~	~~*C; P if the facility is a Micro WTS Facility*~~

~~***SPECIFIC PROVISIONS FOR SLR DISTRICTS***~~		
~~***Article Code Section***~~	~~***Other Code Section***~~	~~***Zoning Controls***~~
~~*§ 816*~~ ~~*§ 816.03*~~	~~*§ 207 (c)(4)*~~	~~*ACCESSORY DWELLING UNITS*~~ ~~***Boundaries:*** *Within the boundaries of the SLR Mixed Use District.*~~ ~~***Controls:*** *An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(c)(4) is permitted to be*~~

		~~constructed within an existing building in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot.~~
~~§ 816.23~~ ~~§ 890.133~~		~~– Only those medical cannabis dispensaries that can demonstrate to the Planning Department they were in operation as of April 1, 2005 and have remained in continuous operation or that were not in continuous operation since April 1, 2005, but can demonstrate to the Planning Department that the reason for their lack of continuous operation was not closure due to an actual violation of federal, state or local law, may apply for a medical cannabis dispensary permit in an SLR District.~~
~~§ 816.33~~	~~§ 249.35~~ ~~§ 890.113~~	~~Fringe Financial Services are P subject to the restrictions set forth in Section 249.35, including, but not limited to, the proximity restrictions set forth in Subsection 249.35(c)(3).~~

~~SEC. 817. SLI – SERVICE/LIGHT INDUSTRIAL DISTRICT.~~

~~*The Service/Light Industrial (SLI) District is designed to protect and facilitate the expansion of existing general commercial, manufacturing, home and business service, live/work use, arts uses, light industrial activities and small design professional office firms. Existing group housing and dwelling units are protected from demolition or conversion to nonresidential use and development of group housing and low-income affordable dwelling units are permitted as a conditional use. General office, hotels, movie theaters, nighttime entertainment and adult entertainment uses are not permitted. Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this Code.*~~

~~*Table 817*~~

~~*SLI – SERVICE/LIGHT INDUSTRIAL DISTRICT ZONING CONTROL TABLE*~~

~~*No.*~~	~~*Zoning Category*~~	~~*§ References*~~	~~*Service/Light Industrial District Controls*~~
~~*817.01*~~	~~*Height*~~		~~*As shown on Sectional Maps 1 and 7 of the Zoning Map; generally ranges from 30 to 65 feet; See Zoning Sectional Maps 1 and 7*~~
~~*817.02*~~	~~*Bulk*~~	~~*§ 270*~~	~~*See Zoning Sectional Maps 1 and 7*~~
~~*817.03*~~	~~*Residential Density Limit*~~	~~*§ 208*~~	~~*1:200 for dwelling units #; 1 bedroom for each 70 sq. ft. of lot area for group housing*~~
~~*817.04*~~	~~*Non-Residential Density Limit*~~	~~*§§ 102, 123, 124, 127*~~	~~*Generally, 2.5 to 1 floor area ratio*~~
~~*817.05*~~	~~*Usable Open Space for Dwelling Units and Group Housing*~~	~~*§ 135*~~	~~*36 sq. ft. per unit*~~
~~*817.06*~~	~~*Usable Open Space for Live/Work Units in Newly Constructed Buildings or Additions*~~	~~*§ 135.2*~~	~~*36 sq. ft. per unit*~~
~~*817.07*~~	~~*Usable Open Space for Other Uses*~~	~~*§ 135.3*~~	~~*Varies by use*~~
~~*817.09*~~	~~*Outdoor Activity Area*~~	~~*§ 890.71*~~	~~*P*~~

~~817.10~~	~~Walk-Up Facility, including Automated Bank Teller Machine~~	~~§§ 803.9(d), 890.140~~	~~P~~
~~817.12~~	~~Residential Conversion or Merger~~	~~§ 317~~	~~C for Removal of one or more Residential Units or Unauthorized Units.~~
~~817.13~~	~~Residential Demolition~~	~~§ 317~~	~~C for Removal of one or more Residential Units or Unauthorized Units.~~
~~***Residential Use***~~			
~~817.14~~	~~Dwelling Units~~	~~§§ 102.7, 803.8(b)~~	~~C, if low-income pursuant to § 803.8(b); otherwise NP~~
~~817.15~~	~~Group Housing~~	~~§ 890.88(b)~~	~~C~~
~~817.16~~	~~SRO Units~~	~~§§ 803.8(b), 890.88(c)~~	~~C, if low-income pursuant to § 803.8(b); otherwise NP~~
~~817.16B~~	~~Homeless Shelters~~	~~§§ 102, 890.88(d)~~	~~C~~
~~***Institutions***~~			
~~817.17~~	~~Hospital, Medical Centers~~	~~§ 890.44~~	~~NP~~
~~817.18~~	~~Residential Care~~	~~§ 890.50(c)~~	~~C~~
~~817.19~~	~~Educational Services~~	~~§ 890.50(c)~~	~~P~~
~~817.20~~	~~Religious Facility~~	~~§ 890.50(d)~~	~~P~~
~~817.21~~	~~Assembly and Social Service, except Open Recreation and Horticulture~~	~~§ 890.50(a)~~	~~C~~

~~817.22~~	~~Child Care~~	~~§ 102~~	~~P~~
~~817.23~~	~~Medical Cannabis Dispensary~~	~~§ 890.133~~	~~P #~~
~~**Vehicle Parking**~~			
~~817.25~~	~~Automobile Parking Lot, Community Residential~~	~~§ 890.7~~	~~P~~
~~817.26~~	~~Automobile Parking Garage, Community Residential~~	~~§ 890.8~~	~~P~~
~~817.27~~	~~Automobile Parking Lot, Community Commercial~~	~~§ 890.9~~	~~P~~
~~817.28~~	~~Automobile Parking Garage, Community Commercial~~	~~§ 890.10~~	~~P~~
~~817.29~~	~~Automobile Parking Lot, Public~~	~~§ 890.11~~	~~P~~
~~817.30~~	~~Automobile Parking Garage, Public~~	~~§ 890.12~~	~~C~~
~~**Retail Sales and Services**~~			
~~817.31~~	~~All Retail Sales and Services which are not Office Uses or prohibited by § 803.4, including Bars, Limited-Restaurants, Cannabis Retail, Restaurants, and Personal Services~~	~~§§ 102, 890.104~~	~~P~~
~~817.32~~	~~Financial Services~~	~~§ 890.110~~	~~P if gross floor area is up to 4,000 sq. ft. C if gross floor area is equal to or exceeds 4,000 sq. ft. and only then if the location is:~~

			~~(a) within a height district of 65 ft. or greater, (b) on the ground story or below, and (c) was not used within the 12 months prior to the filing of any planning or building application as (1) a residential use as defined in § 817.14 through § 817.16, (2) a neighborhood-serving retail use as defined in § 817.31, or (3) an industrial use as defined in §§ 817.64, 817.65; otherwise NP~~
~~817.33~~	~~Fringe Financial Service~~	~~§§ 249.35, 890.113~~	~~P #~~
~~817.34~~	~~Tobacco Paraphernalia Establishments~~	~~§ 890.123~~	~~C~~
~~**Assembly, Recreation, Arts and Entertainment**~~			
~~817.37~~	~~Nighttime Entertainment~~	~~§§ 102.17, 803.5(b)~~	~~NP~~

~~817.38~~	~~Meeting Hall~~	~~§ 221(e)~~	~~C~~
~~817.39~~	~~Recreation Building~~	~~§ 221(e)~~	~~C~~
~~817.40~~	~~Pool Hall, Card Club, not falling within Category 817.21~~	~~§§ 221(f), 803.4~~	~~P~~
~~817.41~~	~~Theater, falling within § 221(d), except Movie Theater~~	~~§§ 221(d), 890.64~~	~~P~~
~~817.42~~	~~Amusement Game Arcade~~	~~§ 890.4~~	~~P~~
~~**Home and Business Service**~~			
~~817.42~~	~~Trade Shop~~	~~§ 890.124~~	~~P~~
~~817.43~~	~~Catering Service~~	~~§ 890.25~~	~~P~~
~~817.45~~	~~Business Goods and Equipment Repair Service~~	~~§ 890.23~~	~~P~~
~~817.46~~	~~Arts Activities, other than Theaters~~	~~§ 102.2~~	~~P~~
~~817.47~~	~~Business Services~~	~~§ 890.111~~	~~P~~
~~**Office**~~			
~~817.48~~	~~Office Uses in Landmark Buildings or Contributory Buildings in Historic Districts~~	~~§ 803.9(a)~~	~~C~~
~~817.49~~	~~Work Space of Design Professionals~~	~~§§ 803.9(g), 890.28~~	~~P, subject to § 803.9(g)~~
~~817.50~~	~~Office Uses Related to the Hall of Justice~~	~~§§ 803.9(f), 822~~	~~P in Special Use District,~~
~~817.51~~	~~All Other Office Uses~~	~~§ 890.70~~	~~pursuant to § 803.9(f)~~
~~**Live/Work Units**~~			

~~*817.51*~~	~~*Live/Work Units where the work activity is an Arts Activity*~~	~~*§§ 102.2, 102.13, 209.9(f) and (g), 233*~~	~~*P*~~
~~*817.52*~~	~~*Live/Work Units where all the work activity is otherwise permitted as a Principal Use*~~	~~*§§ 102.13, 233*~~	~~*P*~~
~~*817.53*~~	~~*Live/Work Units where the work activity is otherwise permitted as a Conditional Use*~~	~~*§ 233*~~	~~*C*~~
~~*817.54*~~	~~*Live/Work Units in Landmark Buildings or Contributory Buildings in Historic Districts*~~	~~*§ 803.9(a)*~~	~~*C*~~
~~*817.55*~~	~~*All Other Live/Work Units*~~		~~*NP*~~
~~***Automotive Services***~~			
~~*817.57*~~	~~*Vehicle Storage - Open Lot*~~	~~*§ 890.131*~~	~~*P*~~
~~*817.58*~~	~~*Vehicle Storage - Enclosed Lot or Structure*~~	~~*§ 890.132*~~	~~*P*~~
~~*817.59*~~	~~*Motor Vehicle Service Station, Automotive Wash*~~	~~*§§ 890.18, 890.20*~~	~~*P*~~
~~*817.60*~~	~~*Motor Vehicle Repair*~~	~~*§ 890.15*~~	~~*P*~~
~~*817.61*~~	~~*Motor Vehicle Tow Service*~~	~~*§ 890.19*~~	~~*C*~~
~~*817.62*~~	~~*Non-Auto Vehicle Sale or Rental*~~	~~*§ 890.69*~~	~~*P*~~
~~*817.63*~~	~~*Public Transportation Facilities*~~	~~*§ 890.80*~~	~~*P*~~
~~***Industrial***~~			
~~*817.64*~~	~~*Wholesale Sales*~~	~~*§ 890.54(b)*~~	~~*P*~~
~~*817.65*~~	~~*Light Manufacturing*~~	~~*§ 890.54(a)*~~	~~*P*~~

~~817.66~~	~~Storage~~	~~§ 890.54(c)~~	~~P~~
~~817.67~~	~~All Other Wholesaling, Storage, Distribution and Open Air Handling of Materials and Equipment~~	~~§ 225~~	~~P~~
~~**Other Uses**~~			
~~817.68~~	~~Animal Services~~	~~§ 224~~	~~P~~
~~817.69~~	~~Open Air Sales~~	~~§§ 803.9(e), 890.38~~	~~P~~
~~817.70~~	~~Ambulance Service~~	~~§ 890.2~~	~~P~~
~~817.71~~	~~Open Recreation~~	~~§§ 209.5(a), 209.5(b)~~	~~P~~
~~817.72~~	~~Public Use, except Public Transportation Facility~~	~~§ 890.80~~	~~P~~
~~817.74A~~	~~Industrial Agriculture~~	~~§ 102~~	~~P~~
~~817.74B~~	~~Neighborhood Agriculture~~	~~§ 102~~	~~P~~
~~817.74C~~	~~Large-Scale Urban Agriculture~~	~~§ 102~~	~~C~~
~~817.75~~	~~Mortuary Establishment~~	~~§ 227(c)~~	~~NP~~
~~817.76~~	~~General Advertising Sign~~	~~§ 607.2~~	~~NP~~
~~817.77~~	~~Internet Services Exchange~~	~~§ 209.6(c)~~	~~C~~
~~817.99~~	~~Wireless Telecommunications Services Facility~~	~~§ 102~~	~~C; P if the facility is a Micro WTS Facility~~

~~*SPECIFIC PROVISIONS FOR SLI DISTRICTS*~~		
~~*Article Code Section*~~	~~*Other Code Section*~~	~~*Zoning Controls*~~
~~*§ 817*~~ ~~*§ 817.03*~~	~~*§ 207 (c)(4)*~~	~~*ACCESSORY DWELLING UNITS*~~ ~~***Boundaries:** Within the boundaries of the SLI Mixed Use District.~~ ~~***Controls:** An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(c)(4) is permitted to be constructed within an existing building in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot.~~
~~*§ 817.23*~~ ~~*§ 890.133*~~		~~*Only those medical cannabis dispensaries that can demonstrate to the Planning Department they were in operation as of April 1, 2005 and have remained in continuous operation or that were not in continuous operation since April 1, 2005, but can demonstrate to the Planning Department that the reason for their lack of continuous operation was not closure due to an actual violation of federal, state or local law, may apply for a medical cannabis dispensary permit in an SLI District.*~~
~~*§ 817.33*~~	~~*§249.35*~~ ~~*§ 817.32*~~ ~~*§ 890.113*~~	~~*Fringe Financial Services are P subject to the controls set forth in Section 817.32 for Financial Services and the restrictions set forth in Section 249.35, including, but not limited to, the proximity restrictions set forth in Subsection 249.35(c)(3).*~~

~~***SEC. 818. SSO – SERVICE/SECONDARY OFFICE DISTRICT.***~~

~~*The Service/Secondary Office District (SSO) is designed to accommodate small-scale light industrial, home and business services, arts activities, live/work units, and small-scale, professional*~~

~~*office space and large-floor-plate "back office" space for sales and clerical work forces. Nighttime entertainment is permitted as a conditional use. Dwelling units and group housing are permitted as conditional uses. Demolition or conversion of existing group housing or dwelling units requires conditional use authorization. Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this Code.*~~

~~*Office, general commercial, most retail, service and light industrial uses are principal permitted uses. Large hotel, movie theater, adult entertainment and heavy industrial uses are not permitted.*~~

~~*Small hotels of 75 rooms or less are permitted in this District only as a conditional use. Any such conditional use authorization requires a conditional use finding that disallows project proposals that displace existing Production, Distribution and Repair (PDR) uses.*~~

~~***Table 818***~~

~~***SSO – SERVICE/SECONDARY OFFICE DISTRICT ZONING CONTROL TABLE***~~

~~***No.***~~	~~***Zoning Category***~~	~~***§ References***~~	~~***Service/Secondary Office District Controls***~~
~~*818.01*~~	~~*Height Limit Designation*~~	~~*See Zoning Map*~~	~~*As shown on Sectional Maps 1 and 7 of the Zoning Map; generally ranging from 40 to 130 feet*~~
~~*818.02*~~	~~*Bulk Limit Designation*~~	~~*See Zoning Map, § 270*~~	~~*As shown on Sectional Maps 1 and 7 of the Zoning Map*~~
~~*818.03*~~	~~*Residential Density*~~	~~*§ 124(b), 207.5, 208*~~	~~*1:200 for dwellings #;*~~ ~~*1 bedroom for each 70 sq. ft. of lot area for group housing*~~
~~*818.04*~~	~~*Non-Residential Density Limit*~~	~~*§§ 102, 123, 124, 127*~~	~~*3.0 to 1 floor area ratio in 40 or 50 foot height districts;*~~

			~~4.0 to 1 in 65 or 80 foot height districts, and 4.5 to 1 in 130 foot height districts~~
~~818.05~~	~~Usable Open Space for Dwelling Units and Group Housing~~	~~§§ 135~~	~~36 sq. ft. per unit~~
~~818.06~~	~~Usable Open Space for Live/Work Units in Newly Constructed Buildings or Additions~~	~~§ 135.2~~	~~36 sq. ft. per unit~~
~~818.07~~	~~Usable Open Space for Other Uses~~	~~§ 135.3~~	~~Varies by use~~
~~818.09~~	~~Outdoor Activity Area~~	~~§ 890.71~~	~~P~~
~~818.10~~	~~Walk-up Facility, including Automated Bank Teller Machine~~	~~§§ 803.9(d), 890.140~~	~~P~~
~~818.12~~	~~Residential Conversion or Merger~~	~~§ 317~~	~~C for Removal of one or more Residential Units or Unauthorized Units.~~
~~818.13~~	~~Residential Demolition~~	~~§ 317~~	~~C for Removal of one or more Residential Units or Unauthorized Units.~~
~~***Residential Use***~~			

~~818.14~~	~~Dwelling Units~~	~~§ 102.7~~	~~C~~
~~818.15~~	~~Group Housing~~	~~§ 890.88(b)~~	~~C~~
~~818.16~~	~~SRO Units~~	~~§ 890.88(c)~~	~~P~~
~~818.16B~~	~~Homeless Shelters~~	~~§§ 102, 890.88(d)~~	~~C~~
~~***Institutions***~~			
~~818.17~~	~~Hospital, Medical Centers~~	~~§ 890.44~~	~~P~~
~~818.18~~	~~Residential Care~~	~~§ 890.50(c)~~	~~C~~
~~818.19~~	~~Educational Services~~	~~§ 890.50(c)~~	~~P~~
~~818.20~~	~~Religious Facility~~	~~§ 890.50(d)~~	~~P~~
~~818.21~~	~~Assembly and Social Service, except Open Recreation and Horticulture~~	~~§ 890.50(a)~~	~~C~~
~~818.22~~	~~Child Care~~	~~§ 102~~	~~P~~
~~818.23~~	~~Medical Cannabis Dispensary~~	~~§ 890.133~~	~~P #~~
~~***Vehicle Parking***~~			
~~818.25~~	~~Automobile Parking Lot, Community Residential~~	~~§ 890.7~~	~~P~~
~~818.26~~	~~Automobile Parking Garage, Community Residential~~	~~§ 890.8~~	~~P~~
~~818.27~~	~~Automobile Parking Lot, Community Commercial~~	~~§ 890.9~~	~~P~~

~~818.28~~	~~Automobile Parking Garage, Community Commercial~~	~~§ 890.10~~	~~P~~
~~818.29~~	~~Automobile Parking Lot, Public~~	~~§ 890.11~~	~~P~~
~~818.30~~	~~Automobile Parking Garage, Public~~	~~§ 890.12~~	~~C~~
~~**Retail Sales and Services**~~			
~~818.31~~	~~All Retail Sales and Services which are not Office Uses or prohibited by § 803.4, including Bars, Limited Restaurants, Restaurants, Cannabis Retail, and Personal Services~~	~~§§ 102, 890.104~~	~~P~~
~~818.33~~	~~Fringe Financial Service~~	~~§§ 249.35, 890.113~~	~~P #~~
~~818.34~~	~~Tobacco Paraphernalia Establishments~~	~~§ 890.123~~	~~C~~
~~**Assembly, Recreation, Arts and Entertainment**~~			
~~818.37~~	~~Nighttime Entertainment~~	~~§§ 102.17, 803.5(b)~~	~~C~~
~~818.38~~	~~Meeting Hall, not falling within Category 818.21~~	~~§ 221(e)~~	~~P~~
~~818.39~~	~~Recreation Building, not falling within Category 818.21~~	~~§ 221(e)~~	~~P~~

~~818.40~~	~~Pool Hall, Card Club, not falling within Category 818.21~~	~~§§ 221(f), 803.4~~	~~P~~
~~818.41~~	~~Theater, falling within § 221(d), except Movie Theater~~	~~§§ 221(d), 890.64~~	~~P~~
~~**Home and Business Service**~~			
~~818.42~~	~~Trade Shop~~	~~§ 890.124~~	~~P~~
~~818.43~~	~~Catering Service~~	~~§ 890.25~~	~~P~~
~~818.45~~	~~Business Goods and Equipment Repair Service~~	~~§ 890.23~~	~~P~~
~~818.46~~	~~Arts Activities, other than Theaters~~	~~§ 102.2~~	~~P~~
~~818.47~~	~~Business Services~~	~~§ 890.111~~	~~P~~
~~**Office**~~			
~~818.48~~	~~All Office Uses including Work Space of Design Professionals~~	~~§ 890.70~~	~~P~~
~~**Live/Work Units**~~			
~~818.54~~	~~Live/Work Units where the work activity is an Arts Activity~~	~~§§ 102.2, 102.13, 209.9(f), (g), 233~~	~~P~~
~~818.55~~	~~Live/Work Units where all the work activity is otherwise permitted~~	~~§§ 102.13, 233~~	~~P~~
~~**Automobile Services**~~			

~~*818.57*~~	~~*Vehicle Storage - Open Lot*~~	~~*§ 890.131*~~	~~*NP*~~
~~*818.58*~~	~~*Vehicle Storage - Enclosed Lot or Structure*~~	~~*§ 890.132*~~	~~*P*~~
~~*818.59*~~	~~*Motor Vehicle Service Station, Automotive Wash*~~	~~*§§ 890.18, 890.20*~~	~~*P*~~
~~*818.60*~~	~~*Motor Vehicle Repair*~~	~~*§ 890.15*~~	~~*P*~~
~~*818.61*~~	~~*Motor Vehicle Tow Service*~~	~~*§ 890.19*~~	~~*C*~~
~~*818.62*~~	~~*Non-Auto Vehicle Sale or Rental*~~	~~*§ 890.69*~~	~~*P*~~
~~*818.63*~~	~~*Public Transportation Facilities*~~	~~*§ 890.80*~~	~~*P*~~
~~***Industrial***~~			
~~*818.64*~~	~~*Wholesale Sales*~~	~~*§ 890.54(b)*~~	~~*P*~~
~~*818.65*~~	~~*Light Manufacturing*~~	~~*§ 890.54(a)*~~	~~*P*~~
~~*818.66*~~	~~*Storage*~~	~~*§ 890.54(e)*~~	~~*P*~~
~~*818.67*~~	~~*All Other Wholesaling, Storage Distribution and Open Air Handling of Materials and Equipment*~~	~~*§ 225*~~	~~*P*~~
~~***Other Uses***~~			
~~*818.68*~~	~~*Animal Services*~~	~~*§ 224*~~	~~*P*~~
~~*818.69*~~	~~*Open Air Sales*~~	~~*§§ 803.9(e), 890.38*~~	~~*P*~~

~~818.70~~	~~Ambulance Service~~	~~§ 890.2~~	~~P~~
~~818.71~~	~~Open Recreation~~	~~§§ 209.5(a), 209.5(b)~~	~~P~~
~~818.72~~	~~Public Use, except Public Transportation Facility~~	~~§ 890.80~~	~~P~~
~~818.74A~~	~~Industrial Agriculture~~	~~§ 102~~	~~P~~
~~818.74B~~	~~Neighborhood Agriculture~~	~~§ 102~~	~~P~~
~~818.74C~~	~~Large-Scale Urban Agriculture~~	~~§ 102~~	~~C~~
~~818.75~~	~~Mortuary Establishment~~	~~§ 227(e)~~	~~NP~~
~~818.76~~	~~General Advertising Sign~~	~~§ 607.2(b) & (c)~~	~~NP~~
~~818.77~~	~~Internet Services Exchange~~	~~§ 209.6(c)~~	~~C~~
~~818.78~~	~~Hotel, Tourist if 75 rooms or less~~	~~§ 890.46~~	~~C~~
~~818.99~~	~~Wireless Telecommunications Services Facility~~	~~§ 102~~	~~C; P if the facility is a Micro WTS Facility~~

~~***SPECIFIC PROVISIONS FOR SSO DISTRICTS***~~		
~~***Article Code Section***~~	~~***Other Code Section***~~	~~***Zoning Controls***~~
~~§ 818~~ ~~§ 818.03~~	~~§ 207(c)(4)~~	~~ACCESSORY DWELLING UNITS~~ ~~**Boundaries:** Within the boundaries of the SLI Mixed Use District.~~ ~~**Controls:** An "Accessory Dwelling Unit," as defined in Section 102 and~~

		~~*meeting the requirements of Section 207(c)(4) is permitted to be constructed within an existing building in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot.*~~
~~*§ 818.23*~~ ~~*§ 890.133*~~		~~*Only those medical cannabis dispensaries that can demonstrate to the Planning Department they were in operation as of April 1, 2005 and have remained in continuous operation or that were not in continuous operation since April 1, 2005, but can demonstrate to the Planning Department that the reason for their lack of continuous operation was not closure due to an actual violation of federal, state or local law, may apply for a medical cannabis dispensary permit in an SSO District.*~~
~~*§ 818.33*~~	~~*§ 249.35*~~ ~~*§ 890.113*~~	~~*Fringe Financial Services are P subject to the restrictions set forth in Section 249.35, including, but not limited to, the proximity restrictions set forth in Subsection 249.35 (c)(3).*~~

* * * *

SEC. 825. DTR – DOWNTOWN RESIDENTIAL DISTRICTS.

(a) **Description.** Downtown Residential (DTR) Districts are transit-oriented, high-density mixed-use residential neighborhoods in and around downtown. These areas are generally transitioning from a variety of commercial and industrial to residential uses. The intent of this district is to enable a mix of new day and nighttime activities, with an emphasis on encouraging new housing within walking distance or a short transit-ride of downtown, supported by a mix of retail, and neighborhood services to meet the needs of residents and the larger downtown community.

High-density residential uses, including residential towers in select locations, are allowed and encouraged within the limits set by height and bulk controls. Given the district's

proximity to downtown, a range of commercial uses is permitted on the lower stories, with active pedestrian-oriented retail, service, and entertainment uses on the ground floor. Along special streets, pedestrian-oriented uses are required on the first floor. Ground floor entries to individual dwelling units are encouraged on streets that will become primarily residential.

There is generally no pattern of mid-block open space or of rear yards. While lot coverage is limited for all levels with residential uses, traditional rear yard open spaces are not required except in the limited instances where there is an existing pattern of them. Specific height and bulk controls establish appropriate heights for both towers and mid-rise development, and ensure adequate spacing between towers and preserve light and air to streets and open spaces. Setbacks are required where necessary to buffer ground floor residential uses or to ensure sunlight access to streets and open spaces. To support the intensification of land uses in these districts, detailed traffic, streetscape and open space improvements will take place over time.

Downtown Residential Districts include all of the individual DTR districts governed this Code except the Transbay Downtown Residential District (TB-DTR), as set forth in Section 828, is governed by the Transbay Redevelopment Plan and its Development Controls and Design Guidelines.

* * * *

(c) **Use.** A use is the specified purpose for which a property or building is used, occupied, maintained, or leased. Uses in Downtown Residential Districts are either permitted, conditional, accessory, temporary or are not permitted. If there are two or more uses in a structure, any use not classified in Section 825(c)(1)(C) below as accessory will be considered separately as an independent permitted, conditional, temporary or not permitted use.

(1) **Permitted Uses.**

(A) **Principal Uses.** All uses are permitted as principal uses as of right in a Downtown Residential district unless otherwise indicated as a Conditional Use or Not Permitted in this Section 825 of this Code or any other Section governing an individual DTR District. Additional requirements and conditions may be placed on particular uses as provided pursuant to Section 803.5 and other applicable provisions of this Code.

(B) **Conditional Uses.** Conditional uses are permitted in a Downtown Residential District, when authorized by the Planning Commission; whether a use is conditional in a given district is indicated in the Section of this Code governing the individual DTR District. Conditional uses are subject to the applicable provisions set forth in Sections 178, 179, ~~*263.11,*~~ 303, 316, and 803.5 of this Code.

* * * *

SEC. 840. MUG – MIXED USE-GENERAL DISTRICT.

The Mixed Use-General (MUG) District is largely comprised of the low-scale, production, distribution, and repair uses mixed with housing and small-scale retail. The MUG is designed to maintain and facilitate the growth and expansion of small-scale light industrial, wholesale distribution, arts production and performance/exhibition activities, general commercial and neighborhood-serving retail and personal service activities while protecting existing housing and encouraging the development of housing at a scale and density compatible with the existing neighborhood.

Housing is encouraged over ground floor commercial and production, distribution, and repair uses. New residential or mixed use developments are encouraged to provide as much mixed-income family housing as possible. Existing group housing and dwelling units would be protected from demolition or conversion to nonresidential use by requiring conditional use review. Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this Code.

Hotels, nighttime entertainment, movie theaters, adult entertainment and heavy industrial uses are not permitted. Office is restricted to the upper floors of multiple story buildings.

Table 840 MUG – MIXED USE – GENERAL DISTRICT ZONING CONTROL TABLE			
No.	**Zoning Category**	**§ References**	**Mixed Use – General District Controls**
Building and Siting Standards			
* * * *			
840.01	Height Limit	See Zoning Map, §§ 260-261.1, 263.20	As shown on Sectional Maps 1 and ~~7~~8 of the Zoning Map Height sculpting required on narrow streets, § 261.1 Non-habitable vertical projections permitted, § 263.20
840.02	Bulk Limit	See Zoning Map §§ 270, 270.1, 270.2	As shown on Sectional Maps 1 and ~~7~~8 of the Zoning Map Horizontal mass reduction required, § 270.1 Mid-block alleys required, §270.2
* * * *			
840.04	Setbacks	§§ 132.4, 134, 136, 136.2, 144, 145.1	Generally required
* * * *			

840.09	Residential to non-residential ratio	§ 803.~~8(e)~~9(a)	None
* * * *			
840.11	Usable Open Space for Dwelling Units and Group Housing	§ 135, 136, 427	80 sq. ft. per unit; 54 sq. ft. per unit if publicly accessible. In the Central SoMa SUD, buildings taller than 160 feet may also pay the in-lieu fee.
840.12	Usable Open Space for Non-Residential	§ 135.3, 426	Required; amount varies based on use; may also pay in-lieu fee
* * * *			
840.15	Street Frontage, Ground Floor Commercial	§ 145.4	Brannan Street, between 3rd Street and 4th Street.
840.16	Vehicular Access Restrictions	§ 155(r)	Brannan Street, between 2nd Street and 6th Street
840.17	Driveway Loading and Operations Plan	§ 155(u)	Required in the Central SoMa SUD for projects of 100,000 sq. ft. or more.
840.18	Large Project Authorization	§ 329	Required pursuant to Section 329.
840.19	Design Guidelines	General Plan Commerce and Industry Element; Central SoMa Plan	Subject to the Urban Design Guidelines; and, in the Central SoMa SUD, subject to the Central SoMa Guide to Urban Design

840.20	Lot coverage	§ 249.78	In the Central SoMa SUD, limited to 80 percent at all residential levels, except that on levels in which all residential units face onto a public right-of-way, 100% lot coverage may occur. The unbuilt portion of the lot shall be open to the sky except for those obstructions permitted in yards pursuant to Section 136(c) of this Code. Where there is a pattern of mid-block open space for adjacent buildings, the unbuilt area of the new project shall be designed to adjoin that mid-block open space.
Residential Uses			
840.210	Dwelling Units	§ 102.7	P
840.221	Group Housing	§ 890.88(b)	P
840.232	SRO Units	§ 890.88(c)	P
840.243	Homeless Shelters	§§ 102, 890.88(d)	P
840.254	Dwelling Unit Density Limit	§§ 124, 207.5, 208	No density limit #
840.265	Dwelling Unit Mix	§ 207.6	At least 40% of all dwelling units must contain two or more bedrooms or 30%

			of all dwelling units must contain three or more bedrooms.
840.2~~7~~6	Affordability Requirements	§ 415	15% onsite/20% off-site
840.2~~8~~7	Residential Demolition or Conversion	§ 317	Restrictions apply; see criteria of Section 317
* * * *			
Retail Sales and Services			
840.45	All Retail Sales and Services ~~*which*~~*that* are not listed below	§§ 121.6, 803.9(*ig*), 890.104, 890.116	P up to 25,000 gross sq.ft. per lot; above 25,000 gross sq. ft. permitted only if the ratio of other permitted uses to retail is at least 3:1.
* * * *			
Office			
* * * *			
840.65A	Services, Professional; Services Financial; Services Medical	§§ 890.108, 890.110, 890.114	Subject to vertical control of Sec. 803.9(*~~h~~f*). P on the ground floor when primarily open to the general public on a client-oriented basis.
840.66	All Other Office Uses	§§ 803.9(*~~h~~f*), 890.70, 890.118	Subject to vertical control of Sec. 803.9(*~~h~~f*)
* * * *			

Other Uses			
* * * *			
840.96	Open Air Sales	§§ 803.9(*ed*), 890.38	P
* * * *			
804.98	Walk-up Facility, including Automated Bank Teller Machine	§~~*§ 803.9(b),*~~ 890.140	P
* * * *			

SPECIFIC PROVISIONS FOR MUG – MIXED USE-GENERAL DISTRICT		
Section		**Zoning Controls**
§ 840.254	§ 207(c)(4)	ACCESSORY DWELLING UNITS **Boundaries:** Within the boundaries of the MUG – Mixed Use-General District. **Controls:** An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(c)(4) is permitted to be constructed within an existing building in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot.

* * * *

SEC. 841. MUR – MIXED USE-RESIDENTIAL DISTRICT.

The Mixed Use-Residential District (MUR) ~~*serves as a buffer between the higher-density, predominantly commercial area of Yerba Buena Center to the east and the lower-scale, mixed use service/industrial and housing area west of Sixth Street.*~~

~~*The MUR serves as a major housing opportunity area within the eastern portion of the South of Market. The district controls are*~~ *is* intended to facilitate the development of high-density, mid-rise housing, including family-sized housing and residential hotels. The district is also designed to encourage the expansion of retail, business service and commercial and cultural arts activities. Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this Code.

Continuous ground floor commercial frontage with pedestrian-oriented retail activities along major thoroughfares is encouraged. Hotels, nighttime entertainment, adult entertainment and heavy industrial uses are not permitted. Office is limited by residential-to-non residential ratio in new construction.

Table 841

MUR - MIXED USE-RESIDENTIAL DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Mixed Use-Residential District Controls
Building and Siting Standards			
841.01	Height Limit	See Zoning Map, §§ 260-261.1, 263.20	As shown on Sectional Maps 1 and ~~*81 and 7*~~ of the Zoning Map Height sculpting required on narrow streets, § 261.1 Non-habitable vertical projections permitted, § 263.20

841.02	Bulk Limit	See Zoning Map. §§ 270, 270.1, 270.2	As shown on Sectional Maps 1 and ~~8~~ ~~and 7~~ of the Zoning Map Horizontal mass reduction required, § 270.1 Mid-block alleys required, § 270.2
* * * *			
841.04	Setbacks	§§ 132.4, 134, 136, 136.2, 144, 145.1	Generally required
* * * *			
841.09	Residential to non-residential ratio	§ 803.~~8(d)~~9(a)	3 sq.ft. of residential for every 1 sq.ft. of other permitted use.
* * * *			
841.11	Usable Open Space for Dwelling Units and Group Housing	§ 135, 136, 427	80 sq. ft. per unit; 54 sq.ft. per unit if publicly accessible. In the Central SoMa SUD, buildings taller than 160 feet may also pay the in-lieu fee.
841.12	Usable Open Space for Non-Residential	§ 135.3, 426	Required; amount varies based on use; may also pay in-lieu fee
* * * *			
841.15	Street Frontage, Ground Floor Commercial	§ 145.4	3rd Street, between Folsom Street and Townsend Street; 4th Street, between Folsom and Townsend Streets; Folsom Street, between 4th Street and 6th Street.

841.16	Vehicular Access Restrictions	§ 155(r)	3rd Street, between Folsom Street and Townsend Street; 4th Street, between Folsom Street and Townsend Street; Folsom Street, between 4th Street and 5th Street.
841.17	Driveway Loading and Operations Plan	§ 155(u)	Required in the Central SoMa SUD for projects of 100,000 sq. ft. or more.
841.18	Large Project Authorization	§ 329	Required pursuant to Section 329.
841.19	Design Guidelines	General Plan Commerce and Industry Element; Central SoMa Plan	Subject to the Urban Design Guidelines; and, in the Central SoMa SUD, subject to the Central SoMa Guide to Urban Design
841.20	Lot coverage	§ 249.78	In the Central SoMa SUD, limited to 80 percent at all residential levels, except that on levels in which all residential units face onto a public right-of-way, 100% lot coverage may occur. The unbuilt portion of the lot shall be open to the sky except for those obstructions permitted in yards pursuant to Section 136(c) of this Code. Where there is a pattern of mid-block

			open space for adjacent buildings, the unbuilt area of the new project shall be designed to adjoin that mid-block open space.
Residential Uses			
841.210	Dwelling Units	§ 102.7	P
841.221	Group Housing	§ 890.88(b)	P
841.232	SRO Units	§ 890.88(c)	P
841.243	Homeless Shelters	§§ 102, 890.88(d)	P
841.254	Dwelling Unit Density Limit	§§ 124, 207.5, 208	No density limit #
841.265	Dwelling Unit Mix	§ 207.6	At least 40% of all dwelling units must contain two or more bedrooms or 30% of all dwelling units must contain three or more bedrooms.
841.276	Affordability Requirements	§ 415	Restrictions apply, see Section 415
841.287	Residential Demolition or Conversion	§ 317	Restrictions apply; see criteria of Section 317
* * * *			
Retail Sales and Services			
* * * *			

841.46	Formula Retail	§ 102, 303, 303.1	In the Central SoMa SUD, NP for Restaurants, Limited Restaurants, and Bars; C for all other Formula Retail Uses. Elsewhere, C for all Formula Retail Uses. If approved, subject to size controls in Section 840.45.
* * * *			
Other Uses			
* * * *			
841.96	Open Air Sales	§ 803.9(*ed*), 890.38	P
* * * *			
841.98	Walk-up Facility, including Automated Bank Teller Machine	§§ 890.140, ~~*803.9(b),*~~	P
* * * *			

SPECIFIC PROVISIONS FOR MUR – RESIDENTIAL **DISTRICT**		
Section		**Zoning Controls**
§ 841.254	§ 207(c)(4)	ACCESSORY DWELLING UNITS **Boundaries:** Within the boundaries of the MUR – Mixed Use-Residential District. **Controls:** An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of

		Section 207(c)(4) is permitted to be constructed within an existing building in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot.

* * * *

SEC. 842. MUO – MIXED USE-OFFICE DISTRICT.

The Mixed Use-Office (MUO) ~~*runs predominantly along the 2nd Street corridor in the South of Market area. The MUO*~~ is designed to encourage office uses and housing, as well as small-scale light industrial and arts activities. Nighttime entertainment and small tourist hotels are permitted as a conditional use. Large tourist hotels are permitted as a conditional use in certain height districts. Dwelling units and group housing are permitted, while demolition or conversion of existing dwelling units or group housing requires conditional use authorization. Family-sized housing is encouraged. Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this Code.

Office, general commercial, most retail, production, distribution, and repair uses are also principal permitted uses. Adult entertainment and heavy industrial uses are not permitted.

Table 842

MUO- MIXED USE-OFFICE DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Mixed Use Office District Controls
Building and Siting Standards			
* * * *			
842.06	Parking and Loading Access: Prohibition	§ 155(r)	*None.* ~~*4th Street between Bryant and Townsend Streets*~~

* * * *			
842.09	Residential to non-residential ratio	§ 803.~~8(e)~~9(a)	None
* * * *			
Retail Sales and Services			
842.45	All Retail Sales and Services ~~which~~that are not listed below	§§ 890.104, 890.116, 803.9(~~i~~g), 121.6	P
* * * *			
Other Uses			
* * * *			
842.96	Open Air Sales	§§ 803.9(~~e~~d), 890.38	P
* * * *			
842.98	Walk-up Facility, including Automated Bank Teller Machine	§§ ~~§~~ 890.140, ~~803.9(b)~~	P
* * * *			

* * * *

SEC. 843. UMU – URBAN MIXED USE DISTRICT.

The Urban Mixed Use (UMU) District is intended to promote a vibrant mix of uses while maintaining the characteristics of this formerly industrially-zoned area. It is also intended to serve as a buffer between residential districts and PDR districts in the Eastern Neighborhoods. Within the UMU, allowed uses include production, distribution, and repair uses such as light manufacturing, home and business services, arts activities, warehouse,

and wholesaling. Additional permitted uses include retail, educational facilities, and nighttime entertainment. Housing is also permitted, but is subject to higher affordability requirements. Family-sized dwelling units are encouraged. Within the UMU, office uses are restricted to the upper floors of multiple story buildings. In considering any new land use not contemplated in this District, the Zoning Administrator shall take into account the intent of this District as expressed in this Section and in the General Plan. Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this Code.

Table 843

UMU – URBAN MIXED USE DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Urban Mixed Use District Controls
Building and Siting Standards			
* * * *			
843.09	Residential to non-residential ratio	§ 803.~~8(e)~~*9(a)*	None
* * * *			
Retail Sales and Services			
843.45	All Retail Sales and Services ~~which~~ *that* are not listed below	§§ 890.104, 890.116, 803.9(~~ig~~), 121.6	P up to 25,000 gross sq.ft. per lot; above 25,000 gross sq.ft. per lot permitted only if the ratio of other permitted uses to retail is at least 3:1. P up to 3,999 gross sq.ft. per use; C over 4,000 gross sq.ft. per use.
* * * *			

843.51	Gyms	§§ 218(d), 803.9(~~i~~g)	P up to 3,999 gross sq. ft. per use; C over 4,000 gross sq. ft. per use. Not subject to 3:1 ratio, per Sec. 803.9(~~i~~g)
* * * *			
Office			
* * * *			
843.65A	Services, Professional; Services Financial; Services Medical	§§ 890.108, 890.110, 890.114	Subject to vertical control of Sec. 803.9(~~h~~f). P on the ground floor when primarily open to the general public on a client-oriented basis.
843.66	All ~~O~~other Office Uses	§§ 803.9(~~h~~f), 890.70, 890.118	Subject to vertical control of Sec. 803.9(~~h~~f)
* * * *			
Other Uses			
* * * *			
843.96	Open Air Sales	§§ 803.9(~~e~~d), 890.38	P
* * * *			
843.98	Walk-up Facility, including Automated Bank Teller Machine	§§ 890.140, ~~803.9(b),~~	P
* * * *			

* * * *

SEC. 844. WMUG – WSOMA MIXED USE-GENERAL DISTRICT.

The WSoMa Mixed Use-General (WMUG) District is largely comprised of the low-scale, production, distribution, and repair uses mixed with housing and small-scale retail. The WMUG is designed to maintain and facilitate the growth and expansion of small-scale light industrial, wholesale distribution, arts production and performance/exhibition activities, general commercial and neighborhood-serving retail and personal service activities while protecting existing housing and encouraging the development of housing at a scale and density compatible with the existing neighborhood.

* * * *

Table 844

WMUG – WSOMA MIXED USE-GENERAL DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	WSoMa Mixed Use-General District Controls
* * * *			
Other Uses			
844.96	Open Air Sales	§§ 803.9(*e*<u>*d*</u>), 890.38	P up to 10,000 gsf per lot. NP above.
* * * *			
844.98	Walk-up Facility, including Automated Bank Teller Machine	§~~*§ 803.9(b),*~~ 890.140	P
* * * *			

* * * *

SEC. 845. WMUO – WSOMA MIXED USE-OFFICE DISTRICT.

The WSoMa Mixed Use-Office (WMUO) runs predominantly along the Townsend Street corridor between 4th Street and 7th Street and on 11th Street, from Harrison Street to the north side of Folsom Street. The WMUO is designed to encourage office uses along with small-scale light industrial and arts activities. Nighttime entertainment is permitted, although limited by buffers around RED and RED-MX districts.

* * * *

Table 845 **WMUO – WSOMA MIXED USE-OFFICE DISTRICT ZONING CONTROL TABLE**			
No.	**Zoning Category**	**§ References**	**WSOMA Mixed Use-Office District Controls**
BUILDING AND SITING STANDARDS			
* * * *			
845.09	Residential to non-residential ratio	§ 803.~~8(e)~~9(a)	None
* * * *			
Retail Sales and Services			
845.45	All Retail Sales and Services ~~which~~that are not listed below	§§ 121.6, 803.9(~~i~~g), 890.104	P up 10 10,000 gsf per lot; C up to 25,000 gsf; NP above
* * * *			
Other Uses			
* * * *			
845.96	Open Air Sales	§§ 803.9(e~~d~~), 890.38	P
* * * *			

845.98	Walk-up Facility, including Automated Bank Teller Machine	§§ ~~803.9(b),~~ 890.140	P
* * * *			

* * * *

SEC. 846. SALI – SERVICE/ARTS/LIGHT INDUSTRIAL DISTRICT.

The Service/Arts/Light Industrial (SALI) District is largely comprised of low-scale buildings with production, distribution, and repair uses. The district is designed to protect and facilitate the expansion of existing general commercial, manufacturing, home and business service, and light industrial activities, with an emphasis on preserving and expanding arts activities. Nighttime Entertainment is permitted although limited by buffers around RED and RED-MX districts. Residential Uses, Offices, Hotels, and Adult Entertainment uses are not permitted. Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this Code.

Table 846

SALI – SERVICE/ARTS/LIGHT INDUSTRIAL DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	SALI District Controls
BUILDING AND SITING STANDARDS			
* * * *			
846.09	Residential to non-residential ratio	§ 803.~~8(e)~~9(a)	None
* * * *			
Office			
* * * *			

846.65b	Office Uses Related to the Hall of Justice	§§ 803.9(*f*e), 822	P in Special Use District, pursuant to § 803.9(*f*e)
* * * *			
Other Uses			
* * * *			
846.96	Open Air Sales	§§ 803.9(*e*d), 890.38	P up to 10,000 gsf per lot; C up to 25,000 gsf; NP above
* * * *			
846.98	Walk-up Facility, including Automated Bank Teller Machine	~~§§ 803.9(b),~~ 890.140	P
* * * *			

* * * *

SEC. 847. RED-MX – RESIDENTIAL ENCLAVE-MIXED DISTRICT.

Residential Enclave-Mixed Districts (RED-MX) encompass some of the clusters of low-scale, medium density, predominantly residential neighborhoods located along the narrow side streets of the Western SoMa area. Many parcels in these residential enclaves are underdeveloped and represent opportunities for new residential and low-intensity commercial uses.

* * * *

Table 847 **RED-MX – RESIDENTIAL ENCLAVE-MIXED DISTRICT ZONING CONTROL TABLE**			
No.	**Zoning Category**	**§ References**	**Residential Enclave-Mixed Controls**

* * * *			
Other Uses			
847.66	Open Air Sales	§§ 803.9(*ed*), 890.38	P up to 1,250 gsf per lot; C above; NP above 1 FAR
* * * *			

* * * *

SEC. 848. CMUO – CENTRAL SOMA MIXED USE-OFFICE DISTRICT.

The Central SoMa Mixed Use-Office (CMUO) extends predominantly between 2nd Street and 6th Street in the South of Market area. The CMUO is designed to encourage a mix of residential and non-residential uses, including office, retail, light industrial, arts activities, nighttime entertainment, and tourist hotels.

Table 848. CMUO – CENTRAL SOMA MIXED USE-OFFICE DISTRICT ZONING CONTROL TABLE

Central SoMa Mixed Use-Office District Controls		
Zoning Category	*§ References*	*Controls*
BUILDING STANDARDS		
Massing and Setbacks		
Height and Bulk Limits.	*§§ 102, 105, 106, 250—252, 260, 261.1, 263.20, 263.30, 270,*	*Varies. See Height and Bulk Map Sheets HT01 and HT07. Height sculpting required and additional bulk limits pursuant to §270; Non-habitable vertical projections permitted pursuant to §263.20; additional height permissible*

	270.1, 270.2, 271. See also Height and Bulk District Maps	*pursuant to §263.30; horizontal mass reduction required pursuant to §270.1; and Mid-block alleys required pursuant to §270.2.*
5 Foot Height Bonus for Ground Floor Commercial	*§ 263.20*	*NP*
Setbacks	*§§ 132.4, 134, 136, 144, 145.1*	*Generally required. Along 4th Street south of Bryant Street, required by a minimum depth of five feet, from sidewalk grade up to a minimum height of 25 feet.*
Street Frontage and Public Realm		
Streetscape and Pedestrian Improvements	*§ 138.1*	*Required*
Street Frontage Requirements	*§ 145.1*	*Required*
Street Frontage, Ground Floor Commercial	*§ 145.4*	*2nd Street, on the west side, between Dow Place and Townsend Street; 3rd Street, between Folsom Street and Townsend Street; 4th Street, between Folsom and Townsend Streets; Folsom Street, between 4th and 6th Streets; Brannan Street, between 3rd Street and*

		4th Street; Townsend Street, on the north side, between 2nd Street and 4th Street.
Vehicular Access Restrictions	*§ 155(r)*	*3rd Street between Folsom and Townsend Streets; 4th Street between Folsom and Townsend Streets; Folsom Street from 4th Street to 5th Street; Brannan Street from 2nd Street to 6th Street; and Townsend Street from 2nd Street to 6th Street.*
Driveway Loading and Operations Plan	*§ 155(u)*	*Required for projects of 100,000 sq. ft. or more.*
Miscellaneous		
Lot Size (Per Development)	*§ 102, 303*	*N/A*
Planned Unit Development	*§ 304*	*NP*
Large Project Authorization	*§ 329*	*Required for new construction greater than 85 feet in height; additions to an existing building with a height of 85 feet or less resulting in a total building height greater than 85 feet; or the net addition or new construction of more than 50,000 gross square feet.*
Awning and Canopy	*§ 136.1*	*P*

Marquee	*§ 136.1*	*NP*
Signs	*§§ 262, 602-604, 607, 607.2, 608, 609*	*As permitted by § 607.2.*
General Advertising Signs	*§§ 262, 602.7 604, 608, 609, 610, 611*	*NP*
Design Guidelines	*General Plan Commerce and Industry Element; Central SoMa Plan.*	*Subject to the Urban Design Guidelines and Central SoMa Guide to Urban Design.*

Zoning Category	*§ References*	*Controls*
RESIDENTIAL STANDARDS & USES		
Development Standards		
Usable Open Space [Per Dwelling Unit and Group Housing]	*§§ 135, 136, 427*	*80 sq. ft. per unit; 54 sq. ft. per unit if publicly accessible; buildings taller than 160 feet may also pay in-lieu fee.*

Off-Street Parking	*§§* 150, *151*.1, 153, 156, ~~161,~~ *166*, 167	*Car parking not required. Limits set forth in §151.1. Bicycle Parking required pursuant to §155.2. If car parking is provided, car share spaces are required when a project has 50 units or more pursuant to §166.*
Dwelling Unit Mix	*§ 207.6*	*At least 40% of all dwelling units shall contain two or more bedrooms, 30% of all dwelling units shall contain three or more bedrooms, or 35% of all dwelling units shall contain two or more bedrooms with at least 10% containing three or more bedrooms.*
Lot coverage	§ 249.78	Limited to 80 percent at all residential levels, except that on levels in which all residential units face onto a public right-of-way, 100% lot coverage may occur. The unbuilt portion of the lot shall be open to the sky except for those obstructions permitted in yards pursuant to Section 136(c) of this Code. Where there is a pattern of mid-block open space for adjacent buildings, the unbuilt area of the new

		project shall be designed to adjoin that mid-block open space.
Use Characteristics		
Single Room Occupancy	*§ 102*	*P*
Student Housing	*§ 102*	*P*
Residential Uses		
Residential Uses	*§ 102*	*P*
Dwelling Units, Senior Housing, and Group Housing	*§ 207*	*No residential density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department.*
Accessory Dwelling Units	*§§ 102, 207(c)(4)*	*P within the existing building envelope. 1 ADU allowed in buildings with 4 or fewer Dwelling units. No limit in buildings with 5 or more Dwelling Units. ADUs may not eliminate or reduce ground-story retail or commercial spaces.*

Homeless Shelters	*§§ 102, 208*	*Density limits regulated by the Administrative Code, Chapter 20, Article XIII.*
Loss of Dwelling Units		
Residential Conversion, Demolition, or Merger	*§ 317*	*C*

Zoning Category	*§ References*	*Controls*
NON-RESIDENTIAL STANDARDS & USES		
Development Standards		
Floor Area Ratio	*§§ 102, 123, 124*	*No FAR Limit.*
Use Size	*§ 102*	*Restrictions on some Retail Sales and Service Uses.(1)*
Off-Street Parking.	*§§ 145.1, 150, 151.1, 153-156, 166, 204.5*	*Car parking not required. Limits set forth in § 151.1. Bicycle parking required pursuant to § 155.2. Car share spaces required when a project has 25 or more parking spaces pursuant to § 166.*
Off-Street Freight Loading	*§§ 150, 152.1, 153 - 155, 161, 204.5*	*Pursuant to § 152.1.*

Useable Open Space	*§§ 135.3, 426*	*Required; amount varies based on use; may pay in-lieu fee.*
Commercial Use Characteristics		
Drive-up Facility	*§ 102*	*NP*
Formula Retail	*§§ 102, 303, 303.1*	*NP for Restaurants, Limited Restaurants, and Bars. C for all other Formula Retail Uses.*
Hours of Operation	*§ 102*	*No Restrictions*
Maritime Use	*§ 102*	*NP*
Open Air Sales	*§ 102*	*P*
Outdoor Activity Area	*§ 102*	*P*
Walk-up Facility	*§ 102*	*P*
Agricultural Use Category		
Agricultural Uses*	*§§ 102, 202.2(c)*	*P*
Agriculture, Large Scale Urban	*§§ 102, 202.2(c)*	*C*
Automotive Use Category		
Automotive Uses*	*§ 102*	*P*
Parking Garage, Private	*§ 102*	*C*
Parking Garage, Public	*§ 102*	*C*
Parking Lot, Private	*§§ 102, 142, 156*	*NP*

Parking Lot, Public	*§§ 102, 142, 156*	*NP*
Service, Motor Vehicle Tow	*§ 102*	*C*
Services, Ambulance	*§ 102*	*C*
Vehicle Storage Garage	*§ 102*	*C*
Vehicle Storage Lot	*§ 102*	*NP*
Entertainment and Recreation Use Category		
Entertainment and Recreation Uses*	*§ 102*	*P*
Entertainment, Nighttime	*§ 102*	*P(4)*
Entertainment, Outdoor	*§ 102*	*NP*
Open Recreation Area	*§ 102*	*NP*
Sports Stadium	*§ 102*	*NP*
Industrial Use Category		
Industrial Uses*	*§§ 102, 202.2(d)*	*NP*
Food ,Fiber and Beverage Processing 1	*§§ 102, 202.2(d)*	*P*
Manufacturing, Light	*§§ 102, 202.2(d)*	*P*
Institutional Use Category		
Institutional Uses*	*§ 102*	*P*
Hospital	*§ 102*	*C*
Medical Cannabis Dispensary	*§§ 102, 202.2(e)*	*P*

Sales and Service Use Category		
Retail Sales and Service Uses*	*§ 102*	*P(1)*
Adult Business	*§ 102*	*NP*
Animal Hospital	*§ 102*	*P*
Bar	*§§ 102, 202.2(a)*	*P(1)(3)*
Hotel	*§ 102*	*C(2)*
Kennel	*§ 102*	*P*
Massage Establishment	*§ 102*	*NP*
Mortuary	*§ 102*	*NP*
Motel	*§§ 102, 202.2(a)*	*NP*
Restaurant	*§§ 102, 202.2(a)*	*P(1)(3)*
Restaurant, Limited	*§§ 102, 202.2(a)*	*P(1)(3)*
Storage, Self	*§ 102*	*NP*
Trade Shop	*§ 102*	*P*
Non-Retail Sales and Service	*§ 102*	*P*
Utility and Infrastructure Use Category		
Utility and Infrastructure*	*§ 102*	*P*
Internet Service Exchange	*§ 102*	*C*
Power Plant	*§ 102*	*NP*
Public Utilities Yard	*§ 102*	*NP*

Wireless Telecommunications Services Facility	*§ 102*	*C(5)*

** Not Listed Below*

(1) P up to 25,000 gross sq. ft. per lot; above 25,000 gross sq. ft. per lot permitted only if the ratio of other permitted uses to retail is at least 3:1.

(2) Not subject to ratio requirements of (1) above, pursuant to § 803.9(g).

(3) Formula Retail NP.

(4) P in the area bounded by bounded by 4th Street, 6th Street, Bryant Street, and Townsend Street; C elsewhere.

(5) C if a Macro WTS Facility; P if a Micro WTS Facility.

* * * *

SEC. 890.37. ENTERTAINMENT, OTHER.

In the Chinatown Mixed Use Districts, a retail use, other than adult entertainment, as defined in Section 890.36 of this Code, which provides live entertainment, including dramatic and musical performances, and/or provides amplified taped music for dancing on the premises, including but not limited to Places of Entertainment and Limited Live Performance Locales, as defined in Section 1060 of the Police Code. Other entertainment also includes a bowling alley, billiard parlor, shooting gallery, skating rink and other commercial recreational activity, but it excludes amusement game arcades, as defined in Section 890.4 of this Code and regulated in Section 1036 of the Police Code. ~~*For South of Market Districts, see Section 102.17.*~~

* * * *

SEC. 890.116. SERVICE, PERSONAL.

A retail use which provides grooming services to the individual, including salons, cosmetic services, tattoo parlors, and health spas, excluding ~~*massage establishments subject to*~~

~~*Section 218.1 of this Code located within South of Market Districts, or*~~ instructional services not certified by the State Educational Agency, such as art, dance, exercise, martial arts, and music classes~~, *except that in the South of Market Districts, arts activities falling within Section 102.2 shall not be considered personal services.*~~

* * * *

SEC. 890.124. TRADE SHOP.

A retail service use which provides custom-crafted goods and/or services for sale directly to the consumer, reserving some storefront space for display and retail service; if conducted within an enclosed building having no openings other than fixed windows or exits required by law located within 50 feet of any R District. A trade shop includes, but is not limited to:

* * * *

(g) ~~*Within the South of Market Districts, arts activities falling within Section 102.2 shall not be considered trade shops.*~~

~~*(h)*~~ Within ~~*South of Market and*~~ Eastern Neighborhoods Mixed Use Districts, this use shall include the offices of building, plumbing, electrical, painting, masonry, roofing, furnace or pest control contractors and storage of incidental equipment and supplies used by them, if located entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet of an R District. No processing of building materials, such as mixing of concrete or heating of asphalt shall be conducted on the premises. Parking, loading and unloading of all vehicles used by the contractor shall be located entirely within the building containing the use.

(~~*i*~~*h*) Within the Chinatown Mixed Use Districts, it does not include any shop which uses a single machine of more than five horsepower capacity, or a shop in which the mechanical equipment, together with related floor space used primarily by the operators of

such equipment, occupies in the aggregate more than 1/3 of the total Ggross Ffloor Aarea of the use. A trade shop is distinct from light manufacturing, as defined in Section 890.54(a) of this Code.

Section 5. This section is uncodified. Applicable provisions of the Planning Code shall apply to a residential Tower on Block 3786, Lot 035, except as otherwise provided in this Section. In the event of a conflict between other provisions of the Planning Code and this Section, this Section shall control. For a residential Tower on Block 3786, Lot 035, the following controls shall apply, provided the project meets its Inclusionary Housing requirements pursuant to Planning Code Section 415 by providing BMR units entirely on-site:

(a) A 5-foot setback is required for the Tower Portion for the entire frontage along Fourth Street, and a 25-foot setback is required for the Tower Portion for the entire southwest property line frontage directly opposite the property at Block 3786, Lot 322.

(b) The residential Tower may have a horizontal separation of not less than 40 feet from the Tower Portion of an approved or proposed Tower on Block 3786, Lot 322.

(c) The maximum Gross Floor Area of any residential Tower floor shall be 12,500 gross square feet.

(d) The maximum length of a Residential tower shall be 165 feet.

Section ~~5~~6. 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 67. 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:
DENNIS J. HERRERA, City Attorney

By: _____
PETER R. MILJANICH
Deputy City Attorney

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FILE NO. 180184

REVISED LEGISLATIVE DIGEST
(Amended in Committee, 7/23/2018)

[Administrative Code, Planning Code - Central SoMa Plan]

Ordinance amending the Administrative Code and Planning Code to give effect to the Central South of Market (SoMa) Area Plan, encompassing an area generally bounded on its western portion by 6th Street, on its eastern portion by 2nd Street, on its northern portion by the border of the Downtown Plan Area (an irregular border that generally jogs along Folsom, Howard and Stevenson Streets), and on its southern portion by Townsend Street; making approval findings under the California Environmental Quality Act, including adopting a statement of overriding considerations; 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

Currently, Administrative Code Chapter 35 addresses compatibility and protection for residential and industrial uses. Section 35.6 provides for an affidavit of disclosure to purchasers or lessors of property adjacent to industrial uses.

Currently, a number of zoning districts in the Central SoMa area exist, with different land use controls, including but not limited to the RSD, SLI, SLR and SSO zoning districts.

Amendments to Current Law

Administrative Code Chapter 35 would be amended to address compatibility and protection for residential, hotel and Production, Distribution and Repair (PDR) uses, and would add requirements regarding the affidavit of disclosure in Section 35.6. It would also be amended to state that Chapter 35 does not create a private right of action against the City.

The ordinance would also amend the Planning Code to create the Central SoMa Mixed Use Office (CMUO) zoning district and a Central SoMa Special Use District (SUD), and would enact various land use controls in the Central SoMa area, including but not limited to controls relating to street frontages, ground floor controls, off-street parking and loading requirements, the applicability of the Transportation Demand Management Program and Transportation Sustainability Fee, height limits, bulk limits, large project authorizations, and open space, including but not limited to Privately Owned Public Open Space (POPOS).

The ordinance would also impose a Central SoMa Community Facilities Services Fee and a Central SoMa Infrastructure Impact Fee and create fee tiers for new development in Central

SoMa. The ordinance would also require certain development projects in the SUD to participate in the Central SoMa Community Facilities District Program,

The ordinance would eliminate the RSD, SLI, SLR and SSO zoning districts and would amend various other zoning districts in the south of Market area.

The ordinance would also set forth requirements for affordable housing developments in Central SoMa and would require that certain development impact fees collected in the Central SoMa SUD be reserved for affordable housing within the boundaries of Market Street, the Embarcadero, King Street, Division Street and South Van Ness Avenue.

Background Information

This Legislative Digest reflects amendments made by the Land Use Committee of the Board of Supervisors on July 16, 2018. These include minor, clarifying amendments, modifications to the ordinance's various land use controls in the Central SoMa area, and the addition of the Central SoMa Community Facilities District Program.

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