

File No. 180185 Committee Item No. 8  
Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date June 16, 2018

Board of Supervisors Meeting Date \_\_\_\_\_

**Cmte Board**

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|-------------------------------------|--------------------------|----------------------------------------------|
| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Resolution                                   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/> | Introduction Form                            |
| <input type="checkbox"/>            | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | MOU                                          |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Application                                  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Public Correspondence                        |

**OTHER (Use back side if additional space is needed)**

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|-------------------------------------|--------------------------|-----------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Referral CEQA 030618  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Referral PC 030618    |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Referral PC 041018    |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Referral CEQA 041818  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Hearing Notice 062918 |
| <input type="checkbox"/>            | <input type="checkbox"/> | _____                 |
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Completed by: Erica Major Date June 13, 2018  
Completed by: Erica Major Date \_\_\_\_\_

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

2  
3 **Ordinance amending the Zoning Map of the Planning Code to create the Central South**  
4 **of Market (SoMa) Special Use District and make other amendments to the Height and**  
5 **Bulk District Maps and Zoning Use District Maps consistent with the Central SoMa Area**  
6 **Plan, encompassing an area generally bounded on its western portion by Sixth Street,**  
7 **on its eastern portion by Second Street, on its northern portion by the border of the**  
8 **Downtown Plan Area (an irregular border that generally jogs along Folsom, Howard**  
9 **and Stevenson Streets), and on its southern portion by Townsend Street; affirming the**  
10 **Planning Department's determination under the California Environmental Quality Act;**  
11 **and making findings of consistency with the General Plan, and the eight priority**  
12 **policies of Planning Code, Section 101.1.**

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

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

21 Section 1. Environmental and Planning Code Findings.

22 (a) On May 10, 2018 after a duly noticed public hearing, the Planning Commission  
23 certified the Final Environmental Impact Report (EIR) for the proposed Central SoMa Area  
24 Plan (the Project) by Motion No. 20182, finding the Final EIR reflects the independent  
25 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

1 with the provisions of the California Environmental Quality Act (CEQA) (Public Resources  
2 Code Section 21000 et seq.), the CEQA Guidelines (14 Cal. Code Regs. Section 15000 et  
3 seq.) and Chapter 31 of the San Francisco Administrative Code. Copies of the Planning  
4 Commission Motion and Final EIR are on file with the Clerk of the Board in File No. 180490  
5 and are incorporated herein by reference.

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

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

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

22 (e) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this  
23 Zoning Map Amendment will serve the public necessity, convenience, and welfare for the  
24 reasons set forth in Planning Commission Resolution No. 20184, and the Board incorporates  
25 such reasons herein by reference.

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

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

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

22 Section 2. The Planning Code is hereby amended by revising Zoning Use District  
23 Maps ZN01 and ZN08, Height and Bulk District Maps HT01 and HT08, and Special Use  
24 District Maps SU01 and SU08, as follows:  
25

1 (a) The San Francisco Planning Code is hereby amended by amending Zoning Use  
 2 District Map ZN01 of the Zoning Map of the City and County of San Francisco, as follows:  
 3

<u>Description of Property</u>		<u>Use Districts to</u>	<u>Use Districts</u>
<u>Assessor's</u>	<u>Lot</u>	<u>be Superseded</u>	<u>Hereby Approved</u>
<u>Block</u>			
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
	093, 105	M-1	CMUO
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

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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
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

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			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
	047-049	SALI	CMUO
	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:

<u>Description of Property</u>		<u>Use Districts to</u>	<u>Use Districts</u>
<u>Assessor's</u>	<u>Lot</u>	<u>be Superseded</u>	<u>Hereby Approved</u>
<u>Block</u>			
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
	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
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:

<u>Description of Property</u>		<u>Height and Bulk Districts to be Superseded</u>	<u>Height and Bulk Districts Hereby Approved</u>	<u>Additional Information for Split Lots</u>
<u>Assessor's Block</u>	<u>Lot</u>			
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

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	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

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				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	

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	112	55-X/85-X	130-CS-160- CS/160-CS	160 feet to a 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	

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	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	

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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

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				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	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, 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	



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	001B, 002B, 004-005	40/55-X	270-CS	
	016	40/55-X	65-X	
	017-019, 022-023, 025-026, 032, 046A, 046B, 046C, 046D, 046E, 046F, 046G, 046H, 051-087	40/55-X	55-X	
	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:

<u>Description of Property</u>		<u>Special Use</u>	<u>Special Use</u>
<u>Assessor's</u> <u>Block</u>	<u>Lot</u>	<u>District Hereby</u> <u>Superseded</u>	<u>District Hereby</u> <u>Approved</u>
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	

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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

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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

1	3786	027-028, 036-037, 039	Western SoMa Special Use District
2			
3			
4	3786	035, 038, 321-322	N/A
5	3787	001-005, 007-008, 012-019, 021-024, 026, 028, 031, 033, 036-037, 040, 040A, 044, 048-050, 052-139, 144-149, 151-159, 161-164, 166-218, 241-246	N/A
6			
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9	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
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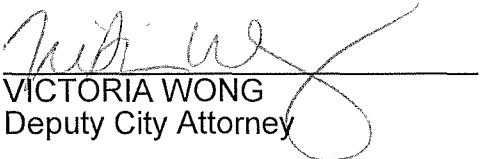
(f) The San Francisco Planning Code is hereby amended by amending Special Use District Map SU08 of the Zoning Map of the City and County of San Francisco, as follows:

<u>Description of Property</u>		<u>Special Use</u>	<u>Special Use</u>
<u>Assessor's</u> <u>Block</u>	<u>Lot</u>	<u>District Hereby</u> <u>Superseded</u>	<u>District Hereby</u> <u>Approved</u>
3778	001, 001B, 001C, 001D, 001E, 001F, 002B, 004-005, 016-019, 022-023, 025- 026, 032, 046A, 046B, 046C, 046D,	Western SoMa Special Use District	Central SoMa Special Use District

	046E, 046F, 046G, 046H, 047-048, 051-087		
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:   
VICTORIA WONG  
Deputy City Attorney

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**REVISED LEGISLATIVE DIGEST**  
(Substituted, 4/10/2018)

[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.

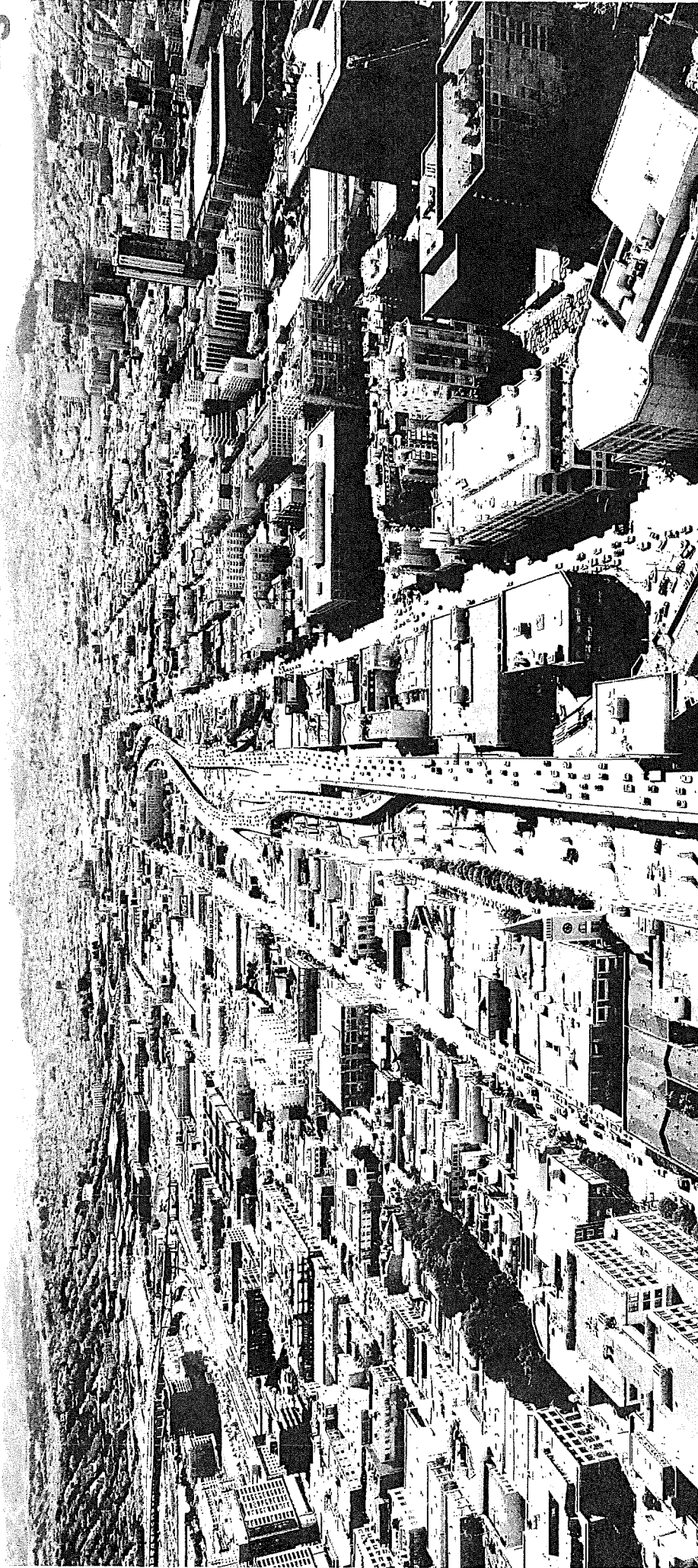
Background Information

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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<http://centralsoma.sfplanning.org>

San Francisco  
**Planning**



# CENTRAL SOMA

## PLAN & IMPLEMENTATION STRATEGY

Board of Supervisors - Land Use & Transportation Committee Hearing  
July 9, 2018

180490  
180185  
180453



# TODAY'S PRESENTATION

## **1 Overview of the Central SoMa Plan**

- » Plan vision & goals
- » Public Benefits package

## **2 Plan Evolution**

- » Changes from 2016 Draft Plan through Planning Commission Adoption

## **3 Planning Commission Recommendations**

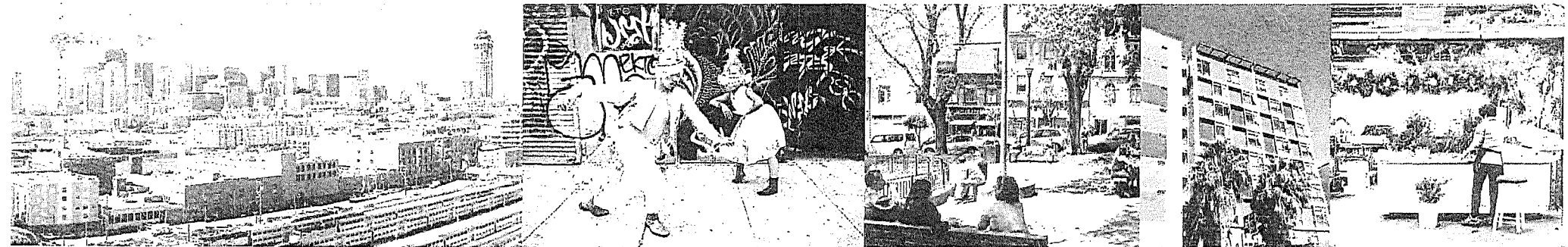
## **4 Conclusion**

# TODAY'S ACTIONS

## Hearing to consider:

1. Amendments to the General Plan
2. Amendments to the Zoning Map
3. Approval of the Implementation Program
4. Approval of the Housing Sustainability District (HSD)

**Note:** Amendments to the Planning Code and Administrative Code were referred on 7/9 from Rules Committee to Land Use & Transportation, to be heard on 7/16.



# CENTRAL SOMA PLAN - CONTENTS

## General Plan

- Creation of the Central SoMa Plan
- Amendments to East SoMa & Western SoMa Plans

## Planning Code & Administrative Code

- Planning Code: creation of the Central SoMa Special Use District (SUD)\*
- Admin Code: PDR protection and Special Tax Financing Law\*

## Zoning Map

- Amendments to Height and Bulk District Maps
- Amendments to Zoning Use District Maps

## Implementation Program

- Implementation Matrix
- Public Benefits Program
- Guide to Urban Design
- Key Development Sites Guidelines
- Key Streets Guidelines

\* Considered at Rules Committee on 7/9

(continued on next page)

# CENTRAL SOMA PLAN - CONTENTS

## Special Tax District

## Housing Sustainability District

- Resolutions of Intention (ROIs) and Ordinances to establish the Central SoMa Special Tax District\*
- Amendments to Business & Tax Regulations and Planning Codes to create a Central SoMa Housing Sustainability District (HSD), pursuant to California AB73

\* Will be considered at GAO Committee on 7/18

# PLAN OVERVIEW

**PLAN STRATEGY**

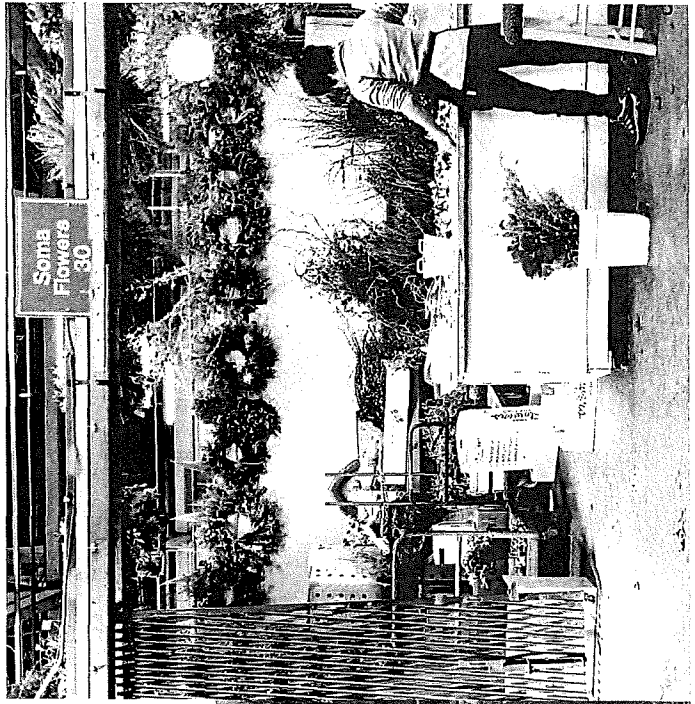
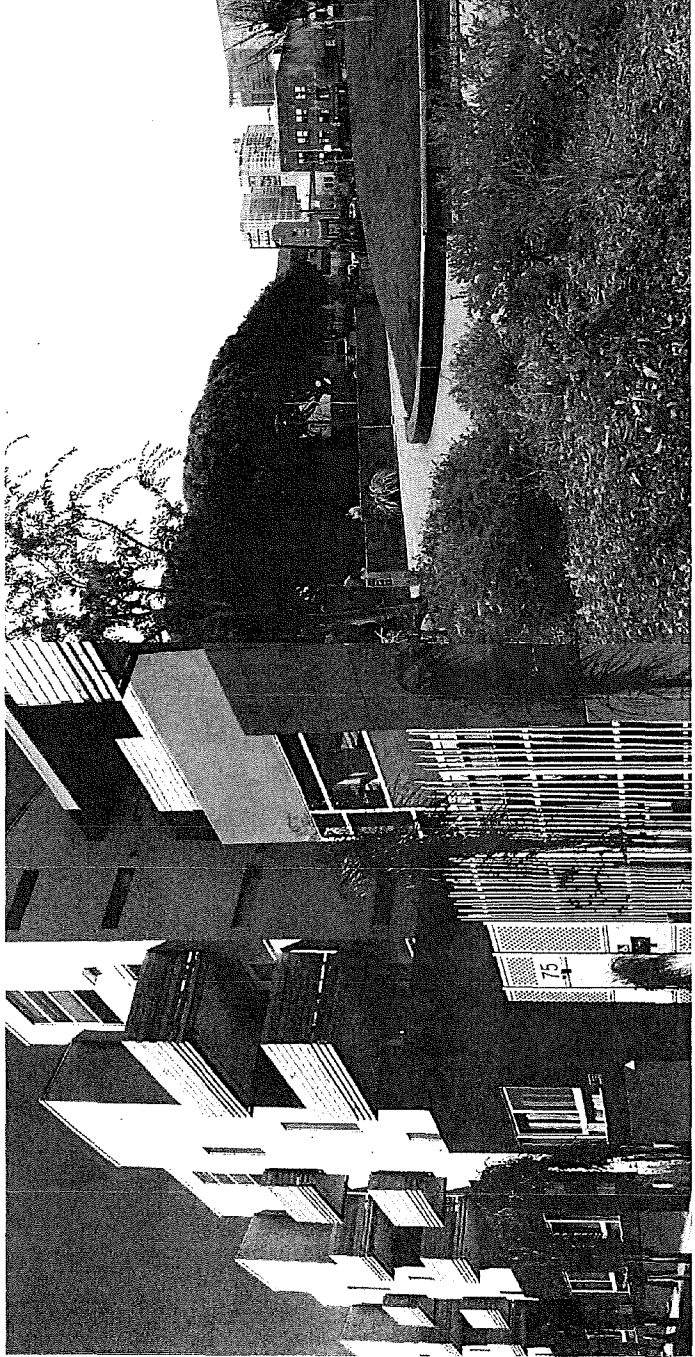
*Accommodate  
Demand*



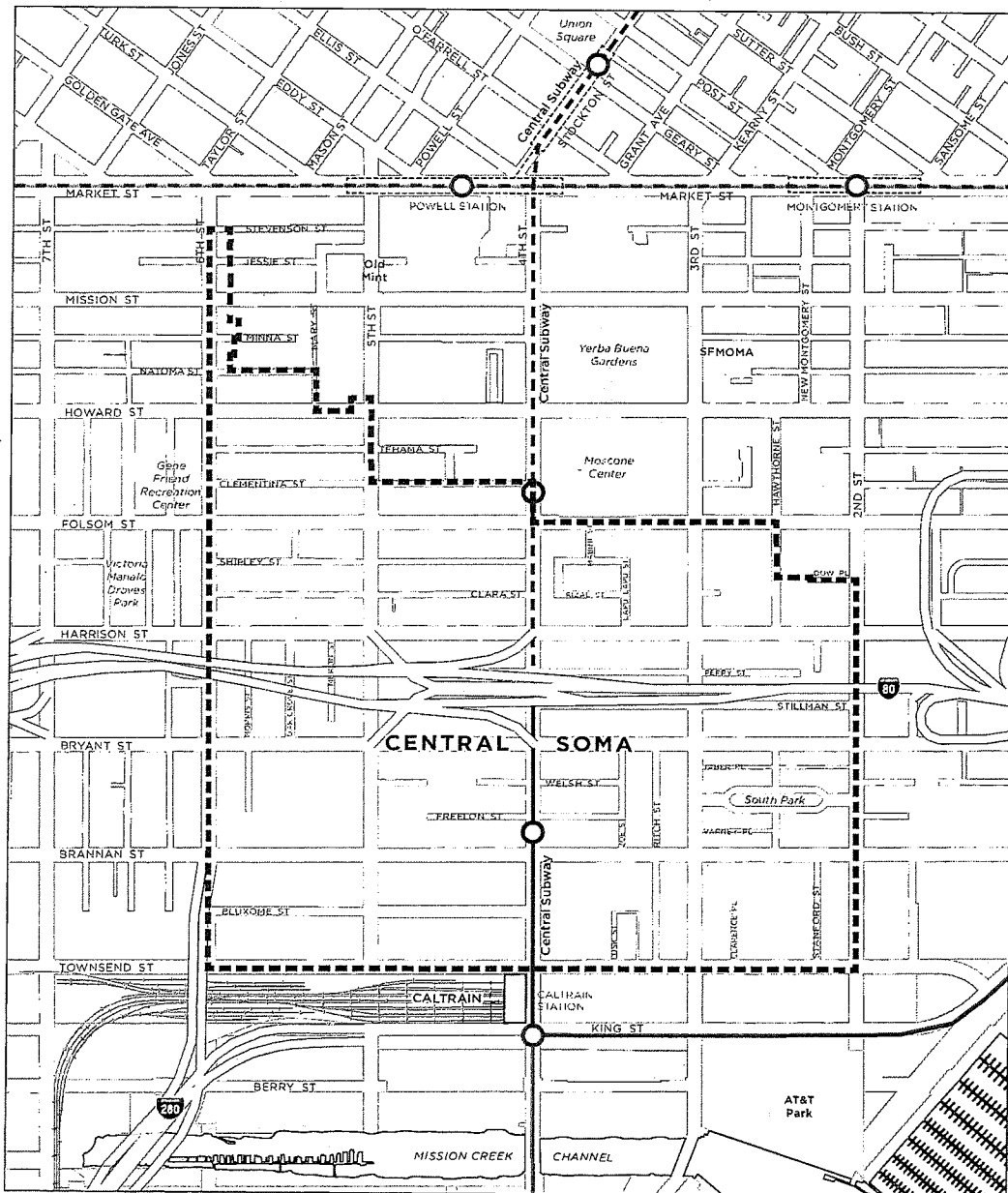
*Provide  
Public Benefits*



*Respect and  
Enhance  
Neighborhood  
Character*



**PLAN AREA**

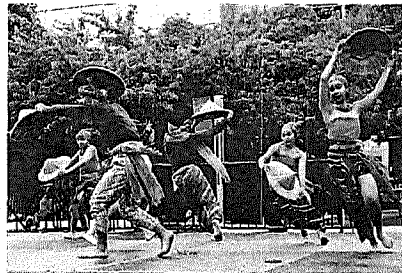


**PLAN VISION**  
**A sustainable neighborhood:**  
**socially, economically,**  
**environmentally**

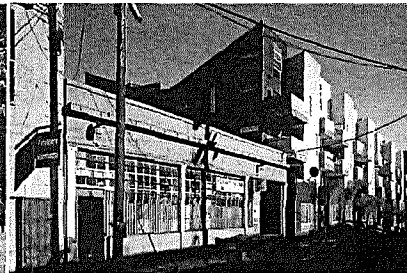
- Central Subway under construction, expected to open in 2019
- BART/Muni Metro Subway
- Muni Metro (Surface)

**PLAN PHILOSOPHY**

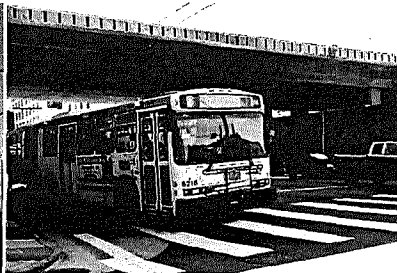
*keep what's great*



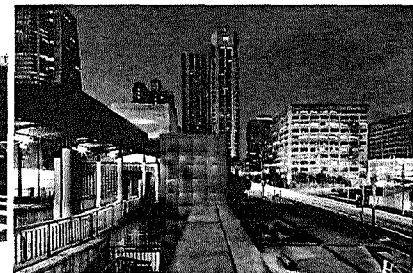
**Diversity of Residents and Jobs**



**Diversity of Buildings and Architecture**



**Abundant Local and Regional Transit**



**Renowned Culture and Nightlife**

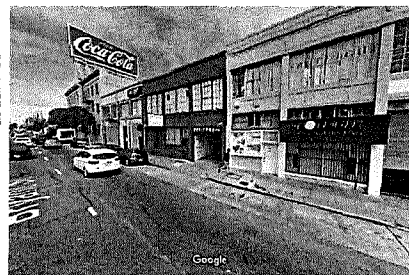
*address what's not*



**Unaffordable Rents**



**Unsafe and Unpleasant Streets**



**Lack of Public Parks and Greenery**



**Inefficient Zoning and Insufficient Funding**



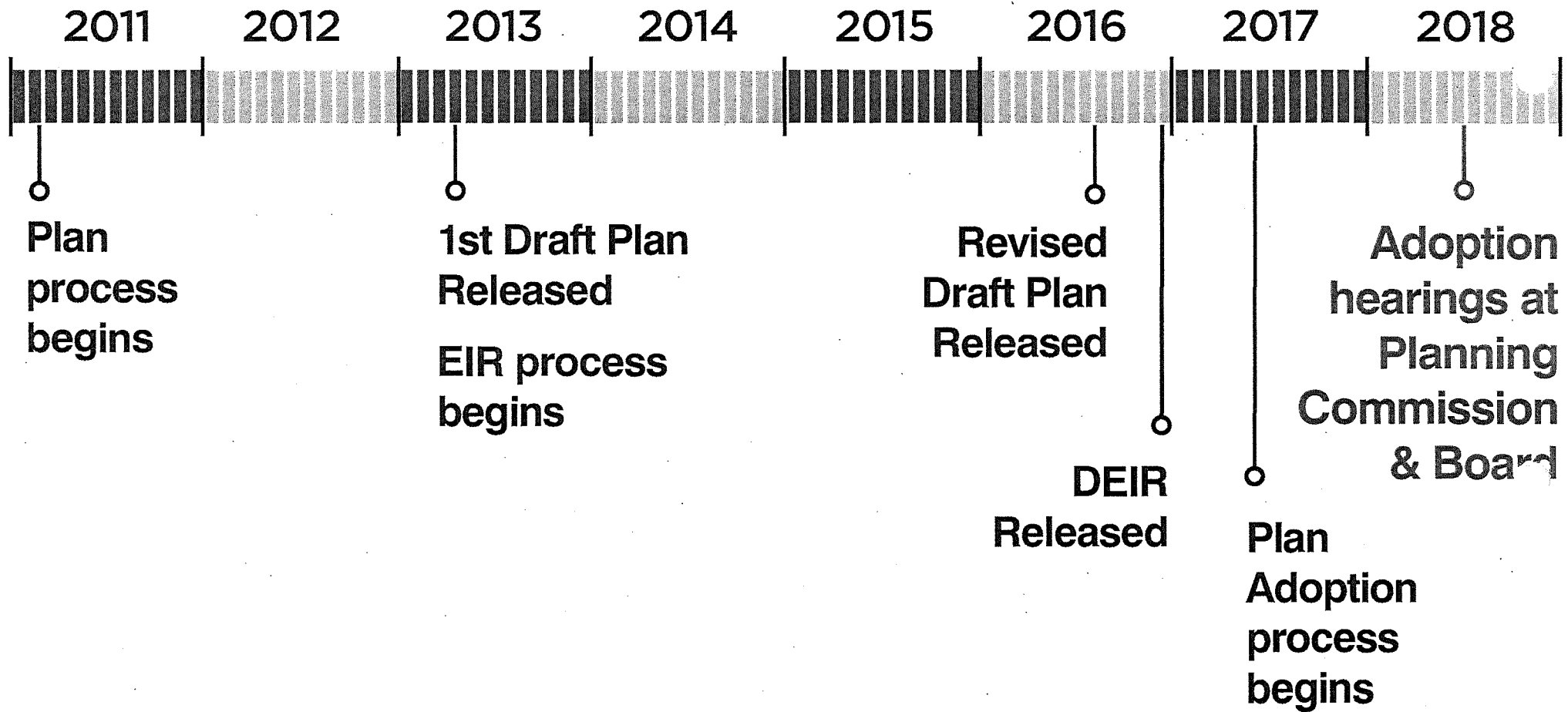
**PLAN GOALS**

- Goal 1* **Accommodate a Substantial Amount of Jobs and Housing**
- Goal 2* **Maintain the Diversity of Residents**
- Goal 3* **Facilitate an Economically Diversified and Lively Jobs Center**
- Goal 4* **Provide Safe and Convenient Transportation that Prioritizes Walking, Bicycling, and Transit**

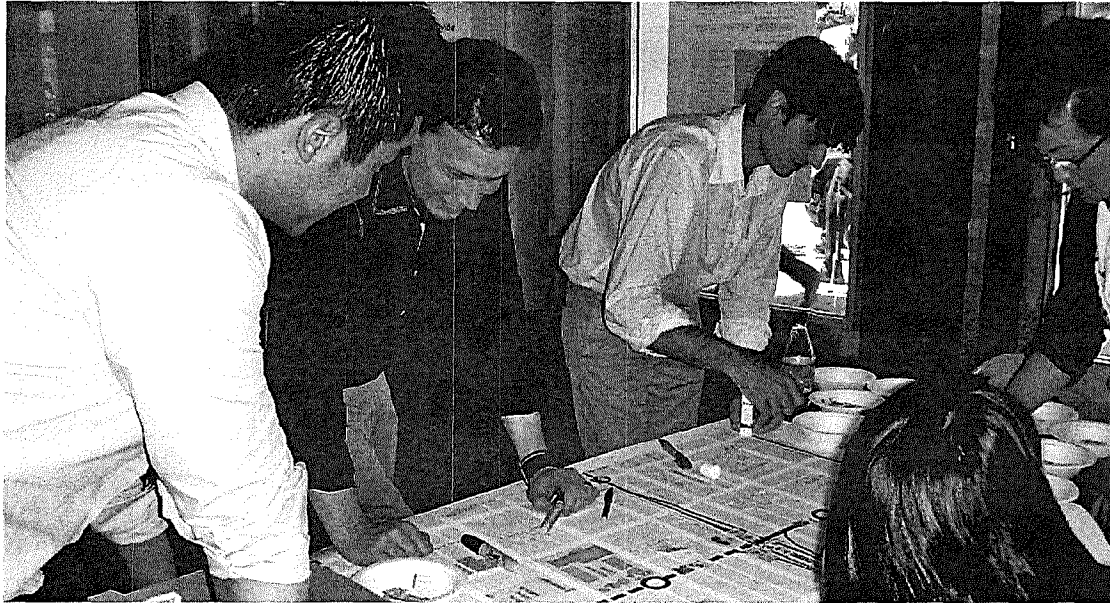
**PLAN GOALS**

- Goal 5* **Offer an Abundance of Parks and Recreational Opportunities**
- Goal 6* **Create an Environmentally Sustainable and Resilient Neighborhood**
- Goal 7* **Preserve and Celebrate the Neighborhood's Cultural Heritage**
- Goal 8* **Ensure that New Buildings Enhance the Character of the Neighborhood and the City**

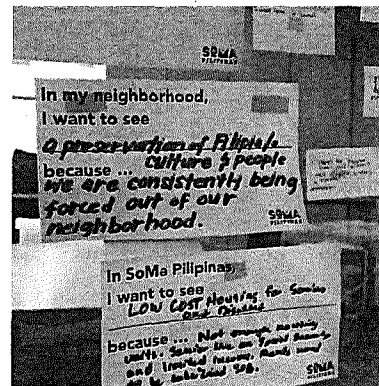
**PLAN TIMELINE**



## OUTREACH PROCESS: 2011 - 2018



- 15 public workshops, public surveys, office hours, charrettes, walking tours
- 17 hearings at Planning Commission & Historic Preservation Commission
- 2 informational hearings at Board of Supervisors (Land Use Committee)



## OUTREACH: ADVOCACY GROUPS (PARTIAL LIST)

77 Dow Place HOA

Alliance for Better District 6

Arden HOA

Asian Neighborhood Design

California Culture and Music Association

Central City SRO Collaborative

Central Subway Outreach Committee

Clementina Cares

Eastern Neighborhoods Citizens Advisory Committee

Filipino-American Development Foundation

Good Jobs for All

Housing Action Coalition (HAC)

One Bluxome HOA

Rincon Hill /South Beach/Mission Bay Neighborhood Association

San Francisco Bicycle Coalition

San Francisco Planning and Urban Research (SPUR)

San Francisco Senior and Disability Action

San Francisco Youth Commission

SF BLU HOA

SoMa Community Coalition

SoMa Community Collaborative

SoMa Community Stabilization Fund Citizens Advisory Committee

SoMa Pilipinas

South Beach/Mission Bay Merchants Association

South of Market Action Network (SOMCAN)

South of Market Business Association (SOMBA)

South of Market Leadership Council

South of Market Project Area Committee (SOMPAC)

TODCO

Walk SF

We Are SoMa

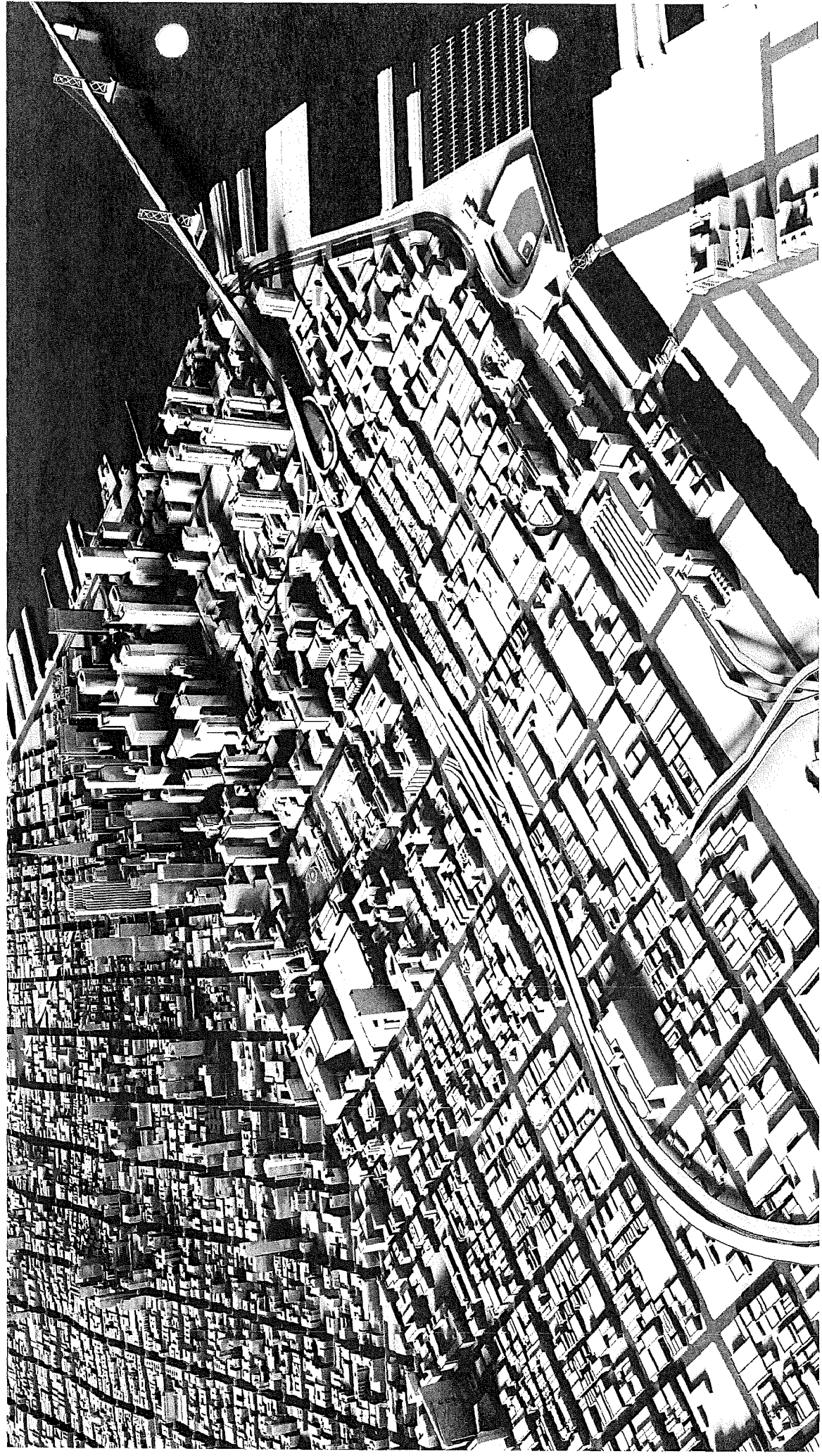
Western Soma Taskforce

Yerba Buena Alliance

Yerba Buena Community Benefit District

YIMBY Action

**VISUALIZATION - EXISTING DEVELOPMENT**



*3-D Model of Existing Buildings (2016)*

Digital Model by Skidmore, Owings, & Merrill

## VISUALIZATION - POTENTIAL DEVELOPMENT

Central SoMa Development Potential  
Anticipated Projects Outside of Central SoMa

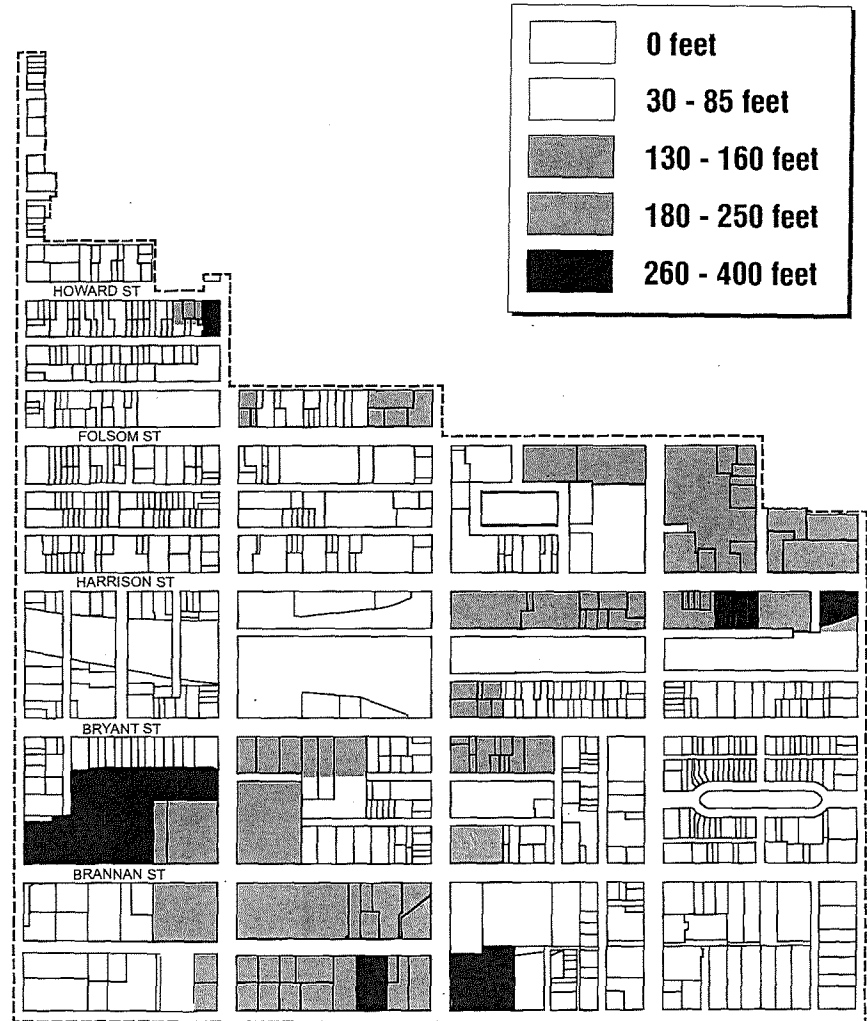
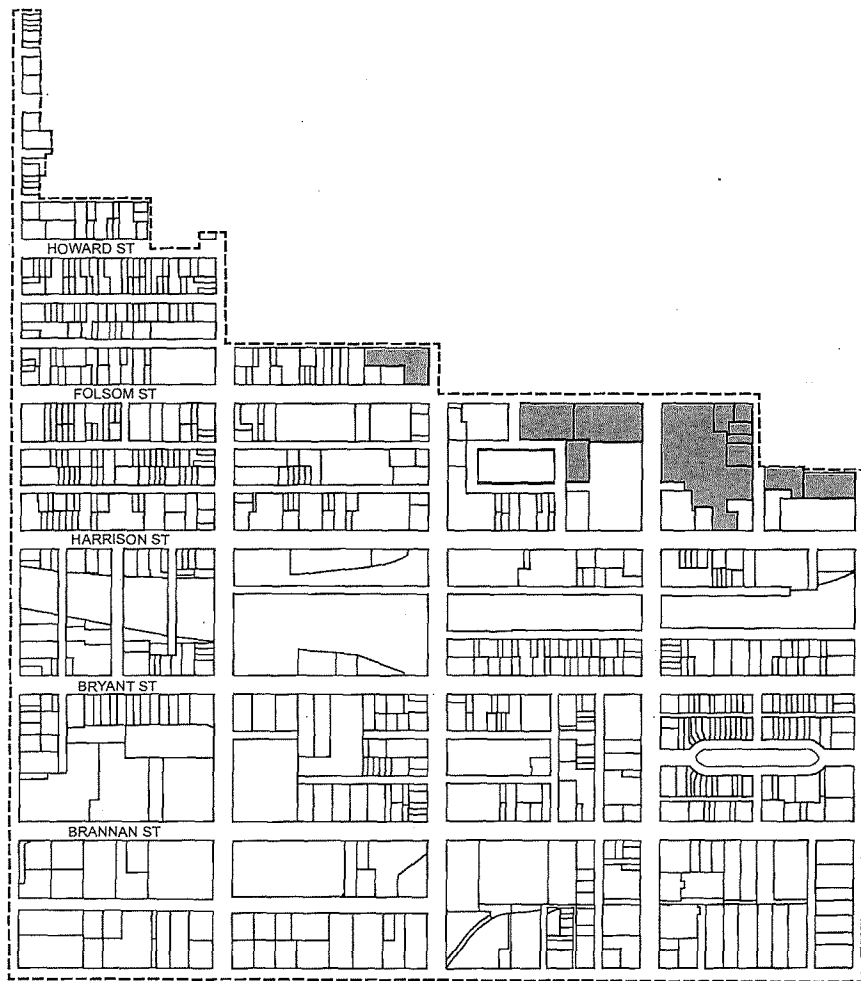
- 33,000 jobs
- 8,300 housing units



*3-D Model of Potential Development*

Digital Model by Skidmore, Owings, & Merrill

# EXISTING AND PROPOSED DEVELOPMENT CAPACITY



*Existing Development Capacity*

*Proposed Development Capacity*



**PUBLIC BENEFITS PACKAGE**

**No Plan = \$500 million in Public Benefits**






**Central SoMa Plan = \$2.2 Billion in Public Benefits**

**400% increase due  
to the Plan**

**Plus ~\$1 billion in  
increased General  
Fund tax revenues**

**NOTE:** Public benefits package represents funds raised over the life of the plan (estimated as 25 years) in 2017 dollars.




**PUBLIC BENEFITS PACKAGE**

	<p><b>Affordable Housing</b> 33 percent of total units</p>	<p><b>\$940 million</b></p>
	<p><b>Transit</b> investment in both local and regional service</p>	<p><b>\$500 million</b></p>
	<p><b>Parks and Recreation</b> transformative improvements such as parks, plazas, and recreation centers</p>	<p><b>\$185 million</b></p>
	<p><b>Production, Distribution, &amp; Repair</b> (including Arts) no net loss of PDR space due to the Plan</p>	<p><b>\$180 million</b></p>
	<p><b>Complete Streets</b> safe and comfortable streets for people walking and biking</p>	<p><b>\$110 million</b></p>

(continued on next page)

**NOTE:** Public benefits package represents funds raised over the life of the plan (estimated as 25 years) in 2017 dollars.

**PUBLIC BENEFITS PACKAGE (CONTINUED)**

	<p><b>Community Services &amp; Cultural Preservation</b> funding towards community facilities and programs (e.g. health clinics, job training) and preservation of the Old Mint and other historic buildings</p>	<p><b>\$110 million</b></p>
	<p><b>Environmental Sustainability</b> a healthy, resilient, green, and resource-efficient neighborhood</p>	<p><b>\$70 million</b></p>
	<p><b>Schools and Childcare</b> funding to support growing population</p>	<p><b>\$65 million</b></p>
	<p><b>TOTAL</b></p>	<p><b>\$2.16 billion</b></p>

**NOTE:** Public benefits package represents funds raised over the life of the plan (estimated as 25 years) in 2017 dollars.

**PUBLIC BENEFITS: FUNDING SOURCES**

<b>FUNDING SOURCE</b>	<b>AMOUNT</b>
<b>Direct provision of benefits (e.g. on-site BMR units)</b>	<b>\$836 million</b>
<b>Central SoMa Special Tax District (NEW)</b>	<b>\$354 million</b>
<b>Eastern Neighborhoods Infrastructure Fee</b>	<b>\$240 million</b>
<b>Transportation Sustainability Fee</b>	<b>\$220 million</b>
<b>Jobs-Housing Linkage Fee</b>	<b>\$210 million</b>
<b>Affordable Housing Fee</b>	<b>\$180 million</b>
<b>Central SoMa Infrastructure Fee (NEW)</b>	<b>\$40 million</b>
<b>School Impact Fee</b>	<b>\$26 million</b>
<b>Child Care Fee</b>	<b>\$32 million</b>
<b>Central SoMa Community Facilities Fee (NEW)</b>	<b>\$20 million</b>
<b>TOTAL</b>	<b>\$2.16 billion</b>

**NOTE:** Public benefits package represents funds raised over the life of the plan (estimated as 25 years) in 2017 dollars.

**NEW FUNDING SOURCES: RESIDENTIAL (2018 RATES)**

<b>NEW REQUIREMENT</b>	<b>TIER A (15'-45' height increase)</b>	<b>TIER B (50'-85' height increase)</b>	<b>TIER C (90'+ height increase)</b>
<b>Central SoMa Community Infrastructure Fee (\$/GSF)</b>	\$0	\$10	\$0
<b>Mello-Roos Special Tax District (CFD; \$/GSF/yr)</b>	\$0	<b>CONDO:</b> \$3.30 (2% escalation)	<b>CONDO:</b> \$5.50 (2% escalation)
		<b>RENTAL:</b> \$0	<b>RENTAL:</b> \$0
<b>Community Facilities Fee (\$/GSF)</b>		\$1.30	

**NOTE:** Projects must meet all existing requirements (e.g. affordable housing, Eastern Nbhds Fee, etc.)

**NEW FUNDING SOURCES: NON-RESIDENTIAL (2018 RATES)**

<b>NEW REQUIREMENT</b>	<b>TIER A &amp; B (15'-85' height increase)</b>	<b>TIER C (90'+ height increase)</b>
<b>Central SoMa Community Infrastructure Fee (\$/GSF)</b>	Office >50k sq ft: \$21.50 All other projects: \$41.50	Office >50k sq ft: \$0 All other projects: \$20
<b>Mello-Roos Special Tax District (CFD; \$/GSF/yr)</b>	\$0	\$2.75 (4% escalation annually for 25 years, 2% thereafter)
<b>Transferable Development Rights (Floor Area Ratios)</b>	0	1.25 FAR
<b>Community Facilities Fee (\$/GSF)</b>		\$1.75
<b>POPOS</b>	1 sq ft for every 50 GSF of development	
<b>Production, Distribution, and Repair (PDR)</b>	Office >50k: greater of 0.4 FAR or Sec. 202.8 (Prop X)	

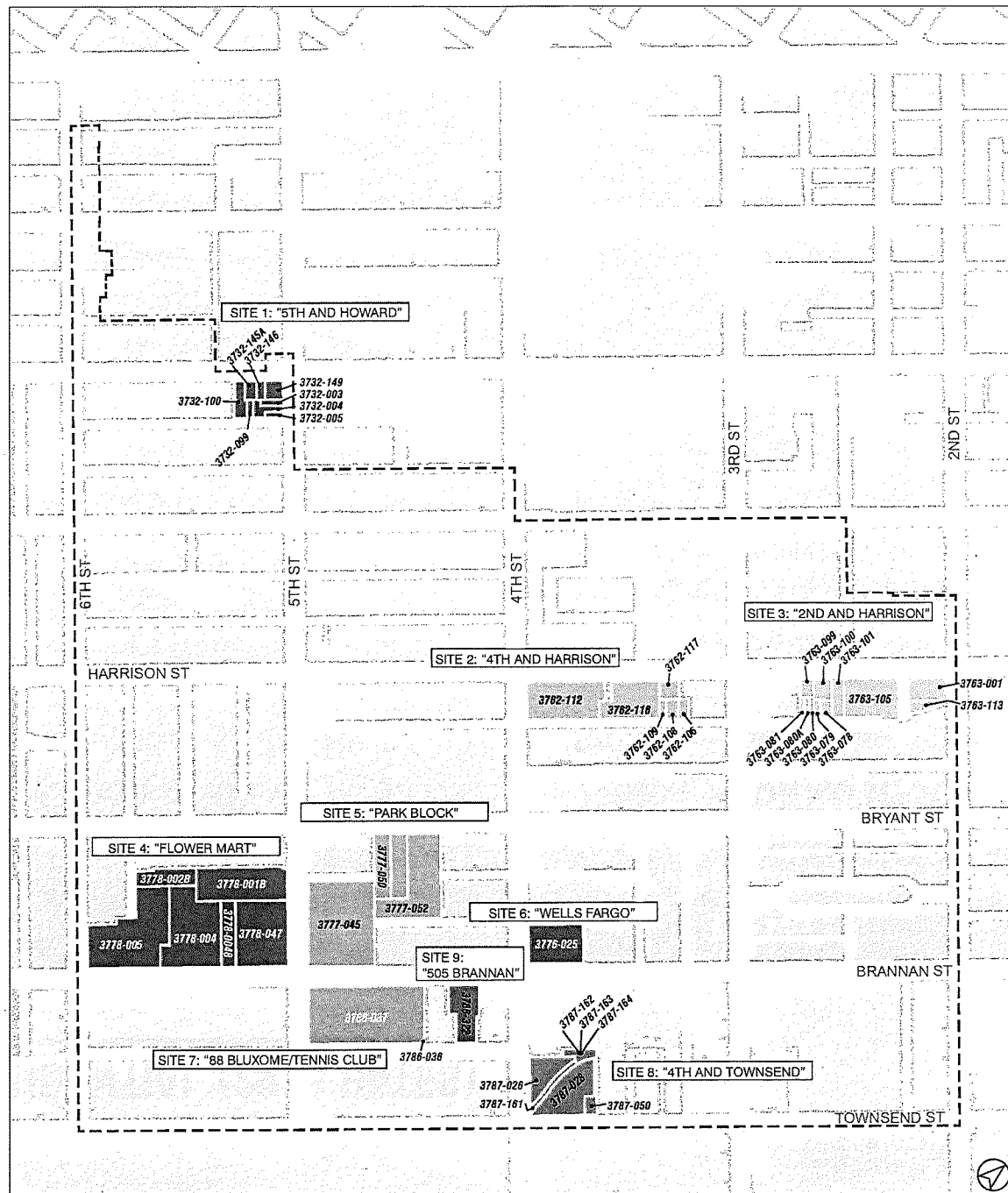
**NOTE:** Projects must meet all existing requirements (e.g. affordable housing, Eastern Nbhds Fee, etc.)

# KEY DEVELOPMENT SITES

## PURPOSE

Larger sites where we have crafted more flexible / site-specific zoning in exchange for a greater amount of public benefits, including:

- affordable housing
- parks & recreational facilities
- community facilities
- low-rent / extra PDR
- bike & ped improvements



## HOUSING SUSTAINABILITY DISTRICT

### CENTRAL SOMA HSD OVERVIEW

- Enacts California AB73 (Chiu) to create the first Housing Sustainability District in the state

### BENEFITS

- Incentivizes & streamlines housing production: Creates 120-day ministerial process
- Incentivizes use of prevailing wage and union labor
- Qualifies SF for 'zoning incentive payments' from State (TBD)



## HOUSING SUSTAINABILITY DISTRICT

### CENTRAL SOMA HSD MEETS AB73 REQUIREMENTS

- District must provide 20% BMR units (Central SoMa provides 33%)
- District must have an approved EIR to address environmental impacts
- Projects must provide 10% on-site BMR units
- Projects must meet wage and labor standards
  - » Pay prevailing wages (projects <75 units)
  - » Use skilled and trained workforce (projects 75+ units)

## HOUSING SUSTAINABILITY DISTRICT

### **CENTRAL SOMA LOCAL PROGRAM (Sec. 343)**

- Projects that are NOT eligible:
  - » Projects over 160 ft (unless 100% affordable)
  - » Article 10 or 11 properties
  - » Properties containing existing units
  - » Projects with >25,000 GSF of office space

**HOUSING SUSTAINABILITY DISTRICT****CENTRAL SOMA LOCAL PROGRAM (Sec. 343)**

- 120-Day Review Process:
  - » Before applying: demonstrate compliance with EIR Mitigation Measures
  - » Design review
  - » Informational hearing at Planning Commission
  - » Progress requirement: once approved, must seek a site/building permit within 36 months of approval, or seek an extension

**PLAN EVOLUTION: 2016  
DRAFT THROUGH CPC  
ADOPTION**

**PLAN EVOLUTION DURING ADOPTION PROCESS**

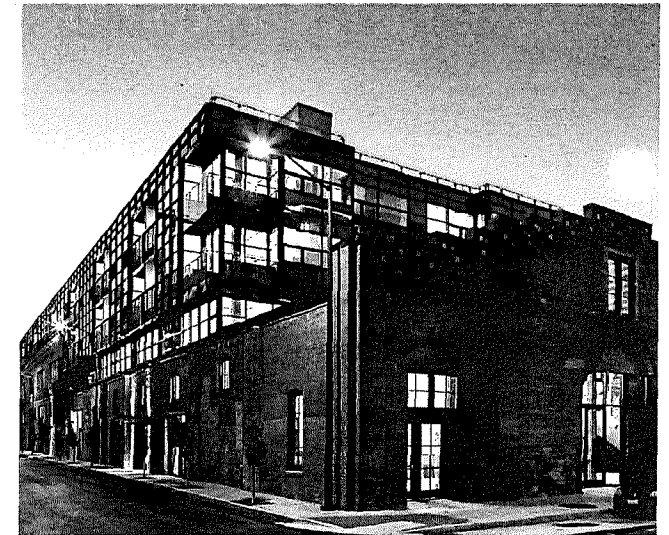
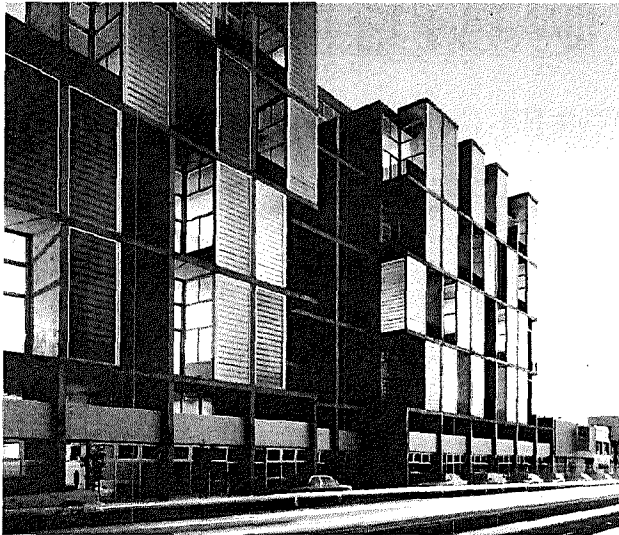
**KEY AREAS**

- Jobs-Housing Balance
- Public Benefits Package
- Development Requirements

## JOBS - HOUSING BALANCE

### WHAT WE HEARD

- Maximize housing production, especially affordable units
- Streamline the production process
- Produce / protect affordable housing units upfront through aggressive site acquisition



## JOB - HOUSING BALANCE

### HOW THE PLAN EVOLVED

- Housing production is now maxed out at the EIR cap (+17%, from 7100 to 8300 units)
- Central SoMa will be the state's 1st Housing Sustainability District (HSD) under AB73
- Some Key Sites are pursuing land dedication for affordable housing
- Continuing to work with MOHCD to leverage City programs:
  - » Acquisition / rehabilitation to stabilize existing units
  - » Securing additional housing locations in the broader SOMA neighborhood

## PUBLIC BENEFITS

### WHAT WE HEARD

- Maximize affordable housing (also see previous section)
- Provide funding for social/cultural programming (not just facilities)
- Plan for future capital needs at Yerba Buena Gardens
- Fund neighborhood cleaning & maintenance
- Work with SFUSD to support existing schools and plan for future growth
- Support development of Good Jobs (e.g. living wage and/or unionized) for low-income households
- Keep the Prop X Conditional Use for PDR replacement



**PUBLIC BENEFITS**

**HOW THE PLAN EVOLVED**

- Increased housing = +230 more affordable units (2900 total)
- Additional \$70 million for public benefits from CFD (see below)
- A Good Jobs goal was added to General Plan amendments

**ADDITIONAL FUNDING CATEGORIES**

	<b>\$/YR</b>	<b>\$/25 YRS</b>
<b>Social &amp; cultural programming (continue SoMa Stabilization Fund)</b>	<b>\$1,000,000</b>	<b>\$25 million</b>
<b>Park and greenery maintenance and activation</b>	<b>\$600,000</b>	<b>\$15 million</b>
<b>Capital for cultural amenities (e.g. Yerba Buena Gardens)</b>	<b>N/A</b>	<b>\$15 million</b>
<b>Neighborhood cleaning</b>	<b>\$350,000</b>	<b>\$8.75 million</b>
<b>Bessie Carmichael School supplemental services</b>	<b>\$250,000</b>	<b>\$6.25 million</b>
<b>TOTAL</b>		<b>\$70 million</b>

## PUBLIC BENEFITS

### OTHER TOPICS REQUIRING DISCUSSION

- Eastern Neighborhoods Community Advisory Committee (CAC) & SoMa Stabilization CAC
  - » Because adjusting the CAC will require significant consideration of responsibilities and allocation of funding from projects, this will return to the Planning Commission and the Board as trailing legislation.
- Staff are working with SFUSD to assess future school capacity needs and how growth here and Citywide may be accommodated
- The Good Jobs goal may need to be fleshed out through trailing legislation

**PUBLIC BENEFITS**

**OTHER TOPICS REQUIRING DISCUSSION (CONT.)**

- NOTE: There is no need for a Conditional Use requirement for PDR replacement under Prop X, since PDR replacement is explicitly required.
  - » In addition, any CU requirement applied to housing would make them ineligible for the Housing Sustainability District, affecting ~75% of units impacted (up to 1/2 of total units)

## DEVELOPMENT REQUIREMENTS

### WHAT WE HAVE HEARD

- Changing financial market has made some projects less feasible, particularly rental housing
- Want greater flexibility / exceptions (e.g. similar to a Planned Unit Development)

## DEVELOPMENT REQUIREMENTS

### HOW THE PLAN EVOLVED

- Dropped the Mello-Roos Special Tax on rental housing to improve financial feasibility (\$1.75/sq ft)
- NOTE: Kept current zoning structure (no PUD-type exceptions possible)

# PLANNING COMMISSION RECOMMENDATIONS

## PLANNING COMMISSION RECOMMENDATIONS - 5/10/18 ADOPTION HEARING

- POPOS Design Exceptions
- Passenger & Freight Loading
- TDM Grandfathering
- Active Uses on Ground Floors
- Alternate Uses in PDR Replacement Space

## PLANNING COMMISSION RECOMMENDATIONS - 5/10/18 ADOPTION HEARING

- Key Site Guidelines
- Park Fee Waiver for Park at 598 Brannan Street
- Central SoMa Special Tax District
- Public Oversight: Eastern Neighborhoods CAC & SoMa Stabilization CAC
- Other clarifying amendments



# CONCLUSION


# TODAY'S ACTIONS

## Hearing to consider:

1. Amendments to the General Plan
2. Amendments to the Zoning Map
3. Approval of the Implementation Program
4. Approval of the Housing Sustainability District (HSD)

**Note:** Amendments to the Planning Code and Administrative Code were referred on 7/9 from Rules Committee to Land Use & Transportation, to be heard on 7/16.



An aerial, black and white photograph of a city, likely San Francisco, showing a dense grid of buildings and streets. A white rectangular box is superimposed over the center of the image, containing the text 'THANK YOU' in a bold, sans-serif font. Two white circular punch holes are visible at the top of the page.

**THANK YOU**

**LISA CHEN**

**415.575.9124**

**LISA.CHEN@SFGOV.ORG**



**SPUR**

San Francisco | San Jose | Oakland

July 6, 2018

Land Use & Transportation Committee  
San Francisco Board of Supervisors  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

RE: July 9, 2018 Agenda Items Nos. 6, 7 & 8  
**Central SoMa Plan Amendments to the General Plan, Planning Code and Zoning Maps**  
**(Board File Nos. 180490, 180185, 180453)**

Dear Supervisors Tang, Kim and Safa:

Thank you for the opportunity to weigh in with SPUR's support for the Central SoMa Plan. SPUR is very pleased to see that the approval of the Central SoMa Plan and its implementing actions are finally before you. We urge you to approve this ambitious plan as quickly as possible. The city has been working with the community for several years to get this Plan completed, and it is time to get it across the finish line.

Why should the Central SoMa Plan be approved? What do we see are its merits?

1. **Central SoMa is the right location for jobs:** Central SoMa is an area that is key to San Francisco and to the region. It lies adjacent to the Financial District, an existing dense jobs center, and it holds the most links to regional transportation infrastructure. Downtown San Francisco is the area in the region with the lowest rate of driving to work and one of the few places within the region where people can and do commute by public transportation.

This is therefore the right place — from an environmental standpoint, a jobs agglomeration standpoint and others — for accommodating a significant amount of growth for both jobs and housing, but particularly for the 40,000 jobs this Plan contemplates.

2. **The Central SoMa Plan helps to address the housing shortage and the affordability crisis:** With recent amendments, this plan now accommodates 8,300 homes, which is an increase from what was originally planned. Additionally, the housing sustainability district, which uses David Chiu's AB 73 from last year, will help expedite the production of these units which have already been considered through this planning process.

We would also support future efforts to add housing in the Central SoMa Plan and elsewhere in San Francisco and the region without coming at the expense of jobs in regional-transit locations.

3. **The Central SoMa Plan provides for unprecedented public benefits:** The growth accommodated by this Plan is expected to one day fund up to \$2 billion in public benefits towards affordable housing, transportation, open space, sustainability and many other needs for the city and this neighborhood. These benefits will be transformative...once the Plan is approved and once that development moves forward. But we have been waiting for the plan's completion for long enough. In the meantime, the economy has been shifting, construction costs have been rising and the feasibility of development moving forward is now shakier than it was a few years ago.

In that spirit, now is better than later. Displacement of both residents and businesses from San Francisco is happening in part because there is more competition for homes and office space. Quote unquote "normal" office jobs for nonprofits, engineering and architecture firms and other businesses are being shifted to downtown Oakland in the best case, but also to more suburban locations or other regions, because of the increased cost to lease office space in San Francisco.

The Central SoMa Plan is a thoughtful and ambitious plan to improve the neighborhood for residents, workers and visitors. It will increase housing opportunities, provide significant affordability, expand green space, transform the experience of being on the street, maintain a vital mix of uses, allow a diverse mix of businesses to remain in San Francisco and more. SPUR urges you to support this Plan as quickly as possible in order to set in motion the processes that will bring these benefits to Central SoMa, San Francisco and the region.

Thank you for your consideration. Let me know if you have any questions.

Res:  


Kristy Wang  
Community Planning Policy Director

cc: SPUR Board of Directors  
Mayor Mark Farrell and staff  
Supervisor London Breed and staff  
John Rahaim, Lisa Chen / Planning Department

180185

---

**From:** Kaushik Roy <kaushik234@hotmail.com>  
**Sent:** Friday, June 22, 2018 7:52 PM  
**To:** Major, Erica (BOS)  
**Subject:** Please stop the high-rise at the Xing of 4th St and Townsend St

Dear Erica,

I am a resident at a nearby residential complex (The Beacon, 260 King St). Learnt that there is a proposal to build a high-rise at the intersection of 4th St and Townsend St. Please think about it for a second - this place is already overcrowded and resources (roads, parking, people, transportation) are already stressed. Adding another high-rise would add more stress to the system and resources. Furthermore, it would look ugly and it will be unhealthy. The little sunlight that I get will be gone.

How would you feel if you were in my shoes? Please stop the construction of the high-rise.

Thank you very much.

Kaushik Roy  
260 King St #1401  
San Francisco CA 94107

180184

180185

180490



T 510.836.4200  
F 510.836.4205

410 12th Street, Suite 250  
Oakland, Ca 94607

www.lozeaudrury.com  
richard@lozeaudrury.com

June 26, 2018

Via E-mail and First Class Mail

Board of Supervisors  
City and County of San Francisco  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94102-4689  
Board.of.Supervisors@sfgov.org

Re: Central SOMA Neighbors and SFBlu Objection to Designating the One Vassar Project as a Key Development Site in Central SOMA Plan

Dear Supervisors,

I am writing on behalf of the Central SoMa Neighbors (“CSN”) and SFBlu to object to the proposal to designate the One Vassar Project, located at 400 2<sup>nd</sup> Street, as a “key development site” pursuant to the Central SOMA Plan. The purpose of designating key development sites in the Central SOMA Plan is to “maximize public benefits” at certain large underutilized lot areas within the Plan area and to “ensure that their development directly *delivers* critical public benefits.” Central SOMA Plan and Implementation Strategy, Part II, Draft Key Development Site Guidelines, p. 170 (emphasis added). Key sites that are included in the final Central SOMA Plan would be subjected to a streamlined approval process in exchange for delivering critical public benefits. CSN and SFBlu oppose the inclusion of the One Vassar Project as a key development site in the Central SOMA Plan because rather than delivering public benefits, the One Vassar Project, as currently proposed, will adversely affect the 2<sup>nd</sup> and Harrison area.

First, CSN and SFBlu do not believe the potential public benefits cited in the Implementation Strategy are likely to come to fruition. No commitments have been forthcoming from the developer of the site. The excessive height limits proposed for this Project are not necessary to secure potential public benefits from this site. Indeed, CSN and SFBlu do not believe there is any public benefit in constructing a large hotel at this site. Numerous other hotel projects already are underway or will be spurred on by the Central SOMA Plan in other more appropriate locations. Accelerating the approval of this controversial Project will lessen the likelihood that public pressure would be brought to bear to ensure any heightened public benefits from the Project.

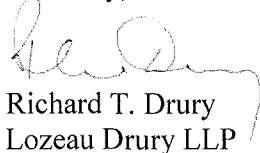
Second, rather than provide public benefits to the area around 2<sup>nd</sup> Street and Harrison Street, the One Vassar Project and its 4,000 plus commercial and residential occupants will

overwhelm the surrounding neighborhood and degrade the quality of life of existing residents. CSN and SFBlu are concerned that the number of occupants envisioned by this Project in this location is out of balance with the surrounding area. In order to restore consistency in this portion of the Central SOMA Plan, the One Vassar Project parcel should be limited to a maximum height of 130-feet. CSN and SFBlu believe that height limit would better balance the number of commuters and visitors accessing the Project, be more in keeping with adjacent projects, and ensure that the Project provides public benefits rather than disproportionately overwhelm public transit and the local neighborhood.

Third, it is CSN's and SFBlu's understanding that the One Vassar project does not intend to further a clear public benefit of ensuring good jobs in either the construction or operation of the Project. CSN and SFBlu are extremely concerned that identifying this site at this planning stage for special treatment as a key development site is premature. It is our understanding that the Planning Commission has endorsed the preparation of Community Good Jobs Employment Plans ("Good Jobs Plans") for any non-residential development over 25,000 square-feet. *See, e.g. <https://hoodline.com/2018/05/planning-commission-unanimously-approves-central-soma-plan>.* These Good Job Plans would be subject to public review and comment prior to a project being considered for approval by the Planning Department. The Good Jobs Plan would provide details of a project's strategy for providing permanent jobs for SOMA residents paying good living wages and benefits. The plan would also explain how a project planned to engage with the local, concerned community and other civic and labor organizations. Prior to identifying this site as a key development site, the City should require the One Vassar Project to prepare a Good Jobs Plan in order to identify and lock in actual public benefits to the community of this oversized development proposal, not merely the potential for such benefits.

Given the current likelihood that the One Vassar Project, as currently designed and envisioned will more likely bestow significant burdens rather than benefits on this portion of Central SOMA, CSN and SFBlu respectfully request that the Board of Supervisors remove this site from the list of key development sites currently proposed in the Central SOMA Plan.

Sincerely,



Richard T. Drury  
Lozeau Drury LLP

on behalf of Central SoMa Neighbors and SFBlu



RE: Land Use And Transportation Committee

File Nos. **180185** and **180490**

I received a notice of public hearing from the Clerk of the Board of Supervisors. My name is spelled Paul Tieck, not Paul Tiger.

The area being discussed at the July 9 public hearing is within walking distance of the Caltrain station. This area should not have any height limit at all. Securing a permit to build any kind of structure should not take three years. This is more than twice the 16 months it took to build the Empire State Building. The hundreds of pages of obstruction for the sake of obstruction that is cluttering the planning code needs to be replaced with an easy – to – understand set of incentives and guidelines for getting quick approval of a development project.

**The minimum requirements for securing a building permit should be**  
proof of liability insurance,

an engineering plan for making sure that the foundation of the proposed new building will stay in one place

a way has been figured out to prevent damage to the foundations of neighboring structures during construction of the project,

having a licensed contractor lined up to carry out the proposed project,

showing in writing that a plan for managing traffic around the construction site has been agreed upon.

BOARD OF SUPERVISORS  
SAN FRANCISCO  
2018 JUL -9 AM 8:09  
BT

If half or more of the area of a proposed new project is set aside for long – term residential use, it should get priority of review over other projects that will have less than half of the area set aside for residential use.

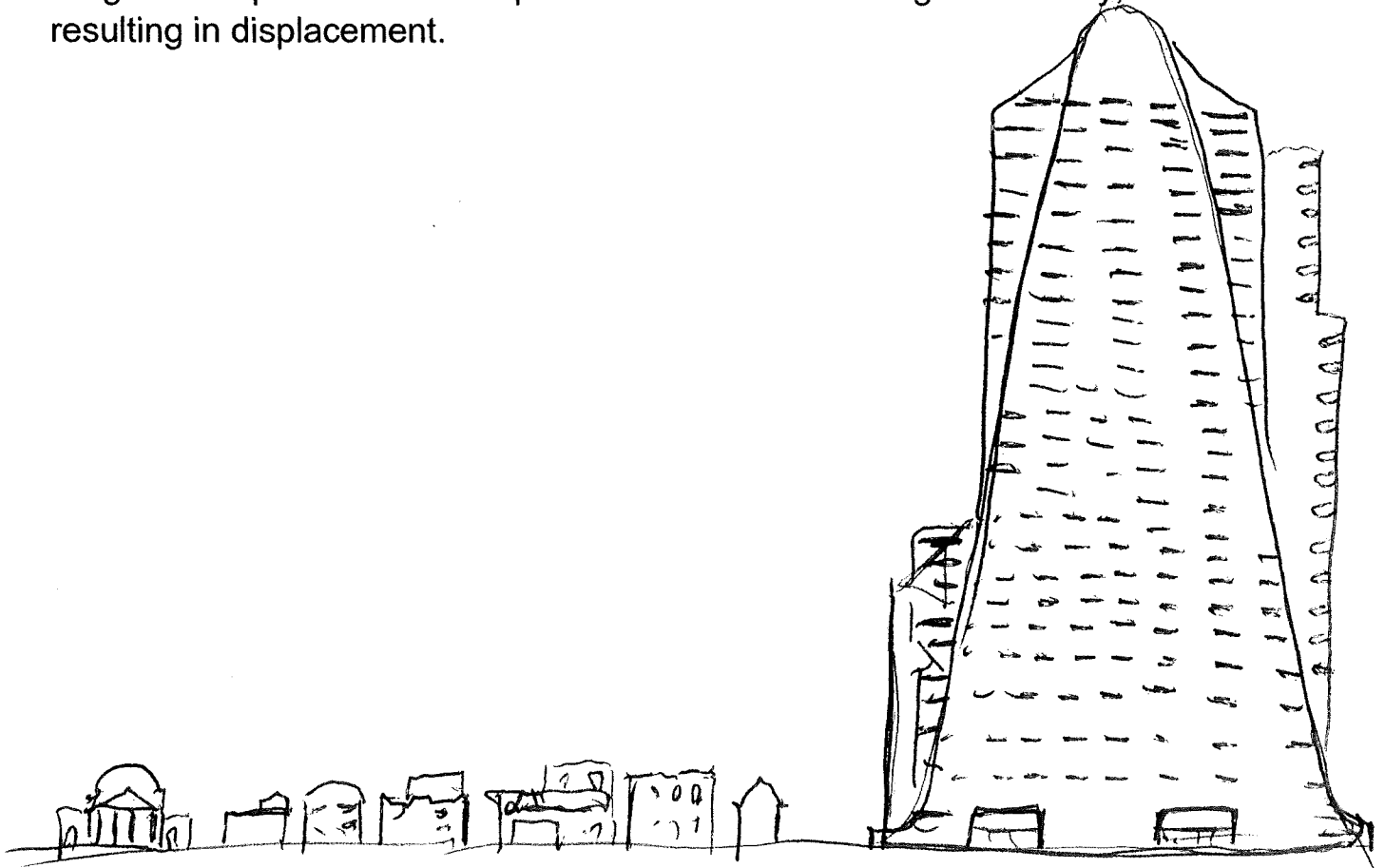
**Any residential project that**

meets the minimum requirements for a building permit as outlined above,  
is located within a third of a mile of a major transit hub { like Caltrain },  
comes with a plan in writing to provide affordable replacement housing for  
any people currently living on the site,  
and comes with a written agreement to set aside at least 15% of the new  
units as affordable to people within the surrounding neighborhood earning  
less than half of the median income for the area  
**should be given over – the – counter approval.**

A residential unit that has someone living in it should be taxed at a lower rate than a vacant residential unit, or any space that is not used for residential purposes.



Height limits push new development into the surrounding community, resulting in displacement.



Stacking new housing units dozens of stories high results in much less community displacement. When a big highrise residential structure is completed, it will have hundreds of empty units in it. There will be empty housing units on the market. The new highrise will create **vacuum** in the housing market.

*Paul Troch 1/7/2013* [PG 31]

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## NOTICE OF PUBLIC HEARING

### BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO LAND USE AND TRANSPORTATION COMMITTEE

NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee will hold a public hearing to consider the following proposals and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

**Date:** Monday, July 9, 2018

**Time:** 1:30 p.m.

**Location:** Legislative Chamber, Room 250, located at City Hall  
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

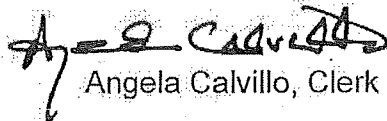
**Subjects:** **File No. 180185.** Ordinance amending the Zoning Map of the Planning Code to create the Central South of Market (SoMa) Special Use District and make other amendments to the Height and Bulk District Maps and Zoning Use District Maps consistent with the Central SoMa Area Plan, encompassing 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. 180490.** Ordinance amending the General Plan by adding the Central South of Market (SoMa) Area Plan, 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, and on its southern portion by Townsend Street; making conforming amendments to the Commerce and Industry Element, the Housing Element, the Urban Design Element, the Land Use Index, and the East SoMa and West SoMa Area Plans; and making environmental findings, including adopting a statement of overriding considerations, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Paul Tiger  
370 Turk St. #159  
San Francisco, CA 94102

Land Use and Transportation Committee  
File Nos. 180185 and 180490  
June 28, 2018  
Page 2

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on these matters may submit written comments to the City prior to the time the hearing begins. These comments will be made part of the official public record in these matters, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to these matters are available in the Office of the Clerk of the Board. Agenda information relating to these matters will be available for public review on Friday, July 6, 2018.



Angela Calvillo, Clerk of the Board

DATED/PUBLISHED/MAILED/POSTED: June 28, 2018

180185

# REUBEN, JUNIUS & ROSE, LLP

Daniel Frattin  
dfrattin@reubenlaw.com

June 1, 2018

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2018 JUN -1 PM 2:59  
AK

**Delivered Via Email and U.S. Mail**

President London Breed  
San Francisco Board of Supervisors  
London.Breed@sfgov.org  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, Ca 94102-4689

**Re: Central SoMa Zoning Amendments  
BOS File No. 180185  
Flower Mart Project**

Dear President Breed and Supervisors:

We are writing on behalf of Kilroy Realty Corporation (“KRC”), which proposes to build a new long-term home for the Wholesale Flower Market as part of a mixed-use anchor development in the Central SoMa Plan Area. Throughout the lengthy process of drafting the Central SoMa Plan (the “Plan”), KRC has worked in close consultation with Planning Department staff to design a project that promotes the Plan’s objectives. While we strongly support passage of the Plan, and encourage the Board of Supervisors to incorporate the modifications recommended by the Planning Commission on May 10, the zoning amendments (“Zoning Legislation”) require further changes to allow the Flower Mart project to fulfill its objectives and create a new state-of-the-art Wholesale Flower Market that will be leased at below-market rates.

Suggested redline modifications are attached to this letter, the incorporation of which would address the following concerns that were not addressed by the Planning Commission in its May 10 recommendations:

- **As written, the Code does not allow enough accessory parking to fulfill KRC’s legally binding commitments to the Wholesale Flower Market.** Kilroy is bound by an agreement with the Wholesale Flower Market tenants and management to provide 25 truck parking and 150 vehicle parking spaces. However, the Zoning Legislation allows for a maximum of 69 accessory parking spaces for the Wholesale Flower Market use. The success of the replacement Wholesale Flower Market depends on the provision

of adequate parking to accommodate a high volume of wholesale customers. It is crucial that the Zoning Legislation include a Key Sites exception that would allow additional accessory parking for wholesale/distribution uses on the Flower Mart site.

- **Prohibiting sufficient accessory parking will subject the Wholesale Flower Market to costly Mello-Roos taxes.** The proposed Central SoMa Mello-Roos District exempts accessory parking from special taxes. If an exception is not available to provide additional accessory parking for the Wholesale Flower Market, KRC would have to seek conditional use approval for a “parking garage” that would be subject to special taxes. This runs contrary to the Plan goal of providing a functional and successful replacement Flower Market and unfairly taxes the subsidized space KRC is providing to the Flower Market tenants.
- **Ground-floor transparency requirements conflict with the operational needs of the Wholesale Flower Market.** The Zoning Legislation requires 60 percent of the ground-floor street frontage of PDR uses to have transparent windows and doors that allow views into the interior of buildings. However, many PDR uses involve machinery, noise, late operating hours, or have other operational characteristics and needs that may not be compatible with ground-floor transparency requirements.

As applied to the Wholesale Flower Market, required ground-floor transparency along 5th Street would conflict with the operational needs of the Wholesale Flower Market. Vendor stalls have traditionally been oriented to the interior and layout needs may change over time. Requiring open and unobstructed windows along 5th Street will preclude the flexible use of the Wholesale Flower Market space, and will prevent the Wholesale Flower Market vendors from using the east end of the building for functions that may include storage, refrigeration equipment, and internally-oriented display structures. The Zoning Legislation should be amended to allow exceptions from PDR transparency requirements.

- **For clarity, the Board should correct a cross-reference to the Key-Sites exception allowing exceptions from the requirement for POPOS to be open to the sky.** The Flower Mart site is constrained by the need to provide a 115,000-square-foot, single-story replacement building for the Wholesale Flower Market, along with new vehicular through access on the block. To accommodate these features and required POPOS, portions of upper floors cantilever over approximately 25 percent of the Flower Mart POPOS. The ordinance provides for a Key Sites exception for “the requirement that POPOS be open to the sky established in Section 138(d)(2)(B).” However, the cross-referenced section does not refer to the open-sky requirement and should be revised to reference Section 138(d)(2)(E)(i).
- **In-lieu POPOS fee should not be charged where exceptions from design standards are granted.** As amended, Section 426 states that an in-lieu fee of \$890 is required for each square foot of POPOS and non-residential open space that is required but not

provided. This section should be amended to clarify that the in-lieu fee only applies when open space is not provided at all, i.e., that no fee is due where the requisite amount of open space is provided but exceptions are granted from design standards like the openness-to-the-sky requirement above.

- **Living and solar roofs requirements should allow Key Sites flexibility to maximize usable rooftop open space while furthering the intent of the requirements.** Proposed Section 249.78(d)(3) requires that nonresidential buildings 160 feet or less provide at least 50% of the roof area as living roof and/or solar energy systems. In order to allow projects to maximize usable outdoor open spaces, the Zoning Legislation should allow these features to be located on taller buildings on the site, so long as a comparable amount of living roof area is provided.
- **The criteria for Key Sites tower separation should be revised for clarity.** The Zoning Legislation is intended to grant the Planning Commission broader discretion to grant exceptions for tower separation on Key Sites than on other sites. However, the draft code section establishing the criteria for tower separation exceptions does not make clear the distinction between non-Key Sites and Key Sites. The Zoning Legislation should be revised for clarity.
- **Central SoMa Key Sites should be able to seek the Planned Unit Development exceptions currently available to Eastern Neighborhoods projects through the LPA process.** The Central SoMa Plan encourages building typologies and mixes of uses that are relatively novel—requiring or incentivizing a mix of PDR, office, retail, and residential in a relatively dense environment, all while striving for a dense, walkable, and transit-oriented neighborhood. However, the Zoning Legislation includes highly prescriptive design requirements, and strikes a longstanding provision that allows the Planning Commission discretion to grant case-by-case exceptions beyond a limited number of specifically listed exceptions. In practice, this will constrain architectural responses to neighborhood context and the needs of specialized tenants. Continuing the Planning Code’s allowance for PUD-type exceptions will facilitate designs that are high-quality, functional for tenants, and marketable.

In closing, we respectfully urge you to amend the Zoning Legislation as outlined above and encourage you to support the changes recommended by the Planning Commission, particularly the following that are critical to the Flower Market Project:

- 1) Clarification that Key Sites projects may seek the exceptions generally available to projects obtaining an LPA under the existing Section 329(d).
- 2) Amendment that would require projects that filed applications before September 4, 2016, to meet 75% of the otherwise applicable TDM target. Though this amendment should clarify that the 75% grandfathering that applies to any project



that submitted an Environmental Evaluation Application before September 4, 2016.

- 3) Elimination of the requirement for retail uses to provide POPOS.
- 4) Addition of a subsection in Section 329(d) enabling exceptions for the freight loading requirements set forth in Sections 154 and 155.
- 5) Addition of a subsection in Section 329(d) enabling exceptions from the wind control requirements set forth in Section 249.78(d)(7).

Thank you for your consideration and attention to these concerns.

Very truly yours,

**REUBEN, JUNIUS & ROSE, LLP**



**Daniel A. Frattin**

cc: Supervisor Cohen (Malia.Cohen@sfgov.org)  
Supervisor Stefani (Catherine.Stefani@sfgov.org)  
Supervisor Fewer (Sandra.Fewer@sfgov.org)  
Supervisor Peskin (Aaron.Peskin@sfgov.org)  
Supervisor Ronen (Hillary.Ronen@sfgov.org)  
Supervisor Safai (Ahsha.Safai@sfgov.org)  
Supervisor Sheehy (Jeff.Sheehy@sfgov.org)  
Supervisor Tang (Katy.Tang@sfgov.org)  
Supervisor Yee (Norman.Yee@sfgov.org)  
John Rahaim, Planning Director (John.Rahaim@sfgov.org)  
Lisa Chen, Planning Department (Lisa.Chen@sfgov.org)  
Sarah Dennis-Phillips, OEWD (Sarah.Dennis-Phillips@sfgov.org)  
Bobbi Lopez, Legislative Aide to Supervisor Kim (Barbara.Lopez@sfgov.org)  
Erica Major, Clerk, Land Use Committee (erica.major@sfgov.org)  
Mike Grisso, Project Sponsor (MGrisso@kilroyrealty.com)  
Alexandra Stoelzle, Project Sponsor (AStoelzle@kilroyrealty.com)

**Central SoMa Zoning Analysis – Suggested Planning Code Amendments**

The table below identifies issues in the proposed Central SoMa Planning Code amendments ordinance (BOS File No. 180184) that are of particular concern to the proposed Flower Mart Project. **Suggested revisions are indicated in red.**

Topic	Draft Planning Code Section:	Issue	Suggested Revision
<b>SFFM Proposed Amendments not Addressed by Planning Commission</b>			
Parking	Proposed § 329(e)(3)(B)	<p>The proposed ordinance does not provide an exception from the parking standards for the Key Sites, even though those properties are required to provide large PDR spaces, the future tenants of which are likely to require large amounts of parking.</p> <p>In particular, the success of the replacement Wholesale Flower Market will depend in large part on the provision of adequate parking (as required by KRC’s agreement with the Wholesale Flower Market tenants) to accommodate a high volume of wholesale customers moving large amounts of goods. We propose the addition of an exception that would allow Key Sites to receive an exception to provide additional parking for wholesale /distribution uses.</p>	<p>Proposed § 329(e)(3)(B) should be amended to allow Key Sites to seek an exception from the maximum accessory parking requirements in order to provide sufficient parking for large scale wholesale and distribution uses.</p> <p><i>(B) Exceptions. . . . <u>the requirement that POPOS be open to the sky established in Section 138(d)(2)(B); <del>or</del> the commercial orientation of large sites established in Section 249.78(c)(6); or the accessory parking maximums set forth in Section 151.1, such that Key Sites may provide accessory parking for Wholesale Sales and Distribution uses up to a rate of one car per each 750 square feet of Gross Floor Area.</u></i></p>
Transparent Fenestration of PDR	Proposed §§ 249.78(c)(1)(E) and 329(e)(3)(B)	<p>The Proposed § 249.78(c)(1)(E) applies the transparency and fenestration requirements of existing Code Section 145.1 to PDR uses.</p> <p>The types of uses that occupy PDR space often involve machinery, noise, and abnormal operating hours, and are not the type of uses enhanced by ground floor transparency—nor are they the kinds of uses for which ground floor windows would enhance the pedestrian environment.</p>	<p>Proposed § 329(e)(3)(B) should be amended to allow Key Sites to seek an exception from the requirement that PDR uses meet the transparency and fenestration requirements contained in § 249.78(c)(1)(E).</p> <p><i>(B) Exceptions. . . . <u>the requirement that POPOS be open to the sky established in Section 138(d)(2)(B); <del>or</del> the commercial orientation of large sites established in Section 249.78(c)(6); or the requirement that PDR uses meet the transparency and fenestration requirements established in Section 249.78(c)(1)(E).</u></i></p>

POPOS	Amended § 138; Proposed § 329(e)(3)(B)	<p>Under proposed § 329(e)(3)(B), Key Sites may seek an exception from “the requirement that POPOS be open to the sky established in Section 138(d)(2)(B).” But it is § 138(d)(2)(E)(i) that requires at grade open space to be open to the sky.</p> <p>Proposed § 138(d)(2)(B) requires that projects “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.”</p>	<p>Proposed § 329(e)(3)(B) regarding open space exceptions that should be corrected as follows:</p> <p><i>(B) Exceptions. . . . <u>the requirement that POPOS be open to the sky established in Section 138(d)(2)(BE)(i); or the commercial orientation of large sites established in Section 249.78(c)(6).</u></i></p>
POPOS & Open Space In-Lieu Fee	Amended § 426	As amended, § 426 states that an in-lieu fee is required for each square foot of POPOS and non-residential open space that is required but not provided.	<p>Amended § 426 should be revised such that an in lieu fee would not be required where a project obtains an exception only from the qualitative standards of the POPOS requirements, but where the project provides the amount of POPOS mandated by the Code. We suggest the following amendment:</p> <p><i>. . . In the CMUO District, the usable open space requirement of Section 135.3 and the POPOS requirement of Section 138 may be satisfied through payment of a fee of \$890 for each square foot of required usable open space not provided. <u>Payment of a fee shall not be required for any square footage of usable open space or POPOS that is provided in the amount required, but for which a variance or exception is granted for design standards otherwise applicable to such open space or POPOS . .</u></i></p>
Living and Solar Roofs	Proposed §§ 249.78(d)(3) and 329(e)(3)(B)	Proposed § 249.78(d)(3) requires that Central SoMa buildings that are 160-foot-tall or less provide at least 50% of the roof area as living roof and comply with Building Code Section 5.201.1.2, which sets forth the requirements for solar systems on non-residential buildings.	<p>Proposed § 329(e)(3)(B) should allow for a Key Sites exception from the living roof and solar requirements as long as a comparable amount of required living roof and/or solar system area is provided elsewhere on the property.</p> <p><i>(B) Exceptions. . . . <u>the requirement that POPOS be open to the sky established in Section 138(d)(2)(B); <del>or</del> the commercial orientation of large sites established in Section 249.78(c)(6); or the living and solar roofs requirements established in Section 249.78(d)(3), so long as a comparable amount of required living and/or solar roof area is provided elsewhere on the property.</u></i></p>

Tower Separation	Proposed §§ 132.4(d)(3) and 329(e)(3)(B)	Proposed § 329(e)(3)(B) states that Key Sites can seek an exception for the tower separation requirements in § 132.4, and Planning staff has advised that Key Sites are not required to meet the 4 criteria listed in proposed § 132.4(d)(3) in order to obtain this exception. However, this should be clarified in the Code language.	Proposed § 132.4(d)(3) should be amended to clarify that Key Sites can obtain an exception from the tower separation requirements without meeting the four criteria set forth in proposed § 132.4(d)(3)(B):  <i>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. <u>Key Sites, as identified in § 329(e)(2), are not required to comply with the following criteria in order to obtain a reduction of the Building Separation requirements set forth in subsection (A), as the Key Sites are eligible for a general exception from the Building Separation requirements pursuant to § 329(e)(3)(B).</u></i>
Key Sites Exceptions, Generally	Proposed § 329(d)(12)	The proposed language eliminates the ability of Central SoMa SUD projects to seek the PUD exceptions under § 304, which are currently available to LPA projects pursuant to existing § 329(d)(12).  The Central SoMa Plan requires or encourages a mix of PDR, office, retail, and residential in a relatively dense environment, all while striving for a dense, walkable, and transit-oriented neighborhood. Some measure of flexibility in applying prescriptive Code standards is necessary in order to facilitate building typologies and mixes of uses that are relatively novel.	Revise amended § 329(d)(12) to allow Key Sites projects to seek PUD-type exceptions (as set forth in § 304) via an LPA:  Where not specified elsewhere in this <del>§</del> subsection (d), modification of other Code requirements <del>which</del> <u>that</u> 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, <u>except that such modifications shall not be permitted for non-Key Sites projects in the Central SoMa Special Use District. Those projects on Key Sites, as identified in subsection (e) below, may obtain exceptions from those Code requirements that could be otherwise be modified as a Planned Unit Development.</u>

180185

# REUBEN, JUNIUS & ROSE, LLP

Daniel Frattin  
dfrattin@reubenlaw.com

June 8, 2018

RECEIVED  
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**Delivered Via Email and U.S. Mail**

President London Breed  
London.Breed@sfgov.org  
1 Dr. Carlton B. Goodlett Place, Room  
244 San Francisco, Ca 94102-4689

**Re: Central SoMa Zoning Amendments  
816 Folsom – citizenM**

Dear President Breed and Supervisors:

We are writing on behalf of citizenM, which owns the property at 816 Folsom Street (“Property”), between 4th and 5th Streets. CitizenM proposes to demolish the existing commercial building at the Property and construct a 180-foot-tall, 18-story hotel with 208 guestrooms (the “Project”). The Central SoMa Plan permits heights up to 180 feet on the Property; however, numerous and complex design regulations result in a substantial loss of development potential and drive up construction costs. At 816 Folsom, the net result is to reduce hotel room count by 33 rooms and add a 15% cost premium over the design that might be allowed with minor exceptions. On other small residential sites which are critical to achieving housing goals within the Plan Area, these same regulations will increase the cost of building new housing, while diminishing the amount that can be built.

Minor exceptions from Planning Code restrictions have traditionally been available through the Large Project Authorization (“LPA”), which gives the Planning Commission discretion to grant reasonable exceptions that improve design in response to unique site constraints or conditions on neighboring properties. The proposed ordinance to implement the Central SoMa Plan (the “Ordinance”) would eliminate this flexibility. Relying on the Plan itself, property owners have been operating under the understanding that MUO zoning controls—with the usual exceptions—would apply to their parcels. **Until March of this year, there was no indication that many of the exceptions available in the MUO District would be eliminated, along with the flexibility that is crucial for the development of small sites within the Plan area.**

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While we strongly support passage of the Plan, there are still specific aspects of the legislation that should be amended to allow greater design flexibility. Suggested redline modifications are attached to this letter, the incorporation of which would address the following issues:

- **The PUD-type exceptions traditionally available to Eastern Neighborhoods projects should be allowed in Central SoMa.** The proposed Code language eliminates Planning Commission's discretion to grant PUD-type exceptions through the LPA process. These exceptions have been available for nearly ten years since the Eastern Neighborhoods Plan was adopted and have been exercised judiciously by the Planning Commission. Taking away this flexibility will be a substantial impediment to small sites, and in the case of housing projects, will likely result in decreased density and higher costs.
- **Elimination of PUD-type exceptions is contrary to the reasonable expectations of property owners that relied on the Central SoMa Plan documents.** The Plan released in 2016 established that a number of WS MUG properties, including 816 Folsom, would be rezoned to MUO. Not until the Planning Department released a draft zoning package in March 2018 did it become clear that CMUO zoning would apply instead, and that PUD-type exceptions would not be available as they are in the MUO District. Given the number of highly prescriptive design standards the Ordinance imposes, the elimination of this key tool for flexibility came as a surprise and diminishes the feasibility of development on a number of sites.
- **Tower setback requirements would drastically limit development potential on small lots.** Proposed Section 132.4(d) mandates a 15-foot setback for towers above 85 feet. On a small lot like 816 Folsom, a 15-foot setback would limit the maximum floorplate size to only 3,500 square feet, resulting in substandard room sizes. (See massing diagrams attached at **Exhibit A**.) It may also be beneficial in some instances to reduce setbacks on one side to benefit adjoining neighbors and regain lost area on another side where neighbors would not be impacted. The Ordinance should allow exceptions: minor changes may benefit neighboring properties and make it possible to realize additional density, while still achieving the design intent of the setback requirements.
- **The skyplane requirements are not clearly drafted and, depending on their interpretation, could seriously impede the development of smaller projects.** Like the setback requirements, the skyplane requirements are overly burdensome for small sites. At 816 Folsom, which is only 80 feet deep and 100 feet wide, an 80% apparent mass reduction applies to the non-tower portion of the building, i.e. the portion below 85 feet. It is unclear how this can be implemented consistent with the street wall articulation requirement or while allowing construction of a tower above. Before they are written into the Code, the impact of these controls should be clearly explained to decision-makers and the Code language should be carefully vetted for clarity. Exceptions from these complex requirements should be available for all sites.

- **Streetwall and tower setback requirements applied in tandem cause building misalignment and increase construction costs on small lots.** The Ordinance requires that buildings be built to the property line up to 65 feet and that towers include a 15-foot setback above 85 feet. On some sites, these requirements result in misalignment of the building interior between the tower and podium and would necessitate a transfer of the risers and possibly the structure. This has two consequences for buildings. First, the more complex structural requirements will increase construction costs, which have dramatically increased in the last several years. Second, transferring risers and structures may take up additional space in the building, i.e. increasing height to accommodate non-habitable space. (See section diagram at **Exhibit B**.) Combined with height limits, this may cause some buildings to lose a habitable floor of development.
- **Payment of in lieu fee for non-residential open space and POPOS should not require a variance.** Section 329 does not allow for an exception from non-residential open space or POPOS requirements. The Ordinance provides for an in-lieu fee to fund large-scale community-serving open space. But paying the fee would first require these non-residential projects to obtain a variance, which requires a demonstration of hardship. This can be difficult to justify for new construction. If the City prefers open space fees to small POPOS, it should allow for an open space exception rather than require a variance for fee-out projects.
- **Ordinance should be clarified to avoid double-charging in-lieu fee for open space and POPOS.** As existing and amended, Section 135.3 allows POPOS to satisfy the on-site open space requirements. Accordingly, the amended Section 426 should be modified to clarify that projects that satisfy their open space and POPOS requirements via payment of the in lieu fee will not be double charged for open space and POPOS separately.
- **If a variance is required to pay the in lieu fee for POPOS and open space, then on-site POPOS design standards should be made more feasible for small lots.** As written in the Ordinance, the POPOS requirements are burdensome and cannot be feasibly implemented for the smaller Central SoMa projects. If a straightforward fee-out option is not provided, the Code should provide for rooftop POPOS on small properties and/or scale back the indoor POPOS requirements so as to eliminate the 2,500 square foot minimum area requirement and reduce the mandated floor-to-ceiling height to 15 feet.

The Ordinance should either give the Planning Commission greater discretion to modify prescriptive standards as it considers the unique needs of particular sites, especially the smaller properties, or provide for exceptions for the requirements that are particularly problematic, as outlined herein.

Thank you for your consideration and attention to these concerns.

Very truly yours,

**REUBEN, JUNIUS & ROSE, LLP**

A handwritten signature in black ink, reading "Daniel A. Frattin", is written over a solid horizontal line.

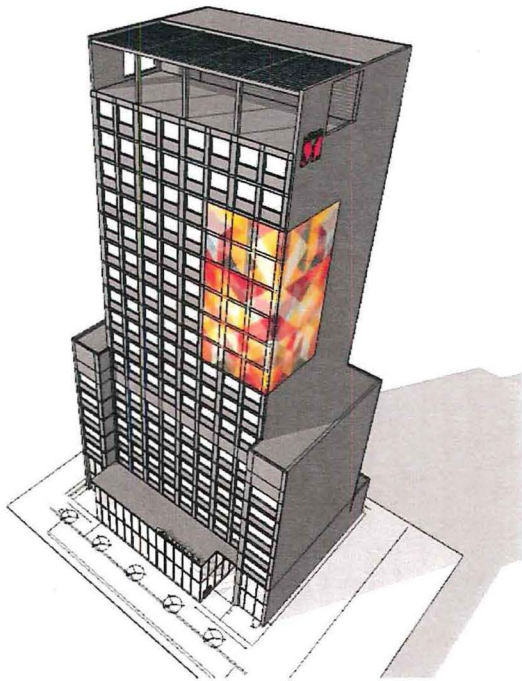
**Daniel A. Frattin**

cc:

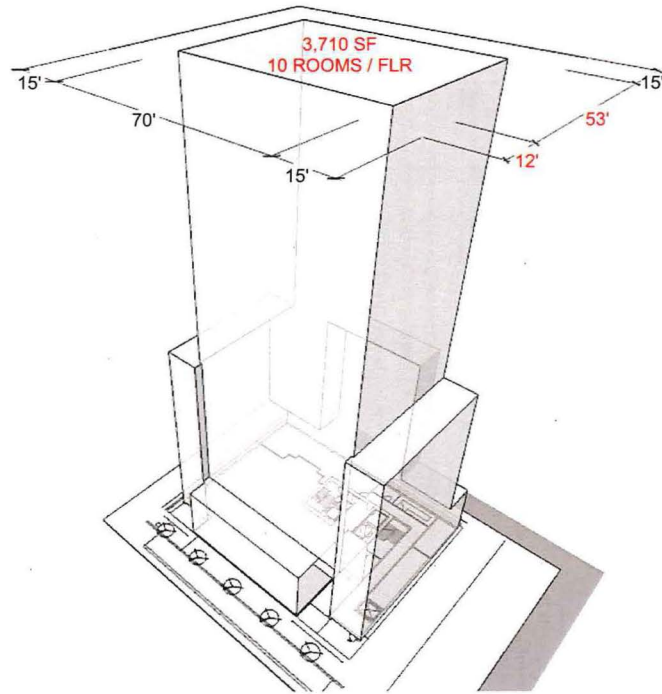
Supervisor Cohen (Malia.Cohen@sfgov.org)  
Supervisor Stefani (Catherine.Stefani@sfgov.org)  
Supervisor Fewer (Sandra.Fewer@sfgov.org)  
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Supervisor Tang (Katy.Tang@sfgov.org)  
Supervisor Yee (Norman.Yee@sfgov.org)  
John Rahaim, Planning Director (John.Rahaim@sfgov.org)  
Lisa Chen, Planning Department (Lisa.Chen@sfgov.org)  
Erica Major, Clerk, Land Use Committee (erica.major@sfgov.org)  
Bobbi Lopez, Legislative Aide to Supervisor Kim (Barbara.Lopez@sfgov.org)



**EXHIBIT A**  
**Massing Diagram**

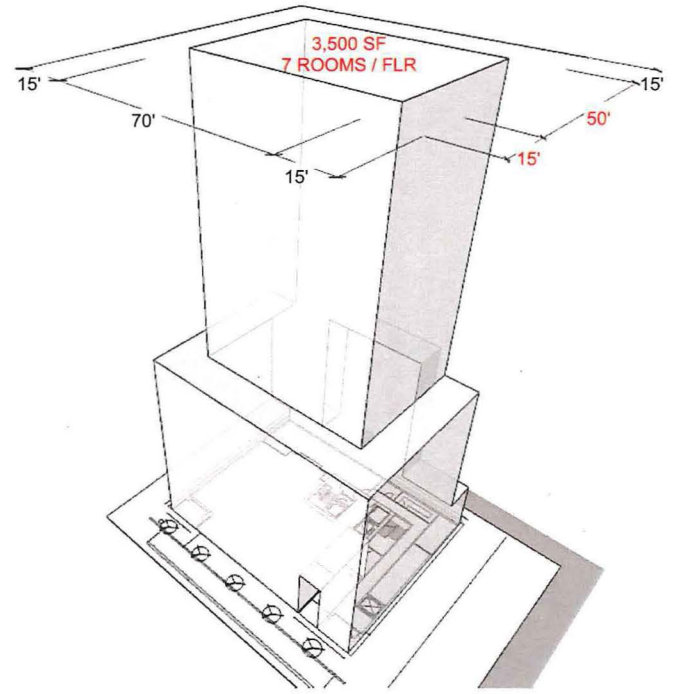


PROPOSED BUILDING



PROPOSED BUILDING (MASSING DIAGRAM)

at tower:  
11 floors at 10 rooms / floor = 110 rooms

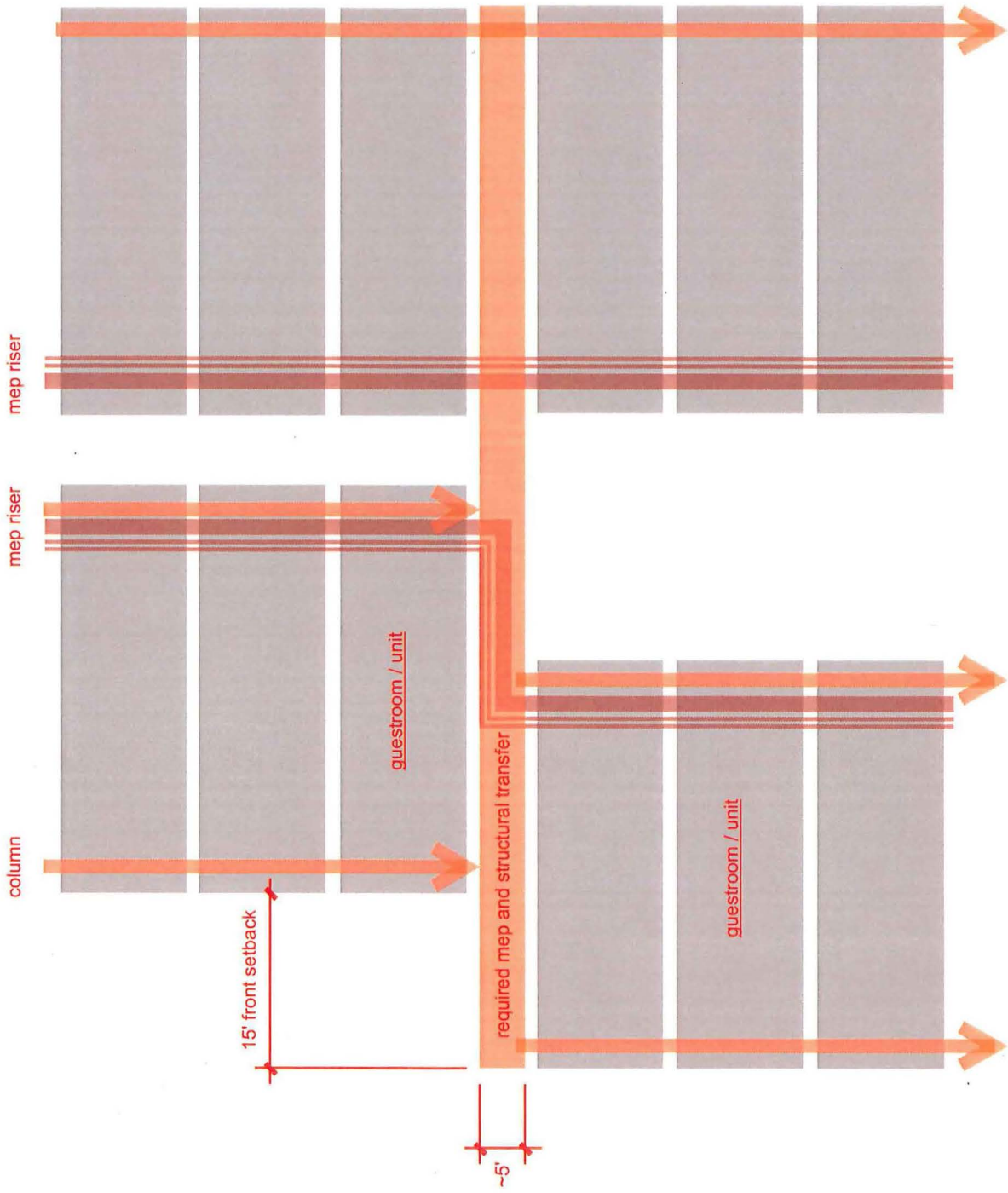


PER CODE (MASSING DIAGRAM)

at tower:  
11 floors at 7 rooms / floor = 77 rooms

Δ -33 rooms  
-16%

**EXHIBIT B**  
**Section Diagram**



# **EXHIBIT C**

## **Suggested Code Modifications**

**Central SoMa Zoning Analysis – Suggested Planning Code Amendments**

The table below identifies issues in the proposed Central SoMa Planning Code amendments ordinance (BOS File No. 180184) that are of particular concern to the proposed hotel project at 816 Folsom Street. Suggested revisions are indicated in red.

Topic	Planning Code Section	Issue	Suggested Revision
<b>Issues not Flagged for Modification by the Planning Commission</b>			
PUD-Type Exceptions	Proposed § 329(d)(12)	<p>The proposed language eliminates the ability of Central SoMa SUD projects to seek PUD exceptions under § 304, which are currently available to LPA projects pursuant to existing § 329(d)(12).</p> <p>Central SoMa projects need the same flexibility to ask for minor exceptions from highly prescriptive Code requirements that are difficult to apply to small sites and to those with unique site constraints. Providing for the PUD exceptions will facilitate the achievement of designs that are high-quality, functional for tenants, and marketable.</p>	<p>Revise amended § 329(d)(12) to allow Central SoMa projects to seek PUD-type exceptions (as set forth in § 304) via an LPA:</p> <p>Where not specified elsewhere in this subsection (d), modification of other Code requirements <del>which that</del> 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, <del>except that such modifications shall not be permitted for projects in the Central SoMa Special Use District.</del></p>
Streetwall Articulation	Proposed § 132.4(d)(1)	<p>The streetwall articulation requirements mandate that new projects be built up to the property line up to 65 feet in height. Application of the streetwall articulation requirements in tandem with the tower setback requirements creates building misalignment that drives up construction costs.</p>	<p>Revise proposed § 132.4(d)(1)(B) to allow a permitted streetwall setback above the ground floor on sites that are less than 100 feet deep.</p> <p align="center"><i><b><u>(B) Permitted Streetwall Setbacks. Notwithstanding the requirements of subsection (A), any building may be recessed from the property line as follows:</u></b></i></p> <p align="center"><i><u>(i) To the extent necessary to accommodate any setback required by this Code;</u></i></p> <p align="center"><i><u>(ii) For portions of residential buildings with walk-up dwelling units that have setbacks in accordance with the Ground Floor Residential Guidelines;</u></i></p> <p align="center"><i><u>(iii) For publicly-accessible open space built pursuant to the requirements of Section 138; or</u></i></p> <p align="center"><i><u>(iv) For building façade architectural articulation and modulation up to a maximum depth of 5 feet.</u></i></p>

			<u><i>(v) Above the ground floor on parcels less than 100 feet deep, up to a maximum depth of 12 feet.</i></u>																				
Tower Setbacks	Proposed § 132.4(d)(2)(B)	The proposed language mandates a 15-foot setback for towers for the portion above 85 feet. On small parcels, this setback will drastically limit floorplate sizes and will prevent projects from shifting massing so as to avoid undesirable conditions for adjacent properties.	<p>Revise proposed § 132.4(d)(2)(B) to provide a reduced setback where the Commission finds that a 15-foot setback would unduly restrict the development potential of a site, so long as at least an 8-foot setback is provided.</p> <p><u><i>(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. Pursuant to Section 329, the Planning Commission may grant a modification to this setback requirement as applied to a proposed project if it finds that (1) a 15-foot setback would unduly restrict the development potential of the site and (2) that a setback of no less than five (5) feet is provided along all property lines.</i></u></p>																				
Skyplane	Proposed § 270(h)	The proposed apparent mass controls applicable in a height district above 160 feet are not clearly drafted. Table 270(h) applies an 80% apparent mass reduction requirement to the non-tower portion of a building, i.e. the portion below 85 feet. It is unclear how this can be implemented consistent with the street wall articulation requirement or while allowing construction of a tower above.	<p>Table 270(h) should be revised to clarify how the apparent mass reduction requirements apply in a height district above 160 feet.</p> <table border="1" data-bbox="1125 841 1934 1276"> <thead> <tr> <th colspan="5"><u><i>Table 270(h)</i></u></th> </tr> <tr> <th colspan="5"><u><i>Apparent Mass Reduction</i></u></th> </tr> <tr> <th><u><i>Building Frontage</i></u></th> <th><u><i>Side of the Street</i></u></th> <th><u><i>Height District</i></u></th> <th><u><i>Base Height</i></u></th> <th><u><i>Apparent Mass Reduction</i></u></th> </tr> </thead> <tbody> <tr> <td><u><i>Major Street</i></u></td> <td><u><i>All</i></u></td> <td><u><i>Above 160 feet</i></u></td> <td><u><i>85 feet</i></u></td> <td><u><i>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.</i></u></td> </tr> </tbody> </table>	<u><i>Table 270(h)</i></u>					<u><i>Apparent Mass Reduction</i></u>					<u><i>Building Frontage</i></u>	<u><i>Side of the Street</i></u>	<u><i>Height District</i></u>	<u><i>Base Height</i></u>	<u><i>Apparent Mass Reduction</i></u>	<u><i>Major Street</i></u>	<u><i>All</i></u>	<u><i>Above 160 feet</i></u>	<u><i>85 feet</i></u>	<u><i>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.</i></u>
<u><i>Table 270(h)</i></u>																							
<u><i>Apparent Mass Reduction</i></u>																							
<u><i>Building Frontage</i></u>	<u><i>Side of the Street</i></u>	<u><i>Height District</i></u>	<u><i>Base Height</i></u>	<u><i>Apparent Mass Reduction</i></u>																			
<u><i>Major Street</i></u>	<u><i>All</i></u>	<u><i>Above 160 feet</i></u>	<u><i>85 feet</i></u>	<u><i>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.</i></u>																			

Skyplane	Proposed § 270(h); Amended § 329	If the apparent mass reduction requirements apply to towers in 180-foot height districts, an exception should be provided for small sites. At 816 Folsom, which is only 80 feet deep and 100 feet wide, an 80% apparent mass reduction will substantially decrease the development potential of the site.	<p>Revise amended § 329(d) to allow the Planning Commission to provide a modification from the skyplane requirements for sites with less than 10,000 square feet.</p> <p>(d) <b>Exceptions.</b> 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:</p> <p>* * * *</p> <p><i>(12) Within the Central SoMa SUD, exception from the Apparent Mass Reduction requirements required by Section 270(h)(2) for projects on a Major Street with a parcel area of less than 10,000 square feet.</i></p> <p><del>(12)</del> Where not specified elsewhere in this subsection (d), modification of other Code requirements <del>which</del> 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, <u>except that such modifications shall not be permitted for projects in the Central SoMa Special Use District.</u></p>
POPOS & Open Space Exception	Amended §§ 426 & 329(d)	<p>Neither the existing nor the proposed § 329 provides for an exception from non-residential open space or POPOS requirements. While § 426 provides for payment of an in lieu fee, non-residential projects would first need to obtain a variance, which is difficult to justify for new construction.</p> <p>The Code should allow for an open space/POPOS exception rather than require a variance for these projects.</p>	<p>Revise amended § 329(d) to allow for an exception from the non-residential and POPOS requirements for Central SoMa projects that pay the in lieu fee rather than provide on-site open space.</p> <p>(d) <b>Exceptions.</b> 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:</p> <p>* * * *</p> <p><i>(12) Exception from non-residential usable open space requirements in the CMUO District. In circumstances where such exception is granted, a fee shall be required pursuant to the standards in Section 426.</i></p> <p><i>(13) Exception from POPOS requirements in the CMUO District. In circumstances where such exception is granted, a fee shall be required pursuant to the standards in Section 426.</i></p> <p><del>(12)</del> Where not specified elsewhere in this subsection (d), modification of other Code requirements <del>which</del> 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</p>



			located, <u>except that such modifications shall not be permitted for projects in the Central SoMa Special Use District.</u>
POPOS	Amended § 138(d)(2)(F);	<p>The POPOS requirements are burdensome and cannot be feasibly implemented for the smaller Central SoMa projects.</p> <p>If a straightforward fee-out option is not provided, the Code should provide for rooftop POPOS on small properties and/or scale back the indoor POPOS requirements so as to eliminate the 2,500 square foot minimum area requirement and reduce the mandated floor-to-ceiling height to 15 feet.</p>	<p>Revised proposed § 138(d)(2)(F) to eliminate the 2,500 square foot minimum area for indoor POPOS and reduce the minimum floor-to-ceiling height to 15 feet.</p> <p><u>(F) All indoor open spaces provided at street grade shall:</u></p> <p><del>(i) Have a minimum area of 2,500 square feet;</del></p> <p><del>(ii) Have a minimum floor-to-ceiling height of 2015 feet;</del></p> <p><del>(iii) Provide openings directly to a sidewalk or other publicly-accessible outdoor space and, weather permitting, be accessible without the need to open doors;</del></p> <p><del>(iv) Be situated, designed, and programmed distinctly from building lobbies or other private entrances to the building;</del></p>

180185

**From:** Michael Verity <mverity@reubenlaw.com>  
**Sent:** Friday, June 01, 2018 1:53 PM  
**To:** Breed, London (BOS)  
**Cc:** Daniel Frattin  
**Subject:** Central SoMa Zoning Amendments  
**Attachments:** Ltr - Sup. Breed re Central SoMa Comments 6.1.18.pdf

Dear President Breed and Supervisors:

At the request of Daniel Frattin, please find attached a letter, which asks the Board of Supervisors to address certain concerns regarding the Central SoMa Plan Zoning Amendments as they apply to the Flower Mart Project.

Thank you very much for your attention to this matter.

Best regards,

Mike

## **REUBEN, JUNIUS & ROSE, LLP**

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Assistant to Daniel A. Frattin  
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# REUBEN, JUNIUS & ROSE, LLP

Daniel Frattin  
dfrattin@reubenlaw.com

June 1, 2018

## Delivered Via Email and U.S. Mail

President London Breed  
San Francisco Board of Supervisors  
London.Breed@sfgov.org  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, Ca 94102-4689

**Re: Central SoMa Zoning Amendments  
BOS File No. 180185  
Flower Mart Project**

Dear President Breed and Supervisors:

We are writing on behalf of Kilroy Realty Corporation (“KRC”), which proposes to build a new long-term home for the Wholesale Flower Market as part of a mixed-use anchor development in the Central SoMa Plan Area. Throughout the lengthy process of drafting the Central SoMa Plan (the “Plan”), KRC has worked in close consultation with Planning Department staff to design a project that promotes the Plan’s objectives. While we strongly support passage of the Plan, and encourage the Board of Supervisors to incorporate the modifications recommended by the Planning Commission on May 10, the zoning amendments (“Zoning Legislation”) require further changes to allow the Flower Mart project to fulfill its objectives and create a new state-of-the-art Wholesale Flower Market that will be leased at below-market rates.

Suggested redline modifications are attached to this letter, the incorporation of which would address the following concerns that were not addressed by the Planning Commission in its May 10 recommendations:

- **As written, the Code does not allow enough accessory parking to fulfill KRC’s legally binding commitments to the Wholesale Flower Market.** Kilroy is bound by an agreement with the Wholesale Flower Market tenants and management to provide 25 truck parking and 150 vehicle parking spaces. However, the Zoning Legislation allows for a maximum of 69 accessory parking spaces for the Wholesale Flower Market use. The success of the replacement Wholesale Flower Market depends on the provision

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of adequate parking to accommodate a high volume of wholesale customers. It is crucial that the Zoning Legislation include a Key Sites exception that would allow additional accessory parking for wholesale/distribution uses on the Flower Mart site.

- **Prohibiting sufficient accessory parking will subject the Wholesale Flower Market to costly Mello-Roos taxes.** The proposed Central SoMa Mello-Roos District exempts accessory parking from special taxes. If an exception is not available to provide additional accessory parking for the Wholesale Flower Market, KRC would have to seek conditional use approval for a “parking garage” that would be subject to special taxes. This runs contrary to the Plan goal of providing a functional and successful replacement Flower Market and unfairly taxes the subsidized space KRC is providing to the Flower Market tenants.
- **Ground-floor transparency requirements conflict with the operational needs of the Wholesale Flower Market.** The Zoning Legislation requires 60 percent of the ground-floor street frontage of PDR uses to have transparent windows and doors that allow views into the interior of buildings. However, many PDR uses involve machinery, noise, late operating hours, or have other operational characteristics and needs that may not be compatible with ground-floor transparency requirements.

As applied to the Wholesale Flower Market, required ground-floor transparency along 5th Street would conflict with the operational needs of the Wholesale Flower Market. Vendor stalls have traditionally been oriented to the interior and layout needs may change over time. Requiring open and unobstructed windows along 5th Street will preclude the flexible use of the Wholesale Flower Market space, and will prevent the Wholesale Flower Market vendors from using the east end of the building for functions that may include storage, refrigeration equipment, and internally-oriented display structures. The Zoning Legislation should be amended to allow exceptions from PDR transparency requirements.

- **For clarity, the Board should correct a cross-reference to the Key-Sites exception allowing exceptions from the requirement for POPOS to be open to the sky.** The Flower Mart site is constrained by the need to provide a 115,000-square-foot, single-story replacement building for the Wholesale Flower Market, along with new vehicular through access on the block. To accommodate these features and required POPOS, portions of upper floors cantilever over approximately 25 percent of the Flower Mart POPOS. The ordinance provides for a Key Sites exception for “the requirement that POPOS be open to the sky established in Section 138(d)(2)(B).” However, the cross-referenced section does not refer to the open-sky requirement and should be revised to reference Section 138(d)(2)(E)(i).
- **In-lieu POPOS fee should not be charged where exceptions from design standards are granted.** As amended, Section 426 states that an in-lieu fee of \$890 is required for each square foot of POPOS and non-residential open space that is required but not

provided. This section should be amended to clarify that the in-lieu fee only applies when open space is not provided at all, i.e., that no fee is due where the requisite amount of open space is provided but exceptions are granted from design standards like the openness-to-the-sky requirement above.

- **Living and solar roofs requirements should allow Key Sites flexibility to maximize usable rooftop open space while furthering the intent of the requirements.** Proposed Section 249.78(d)(3) requires that nonresidential buildings 160 feet or less provide at least 50% of the roof area as living roof and/or solar energy systems. In order to allow projects to maximize usable outdoor open spaces, the Zoning Legislation should allow these features to be located on taller buildings on the site, so long as a comparable amount of living roof area is provided.
- **The criteria for Key Sites tower separation should be revised for clarity.** The Zoning Legislation is intended to grant the Planning Commission broader discretion to grant exceptions for tower separation on Key Sites than on other sites. However, the draft code section establishing the criteria for tower separation exceptions does not make clear the distinction between non-Key Sites and Key Sites. The Zoning Legislation should be revised for clarity.
- **Central SoMa Key Sites should be able to seek the Planned Unit Development exceptions currently available to Eastern Neighborhoods projects through the LPA process.** The Central SoMa Plan encourages building typologies and mixes of uses that are relatively novel—requiring or incentivizing a mix of PDR, office, retail, and residential in a relatively dense environment, all while striving for a dense, walkable, and transit-oriented neighborhood. However, the Zoning Legislation includes highly prescriptive design requirements, and strikes a longstanding provision that allows the Planning Commission discretion to grant case-by-case exceptions beyond a limited number of specifically listed exceptions. In practice, this will constrain architectural responses to neighborhood context and the needs of specialized tenants. Continuing the Planning Code’s allowance for PUD-type exceptions will facilitate designs that are high-quality, functional for tenants, and marketable.

In closing, we respectfully urge you to amend the Zoning Legislation as outlined above and encourage you to support the changes recommended by the Planning Commission, particularly the following that are critical to the Flower Market Project:

- 1) Clarification that Key Sites projects may seek the exceptions generally available to projects obtaining an LPA under the existing Section 329(d).
- 2) Amendment that would require projects that filed applications before September 4, 2016, to meet 75% of the otherwise applicable TDM target. Though this amendment should clarify that the 75% grandfathering that applies to any project

that submitted an Environmental Evaluation Application before September 4, 2016.

- 3) Elimination of the requirement for retail uses to provide POPOS.
- 4) Addition of a subsection in Section 329(d) enabling exceptions for the freight loading requirements set forth in Sections 154 and 155.
- 5) Addition of a subsection in Section 329(d) enabling exceptions from the wind control requirements set forth in Section 249.78(d)(7).

Thank you for your consideration and attention to these concerns.

Very truly yours,

**REUBEN, JUNIUS & ROSE, LLP**



**Daniel A. Frattin**

cc: Supervisor Cohen (Malia.Cohen@sfgov.org)  
Supervisor Stefani (Catherine.Stefani@sfgov.org)  
Supervisor Fewer (Sandra.Fewer@sfgov.org)  
Supervisor Peskin (Aaron.Peskin@sfgov.org)  
Supervisor Ronen (Hillary.Ronen@sfgov.org)  
Supervisor Safai (Ahsha.Safai@sfgov.org)  
Supervisor Sheehy (Jeff.Sheehy@sfgov.org)  
Supervisor Tang (Katy.Tang@sfgov.org)  
Supervisor Yee (Norman.Yee@sfgov.org)  
John Rahaim, Planning Director (John.Rahaim@sfgov.org)  
Lisa Chen, Planning Department (Lisa.Chen@sfgov.org)  
Sarah Dennis-Phillips, OEWD (Sarah.Dennis-Phillips@sfgov.org)  
Bobbi Lopez, Legislative Aide to Supervisor Kim (Barbara.Lopez@sfgov.org)  
Erica Major, Clerk, Land Use Committee (erica.major@sfgov.org)  
Mike Grisso, Project Sponsor (MGrisso@kilroyrealty.com)  
Alexandra Stoelzle, Project Sponsor (AStoelzle@kilroyrealty.com)

**Central SoMa Zoning Analysis – Suggested Planning Code Amendments**

The table below identifies issues in the proposed Central SoMa Planning Code amendments ordinance (BOS File No. 180184) that are of particular concern to the proposed Flower Mart Project. Suggested revisions are indicated in red.

Topic	Draft Planning Code Section:	Issue	Suggested Revision
<b>SFFM Proposed Amendments not Addressed by Planning Commission</b>			
Parking	Proposed § 329(e)(3)(B)	<p>The proposed ordinance does not provide an exception from the parking standards for the Key Sites, even though those properties are required to provide large PDR spaces, the future tenants of which are likely to require large amounts of parking.</p> <p>In particular, the success of the replacement Wholesale Flower Market will depend in large part on the provision of adequate parking (as required by KRC’s agreement with the Wholesale Flower Market tenants) to accommodate a high volume of wholesale customers moving large amounts of goods. We propose the addition of an exception that would allow Key Sites to receive an exception to provide additional parking for wholesale /distribution uses.</p>	<p>Proposed § 329(e)(3)(B) should be amended to allow Key Sites to seek an exception from the maximum accessory parking requirements in order to provide sufficient parking for large scale wholesale and distribution uses.</p> <p><i>(B) Exceptions. . . the requirement that POPOS be open to the sky established in Section 138(d)(2)(B); <del>or the commercial orientation of large sites established in Section 249.78(c)(6)-;</del> or the accessory parking maximums set forth in Section 151.1, such that Key Sites may provide accessory parking for Wholesale Sales and Distribution uses up to a rate of one car per each 750 square feet of Gross Floor Area.</i></p>
Transparent Fenestration of PDR	Proposed §§ 249.78(c)(1)(E) and 329(e)(3)(B)	<p>The Proposed § 249.78(c)(1)(E) applies the transparency and fenestration requirements of existing Code Section 145.1 to PDR uses.</p> <p>The types of uses that occupy PDR space often involve machinery, noise, and abnormal operating hours, and are not the type of uses enhanced by ground floor transparency—nor are they the kinds of uses for which ground floor windows would enhance the pedestrian environment.</p>	<p>Proposed § 329(e)(3)(B) should be amended to allow Key Sites to seek an exception from the requirement that PDR uses meet the transparency and fenestration requirements contained in § 249.78(c)(1)(E).</p> <p><i>(B) Exceptions. . . the requirement that POPOS be open to the sky established in Section 138(d)(2)(B); <del>or the commercial orientation of large sites established in Section 249.78(c)(6)-;</del> or the requirement that PDR uses meet the transparency and fenestration requirements established in Section 249.78(c)(1)(E).</i></p>

POPOS	Amended § 138; Proposed § 329(e)(3)(B)	<p>Under proposed § 329(e)(3)(B), Key Sites may seek an exception from “the requirement that POPOS be open to the sky established in Section 138(d)(2)(B).” But it is § 138(d)(2)(E)(i) that requires at grade open space to be open to the sky.</p> <p>Proposed § 138(d)(2)(B) requires that projects “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.”</p>	<p>Proposed § 329(e)(3)(B) regarding open space exceptions that should be corrected as follows:</p> <p><i>(B) Exceptions. . . . the requirement that POPOS be open to the sky established in Section 138(d)(2)(BE)(i); or the commercial orientation of large sites established in Section 249.78(c)(6).</i></p>
POPOS & Open Space In-Lieu Fee	Amended § 426	As amended, § 426 states that an in-lieu fee is required for each square foot of POPOS and non-residential open space that is required but not provided.	<p>Amended § 426 should be revised such that an in lieu fee would not be required where a project obtains an exception only from the qualitative standards of the POPOS requirements, but where the project provides the amount of POPOS mandated by the Code. We suggest the following amendment:</p> <p><i>. . . In the CMUO District, the usable open space requirement of Section 135.3 and the POPOS requirement of Section 138 may be satisfied through payment of a fee of \$890 for each square foot of required usable open space not provided. Payment of a fee shall not be required for any square footage of usable open space or POPOS that is provided in the amount required, but for which a variance or exception is granted for design standards otherwise applicable to such open space or POPOS . .</i></p>
Living and Solar Roofs	Proposed §§ 249.78(d)(3) and 329(e)(3)(B)	Proposed § 249.78(d)(3) requires that Central SoMa buildings that are 160-foot-tall or less provide at least 50% of the roof area as living roof and comply with Building Code Section 5.201.1.2, which sets forth the requirements for solar systems on non-residential buildings.	<p>Proposed § 329(e)(3)(B) should allow for a Key Sites exception from the living roof and solar requirements as long as a comparable amount of required living roof and/or solar system area is provided elsewhere on the property.</p> <p><i>(B) Exceptions. . . . the requirement that POPOS be open to the sky established in Section 138(d)(2)(B); <del>or the commercial orientation of large sites established in Section 249.78(c)(6);</del> or the living and solar roofs requirements established in Section 249.78(d)(3), so long as a comparable amount of required living and/or solar roof area is provided elsewhere on the property.</i></p>



Tower Separation	Proposed §§ 132.4(d)(3) and 329(e)(3)(B)	Proposed § 329(e)(3)(B) states that Key Sites can seek an exception for the tower separation requirements in § 132.4, and Planning staff has advised that Key Sites are not required to meet the 4 criteria listed in proposed § 132.4(d)(3) in order to obtain this exception. However, this should be clarified in the Code language.	Proposed § 132.4(d)(3) should be amended to clarify that Key Sites can obtain an exception from the tower separation requirements without meeting the four criteria set forth in proposed § 132.4(d)(3)(B):  <i>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. Key Sites, as identified in § 329(e)(2), are not required to comply with the following criteria in order to obtain a reduction of the Building Separation requirements set forth in subsection (A), as the Key Sites are eligible for a general exception from the Building Separation requirements pursuant to § 329(e)(3)(B).</i>
Key Sites Exceptions, Generally	Proposed § 329(d)(12)	The proposed language eliminates the ability of Central SoMa SUD projects to seek the PUD exceptions under § 304, which are currently available to LPA projects pursuant to existing § 329(d)(12).  The Central SoMa Plan requires or encourages a mix of PDR, office, retail, and residential in a relatively dense environment, all while striving for a dense, walkable, and transit-oriented neighborhood. Some measure of flexibility in applying prescriptive Code standards is necessary in order to facilitate building typologies and mixes of uses that are relatively novel.	Revise amended § 329(d)(12) to allow Key Sites projects to seek PUD-type exceptions (as set forth in § 304) via an LPA:  Where not specified elsewhere in this <del>S</del> subsection (d), modification of other Code requirements <del>which that</del> 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, <i>except that such modifications shall not be permitted for non-Key Sites projects in the Central SoMa Special Use District. Those projects on Key Sites, as identified in subsection (e) below, may obtain exceptions from those Code requirements that could be otherwise be modified as a Planned Unit Development.</i>

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## NOTICE OF PUBLIC HEARING

### BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO LAND USE AND TRANSPORTATION COMMITTEE

NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee will hold a public hearing to consider the following proposals and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

**Date:** Monday, July 9, 2018

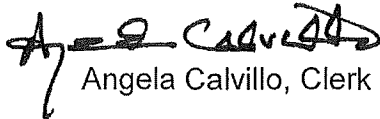
**Time:** 1:30 p.m.

**Location:** Legislative Chamber, Room 250, located at City Hall  
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

**Subjects:** **File No. 180185.** 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. 180490.** Ordinance amending the General Plan by adding the Central South of Market (SoMa) Area Plan, 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, and on its southern portion by Townsend Street; making conforming amendments to the Commerce and Industry Element, the Housing Element, the Urban Design Element, the Land Use Index, and the East SoMa and West SoMa Area Plans; and making environmental findings, including adopting a statement of overriding considerations, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on these matters may submit written comments to the City prior to the time the hearing begins. These comments will be made part of the official public record in these matters, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to these matters are available in the Office of the Clerk of the Board. Agenda information relating to these matters will be available for public review on Friday, July 6, 2018.

  
Angela Calvillo, Clerk of the Board

DATED/PUBLISHED/MAILED/POSTED: June 28, 2018

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 544-5227

**PROOF OF MAILING**

Legislative File No. 180185 and 180490

Description of Items: Planning Code, Zoning Map - Central South of Market Special Use District and General Plan Amendments - Central South of Market Area Plan - 227 Notices Mailed

I, Jocelyn Wong, an employee of the City and County of San Francisco, mailed the above described document(s) by depositing the sealed items with the United States Postal Service (USPS) with the postage fully prepaid as follows:

Date: June 29, 2018

Time: 11:03 am

USPS Location: Repro Pick-up Box in the Clerk of the Board's Office (Rm 244)

Mailbox/Mailslot Pick-Up Times (if applicable): N/A

Signature: 

Instructions: Upon completion, original must be filed in the above referenced file.

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

April 18, 2018

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

Dear Commissioners:

On April 10, 2018, Mayor Farrell introduced the following substitute legislation:

**File No. 180185-2**

**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.**

The proposed ordinance is being transmitted pursuant to Planning Code, Section 302(b), 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

A handwritten signature in cursive script, appearing to read "Erica Major".

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

- c: John Rahaim, Director of Planning  
Aaron Starr, Acting Manager of Legislative Affairs  
Scott Sanchez, Zoning Administrator  
Lisa Gibson, Environmental Review Officer  
AnMarie Rodgers, Senior Policy Advisor  
Laura Lynch, Environmental Planning  
Joy Navarrete, Environmental Planning

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

April 18, 2018

File No. 180185-2

Lisa Gibson  
Environmental Review Officer  
Planning Department  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Ms. Gibson:

On April 10, 2018, Mayor Farrell introduced the following substitute legislation:

**File No. 180185-2**

**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.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

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

Attachment

c: Joy Navarrete, Environmental Planning  
Laura Lynch, Environmental Planning

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

March 6, 2018

**File No. 180185**

Lisa Gibson  
Environmental Review Officer  
Planning Department  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Ms. Gibson:

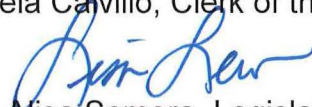
On February 27, 2018, Mayor Farrell introduced the following proposed legislation:

**File No. 180185**

**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.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

*for* By:  Alisa Somera, Legislative Deputy Director  
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning  
Laura Lynch, Environmental Planning

BOARD of SUPERVISORS



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San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

March 6, 2018

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

Dear Commissioners:

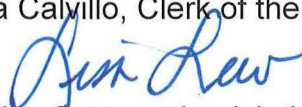
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The proposed ordinance is being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of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

Angela Calvillo, Clerk of the Board

*for* By:  Alisa Somera, Legislative Deputy Director  
Land Use and Transportation Committee




- c: John Rahaim, Director of Planning
- Aaron Starr, Acting Manager of Legislative Affairs
- Scott Sanchez, Zoning Administrator
- Lisa Gibson, Environmental Review Officer
- AnMarie Rodgers, Senior Policy Advisor
- Laura Lynch, Environmental Planning
- Joy Navarrete, Environmental Planning

OFFICE OF THE MAYOR  
SAN FRANCISCO




MARK FARRELL  
MAYOR

TO:  Angela Calvillo, Clerk of the Board of Supervisors  
FROM: Mayor Farrell  
RE: Substitute Ordinance – File 180185 - Planning Code, Zoning Map -  
Central South of Market Special Use District  
DATE: April 10, 2018

---

Attached for introduction to the Board of Supervisors is a substitute 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.

Should you have any questions, please contact Andres Power (415) 554-5168.

RECORDED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2018 APR 10 PM 1:56  
BY 

Print Form

# Introduction Form

By a Member of the Board of Supervisors or Mayor

BOARD OF SUPERVISORS  
SAN FRANCISCO

2010 FEB 11 10:03  
Time stamp  
or meeting date  
BY AK

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

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

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

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

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

Sponsor(s):

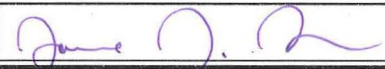
Mayor Farrell; Kim

Subject:

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 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; and 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.

The text is listed:

Attached

Signature of Sponsoring Supervisor: 

OFFICE OF THE MAYOR  
SAN FRANCISCO



MARK FARRELL  
MAYOR

TO: Angela Calvillo, Clerk of the Board of Supervisors  
FROM: Mayor Farrell  
RE: Central South of Market (SoMa) Special Use District  
DATE: February 27, 2018

2018 FEB 27 PM 4:52  
BOARD OF SUPERVISORS  
SAN FRANCISCO

Attached for introduction to the Board of Supervisors is an 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 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; and 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.

Please note that this legislation is co-sponsored by Supervisor Kim.

Should you have any questions, please contact Andres Power (415) 554-5168.