

File No. 171097

Committee Item No. 2  
Board Item No. 27

## COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

**Committee:** Land Use and Transportation      **Date** January 8, 2018

Board of Supervisors Meeting Date January 23, 2019

## Cmte Board

<input type="checkbox"/>	Motion
<input type="checkbox"/>	Resolution
<input checked="" type="checkbox"/>	Ordinance
<input checked="" type="checkbox"/>	Legislative Digest
<input type="checkbox"/>	Budget and Legislative Analyst Report
<input type="checkbox"/>	Youth Commission Report
<input checked="" type="checkbox"/>	Introduction Form
<input checked="" type="checkbox"/>	Department/Agency Cover Letter and/or Report
<input type="checkbox"/>	Memorandum of Understanding (MOU)
<input type="checkbox"/>	Grant Information Form
<input type="checkbox"/>	Grant Budget
<input type="checkbox"/>	Subcontract Budget
<input type="checkbox"/>	Contract/Agreement
<input type="checkbox"/>	Form 126 - Ethics Commission
<input type="checkbox"/>	Award Letter
<input type="checkbox"/>	Application
<input type="checkbox"/>	Form 700
<input type="checkbox"/>	Vacancy Notice
<input type="checkbox"/>	Information Sheet
<input type="checkbox"/>	Public Correspondence

**OTHER**

(Use back side if additional space is needed)

Completed by: Alisa Somera Date January 4, 2018  
Completed by: Alisa Somera Date January 12, 2018

1 [Planning Code - Article 8 Corrections]

2

3 **Ordinance amending the Planning Code to correct typographical errors, clarify**  
4 **'nighttime entertainment restrictions, and update inclusionary affordable housing**  
5 **requirements; affirming the Planning Department's determination under the California**  
6 **Environmental Quality Act; and making findings of consistency with the General Plan,**  
7 **the eight priority policies of Planning Code, Section 101.1, and making findings as**  
8 **required by Planning Code, Section 302.**

9       **NOTE: Unchanged Code text and uncodified text** are in plain Arial font.  
10      **Additions to Codes** are in single-underlined 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.

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

17      Section 1. Findings.

18      (a) The Planning Department has determined that the actions contemplated in this  
19      ordinance comply with the California Environmental Quality Act (California Public Resources  
20      Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
21      Supervisors in File No. 171097 and is incorporated herein by reference. The Board affirms  
22      this determination.

23      (b) On September 7, 2017, the Planning Commission, in Resolution No. 19990,  
24      adopted findings that the actions contemplated in this ordinance are consistent, on balance,  
25      with the City's General Plan and eight priority policies of Planning Code Section 101.1. The

1 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of  
2 the Board of Supervisors in File No. 171097, and is incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this  
4 ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in  
5 Commission Resolution No. 19990, and the Board incorporates such reasons herein by  
6 reference.

7  
8 Section 2. The Planning Code is hereby amended by revising Sections 823, 827, and  
9 841.26, to read as follows:

10 **SEC. 823. WESTERN SOMA SPECIAL USE DISTRICT.**

11 \* \* \* \*  
12 (c) **Controls.** All provisions of the Planning Code shall apply except as otherwise  
13 provided in this Section.

14 \* \* \* \*  
15 (9) **Buffers from Nighttime Entertainment and Animal Services.** Additional  
16 requirements applicable to nighttime entertainment uses and kennels, as defined in Section  
17 224, are as follows:

18 (A) **Nighttime Entertainment.** No portion of a non-accessory nighttime  
19 entertainment use, as defined in Section 102.17 of this Code, shall be permitted within 200  
20 linear feet of any property within a RED or RED-MX District. This buffer shall not apply to any  
21 nighttime entertainment use within the WMUO District where a nighttime entertainment use  
22 that was established with a building permit application or a permit from the Entertainment  
23 Commission or San Francisco Police Department was in operation within five years prior to  
24 submission of a building permit application to re-establish a nighttime entertainment use.

25 \* \* \* \*

1 SEC. 827. RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT (RH-DTR).

2 (a) Building Standards.

3 \* \* \* \*

4 (3) Required Streetwall. Building area below 85 feet in height is required to be  
5 built to 100 percent of all property *liens lines* facing public rights-of-way, except where  
6 setbacks are required by this Section and except where publicly accessible open space is  
7 provided according to the provisions of this Section. Recesses, insets and breaks between  
8 buildings are permitted to provide vertical articulation to the facade, provided the overall  
9 integrity of the streetwall is maintained.

10 \* \* \* \*

11 SEC. 841. MUR – MIXED USE-RESIDENTIAL DISTRICT.

12 \* \* \* \*

13 Table 841

14 MUR – MIXED USE-RESIDENTIAL DISTRICT ZONING CONTROL TABLE

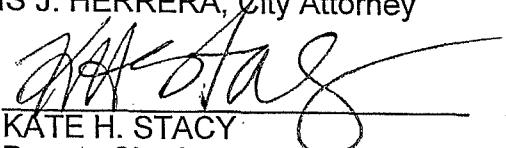
No.	Zoning Category	§ References	Mixed Use-Residential District Controls
<b>Building and Siting Standards</b>			
***	***	***	***
841.26	Affordability Requirements	§ 415	15% onsite/20% off site <u>Restrictions apply, see Section 415</u>
***	***	***	***

23 \* \* \* \*

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

5  
6           Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
7 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
8 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
9 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
10 additions, and Board amendment deletions in accordance with the "Note" that appears under  
11 the official title of the ordinance.

12  
13  
14           APPROVED AS TO FORM:  
15           DENNIS J. HERRERA, City Attorney

16           By: 

17           KATE H. STACY  
18           Deputy City Attorney

19           n:\land\as2017\9690392\01189408.docx

## LEGISLATIVE DIGEST

[Planning Code – Article 8 Corrections]

**Ordinance amending the Planning Code to correct typographical errors, clarify nighttime entertainment restrictions, and update inclusionary affordable housing requirements; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, the eight priority policies of Planning Code, Section 101.1, and making findings as required by Planning Code, Section 302.**

### Existing Law

The Planning Code is amended from time to time and contains certain non-substantive errors. Planning Code Section 823 currently provides that no portion of a nighttime entertainment use shall be permitted within 200 linear feet of any property within a RED or RED-MX District in the Western SOMA Special Use District. Section 827 contains a provision that uses an incorrect word about required streetwalls in the Rincon Hill Downtown Residential Mixed Use District. Table 841 contains housing affordability requirements of 15% inclusionary affordable housing on-site or 20% inclusionary affordable housing off-site.

### Amendments to Current Law

The amendments would revise Section 823 to provide that no portion of a non-accessory nighttime entertainment use would be permitted within 200 linear feet of any property within a RED or RED-MX District in the Western SOMA Special Use District. Section 827 would be corrected to refer properly to property lines. Table 841 would delete the specific inclusionary affordable housing requirements and instead cross-reference Planning Code Section 415, the Inclusionary Affordable Housing Program.

n:\land\as2017\9690392\01228968.docx



# SAN FRANCISCO PLANNING DEPARTMENT

October 13, 2017

Ms. Angela Calvillo, Clerk  
Honorable Supervisor Breed  
Board of Supervisors  
City and County of San Francisco  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

1650 Mission St.  
Suite 400  
San Francisco,  
CA.94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

Re: Transmittal of Planning Department Case Number: 2017-003521PCA  
Article 8 Corrections  
Board File No.: To be Determined  
Planning Commission Recommendation: Approval

Dear Ms. Calvillo,

On September 7, 2017, the Planning Commission conducted duly noticed public hearings at regularly scheduled meetings to consider the proposed Ordinance that would amend the Planning Code to correct typographical errors, clarify nighttime entertainment restrictions, and update inclusionary affordable housing requirements. At the hearing the Planning Commission recommended approval.

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

Please find attached documents relating to the actions of the Commission. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

Aaron D. Starr

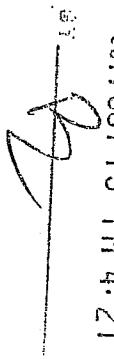
Manager of Legislative Affairs

cc:

Kate Stacy, Deputy City Attorney  
Erica Major, Office of the Clerk of the Board

Attachments:

Planning Commission Resolution  
Planning Department Executive Summary

2017 OCT 13 PM 4:21  
  
BOARD OF SUPERVISORS  
SAN FRANCISCO, CALIFORNIA



# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Resolution No. 19990

HEARING DATE SEPTEMBER 7, 2017

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Project Name:* Article 8 Corrections  
*Case Number:* 2017-003521PCA [Board File No. TBD]  
*Initiated by:* Planning Commission  
*Staff Contact:* Audrey Butkus, Legislative Affairs  
audrey.butkus@sfgov.org, 415-575-9129  
*Reviewed by:* Aaron D Starr, Manager of Legislative Affairs  
aaron.starr@sfgov.org, 415-558-6362

**RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO CORRECT TYPOGRAPHICAL ERRORS, CLARIFY NIGHTTIME ENTERTAINMENT RESTRICTIONS, AND UPDATE INCLUSIONARY AFFORDABLE HOUSING REQUIREMENTS; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.**

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on September 7, 2017; and,

WHEREAS, the proposed amendments would amend the Planning Code to correct several errors and make clarifying amendments to Article 8; and

WHEREAS, the proposed amendments are intended to be corrective and clarifying in nature and are not considered substantive changes; and

WHEREAS, the proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment; and

WHEREAS, the Planning 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; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors approve the proposed ordinance.

## 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:

Due to multiple revisions of some Planning Code Sections, over time text has been dropped inadvertently, spelling errors have arisen, and amendments made by one ordinance are not reflected in subsequent legislation. This legislation is intended to correct accumulated errors in the Code and to update some sections where needed. A substantial portion of the proposed changes can be classified as "good government" measures meant to improve the clarity of the Planning Code. Such changes are meant to improve the ability of decision makers, Department staff, and the public to understand, interpret, and implement the requirements of the Code.

1. **General Plan Compliance.** The proposed Ordinance are consistent with the following Objectives and Policies of the General Plan:

## GENERAL PLAN PRIORITIES

The General Plan seeks ensure that the qualities that make San Francisco unique are preserved and enhanced while also serving as the embodiment of the community's vision for the future of San Francisco. As a whole, the General Plan's goals are to: create and maintain the economic, social, cultural, and esthetic values that establish the desirable quality and unique character of the city; improve the city as a place for healthful, safe, and satisfying living by providing adequate open spaces, community facilities and affordable housing of a high standard; ensuring commerce and industry are able to thrive; coordinating the varied patterns of land use with circulation routes and facilities that are required for the efficient movement of people and goods; and reflecting the growth and development of the city with the surrounding region.

*The proposed Ordinance will serve the General Plan by amending sections of the Planning Code to be consistent, clear, and concise. These amendments will improve the quality of the Planning Code and thereby make it easier for the objectives and policies of the Code to be carried out.*

## HOUSING ELEMENT

### OBJECTIVE 10

ENSURE A STREAMLINED, YET THOROUGH, AND TRANSPARENT DECISION-MAKING PROCESS.

#### Policy 10.1

Create certainty in the development entitlement process, by providing clear community parameters for development and consistent application of these regulations.

*The proposed Ordinance will bring more consistency to the Planning Code. The corrections made to Article 8 are intended to bring certainty to the development process and Planning Code policies by providing clear community parameters for development and consistent application of these regulations.*

2. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

*The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.*

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

*The proposed Ordinance would not have a negative effect on housing or neighborhood character.*

3. That the City's supply of affordable housing be preserved and enhanced;

*The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.*

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

*The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.*

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

*The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.*

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

*The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.*

7. That the landmarks and historic buildings be preserved;

*The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.*

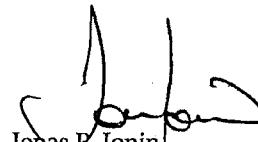
8. That our parks and open space and their access to sunlight and vistas be protected from development;

*The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.*

3. **Planning Code Section 302 Findings.** The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board ADOPT the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on September 7, 2017.



Jonas P. Ionin  
Commission Secretary

AYES: Hillis, Richards, Fong, Johnson, Koppel, Melgar, Moore

NOES: None

ABSENT: None

ADOPTED: September 7, 2017



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary

### Planning Code Text Amendment

INITIATION HEARING DATE: JUNE 22, 2017

ADOPTION HEARING DATE: SEPTEMBER 7, 2017

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

<i>Project Name:</i>	Article 8 Corrections	<i>Planning Information:</i>
<i>Case Number:</i>	2017-003521PCA	<b>415.558.6377</b>
<i>Initiated by:</i>	Planning Commission	
<i>Staff Contact:</i>	Audrey Butkus, Legislative Affairs	
	<a href="mailto:audrey.butkus@sfgov.org">audrey.butkus@sfgov.org</a> , (415) 575-9129	
<i>Reviewed by:</i>	Aaron Starr, Manager of Legislative Affairs	
	<a href="mailto:aaron.starr@sfgov.org">aaron.starr@sfgov.org</a> , 415-558-6362	
<i>Recommendation:</i>	Recommend Approval	

### PLANNING CODE AMENDMENT

The proposed Ordinance would amend the Planning Code to correct several errors and make clarifying amendments to Article 8. The changes are intended to be corrective and clarifying in nature and are not considered substantive changes.

#### The Way It Is Now:

1. Sec. 823(c)(9)(A) states:

"No portion of a nighttime entertainment use, as defined in Section 102.17 of this Code, shall be permitted within 200 linear feet of any property within a RED or RED-MX District . . .".

2. Sec. 827(a)(3) contains a spelling error in the word "liens".
3. Sec. 841.26 states the affordability requirement for MUR Districts is 15% onsite and 20% offsite. This requirement is not current.

#### The Way It Would Be:

The proposed legislation would make non-substantive changes, technical corrections, and clarifications to Code language identified above. Specifically:

1. Clarifies in the Western SOMA SUD that no portion of a non-accessory nighttime entertainment use shall be permitted within 200 feet of any property with a RED or RED-MX District. The language would be modified as follows:

"No portion of a *non-accessory* nighttime entertainment use, as defined in Section 102.17 of this Code, shall be permitted within 200 linear feet of any property within a RED or RED-MX District...".

2. Corrects a spelling error to state "lines" instead of "liens" in Sec. 827(a)(3).
3. Clarifies that the affordability requirements in Sec. 841 for MUR Districts is subject to restrictions defined further in Sec. 415.

## **BACKGROUND**

On June 22, 2017, this item came before the Commission to be initiated as a proposed Planning Code Amendment. The Commission voted 6:0 to approve the initiation of the proposed ordinance with Commissioners Hillis, Fong, Koppel, Melgar, Moore, and Richards voting in the affirmative and Commissioner Johnson being absent. There was no public comment or Commissioner comments made on the initiation of the proposed ordinance.

## **ISSUES AND CONSIDERATIONS**

### **Sec. 823(c)(9)(A)**

This section prohibits nighttime entertainment within 200 of RED and RED-MX Districts. The definition of nighttime entertainment includes Limited Live Performance Permits. However, because Limited Live Performance Permits are almost entirely permitted as accessory uses, they are not subject to this restriction (which only applies to principal uses). The proposed amendment would clarify this in the Planning Code.

### **Sec. 827(a)(3)**

This section contains a spelling error. The word "liens", should be the word "lines".

### **Sec. 841.26**

This table lists the affordability requirements for MUR Districts. The requirements that are listed are not up to date, and are being updated on a fairly regular basis. Further, affordability requirements are not always a straightforward percentage for both MUR and other zoning districts. Replacing the current text with "Restrictions apply, see Sec. 415" instead of listing specific required percentages of affordability is intended to make sure a comprehensive and up-to-date figure is always referenced. Sec. 415 details the affordability requirements for all Residential and Live/Work development projects.

## **RECOMMENDATION**

The Department recommends that the Commission recommend approval of the proposed Ordinance and adopt the attached Draft Resolution to that effect.

### **BASIS FOR RECOMMENDATION**

Due to multiple revisions of some Planning Code Sections, over time text has been dropped inadvertently, spelling errors have arisen, and amendments made by one ordinance are not reflected in subsequent legislation. This legislation is intended to correct accumulated errors in the Code and to update some sections where needed.

A substantial portion of the proposed changes can be classified as "good government" measures meant to improve the clarity of the Planning Code. Such changes are meant to improve the ability of decision makers, Department staff, and the public to understand, interpret, and implement the requirements of the Code.

### **REQUIRED COMMISSION ACTION**

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

### **IMPLEMENTATION**

The Department determined that this Ordinance will positively impact our current implementation procedures by providing more accurate information.

### **ENVIRONMENTAL REVIEW**

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c)(2) and 15378 because they do not result in a physical change in the environment.

### **PUBLIC COMMENT**

As of the date of this report, the Planning Department has not received any public comment regarding the proposed Ordinance.

<b>RECOMMENDATION:</b>	<b>Recommendation of Approval</b>
------------------------	-----------------------------------

#### **Attachments:**

Exhibit A: Draft Planning Commission Resolution  
Exhibit B: Board of Supervisors File No. TBD

1 [Planning Code – Article 8 Corrections]

2

3 Ordinance amending the Planning Code to correct typographical errors, clarify

4 nighttime entertainment restrictions, and update inclusionary affordable housing

5 requirements; affirming the Planning Department's determination under the California

6 Environmental Quality Act; and making findings of consistency with the General Plan,

7 the eight priority policies of Planning Code Section 101.1, and making findings as

8 required by Planning Code Section 302.

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.

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

17 Section 1. Findings.

18 (a) The Planning Department has determined that the actions contemplated in this

19 ordinance comply with the California Environmental Quality Act (California Public Resources

20 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of

21 Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference. The Board affirms this

22 determination.

23 (b) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_, adopted

24 findings that the actions contemplated in this ordinance are consistent, on balance, with the

25 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board

1 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the  
2 Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this  
4 ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in  
5 Commission Resolution No. \_\_\_\_\_, and the Board incorporates such reasons herein by  
6 reference.

7  
8 Section 2. The Planning Code is hereby amended by revising Sections 823, 827, and  
9 841.26, to read as follows:

10 **SEC. 823. WESTERN SOMA SPECIAL USE DISTRICT.**

11 \* \* \* \*

12 (c) **Controls.** All provisions of the Planning Code shall apply except as otherwise  
13 provided in this Section.

14 \* \* \* \*

15 (9) **Buffers from Nighttime Entertainment and Animal Services.** Additional  
16 requirements applicable to nighttime entertainment uses and kennels, as defined in Section  
17 224, are as follows:

18 (A) **Nighttime Entertainment.** No portion of a non-accessory nighttime  
19 entertainment use, as defined in Section 102.17 of this Code, shall be permitted within 200  
20 linear feet of any property within a RED or RED-MX District. This buffer shall not apply to any  
21 nighttime entertainment use within the WMUO District where a nighttime entertainment use  
22 that was established with a building permit application or a permit from the Entertainment  
23 Commission or San Francisco Police Department was in operation within five years prior to  
24 submission of a building permit application to re-establish a nighttime entertainment use.

25 \* \* \* \*

1 SEC. 827. RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT (RH-DTR).

2 (a) Building Standards.

3 \* \* \* \*

4 (3) **Required Streetwall.** Building area below 85 feet in height is required to be  
5 built to 100 percent of all property ~~lines~~ *lines* facing public rights-of-way, except where  
6 setbacks are required by this Section and except where publicly accessible open space is  
7 provided according to the provisions of this Section. Recesses, insets and breaks between  
8 buildings are permitted to provide vertical articulation to the facade, provided the overall  
9 integrity of the streetwall is maintained.

10 \* \* \* \*

11  
12 SEC. 841. MUR – MIXED USE-RESIDENTIAL DISTRICT.

13 \* \* \* \*

14 Table 841

15 MUR – MIXED USE-RESIDENTIAL DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Mixed Use-Residential District Controls
<b>Building and Siting Standards</b>			
***	***	***	***
841.26	Affordability Requirements	§ 415	<del>15% onsite/20% off site</del> <i>Restrictions apply, see Section 415</i>
***	***	***	***

23 \* \* \* \*

24

25

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.

Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM: Not defined as a project under CEQA Guidelines  
DENNIS J. HERRERA, City Attorney Sections 15378 and 15060(c)(2) because it does not  
result in a physical change in the environment.

By: KATE H. STACY  
Kate H. Stacy  
Deputy City Attorney

n:\Land\as2017\9690392\01189408.docx



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

## MEMORANDUM

TO: Jocelyn Kane, Executive Director, Entertainment Commission  
Kate Hartley, Acting Director, Mayor's Office of Housing and Community Development

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

DATE: November 3, 2017

SUBJECT: LEGISLATION INTRODUCED

---

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by the Planning Commission on October 24, 2017:

**File No. 171097**

**Ordinance amending the Planning Code to correct typographical errors, clarify nighttime entertainment restrictions, and update inclusionary affordable housing requirements; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, the eight priority policies of Planning Code, Section 101.1, and making findings as required by Planning Code, Section 302.**

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: [alisa.somera@sfgov.org](mailto:alisa.somera@sfgov.org).

c: Crystal Stewart, Entertainment Commission  
Eugene Flannery, Mayor's Office of Housing and Community Development  
Amy Chan, Mayor's Office of Housing and Community Development

