

1 [Planning Code, Zoning Map - Fifth and Mission Special Use District]

2

3 **Ordinance amending the Planning Code to add Section 249.74 to create the Fifth and**  
 4 **Mission Special Use District; and amending Zoning Sectional Maps ZN001, SU001, and**  
 5 **HT001 to reflect the Fifth and Mission Special Use District; and making environmental**  
 6 **findings, including a statement of overriding considerations, and findings of**  
 7 **consistency with the General Plan, and the eight priority policies of Planning Code,**  
 8 **Section 101.1.**

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

13

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

15

16 Section 1. Findings. The Board of Supervisors of the City and County of San Francisco  
 17 hereby finds and determines that:

18 (a) On September 17, 2015, the Planning Commission conducted a duly noticed public  
 19 hearing on the proposed Fifth and Mission Project (Project), including the proposed Planning  
 20 Code and Zoning Map amendments, and by Resolution No. 19464 recommended the  
 21 proposed amendments for approval. The Planning Commission found that the proposed  
 22 Planning Code and Zoning Map amendments were, on balance, consistent with the City's  
 23 General Plan and with Planning Code Section 101.1(b). A copy of said Resolution is on file  
 24 with the Clerk of the Board of Supervisors in File No. 150787 and is incorporated herein by  
 25 reference.

1 (b) The Board finds that these Planning Code and Zoning Map amendments are on  
2 balance consistent with the General Plan and with the Priority Policies of Planning Code  
3 Section 101.1 for the reasons set forth in Planning Commission Resolution No. 19460, and  
4 the Board hereby incorporates such reasons herein by reference.

5 (c) Pursuant to Planning Code Section 302, this Board finds that the Planning Code  
6 and Zoning Map amendments will serve the public necessity, convenience, and welfare for  
7 the reasons set forth in Planning Commission Resolution No. 19464, and the Board  
8 incorporates such reasons herein by reference.

9 (d) California Environmental Quality Act. At its hearing on September 17, 2015, and  
10 prior to recommending the proposed Planning Code and Zoning Map amendments for  
11 approval, the Planning Commission certified a Final Environmental Impact Report (FEIR) for  
12 the Project pursuant to the California Environmental Quality Act (CEQA) (California Public  
13 Resources Code Section 21000 et seq.), the CEQA Guidelines (14 Cal. Code Reg. Section  
14 15000 et seq.) and Chapter 31 of the Administrative Code. In accordance with the actions  
15 contemplated herein, this Board has reviewed the FEIR and concurs with its conclusions,  
16 affirms the Planning Commission's certification of the FEIR, and finds that the actions  
17 contemplated herein are within the scope of the Project described and analyzed in the FEIR.  
18 The Board hereby adopts and incorporates by reference as though fully set forth herein the  
19 Commission's CEQA approval findings, including a statement of overriding considerations,  
20 adopted by the Planning Commission on September 17, 2015. This Board also adopts and  
21 incorporates by reference as though fully set forth herein the Project's Mitigation Monitoring  
22 and Reporting Program (MMRP). Said findings and MMRP are on file with the Clerk of the  
23 Board of Supervisors in File No. 150787.

1 Section 2. The Planning Code is hereby amended by adding new Section 249.74, to  
2 read as follows:

3  
4 **SEC. 249.74. FIFTH AND MISSION SPECIAL USE DISTRICT.**

5 (a) General. A Special Use District entitled the Fifth and Mission Special Use District  
6 ("District"), the boundaries of which are shown on Sectional Map SU001 of the Zoning Maps of the  
7 City and County of San Francisco, is hereby established for the purpose set out below.

8 (b) Purpose. The purpose of the District is to facilitate the reuse of underutilized lands in  
9 downtown San Francisco, including the San Francisco Chronicle Building; to unify zoning of the lots  
10 included in the District; to encourage mixed-use development of the District as an integrated whole;  
11 and to provide benefits to the City such as commercial and residential uses proximate to major transit  
12 routes, and streetscape improvements.

13 (c) Relationship to Design for Development. The Fifth and Mission Design for Development  
14 dated September 3, 2015 adopted by the Planning Commission (Resolution No. 19465) and Board of  
15 Supervisors as part of this Special Use District (the "Design for Development") sets forth design  
16 Standards and Guidelines (as defined therein) for implementing the development controls applicable to  
17 the District. A copy of the Fifth and Mission Design for Development is on file with the Clerk of the  
18 Board of Supervisors in File No. 150787 and is incorporated herein by reference, and as may be  
19 amended from time to time by the Planning Commission upon application by the property owner.

20 (d) Development Controls. Applicable provisions of the Planning Code shall control except as  
21 otherwise provided in this Section and the Design for Development. In the event of a conflict between  
22 other provisions of the Planning Code, the Design for Development, or this District, the provisions of  
23 this District shall control.

24 (1) Additional Permitted Uses.  
25

1                   (A) Active Ground Floor Uses. In addition to ground floor uses permitted  
2 within the C-3-S district, any retail, office, education or cultural use is permitted at the ground floor  
3 level facing a major street (Fifth, Mission, or Howard Streets) if: (i) the use does not require non-  
4 transparent walls of an existing historic building, or of a new building with frontage on the street; (ii)  
5 in new buildings, no less than 60 percent of the linear street-facing frontages of each such use are  
6 fenestrated with a minimum of 70% transparency; and (iii) for office uses, internal partitions are set  
7 back from street frontages by at least 20 feet from street-facing windows. The area of glazing that  
8 counts toward the transparency requirement must be unobstructed by solid window coverings, window  
9 signs, or other features or characteristics that impede visibility from the public realm into the interior  
10 of the ground floor of the building as further depicted in the Design for Development.

11                   (B) At least 25% of the linear frontage of the ground floor of each building shall  
12 contain “active commercial uses” as defined by Section 145.4(c), excluding frontage dedicated to  
13 parking and loading access, building egress, and mechanical and core systems. The active commercial  
14 uses required by this subsection shall be provided within the first 25 feet of building depth, at a  
15 minimum. The foregoing shall not apply to building frontage on Natoma or Minna Streets or to  
16 building frontage on Lots 076 (the “Dempster Building”), 042 (the “Camelline Building”), 093 (the  
17 “Chronicle Building”), and 097 (the “Examiner Building”) of Assessor’s Block 3725.

18                   (C) Retail, office, education, and cultural uses below the ground floor are  
19 permitted.

20                   (2) Density of Dwelling Units. Dwelling unit density is not limited by lot area. Each  
21 building containing residential units shall contain an average of four dwelling units on each residential  
22 floor.

23                   (3) Building Standards.

1                                    (A) Building Height. The applicable height limits shall be as set forth in Height  
 2 Map HT001 of the Zoning Maps of the City and County of San Francisco, and shall be measured and  
 3 regulated as provided in Article 2.5, with the following exceptions for parcels zoned 365-X or 450-S:

4                                    (i) Vertical extensions permitted by Section 260(b)(1)(G) shall not be  
 5 subject to percent coverage or dimensional limitations otherwise applicable;

6                                    (ii) No more than two buildings with heights greater than 220 feet shall  
 7 be permitted; and

8                                    (iii) Such buildings shall be designed to maintain a minimum 25 foot  
 9 difference in structure height, inclusive of architectural penthouses or screens.

10                                   (B) Building Bulk. The bulk limitations shall be as set forth in Article 2.5,  
 11 except as provided below and in the Design for Development.

12                                   (i) Maximum Building Base Heights. The base height limitations shall  
 13 be as set forth in the following Figure 1: Base Height Table:

14                                   Figure 1: Base Height Table.

<u>Parcel (As Identified in the</u> <u>Design for Development)</u>	<u>Maximum Base Height (ft)</u>	<u>Allowable Deviation</u>
<u>Existing Chronicle Building</u> <u>Parcel (Block 3725, Lot 093)</u>	<u>N/A*</u>	<u>N/A*</u>
<u>M2</u>	<u>103</u>	<u>10%</u>
<u>NI</u>	<u>103</u>	<u>10%</u>
<u>Existing Camelline and</u> <u>Examiner Buildings Parcels</u> <u>(Block 3725, Lots 042 and a</u> <u>portion of 097)</u>	<u>N/A*</u>	<u>N/A*</u>

1	<u>Existing Dempster Building</u>	<u>N/A*</u>	<u>N/A*</u>
2	<u>Parcel (Block 3725, Lot 076)</u>		
3	<u>H1</u>	<u>145</u>	<u>0%</u>

4 \*The existing Chronicle, Camelline, and Dempster Buildings shall be retained, and thus the  
5 height and bulk limitations for these parcels shall conform to those buildings' height and bulk.

6 (ii) 365-X Controls. For any parcel within a 365-X Height and Bulk  
7 district, the bulk limitations shall be as set forth in Figure 2, 365-X Bulk Table:

8 Figure 2. 365-X Bulk Table

10	<u>Building</u>	<u>Maximum</u>	<u>Maximum</u>	<u>Maximum</u>	<u>Maximum</u>	<u>Minimum</u>	<u>Total Offset</u>
11	<u>Element</u>	<u>Length (ft)*</u>	<u>Diagonal</u>	<u>Average</u>	<u>Combined</u>	<u>Offset (ft)</u>	<u>(ft)</u>
12			<u>(ft)*</u>	<u>Floor Area</u>	<u>Floor Area</u>		
13				<u>(gsf)*</u>	<u>(gsf)</u>		
14	<u>Lower</u>	<u>135</u>	<u>190</u>	<u>17,000</u>	<u>22,000</u>	<u>25</u>	<u>60</u>
15	<u>Tower</u>						
16	<u>(each)</u>						
17	<u>Upper</u>	<u>120</u>	<u>160</u>	<u>12,000</u>	<u>22,000</u>	<u>25</u>	<u>60</u>
18	<u>Tower</u>						
19	<u>(each)</u>						

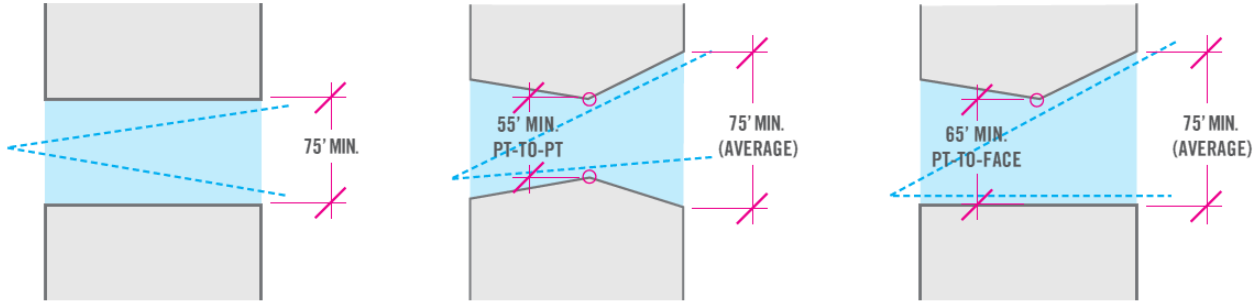
20 \*Note: Maximum Length, Maximum Diagonal, and Maximum Average Floor Area are  
21 separately applicable to each apparent tower, and gsf is measured by gross floor area, where  
22 applicable. Refer to the Design for Development depiction of Base, Lower, and Upper Towers.

23 (C) Building Setbacks.

24 (i) Tower Separation. In lieu of the provisions of Section 132.1(d), tower  
25 separation requirements shall be applicable to buildings greater than 145 feet in height, as follows:

1 (aa) Minimum Separation. Above 145 feet, the distance between  
 2 subject buildings shall be no less than an average of 75 feet, measured in ten-foot intervals (in plan)  
 3 along the two most proximate facades, with no less than 55 feet between the two buildings at a single  
 4 point, defined as a corner or facet in plan of no more than three feet in length, of a building façade or  
 5 with no less than 65 feet between a single point in plan and a building face, as illustrated in Figure 3,  
 6 below.

7 Figure 3. Minimum Tower Separation Requirements (Plan View).



16 (bb) Fifth Street Separation. For buildings with frontage on Fifth  
 17 Street, those portions of said frontage above 145 feet shall be separated by a minimum of 100 feet.

18 (ii) Rear Yard Setback and Dwelling Unit Exposure. In light of the high-  
 19 density nature of the District, and provisions herein and in the Design for Development that provide for  
 20 access to light and air for residential units and to the usable open space within and adjacent to the  
 21 District, rear yard setback provisions of Section 134 shall not apply. The dwelling unit exposure  
 22 requirements of Section 140 shall not apply. All dwelling units shall face onto a public right of way at  
 23 least 20 feet in width or onto an open area within the District (which may include rooftops of adjacent  
 24 buildings within the District) that is unobstructed at the level of the unit in question for no less than 25  
 25 feet in every horizontal dimension. The open area may be situated within the same parcel containing

1 the dwelling units subject to the requirement or may be located on an abutting parcel within the  
2 District, provided that, under either scenario, there are no obstructions (other than those authorized in  
3 this subsection (d)(3)(C)(ii)) between the dwelling units and the open area in question.

4 (D) District FAR. Notwithstanding the limitations on base and maximum  
5 permitted floor area ratios or allocations for existing structures on single lots set forth in Article 1.2,  
6 the permitted floor area ratio for the entire District shall not exceed 11 to 1.

7 (E) Building Projections and Canopies. Non-occupiable architectural design or  
8 wind baffling features are permissible as set forth in the Design for Development.

9 (4) Off-Street Automobile Parking and Freight Loading and Service Vehicle Facilities.

10 (A) Any accessory off-street parking shall be provided in one or more  
11 completely below-grade garages located within the District and the total accessory parking spaces  
12 therein available for use at any given time shall be limited to the maximum amount cumulatively  
13 permitted under Sections 151.1 and subsection (4)(B), below, for uses with certificates of occupancy at  
14 that time. The continued use of surface parking lots existing at the time this District is adopted is  
15 permitted, and, as long as such existing lots are in use, the spaces in such lots shall not count against  
16 the maximum amount cumulatively permitted or be considered non-accessory.

17 (B) Residential off-street parking is permitted up to one car for every two  
18 dwelling units.

19 (C) Off-street loading and service vehicle spaces shall be provided as set forth  
20 in the Design for Development.

21 (D) Width and Location of Vehicular Openings.

22 (i) Entrances, curb cuts, and facade openings for off-street parking and  
23 loading areas may be no more than 27 feet wide if the driveway includes a five-foot wide bicycle lane  
24 and no more than 22 feet wide if it does not, except that one entrance, curb cut, and facade opening of  
25 up to 30 feet shall be permitted for an off-street combined automobile parking and freight loading



1 entrance/exit from Howard Street and one entrance, curb cut, and façade opening of up to 25 feet wide  
2 shall be permitted for off-street freight loading egress onto Minna Street.

3 (ii) For the purposes of Section 155(s)(5), "single development" shall  
4 mean an individual building.

5 (5) Bicycle Parking. The provisions of Sections 155.1 – 155.4 are applicable, except as  
6 follows:

7 (A) Class 1 bicycle parking may be provided on any combination of the ground  
8 floor, first below-grade automobile parking floor and in locations and subject to methods of parking  
9 and access identified in the Design for Development.

10 (B) Class 1 bicycle parking for non-residential uses may be consolidated within  
11 the District. Class 2 bicycle parking for all uses may be consolidated within the District but shall be  
12 provided within 150 feet of each primary building entrance identified in the Design for Development.

13 (C) Shower facilities and lockers required of any building may be provided  
14 anywhere within the District, so long as facilities are provided in the amount required by Section 155.4,  
15 and are distributed among at least two buildings within the District. Such facilities shall be available  
16 free of charge to commercial tenants and employees of all buildings within the District.

17 (6) Open Space.

18 (A) Open space provided in accordance with the Design for Development on any  
19 lot within the District may be used to satisfy open space requirements of both residential and non-  
20 residential uses within the District.

21 (B) On a District-wide basis, at least 15 percent of all required open space shall  
22 be exclusively for residential use and be located within buildings containing residential uses or at  
23 ground-level immediately adjacent to and directly accessible from buildings containing residential  
24 uses. All buildings and lots within the District are considered to be part of a mixed  
25 nonresidential/residential project for the purposes of Section 138(g) of the Code.

1                    (C) Access to open space not exclusively for residential use may be restricted for  
2 up to 12 days per year for up to six hours per event. Additionally, open space not exclusively for  
3 residential use located above the ground floor may be similarly restricted for up to an additional 12  
4 days per year for up to six hours per event for events that start after 6:00 p.m. Public access to open  
5 space that is above the ground floor may be limited to reasonable business hours.

6                    (7) Streetscape Improvements. The streetscape and street tree planting requirements of  
7 Section 138.1(c) shall not apply. Streetscape improvements and street tree plantings shall occur in  
8 accordance with the Design for Development.

9                    (8) Ground Level Pedestrian Wind Limitations. Compliance with Section 148 as to  
10 wind hazards and comfort shall be determined on a District-wide basis using a District-wide study  
11 prepared to assess the combined effects of development within the District and not on an individual  
12 building basis. As to pedestrian comfort, the following shall apply in lieu of the criteria in Section 148:  
13 Where a District-wide wind study establishes that development at one or more locations in the District  
14 may cause ground-level wind speeds to exceed, more than 10 percent of the time year round, between  
15 7:00 a.m. and 6:00 p.m., the comfort levels of 11 m.p.h. equivalent wind speed in areas of substantial  
16 pedestrian use or seven m.p.h. equivalent wind speed in public seating areas, wind baffling measures  
17 identified in the Design for Development shall be incorporated into new development as appropriate to  
18 address such exceedances.

19                    (9) Artworks. For the purposes of Section 429 et seq. of this Code, "on-site" or "on the  
20 site" shall mean the entire District.

21                    (10) Internal Wayfinding Signs. In addition to the signs permitted under Section 607,  
22 internal wayfinding signs shall be permitted as set forth in this Subsection (10). For the purposes of this  
23 Subsection, "Internal Wayfinding Signs" shall mean signs located entirely on private property that are  
24 intended exclusively to direct pedestrians on sidewalks and other open spaces within and adjacent to  
25 the District to buildings or businesses located within the District. No portion of any Internal

1 Wayfinding Sign may exceed a height of 10 feet. Internal Wayfinding Signs may not exceed 12 square  
2 feet in area and no more than twelve such signs may be permitted within the District.

3 (11) Transferable Development Rights. No transferable development rights may be  
4 certified or sold from any property within the District, and no transferable development rights may be  
5 applied to any property within the District.

6 (e) Project Review and Approval. Development applications within the District shall be  
7 reviewed and approved in accordance with the conditional use authorization process of Section 303.  
8 The provisions of this Section, Section 303, and the Design for Development shall apply in lieu of  
9 Section 309, including any references thereto or determinations thereunder. For purposes of this  
10 subsection (e), development applications do not include alterations to the Dempster or Camelline  
11 Buildings, or any internal modifications or alterations, provided however that any such alteration or  
12 modification shall otherwise comply with applicable requirements of the Planning Code.

13 (1) Consistency Review. Once a conditional use authorization has been approved by  
14 the Commission, all site and/or building permit applications for construction of new buildings or  
15 alterations of or additions to existing structures ("Applications") submitted to the Department of  
16 Building Inspection shall be forwarded to the Planning Department for consistency review.  
17 Specifically, the Department shall review the Application for consistency with this Section, the Design  
18 for Development, and the conditional use authorization applicable to the site subject to the Application.  
19 The Application shall include any documents and materials necessary to determine such consistency,  
20 including site plans, sections, elevations, renderings, landscape plans and exterior material samples to  
21 illustrate the overall concept design of the proposed new buildings (or alterations or additions), and  
22 any other materials the Department determines are necessary or appropriate given the permit sought.  
23 The Application shall also note its consistency with, or effect on, any phasing or other requirements  
24 relating to public realm improvements.

1                   (2) Staff Report. Except for projects deemed by the Planning Director to be routine or  
2 minor in nature, Planning Department staff shall issue a Staff Report to the Planning Director  
3 assessing the Application. The Staff Report shall be delivered to the applicant no less than 10 days  
4 prior to Planning Director action on any Application and shall be kept on file for public review.

5                   (3) Director Determination. The Planning Director shall approve or disapprove the  
6 Application based on its compliance with this Section, the Design for Development, and any applicable  
7 conditional use authorization. Prior to making a decision on the Application, the Planning Director, in  
8 his or her sole discretion, may seek comment and guidance from the public and the Planning  
9 Commission. The Planning Director may require public notice of any such hearing, or of the  
10 determination, including, but not limited to mailed notification, site postings, newspaper publication, or  
11 publication on the Planning Department website.

12                   (4) Applications Not in Substantial Conformance Prohibited. In no event may the  
13 Planning Director or Commission approve an Application that is not in substantial conformance with  
14 this Section and the Design for Development, or that permits any of the following: (a) a reduction of  
15 total open space area below that required herein; (b) a reduction in minimum Class I or Class II  
16 bicycle parking space requirements; (c) increases in maximum floor plate area; or (d) a reduction of  
17 minimum tower separation.

18                   (5) Discretionary Review. No request for discretionary review shall be accepted or  
19 heard for projects within the District.

20  
21                   Section 3. The San Francisco Planning Code is hereby amended by amending  
22 Sectional Map ZN001 of the Zoning Map of the City and County of San Francisco, as follows:

23                   //  
24                   //  
25                   //

<u>Description of Property</u>	<u>Use Districts to be Superseded</u>	<u>Use Districts Hereby Approved</u>
Assessor's Block 3725, Lots 005, 006, 008, 009, 012, and 098, and their successor Blocks and Lots.	RSD	C-3-S

Section 4. The San Francisco Planning Code is hereby amended by amending Sectional Map SU001 of the Zoning Map of the City and County of San Francisco, as follows:

<u>Description of Property</u>	<u>Special Use District Hereby Approved</u>
Assessor's Block 3725, Lots 005, 006, 008, 009, 012, 042- 047, 076, 077, 089-091, 093, 094, 097-100, and their successor Blocks and Lots.	Fifth and Mission Special Use District

<u>Description of Property</u>	<u>Special Use District Hereby Rescinded</u>
Assessor's Block 3725, Lots 005, 006, 008, 009, 012, 098, and their successor Blocks and Lots.	SOMA Youth and Family Special Use District

Section 5. The San Francisco Planning Code is hereby amended by amending Sectional Map HT001 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>
Assessor's Block 3725, Lots 005,	40-X/85-B, 90-X,	See Figure 5.2.1a (Maximum

<p>1 006, 008, 009, 012, 042- 047, 076,  2 077, 089-091, 093, 097, 098, and  3 their successor Blocks and Lots.  4  5  6  7  8</p>	<p>and 160-F</p>	<p>Occupiable Heights) and Table  5.1.2 (Maximum Building Heights),  on file with the Clerk of the Board  of Supervisors in File No. 150787  and incorporated herein by  reference, for the configuration of  the following new heights: 85-X,  90-X, 200-S, 365-X, and 450-S.</p>
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10 Section 6. The current configuration of Assessor Blocks and Lots will be re-subdivided  
11 in the future to give effect to the Project. This Board intends that the land use controls set forth  
12 in this Ordinance will apply to any successor Assessor Blocks and Lots for the above-  
13 described property.  
14

15 Section 7. Effective Date and Operative Date. This ordinance shall become effective  
16 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor  
17 returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it,  
18 or the Board of Supervisors overrides the Mayor’s veto of the ordinance. This Ordinance shall  
19 become operative only on (and no rights or duties are affected until) the later of (a) 30 days  
20 from the date of its passage, or (b) the date that Ordinance No. \_\_\_\_\_, approving the  
21 Development Agreement for the Project, and Ordinance No. \_\_\_\_\_, approving  
22 amendments to the General Plan for the Project, have both become effective. Copies of said  
23 Ordinances are on file with the Clerk of the Board of Supervisors in File Nos. 150788 and  
24 150932.  
25

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

3  
4 By: \_\_\_\_\_  
5 MARLENA BYRNE  
6 Deputy City Attorney

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