

1 [Planning Code and Zoning Map amendment in connection with the extension the South of
2 Market Special Hall of Justice Legal Services District to permit union halls and to include
3 assessor's block 3780, lots 1 and 2.]

4 **Ordinance amending Planning Code Sections 803.5 and 822 to include union halls as**
5 **permitted principal uses in the South of Market Special Hall of Justice Legal Services**
6 **District, to include Assessor's Block 3780 Lots 1 and 2 as part of the South of Market**
7 **Special Hall of Justice Legal Services District, and to correct citations and zoning map**
8 **page number references; amending Zoning Map Sheet 8SU of the City and County of**
9 **San Francisco to include Lots 1 and 2 in Assessor's Block 3870 as part of the South of**
10 **Market Special Hall of Justice Legal Services District; and making findings of**
11 **consistency with the priority policies of Planning Code Section 101.1 and the General**
12 **Plan.**

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

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

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

21 (a) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
22 ordinance will serve the public necessity, convenience and welfare for the reasons set forth in
23 Planning Commission Resolution No. _____ recommending approval of these Planning
24 Code and Zoning Map Amendments, and incorporates such reasons by this reference thereto.
25 A copy of said resolution is on file with the Clerk of the Board of Supervisors in File No.

1 (b) Pursuant to Planning Code Section 101.1, this Board of Supervisors finds that this
2 ordinance is in consistent with the Priority Policies of Section 101.1(b) of the Planning Code
3 and, when effective, with the General Plan as proposed to be amended and hereby adopts
4 the findings of the Planning Commission, as set forth in Planning Commission Resolution No.
5 _____, and incorporates said findings by this reference thereto.
6

7 Section 2 The San Francisco Planning Code is hereby amended by amending Section
8 803.5, to read as follows:

9 SEC. 803.5. **ADDITIONAL PROVISIONS GOVERNING USES IN MIXED USE**
10 **DISTRICTS.**

11 (a) **Bars and Restaurants in South of Market Districts.** Within South of Market
12 Districts, bars and restaurants, permitted pursuant to zoning categories .32, .33 and .35 of
13 Sections 813 through 818 of this Code, shall not be allowed except on conditions which, in the
14 judgment of the City agency, board or commission which last exercises jurisdiction to apply
15 this Code to a proposed such use, are reasonably calculated to insure that: (1) the quiet,
16 safety and cleanliness of the premises and its adjacent area are maintained; (2) adequate off-
17 street parking is provided, for which purpose the agency, board or commission may require
18 parking in excess of that required under the provisions of Section 150(c) of this Code and may
19 include participation in a South of Market parking management program if and when such a
20 program exists; (3) proper and adequate storage and disposal of debris and garbage is
21 provided; (4) noise and odors are contained within the premises so as not to be a nuisance to
22 neighbors; and (5) sufficient toilet facilities are made accessible to patrons, including persons
23 waiting to enter the establishment.

24 (b) **Demolition or Conversion of Group Housing or Dwelling Units in South of**
25 **Market Districts.** Demolition, or conversion to any other use, of a group housing unit or

1 dwelling unit or any portion thereof, in any South of Market District shall be allowed only
2 subject to Section 233(a) and only if approved as a conditional use pursuant to Sections 303
3 and 316 of this Code, notwithstanding any other provision of this Code. This provision shall
4 extend to any premises whose current use is, or last use prior to a proposed conversion or
5 demolition was, in fact as a group housing unit or dwelling unit as well as any premises whose
6 legal use as shown in the records of the Bureau of Building Inspection is that of a group
7 housing or dwelling unit.

8 (c) **Preservation of Landmark Buildings, Significant or Contributory Buildings**
9 **Within the Extended Preservation District and/or Contributory Buildings Within**
10 **Designated Historic Districts within the South of Market Base District.** Within the South
11 of Market Base District, any use which is permitted as a principal or conditional use within the
12 SSO District, excluding nighttime entertainment use, may be permitted as a conditional use in
13 (a) a landmark building located outside a designated historic district, (b) a contributory building
14 which is proposed for conversion to office use of an aggregate gross square footage of 25,000
15 or more per building and which is located outside the SSO District yet within a designated
16 historic district, or (c) a building designated as significant or contributory pursuant to Article 11
17 of this Code and located within the Extended Preservation District. For all such buildings the
18 following conditions shall apply: (1) the provisions of Sections 316 through 318 of this Code
19 must be met; (2) in addition to the conditional use criteria set out in Sections 303(c)(6) and
20 316 through 316.8, it must be determined that allowing the use will enhance the feasibility of
21 preserving the landmark, significant or contributory building; and (3) the landmark, significant
22 or contributory building will be made to conform with the San Francisco Building Code
23 standards for seismic loads and forces which are in effect at the time of the application for
24 conversion of use.

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1 A contributory building which is in a designated historic district outside the SSO District
2 may be converted to any use which is a principal use within the SSO District provided that: (1)
3 such use does not exceed an aggregate square footage of 25,000 per building; and (2) prior
4 to the issuance of any necessary permits the Zoning Administrator (a) determines that
5 allowing the use will enhance the feasibility of preserving the contributory building; and (b) the
6 contributory building will be made to conform with the San Francisco Building Code standards
7 for seismic loads and forces which are in effect at the time of the application for conversion of
8 use.

9 (d) **Automated Bank Teller Machines Within South of Market Districts.** All
10 automated bank teller machines (ATMs), whether freestanding structures or walk-up facilities
11 associated with retail banking operations, shall have adequate lighting, waste collection
12 facilities and parking resources and shall be set back three feet from the front property line.

13 (e) **Open Air Sales.** Flea markets, farmers markets, crafts fairs and all other open
14 air sales of new or used merchandise except vehicles, within South of Market districts, where
15 permitted, shall be subject to the following requirements: (1) the sale of goods and the
16 presence of booths or other accessory appurtenances shall be limited to weekend and/or
17 holiday daytime hours; (2) sufficient numbers of publicly-accessible toilets and trash
18 receptacles shall be provided on-site and adequately maintained; and (3) the site and vicinity
19 shall be maintained free of trash and debris.

20 (f) **Low-Income Affordable Housing Within the Service/Light Industrial**
21 **District.** Dwelling units may be authorized in the SLI District as a conditional use pursuant to
22 Sections 303, 316 and 817.14 of this Code provided that such dwellings units shall be rented,
23 leased or sold at rates or prices affordable to a household whose income is no greater than 80
24 percent of the median income for households in San Francisco (“lower income household”),
25

1 as determined by Title 25 of the California Code of Regulations Section 6932 and
2 implemented by the Mayor's Office of Housing.

3 (1) "Affordable to a household" shall mean a purchase price that a lower income
4 household can afford to pay based on an annual payment for all housing costs of 33 percent
5 of the combined household annual net income, a 10-percent down payment, and available
6 financing, or a rent that a household can afford to pay, based on an annual payment for all
7 housing costs of 30 percent of the combined annual net income.

8 (2) The size of the dwelling unit shall determine the size of the household in order to
9 calculate purchase price or rent affordable to a household, as follows:

10 (A) For a one-bedroom unit, a household of two persons;

11 (B) For a two-bedroom unit, a household of three persons;

12 (C) For a three-bedroom unit, a household of four persons;

13 (D) For a four-bedroom unit, a household of five persons.

14 (3) No conditional use permit will be approved pursuant to this Subsection 803.5(f)
15 unless the applicant and City have agreed upon enforcement mechanisms for the provisions
16 of this Subsection which are acceptable to the City Attorney. Such enforcement mechanisms
17 may include, but not be limited to, a right of first refusal in favor of the City, or a promissory
18 note and deed of trust.

19 (4) The owner(s) of dwelling units authorized pursuant to this Subsection shall
20 submit an annual enforcement report to the City, along with a fee whose amount shall be
21 determined periodically by the City Planning Commission to pay for the cost of enforcement of
22 this Subsection. The fee shall not exceed the amount of such costs. The annual report shall
23 provide information regarding rents, mortgage payments, sales price and other housing costs,
24 annual household income, size of household in each dwelling unit, and any other information
25 the City may require to fulfill the intent of this Subsection.

1 (g) **Good Neighbor Policies for Nighttime Entertainment Activities in South of**
2 **Market Districts.** Within South of Market Districts where nighttime entertainment activities, as
3 defined by Section 102.17 of this Code, are permitted as a principal or conditional use shall
4 not be allowed except on conditions which, in the judgment of the Zoning Administrator or City
5 Planning Commission, as applicable, are reasonably calculated to insure that the quiet, safety
6 and cleanliness of the premises and vicinity are maintained. Such conditions shall include, but
7 not be limited to, the following:

8 (1) Notices shall be well-lit and prominently displayed at all entrances to and exits
9 from the establishment urging patrons to leave the establishment and neighborhood in a quiet,
10 peaceful, and orderly fashion and to please not litter or block driveways in the neighborhood;
11 and

12 (2) Employees of the establishment shall be posted at all the entrances and exits to
13 the establishment during the period from 10:00 p.m. to such time past closing that all patrons
14 have left the premises. These employees shall insure that patrons waiting to enter the
15 establishment and those existing in the premises are urged to respect the quiet and
16 cleanliness of the neighborhood as they walk to their parked vehicle or otherwise leave the
17 area; and

18 (3) Employees of the establishment shall walk a 100-foot radius from the premises
19 some time between 30 minutes after closing time and 8:00 a.m. the following morning, and
20 shall pick up and dispose of any discarded beverage containers and other trash left by area
21 nighttime entertainment patrons; and

22 (4) Sufficient toilet facilities shall be made accessible to patrons within the premises,
23 and toilet facilities shall be made accessible to prospective patrons who may be lined up
24 waiting to enter the establishment; and

1 (5) The establishment shall provide outside lighting in a manner than would
2 illuminate outside street and sidewalk areas and adjacent parking, as appropriate; and

3 (6) The establishment shall provide adequate parking for patrons free of charge or
4 at a rate or manner that would encourage use of parking by establishment patrons. Adequate
5 signage shall be well-lit and prominently displayed to advertise the availability and location of
6 such parking resources for establishment patrons; and

7 (7) The establishment shall provide adequate ventilation within the structures such
8 that doors and/or windows are not left open for such purposes resulting in noise emission
9 from the premises; and

10 (8) Any indoor and/or outdoor activity allowed as a principal or conditional use and
11 located within 100 feet of a residential or live/work unit shall, during the period from 10:00 p.m.
12 to 6:00 a.m., insure that sound levels emanating from such activities do not exceed the
13 acceptable noise levels established for residential uses by the San Francisco Noise
14 Ordinance; and

15 (9) The establishment shall implement other conditions and/or management
16 practices, including the prohibition of dancing to recorded music (disco dancing), as
17 determined by the Zoning Administrator, in consultation with Police Department and other
18 appropriate public agencies, to be necessary to insure that management and/or patrons of the
19 establishments maintain the quiet, safety, and cleanliness of the premises and the vicinity of
20 the use, and do not block driveways of neighboring residents or businesses.

21 (h) **Good Neighbor Policies for Programs Serving Indigent Transient and**
22 **Homeless Populations Within the South of Market Base District.** Within the South of
23 Market districts where social service and shelter/housing programs serving indigent transient
24 and/or homeless populations are allowed as a Conditional Use pursuant to Sections 813.15
25 through 816.15 (Group Housing) and Sections 813.21 through 818.21 (Social Services), some

1 or all of the following conditions shall, when appropriate for specific cases, be placed upon
2 any applicable City permits for the proposed establishment:

3 (1) Service providers shall maintain sufficient monetary resources to enable them to
4 satisfy the following “good neighbor” conditions and shall demonstrate to the Department prior
5 to approval of the conditional use application that such funds shall be available for use upon
6 first occupancy of the proposed project and shall be available for the life of the project; and

7 (2) Representatives of the Southern Station of the San Francisco Police
8 Department shall be apprised of the proposed project in a timely fashion so that the
9 Department may respond to any concerns they may have regarding the proposed project,
10 including the effect the project may have on Department resources; and

11 (3) Service providers shall provide adequate waiting areas within the premises for
12 clients and prospective clients such that sidewalks are not used as queuing or waiting areas;
13 and

14 (4) Service providers shall provide sufficient numbers of male and female
15 toilets/restrooms for clients and prospective clients to have access to use on a 24-hour basis.
16 For group housing and other similar shelter programs, adequate private male and female
17 showers shall be provided along with lockers for clients to temporarily store their belongings;
18 and

19 (5) Service providers shall maintain up-to-date information and referral sheets to
20 give clients and other persons who, for any reason, cannot be served by the establishment;
21 and

22 (6) Service providers shall continuously monitor waiting areas to inform prospective
23 clients whether they can be served within a reasonable time. If they cannot be served by the
24 provider because of time or resource constraints, the monitor shall inform the client of
25 alternative programs and locations where s/he may seek similar services; and

1 (7) Service providers shall maintain the side-walks in the vicinity in a clean and
2 sanitary condition and, when necessary, shall steam clean the sidewalks within the vicinity of
3 the project. Employees or volunteers of the project shall walk a 100-foot radius from the
4 premises each morning or evening and shall pick up and properly dispose of any discarded
5 beverage and/or food containers, clothing, and any other trash which may have been left by
6 clients; and

7 (8) Notices shall be well-lit and prominently displayed at all entrances to and exits
8 from the establishment urging clients leaving the premises and neighborhood to do so in a
9 quiet, peaceful and orderly fashion and to please not loiter or litter; and

10 (9) Service providers shall provide and maintain adequate parking and freight
11 loading facilities for employees, clients and other visitors who drive to the premises; and

12 (10) The establishment shall implement other conditions and/or measures as
13 determined by the Zoning Administrator, in consultation with other City agencies and
14 neighborhood groups, to be necessary to insure that management and/or clients of the
15 establishment maintain the quiet, safety and cleanliness of the premises and the vicinity of the
16 use.

17 (i) **Housing Requirement in the Residential/ Service District.**

18 (1) Amount Required. Nonresidential uses subject to Sections 815.26, 815.28,
19 815.30, 815.31 through 815.47, and 815.59 through 815.65 of this Code shall be permitted in
20 new construction in the Residential/Service District only if the ratio between the amount of
21 occupied floor area for residential use to the amount of occupied floor area of the above-
22 referenced nonresidential use is three to one or greater.

23 (2) Means of Satisfying the Housing Requirement. (A) Live/work units may satisfy
24 the residential requirement pursuant to this Subsection and, when applicable, shall be subject
25 to Sections 124(j) and/or 263.11(c)(3) of this Code; or (B) The residential space required

1 pursuant to this Subsection may be satisfied by payment of a one-time in-lieu fee equal to \$30
2 per square foot of residential space required by this Subsection and not provided on-site
3 payable to the City's Affordable Housing Fund administered by the Mayor's Office of Housing;
4 or (C)The residential space requirement may be satisfied by providing the required residential
5 space elsewhere within the South of Market Base District where housing is permitted or
6 conditional and is approved as a conditional use.

7 (j) **Legal and Government Office Uses in the Vicinity of the Hall of Justice.**

8 Within an approximately 300-foot radius of the 800 Bryant Street entrance to the Hall of
9 Justice, and Assessor's Block 3780, Lots 1 and 2, as shown on Sectional Map 48SU of the Zoning
10 Map, the offices of attorneys, bail and services, government agencies, union halls, and other
11 criminal justice activities and services directly related to the criminal justice functions of the
12 Hall of Justice shall be permitted as a principal use. There shall be a Notice of Special
13 Restriction placed on the property limiting office activities to uses permitted by this
14 Subsection.

15 (k) **Work Space of Design Professionals.** The work space of design professionals,
16 as defined in Section 890.28 of this Code, shall be permitted as a principal use within the
17 SLR, RSD and SLI Districts provided that, as a condition of issuance of any necessary
18 permits, the owner(s) of the building shall agree to comply with the following provisions: (1)
19 The occupied floor area devoted to this use per building is limited to the third story or above;
20 (2) The gross floor area devoted to this use per building does not exceed 3,000 square feet
21 per design professional establishment; (3) The space within the building subject to this
22 provision has not been in residential use within a legal dwelling unit at any time within a five-
23 year period prior to application for conversion under this Sub-section; and (4) The owner(s) of
24 the building comply with the following enforcement and monitoring procedures: (i) The
25 owner(s) of any building with work space devoted to design professional use as authorized

1 pursuant to this Subsection shall submit an annual enforcement report to the Department of
2 City Planning with a fee in an amount to be determined periodically by the City Planning
3 Commission to pay for the cost of enforcement of this Subsection. The fee shall not exceed
4 the amount of such costs. The report shall provide information regarding occupants of such
5 space, the amount of square footage of the space used by each design professional
6 establishment, amount of vacant space, compliance with all relevant City codes, and any
7 other information the Zoning Administrator may require to fulfill the intent of this Subsection;
8 (ii)The owner(s) of any building containing work space of design professionals authorized
9 pursuant to this Subsection shall permit inspection of the premises by an authorized City
10 official to determine compliance with the limitations of this Subsection. The City shall provide
11 reasonable notice to owners prior to inspecting the premises; (iii) The owner(s) of any building
12 containing work space of design professionals authorized pursuant to this Subsection shall
13 record a Notice of Special Restriction, approved by the City Planning Department prior to
14 recordation, on the property setting forth the limitations required by this Subsection. The
15 Department of City Planning shall keep a record available for public review of all space for
16 design professionals authorized by this Subsection.

17
18 Section 3. The San Francisco Planning Code is hereby amended by amending Section
19 822, to read as follows:

20 SEC. 822. **SOUTH OF MARKET SPECIAL HALL OF JUSTICE LEGAL SERVICES**
21 **DISTRICT.**

22 The South of Market Special Hall of Justice Legal Services District, as shown on
23 Sectional Map 48SU of the Zoning Map, is governed by Sections 803.5(kj) and 817.50 of this
24 Code.

25

1 Section 4. Amendment of Sheet 8SU of the Zoning Map. In accordance with Planning
2 Code sections 106 and 302, and sections 803.5 and 822 as proposed to be amended, the
3 following change is hereby adopted as an amendment to Zoning Map Sheet 8SU of the City
4 and County of San Francisco, a copy of which is on file with the Clerk of the Board of
5 Supervisors in File No. _____:

6 Assessor's Block 3870, Lots 1 and 2 shall be part of the South of Market Special Hall of
7 Justice Legal Services District.

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

11 By: _____
12 Sarah Ellen Owsowitz
13 Deputy City Attorney

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