



# PLANNING COMMISSION RESOLUTION NO. 20786

**HEARING DATE: September 24, 2020**

**Record No.:** 2011.1356PCA-02  
**Project Name:** Central SoMa Planning Code Clean-Up  
**Initiated by:** Planning Commission  
**Reviewed by:** Joshua Switzky, Land Use & Community Planning Program Manager  
Citywide Division  
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RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO CORRECT TYPOGRAPHICAL ERRORS, UPDATE INCORRECT CROSS-REFERENCES, AND MAKE NON-SUBSTANTIVE LANGUAGE REVISIONS LARGELY RELATED TO ORDINANCE NO. 296-18, “ADMINISTRATIVE, PLANNING CODES – CENTRAL SOUTH OF MARKET AREA PLAN”. THE PROPOSED ORDINANCE WILL ALSO AMEND PLANNING CODE SECTION 135(h)(6) REGARDING USABLE OPEN SPACE REQUIREMENTS; PLANNING CODE SECTION 138(f) ADDING A POPOS OPERATION STRATEGY; PLANNING CODE SECTION 249.78(c)(5)(B) CLARIFYING WHICH PROJECTS ARE SUBJECT TO THE CENTRAL SOMA PDR REQUIREMENT; PLANNING CODE SECTION 249.78(d)(6) CLARIFYING THE LOT COVERAGE AND EXPOSURE REQUIREMENTS FOR RESIDENTIAL USES IN CENTRAL SOMA; PLANNING CODE SECTION 261.1(b)(1),(2) AND (3) CLARIFYING TO WHICH SIDES OF NARROW STREETS THE UPPER FLOOR SETBACK REQUIREMENTS APPLY IN CENTRAL SOMA; PLANNING CODE SECTION 270(h) CLARIFYING WHICH HEIGHT DISTRICTS AND HEIGHTS OF BILDINGS ARE SUBJECT TO THE SOLAR PLANE BULK REDUCTION REQUIREMENTS; PLANNING CODE SECTION 329(e)(3) ADDING AN ADDITIONAL ALLOWED EXCEPTION FOR ONE KEY SITE; PLANNING CODE SECTION 415.5(f)(1) CLARIFYING WHERE BMR IN-LIEU FEES COLLECTED IN THE CENTRAL SOMA SUD CAN BE SPENT; PLANNING CODE SECTION 426 CLARIFYING WHICH ASPECTS OF AN EXCEPTION TO AN OPEN SPACE REQUIREMENT CAN BE GRANTED THROUGH A MODIFICATION OR VARIANCE; PLANNING CODE SECTION 432.4(b)(1) BROADENING THE GEOGRAPHY FOR WHICH THE CENTRAL SOMA COMMUNITY FACILITIES FEE FUND CAN BE SPENT; PLANNING CODE SECTION 433.4(b)(2) CLARIFYING ALLOWABLE CENTRAL SOMA INFRASTRUCTURE FEE EXPENDITURES; AFFIRMING THE PLANNING DEPARTMENT’S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE SECTION 101.1; AND MAKING PUBLIC NECESSITY, CONVENIENCE AND AND WELFARE FINDINGS PURSUANT TO PLANNING CODE SECTION 302.

## PREAMBLE

WHEREAS, on May 10, 2018, the Planning Commission (hereinafter “Commission”) adopted Resolution No. 20185, recommending to the Board of Supervisors (hereinafter “Board”) a set of Planning Code Text and Map amendments (hereinafter “2018 Ordinance”) to give effect to the Central SoMa Plan (hereinafter “Project”);

WHEREAS, on May 10, 2018, after a duly noticed public hearing, the Commission reviewed and considered the Final Environmental Impact Report for the Central Soma Plan (“Final EIR”) and found the Final EIR to be adequate, accurate, and objective, thus reflecting the independent analysis and judgment of the Department and the Commission, and that the summary of comments and responses contained no significant revisions to the Draft EIR, and by Motion No. 20182 certified the Final EIR for Central Soma Plan as accurate, complete, and in compliance with CEQA, the CEQA Guidelines, an Chapter 31 of the San Francisco Administrative Code;

WHEREAS, on May 10, 2018, by Resolution No. 20183, the Commission approved CEQA Findings, including a statement of overriding considerations, and adoption of a Mitigation Monitoring and Reporting Program (“MMRP”), under Case No. 2011.1356E, for approval of the Central SoMa Plan;

WHEREAS, at the same hearing, the Commission adopted Resolution No. 20184, adopting amendments to the San Francisco General Plan to also give effect the Central SoMa Plan. Incorporated in Resolution No. 20184 were Findings of Consistency with the General Plan and Planning Code Section 101.1, establishing that that the Central SoMa Plan, and actions thereto were, on balance, consistent with the General Plan and with Planning Code Section 101.1;

WHEREAS, on December 4, 2018, the Board approved the 2018 Ordinance; the Mayor approved the 2018 Ordinance on December 12, 2018; the Ordinance became effective on January 11, 2019;

WHEREAS, Subsequent to the effective date of the 2018 Ordinance, Planning staff and the City Attorney’s office have identified several instances in the 2018 Ordinance where there were errors, lack of clarity, or inconsistencies with other provisions of the Planning Code and with the related adopted Central SoMa policies and documents, including the Central SoMa Plan of the General Plan and Central SoMa Implementation Document;

WHEREAS, on July 30, 2020, the Planning Commission adopted Resolution No. 20771 to initiate Administrative and Planning Code Amendments (“Clarifying Amendments”) to address the errors, lack of clarity, and inconsistencies with other provisions of the Planning Code, and to strengthen the Planning Code in better implementing the Central SoMa Plan; the Clarifying Amendments also include two substantive amendments;

WHEREAS, the Clarifying Amendments would amend several sections of the Code as outlined in the draft Ordinance and incorporated herein to address inadvertent errors, lack of clarity, and other needed language improvements necessary to implement the adopted policies and intents of the adopted Central SoMa Plan;

WHEREAS, the Clarifying Amendments include changes to Administrative Code Sections 35.2 and 35.7; and changes to Planning Code Sections 128.1(b),(c),(d) and (e), 135(h)(6), 135(h)(6)(i)(1), 138(f), 155(r)(2), 249.78(c)(5)(B), 249.78(d)(5)(C), 249.78(d)(6), 249.78(d)(10), 249.78(d)(10), 249.78(e)(1), 249.78(e)(1), 249(e)(3), 261.1(d)( 2) and (3) and (3) 270(h), 329(d), 329(e)(3)(B)(iv), 406(b)(1), 415.5(f)(1)(D), 426, 427, 432.4(b)(1)(A) and (B), 433.2(b)(1), 433.2(b)(4), 433.4(b)(2), 803.8, 840.19, 840.20, 840.22, 840.23, , 841.19, 841.20, 841.22, 841.23 842.20, 842.22, 843.23, and 848; and adds back and modifies Planning Code Section 803.8;

WHEREAS, San Francisco Administrative Code Section 31.19(c)(1) states that a revised project must be reevaluated and that, "If, on the basis of such reevaluation, the Environmental Review Officer determines, based on the requirements of CEQA, that no additional environmental review is necessary, this determination and the reasons therefore shall be noted in writing in the case record, and no further evaluation shall be required by this Chapter." On September 10, 2020, the Environmental Planning Division of the Planning Department issued a Note-to-File on the subject Clarifying Amendments indicating the following: the changes made to the project since the PEIR was finalized would not require revisions to the PEIR due to the involvement of new significant environmental effects or increase in the severity of previously identified significant impacts. There are also no substantial changes in project circumstances that would require revisions to the PEIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the PEIR. Thus, for the reasons outlined above, this note to file provides sufficient documentation that the revised project does not warrant additional environmental review.

WHEREAS, on September 17, 2020, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on the Clarifying Amendments; the Clarifying Amendments are provided in a Draft Ordinance as Exhibit A to this Resolution. After hearing testimony at the September 17, 2020 hearing, the Commission voted to continue the hearing until September 24, 2020;

WHEREAS, on September 24, 2020, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on the Clarifying Amendments;

WHEREAS, Planning Department staff recommends adoption of this Resolution adopting and recommending that the Board of Supervisors approve the Clarifying Amendments;

WHEREAS, the Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties;

WHEREAS, the all pertinent documents may be found in the files of the Department, as the Custodian of Records, at 49 South Van Ness Avenue, Suite 1400, San Francisco; and

WHEREAS, the Commission has reviewed the proposed Ordinance, the Executive Summary and all other documents submitted in association with the proposed Ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed Zoning Text Amendment for the following reasons:

## FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The Clarifying Amendments provide corrections and clarifying language that will better implement the Central SoMa Plan, which will accommodate development capacity for up to 33,000 jobs and 8,300 housing units.
2. The Clarifying Amendments provide corrections and clarifying language that will better implement the Central SoMa Plan, which will maintain the diversity of residents by requiring that more than 33% of new housing units are affordable to low- and moderate-income households, and by further clarifying that affordable housing BMR in-lieu fees be spent to create affordable housing in SoMa.
3. The Clarifying Amendments provide corrections and clarifying language that will better implement the Central SoMa Plan, which will facilitate an economically diversified and lively jobs center by requiring most large sites to be jobs-oriented, by requiring production, distribution, and repair uses in many projects, and by allowing retail, hotels, and entertainment uses in much of the Plan Area.
4. The Clarifying Amendments provide corrections and clarifying language that will better implement the Central SoMa Plan, which will offer parks and recreational opportunities by funding the construction and improvement of parks and recreation centers in the area and requiring large, non-residential projects to provide publicly-accessible open space.

AND BE IT FURTHER RESOLVED that the Commission adopts and incorporates by reference as though fully set forth herein the CEQA Findings set forth in Commission Resolution No. 20183.

AND BE IT FURTHER RESOLVED, that the Commission adopts and incorporates by reference as though fully set forth herein the Mitigation Monitoring and Reporting Program.

AND BE IT FURTHER RESOLVED, that the Commission finds the Planning Code and Administrative Code Amendments are in general conformity with the General Plan as set forth in Planning Commission Resolution No. 20184. The proposed Administrative and Planning Code Amendments do not contain any proposed changes that would alter the Central SoMa Plan in such a way that the General Plan and Planning Code Section 101.1 Consistency Findings made under Resolution No. 20184 would not continue to apply.

AND BE IT FURTHER RESOLVED, that the Commission adopts the Planning Code and Administrative Code Amendments as reflected in an ordinance approved as to form by the City Attorney attached hereto as Exhibit A except as follows: The Commission recommends to the Board of Supervisors (hereinafter "Board") that in-lieu of the amendments in the Draft Ordinance in Planning Code Section 329(e)(3)(B)(iv) regarding an allowed exception to the PDR replacement requirement for one of the Central SoMa Key Sites, the Board adopt the following Code Amendment to Planning Code Section 249.78(c)(5), adding new subsection (F) instead:

(5) PDR and Community Building Space Requirements.

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*(F) For the Key Site described in Section 329(e)(2)(E) at the northeast corner of the intersection of 5th Street and Brannan Street, consisting of Block 3777, Lots 045, 050, 051, and 052, the PDR and Community Building Space Requirement pursuant to this subsection (5) shall be reduced by up to 15,000 gross square feet sitewide by the amount of ground floor space designated for any of the following uses: (i) Grocery, General, (ii) Pharmacy, (iii) Personal Services, not to exceed 2,500 gross square feet, and (iv) Retail Sales and Services limited to: Self-service laundromats and dry cleaning; Household goods and service (including paint, fixtures, hardware, and building materials); Pet supply stores and pet grooming services; Florists, plant and gardening stores; Home furnishings, furniture, and appliances; Books and magazines, stationery, greeting cards, toys and gifts, office supplies, copying service, music, and sporting goods; Art, fabric, and craft supplies; Bicycle sales and repair; and Stores primarily selling used or secondhand goods.*

AND BE IT FURTHER RESOLVED, that the Commission recommends to the Board that the amendments in the Draft Ordinance to Planning Code Section Planning Code Section 433.2(b)(4) regarding the Tier B Central SoMa Infrastructure Fee not be incorporated into the Ordinance at this time to enable Planning staff additional time to further study the feasibility of adding such a fee, and that until such study is completed, that Section 433.2(b)(4) remain in its current form:

*(4) For Non-residential uses in Central SoMa Fee Tier C that are not seeking an Office Allocation of 50,000 gross square feet or more pursuant to the requirements of Planning Code Section 321, \$20.00 per gross square foot of net additional gross square feet, net replacement of gross square feet from PDR uses, or net change of use of gross square feet from PDR uses.*

AND BE IT FURTHER RESOLVED, that the Commission recommends to the Board that the amendments in the Draft Ordinance to Planning Code Section 249.78(d)(6)(A) regarding Lot Coverage be replaced with the following language instead:

(6)(A) Lot Coverage. For residential uses, the rear yard requirements of Section 134 of this Code shall not apply. Lot coverage is limited to 80 percent at all levels containing residential uses levels, except that on levels that include only lobbies and circulation areas and on levels in which all residential uses, including circulation areas, are within 40 horizontal feet from units face onto a property-line fronting a street or alley, up to 100 percent lot coverage may occur. The unbuilt portion of the lot shall be open to the sky except for those obstructions permitted in yards pursuant to subsections (1) through (23) of Section 136(c) of this Code. Where there is a pattern of mid-block open space for adjacent buildings, the unbuilt area of the new project shall be designed to adjoin that mid-block open space.

Further, the Commission recommends that the draft Ordinance include a grandfathering clause stating that projects with an application file date of July 1, 2020 or earlier are subject to the Lot Coverage and Exposure provisions of Section 249.78(d)(6) and Section 140 that were in effect immediately prior to the revised provisions in the draft Ordinance unless such projects opt to be subject to both provisions in the draft Ordinance.

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on September 24, 2020.



Jonas P. Ionin  
Commission Secretary

AYES: Chan, Diamond, Fung, Imperial, Moore, Koppel

NAYS: None

ABSENT: None

ADOPTED: September 24, 2020