

1 [Downtown Residential Zoning Districts.]

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3 **Ordinance amending the Planning Code by repealing Section 825.1 and**  
4 **amending Planning Code Sections 135, 309.1, 318.3, 809, 825 and 827 to apply**  
5 **many of the provisions of Rincon Hill Downtown Mixed Use Zoning District to all**  
6 **Downtown Residential Districts and to add design requirements to enhance the**  
7 **pedestrian environment.**

8 Note: Additions are *single-underline italics Times New Roman*;  
9 deletions are *strikethrough italics Times New Roman*.  
10 Board amendment additions are double underlined.  
11 Board amendment deletions are ~~strikethrough normal~~.

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

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14 Section 1. Findings. (a) Pursuant to Planning Code Section 302, the Board of  
15 Supervisors finds that this ordinance will serve the public necessity, convenience and  
16 welfare for the reasons set forth in Planning Commission Resolution No.

17 \_\_\_\_\_, and incorporates such reasons herein by reference. A copy of said  
18 Planning Commission resolution is on file with the Clerk of the Board in File No.

19

20 \_\_\_\_\_.

21 (b) The Board of Supervisors finds that this ordinance is in conformity with  
22 the General Plan, as amended by the companion legislation, and with the Priority  
23 Policies of Planning Code Section 101.1 for the reasons set forth in Planning  
24 Commission Resolution No. \_\_\_\_\_, and hereby incorporates  
25 those reasons herein by reference.

1 (c) The Planning Department has determined that adoption of this ordinance  
2 is in compliance with the California Environmental Quality Act (California Public  
3 Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk  
4 of the Board of Supervisors in File No. \_\_\_\_\_ and is  
5 incorporated herein by reference.  
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7 Section 2. The San Francisco Planning Code is hereby amended by repealing  
8 Section 825.1 in its entirety.

9 Section 3. The San Francisco Planning Code is hereby amended by amending  
10 Section 135, 309.1, 318.3, 809, 825 and 827 to read as follows:

11 SEC. 135. USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP  
12 HOUSING, R, NC, MIXED USE, C, AND M DISTRICTS.

13 Except as provided in Sections 134.1, 172 and 188 of this Code, usable open  
14 space shall be provided for each dwelling and each group housing structure in R, NC,  
15 C, Mixed Use, and M Districts according to the standards set forth in this Section  
16 unless otherwise specified in specific district controls elsewhere in this Code.

17 (a) Character of Space Provided. Usable open space shall be composed of  
18 an outdoor area or areas designed for outdoor living, recreation or landscaping,  
19 including such areas on the ground and on decks, balconies, porches and roofs, which  
20 are safe and suitably surfaced and screened, and which conform to the other  
21 requirements of this Section. Such area or areas shall be on the same lot as the  
22 dwelling units (or bedrooms in group housing) they serve, and shall be designed and  
23 oriented in a manner that will make the best practical use of available sun and other  
24 climatic advantages. "Private usable open space" shall mean an area or areas private  
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1 to and designed for use by only one dwelling unit (or bedroom in group housing).  
2 "Common usable open space" shall mean an area or areas designed for use jointly by  
3 two or more dwelling units (or bedrooms in group housing).

4 (b) Access. Usable open space shall be as close as is practical to the  
5 dwelling unit (or bedroom in group housing) for which it is required, and shall be  
6 accessible from such dwelling unit or bedroom as follows:

7 (1) Private usable open space shall be directly and immediately accessible  
8 from such dwelling unit or bedroom; and shall be either on the same floor level as such  
9 dwelling unit or bedroom, with no more than one story above or below such floor level  
10 with convenient private access.

11 (2) Common usable open space shall be easily and independently  
12 accessible from such dwelling unit or bedroom, or from another common area of the  
13 building or lot.

14 (c) Permitted Obstructions. In the calculation of either private or common  
15 usable open space, those obstructions listed in Sections 136 and 136.1 of this Code for  
16 usable open space shall be permitted.

17 (d) Amount Required. Usable open space shall be provided for each building  
18 in the amounts specified herein and in Table 135 for the district in which the building is  
19 located; provided, however, that in the Downtown Residential (DTR) districts ~~the Rincon~~  
20 ~~Hill Special Use District, Residential Sub-district,~~ open space shall be provided in the  
21 amounts specified in Section ~~249.1(e)(4)~~ 825.

22 In Neighborhood Commercial Districts, the amount of usable open space to be  
23 provided shall be the amount required in the nearest Residential District, but the  
24 minimum amount of open space required shall be in no case greater than the amount  
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1 set forth in Table 135 for the district in which the building is located. The distance to  
2 each Residential District shall be measured from the midpoint of the front lot line or  
3 from a point directly across the street therefrom, whichever requires less open space.

4 (1) For dwellings other than SRO dwellings, except as provided in Paragraph  
5 (d)(3) below, the minimum amount of usable open space to be provided for use by  
6 each dwelling unit shall be as specified in the second column of the table if such usable  
7 open space is all private. Where common usable open space is used to satisfy all or  
8 part of the requirement for a dwelling unit, such common usable open space shall be  
9 provided in an amount equal to 1.33 square feet for each one square foot of private  
10 usable open space specified in the second column of the table. In such cases, the  
11 balance of the required usable open space may be provided as private usable open  
12 space, with full credit for each square foot of private usable open space so provided.

13 (2) For group housing structures and SRO units, the minimum amount of  
14 usable open space provided for use by each bedroom shall be  $1/3$  the amount  
15 required for a dwelling unit as specified in Paragraph (d)(1) above. For purposes of  
16 these calculations, the number of bedrooms on a lot shall in no case be considered to  
17 be less than one bedroom for each two beds. Where the actual number of beds  
18 exceeds an average of two beds for each bedroom, each two beds shall be considered  
19 equivalent to one bedroom.

20 (3) For dwellings specifically designed for and occupied by senior citizens or  
21 physically handicapped persons, as defined and regulated by Section 209.1(m) of this  
22 Code, the minimum amount of usable open space to be provided for use by each  
23 dwelling unit shall be  $1/2$  the amount required for each dwelling unit as specified in  
24 Paragraph (d)(1) above.

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1 TABLE INSET:

2 TABLE 135

3 MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING

4 <i>District</i>	5 Square Feet Of Usable Open Space Required For Each Dwelling Unit If All Private	6 Ratio of Common Usable Open Space That May Be Substituted for Private
7 RH-1(D), RH-1	8 300	9 1.33
10 RH-1(S)	11 300 for first unit 100 for minor second unit	12 1.33
13 RH-2	14 125	15 1.33
16 RH-3	17 100	18 1.33
19 RM-1, RC-1	20 100	21 1.33
22 RM-2, RC-2, SPD	23 80	24 1.33
25 RM-3, RC-3, RED	60	1.33
RM-4, RC-4, RSD	36	1.33
C-3, C-M, SLR, SLI, SSO, M-1, M-2	36	1.33
C-1, C-2	Same as for the R District establishing the dwelling unit density ratio for the C- 1 or C-2 District property	
NC-1, NC-2, NC-S, Inner Sunset, Sacramento Street, West Portal Avenue	100	1.33
NC-3, Castro Street, Inner Clement Street, Outer Clement Street, Upper Fillmore Street, Haight Street, Union Street, Valencia Street, 24th Street-Mission, 24th Street- Noe Valley	80	1.33
Broadway, Hayes-Gough, Upper Market Street, North Beach, Polk Street	60	1.33

Chinatown Community Business, Chinatown Residential Neighborhood Commercial, Chinatown Visitor Retail	48	1.00
<i>Rincon Hill</i> DTR	This table not applicable. 75 square feet per dwelling. See Sec. <del>827825</del> .	

(e) Slope. The slope of any area credited as either private or common usable open space shall not exceed five percent.

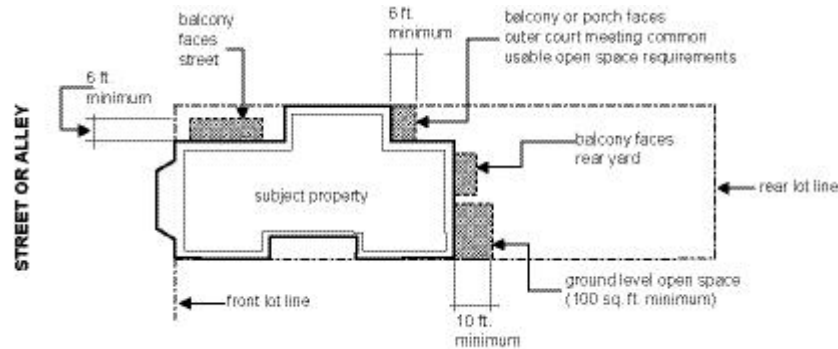
(f) Private Usable Open Space: Additional Standards.

(1) Minimum Dimensions and Minimum Area. Any space credited as private usable open space shall have a minimum horizontal dimension of six feet and a minimum area of 36 square feet if located on a deck, balcony, porch or roof, and shall have a minimum horizontal dimension of 10 feet and a minimum area of 100 square feet if located on open ground, a terrace or the surface of an inner or outer court.

(2) Exposure. In order to be credited as private usable open space, an area must be kept open in the following manner:

(A) For decks, balconies, porches and roofs, at least 30 percent of the perimeter must be unobstructed except for necessary railings.

(B) In addition, the area credited on a deck, balcony, porch or roof must either face a street, face or be within a rear yard, or face or be within some other space which at the level of the private usable open space meets the minimum dimension and area requirements for common usable open space as specified in Paragraph 135(g)(1) below.



(C) Areas within inner and outer courts, as defined by this Code, must either conform to the standards of Subparagraph (f)(2)(B) above or be so arranged that the height of the walls and projections above the court on at least three sides (or 75 percent of the perimeter, whichever is greater) is such that no point on any such wall or projection is higher than one foot for each foot that such point is horizontally distant from the opposite side of the clear space in the court, regardless of the permitted obstruction referred to in Subsection 135(c) above.

(3) Fire Escapes as Usable Open Space. Normal fire escape grating shall not be considered suitable surfacing for usable open space. The steps of a fire escape stairway or ladder, and any space less than six feet deep between such steps and a wall of the building, shall not be credited as usable open space. But the mere potential use of a balcony area for an emergency fire exit by occupants of other dwelling units (or bedrooms in group housing) shall not prevent it from being credited as usable open space on grounds of lack of privacy or usability.

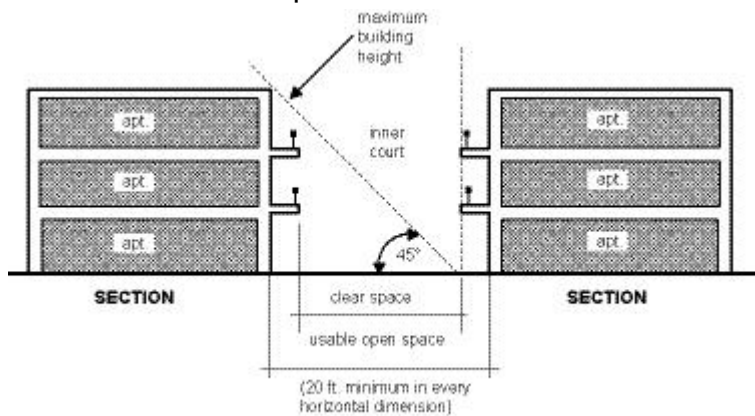
(4) Use of Solariums. In C-3 Districts, the area of a totally or partially enclosed solarium shall be credited as private usable open space if (i) such area is open to the outdoors through openings or clear glazing on not less than 50 percent of

1 its perimeter and (ii) not less than 30 percent of its overhead area and 25 percent of its  
2 perimeter are open or can be opened to the air.

3 (g) Common Usable Open Space: Additional Standards.

4 (1) Minimum Dimensions and Minimum Area. Any space credited as  
5 common usable open space shall be at least 15 feet in every horizontal dimension and  
6 shall have a minimum area of 300 square feet.

7 (2) Use of Inner Courts. The area of an inner court, as defined by this Code,  
8 may be credited as common usable open space, if the enclosed space is not less than  
9 20 feet in every horizontal dimension and 400 square feet in area; and if (regardless of  
10 the permitted obstructions referred to in Subsection 135(c) above) the height of the  
11 walls and projections above the court on at least three sides (or 75 percent of the  
12 perimeter, whichever is greater) is such that no point on any such wall or projection is  
13 higher than one foot for each foot that such point is horizontally distant from the  
14 opposite side of the clear space in the court.



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22 (3) Use of Solariums. The area of a totally or partially enclosed solarium may  
23 be credited as common usable open space if the space is not less than 15 feet in every  
24 horizontal dimension and 300 square feet in area; and if such area is exposed to the

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1 sun through openings or clear glazing on not less than 30 percent of its perimeter and  
2 30 percent of its overhead area.

3 **SEC. 309.1. PERMIT REVIEW IN DOWNTOWN RESIDENTIAL DISTRICTS.**

4 The provisions and procedures set forth in this Section shall govern the review  
5 of project authorization and building and site permit applications for the construction or  
6 substantial alteration of structures in Downtown Residential districts, the granting of  
7 exceptions to requirements of this Code, and the imposition of modifications necessary  
8 to achieve the objectives and policies of the General Plan and the purposes of this  
9 Code as provided for in Section s 825, 827 and elsewhere. When any action authorized  
10 by this Section is taken, any determination with respect to the proposed project  
11 required or authorized pursuant to CEQA may also be considered.

12 (a) Design Review.

13 (1) In addition to the standard permit review process, the design of projects  
14 greater than 50,000 gross square feet or 85 feet in height shall be subject to design  
15 review and approval by Department staff. A detailed design review will be initiated by  
16 Department staff working with the project sponsor, at the time an application for 309.1  
17 review or building permit is filed, and may take place in advance of filing a building  
18 permit application. This comprehensive review shall resolve issues related to the  
19 project's design, including the following:

20 (A) Overall building massing and scale;

21 (B) Architectural treatments, facade design and building materials;

22 (C) The design of lower floors, including building setback areas, townhouses,  
23 entries and parking and loading access;

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1 (D) On sloping sites, parking provided above ground pursuant to Section  
2 ~~827(7)(A)~~825(b)(6);

3 (E) The provision of required open space, both on- and off-site;

4 (F) Streetscape and other public improvements, including tree planting, street  
5 furniture, and lighting;

6 (G) Circulation, including streets, alleys and mid-block pedestrian pathways

7 (H) Other changes necessary to bring a project into conformance with the  
8 Rincon Hill Plan and other elements and area plans of the General Plan.

9 (2) If the project sponsor opposes project modifications and conditions  
10 recommended by the Director of Planning pursuant to the design review, the Director  
11 shall prepare a report of recommended modifications which shall be presented to the  
12 Planning Commission for a hearing pursuant to Subsection (e) and which shall be  
13 available to the public upon mail notification of said hearing.

14 (b) Exceptions.

15 (1) Exceptions to the following provisions of this Code may be granted as  
16 provided for below:

17 (A) Exceptions to the tower separation requirements of Section 270(e),  
18 pursuant to the criteria described in Section 270(e)(3) and 270(e)(4).

19 (B) Provision for exceeding an accessory residential parking ratio of 0.5 off-  
20 street car parking spaces per dwelling unit, up to a maximum of one car parking space  
21 per dwelling unit, pursuant to the criteria described in Section 151.1.

22 (C) Exceptions to the lot coverage requirements of Section ~~827(a)(4)~~(d)(2) for  
23 conversions of existing non-residential structures to residential use.

24 (D) Reductions in the dwelling unit exposure requirements of Section 140.

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1 (E) Allowing parking access from Folsom Street, pursuant to ~~827(a)(9)(d)(7)~~  
2 and 155(r).

3 (F) Reduction of required on-site residential open space of 36 square feet per  
4 unit described in Section ~~827(e)(2)(A)~~825(b)(5) to create additional off-site publicly-  
5 accessible open space and superior building design.

6 (G) Design, location, and size of publicly-accessible open space as allowed  
7 by Section ~~827(e)~~825(b)(5) and equivalence of proposed publicly-accessible open space  
8 in size and quality with required on-site open space.

9 (H) Modifications to the required upper story setback above a height of 45  
10 feet on the north side of mid-block pedestrian pathways as allowed in Section  
11 ~~827(d)(4)(C)(i)~~827(a)(6).

12 (c) Hearing and Determination on Design Modifications and Applications for  
13 Exceptions.

14 (1) Hearing. The Planning Commission shall hold a public hearing for all  
15 projects greater than 50,000 gross square feet, for all projects 85 feet in height or  
16 greater, and for applications that require exceptions as provided in Subsection (b).

17 (2) Notice of Hearing. Notice of such hearing shall be mailed not less than 10  
18 days prior to the date of the hearing to the project applicant, to property owners within  
19 300 feet of the project that is the subject of the application, using for this purpose the  
20 names and addresses as shown on the citywide Assessment Roll in the Assessor's  
21 Office, and to any person who has requested such notice. Such notice shall also be  
22 published at least once in an official newspaper of general circulation at least 10 days  
23 prior to the date of the hearing. The notice shall state that the written recommendation  
24 of the Director of Planning regarding design modifications to the project and regarding  
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1 any requests for exceptions is available for public review at the office of the Planning  
2 Department.

3 (3) Director's Recommendations on Modifications and Exceptions. At the  
4 hearing, the Director of Planning shall review for the Commission key urban design  
5 issues related to the project based on the design review pursuant to Subsection (a) and  
6 recommend to the Commission modifications to the project and conditions for approval  
7 as necessary. The Director shall also make recommendations to the Commission on  
8 any proposed exceptions pursuant to Subsection (b).

9 (4) Decision and Imposition of Conditions. The Commission may, after public  
10 hearing and, after making appropriate findings, approve, disapprove or approve subject  
11 to conditions, the project and any applications for exception. In addition to the  
12 requirements set forth in this Code, additional requirements, modifications, and  
13 limitations may be imposed on a proposed project, through the imposition of conditions,  
14 in order to achieve the objectives and policies of the General Plan or the purposes of  
15 this Code, including any modifications recommended by the Planning Director arising  
16 from design review. If pursuant to the provisions of this Section, the Planning  
17 Commission determines that conditions should be imposed on the approval of a  
18 building or site permit application or an application for exceptions to conform the  
19 building to the standards and intent of the Rincon Hill Plan and other elements of the  
20 General Plan and the applicant agrees to comply, the Commission may approve the  
21 application subject to those conditions.

22 (5) Appeal. The decision of the Planning Commission on the granting of any  
23 exceptions pursuant to Subsection (b) may be appealed to the Board of Appeals by  
24 any person aggrieved within 15 days after the date of the decision by filing a written  
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1 notice of appeal with that body, setting forth wherein it is alleged that there was an  
2 error in the interpretation of the provisions of this Code or abuse of discretion on the  
3 part of the Planning Commission.

4 (6) Decision on Appeal. Upon the hearing of an appeal, the Board of Appeals  
5 may, subject to the same limitations as are placed on the Planning Commission by  
6 Charter or by this Code, approve, disapprove or modify the decision appealed from the  
7 Planning Commission. If the determination of the Board differs from that of the  
8 Commission it shall, in a written decision, specify the error in interpretation or abuse of  
9 discretion on the part of the Commission and shall specify in the findings, as part of the  
10 written decision, the facts relied upon in arriving at its determination.

11 (7) Discretionary Review. No requests for discretionary review, other than  
12 through the procedures set forth in this Subsection, shall be accepted by the Planning  
13 Department or heard by the Planning Commission for permits in a DTR district.

14 (d) Change of Conditions. Authorization of a change in any condition  
15 previously imposed pursuant to this Section shall require an application for a change in  
16 conditions, which application shall be subject to the procedures set forth in this Section.

17 (e) Unbuilt Tower Projects; Progress Requirement and Approval Revocation.

18 (1) Construction of any development in an "R" bulk district containing a  
19 building taller than 110 feet (herein referred to as a "tower project") shall commence  
20 within 24 months of the date the tower project is first approved by the Planning  
21 Commission or Board of Appeals pursuant to the provisions of this Section. For tower  
22 projects that contain more than one tower structure, each tower structure shall be  
23 considered as a separate phase of development, with a requirement for  
24 commencement of construction for each subsequent tower phase of 18 months  
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1 beginning after the Certificate of Final Completion and Occupancy is issued on the  
2 previous tower phase. Failure to begin construction work within that period, or  
3 thereafter to carry the development diligently to completion, shall be grounds for the  
4 Planning Commission to revoke approval of the tower project or phase. Neither the  
5 Department of Public Works nor the Board of Permit Appeals shall grant any extension  
6 of time inconsistent with the requirements of this Subsection (e)(1). For the purposes of  
7 this Subsection, "carry the development diligently to completion" shall mean continuous  
8 construction work without significant stoppage toward the completion of a tower  
9 structure beyond any site clearance, grading, excavation, or demolition of existing  
10 buildings on the project site.

11 (2) The Department of Building Inspection shall notify the Planning  
12 Department in writing of its approval for issuance and issuance of a site or building  
13 permit for any tower project and of the revocation, cancellation, or expiration of any  
14 such permit.

15 (3) At the first regularly scheduled Planning Commission meeting after the  
16 time period described in Subsection (e)(1) or this Subsection (e)(3) has elapsed for any  
17 tower project or tower phase, the Planning Commission shall hold a hearing requiring  
18 the tower project sponsor to report on the construction progress of the subject tower  
19 project or phase. If the Commission finds that the tower project or phase does not meet  
20 the progress requirement of Subsection (e)(1), the Commission may revoke or extend,  
21 up to a maximum of 12 months for each extension, the approvals for the tower project  
22 or phase.

23 (4) Appeals of Planning Commission decisions pursuant to this Subsection  
24 (e) shall be conducted pursuant to the procedures of Subsections (c)(5) and (c)(6).

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1           **SEC. 318.3. APPLICATION.**

2           (a)     Program Area. The Downtown Residential Community Improvements  
3 Neighborhood Program is hereby established and shall be implemented through  
4 district-specific community improvements funds which apply in the following downtown  
5 residential areas:

6           (i)     Properties identified as "Residential Mixed-Use" in Map 3 (Land Use  
7 Plan) of the Rincon Hill Area Plan of the San Francisco General Plan.

8           (b)     The sponsor shall pay to the Treasurer a Community Improvements  
9 Impact Fees of the following amounts for each net addition of occupiable square feet of  
10 residential use.

11          (i)     Prior to the issuance by DBI of the first site or building permit for a  
12 residential development project within the Program Area, an \$11.00 Community  
13 Improvement Impact Fee in the Rincon Hill downtown residential area, as described in  
14 (a)(i) above, for the Rincon Hill Community Improvements Fund.

15          (ii)    Prior to the issuance by the Director of DBI a final certificate of occupancy  
16 for a residential development project within the Program Area, a \$13.75 SOMA  
17 Community Stabilization Fee in the Rincon Hill downtown residential area, as described  
18 in (a)(1) above for the SOMA Community Stabilization Fund or provide to the City an  
19 irrevocable letter of credit in a form approved in advance by the City Attorney to secure  
20 the payment of the \$13.75 Community Stabilization Fee within six months from the  
21 date of issuance by the Director of DBI of a final certificate of occupancy for the Rincon  
22 Hill Mitigation Fund, and prior to the issuance by DBI of the first site or building permit  
23 for a residential development project within the Program Area, a \$.25 SOMA

1 Community Stabilization Fee in the Rincon Hill downtown residential area. as described  
2 in (a)(1) above for the SOMA Community Stabilization Fund.

3 (c) Upon payment of the Community Improvements Impact Fees in full to the  
4 Treasurer or upon the execution of a Waiver Agreement and upon request of the  
5 sponsor, the Treasurer shall issue a certification that the fee has been paid or a Waiver  
6 Agreement executed. The sponsor shall present such certification to the Planning  
7 Department, DBI and MOH prior to the issuance by DBI of the first site or building  
8 permit for the residential development project. DBI shall not issue the site or building  
9 permit without the Treasurer's certification. An failure of the Treasurer, DBI, or the  
10 Planning Department to give any notice under this Section shall not relieve a sponsor  
11 from compliance with this Section. Where DBI inadvertently issues a site or building  
12 permit without payment of the fee, DBI shall not issue any certificate of occupancy for  
13 the project without notification from the Treasurer that the fees required by this Section  
14 have been paid. The procedure set forth in this Subsection is not intended to preclude  
15 enforcement of the provisions of this Section under any other section of this Code, or  
16 other authority under the laws of the State of California.

17 (d) The Community Improvements Impact Fee shall be revised effective  
18 January 1st of the year following the effective date of this ordinance and on January 1st  
19 each year thereafter by the percentage increase or decrease in the construction cost of  
20 providing these improvements.

21 (e) Option for In-Kind Provision of Community Improvements. The Planning  
22 Commission shall reduce the Community Improvements Impact Fee described in (b)  
23 above for specific residential development proposals in cases where a project sponsor  
24 has entered into an agreement with the City to provide in-kind improvements in the  
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1 form of streetscaping, sidewalk widening, neighborhood open space, community  
2 center, and other improvements that result in new public infrastructure and facilities  
3 described in Section 318.6 below. For the purposes of calculating the total value of in-  
4 kind community improvements, the project sponsor shall provide the Planning  
5 Department with a cost estimate for the proposed in-kind community improvements  
6 from two independent contractors. Based on these estimates, the Director of Planning  
7 shall determine their appropriate value and the Planning Commission shall reduce the  
8 Community Improvements Impact Fee assessed to that project proportionally.

9 (f) Option for Provision of Community Improvements via a Community  
10 Facilities (Mello-Roos) District. The Planning Commission shall waive the Community  
11 Improvements Impact Fee described in (b) above, either in whole or in part, for specific  
12 residential development proposals in cases where one or more project sponsors have  
13 entered into a Waiver Agreement with the City. Such waiver shall not exceed the value  
14 of the improvements to be provided under the Waiver Agreement. For purposes of  
15 calculating the total value of such improvements, the project sponsor shall provide the  
16 Planning Department with a cost estimate for the proposed in-kind community  
17 improvements from two independent contractors. Based on these estimates, the  
18 Director of Planning shall determine their appropriate value.

19 (g) Waiver or Reduction:

20 (1) A project applicant of any project subject to the requirements in this  
21 Section may appeal to the Board of Supervisors for a reduction, adjustment, or waiver  
22 of the requirements based upon the absence of any reasonable relationship or nexus  
23 between the impact of development and the amount of the fee charged.

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1           (2)    A project applicant subject to the requirements of this Section who has  
2 received an approved building permit, conditional use permit or similar discretionary  
3 approval and who submits a new or revised building permit, conditional use permit or  
4 similar discretionary approval for the same property may appeal for a reduction,  
5 adjustment or waiver of the requirements with respect to the square footage of  
6 construction previously approved.

7           (3)    Any such appeal shall be made in writing and filed with the Clerk of the  
8 Board no later than 15 days after the date the sponsor is required to pay to the  
9 Treasurer the fee as required in Section 318.3(b). The appeal shall set forth in detail  
10 the factual and legal basis for the claim of waiver, reduction, or adjustment. The Board  
11 of Supervisors shall consider the appeal at the hearing within 60 days after the filing of  
12 the appeal. The appellant shall bear the burden of presenting substantial evidence to  
13 support the appeal, including comparable technical information to support appellant's  
14 position. The decision of the Board shall be by a simple majority vote and shall be final.  
15 If a reduction, adjustment, or waiver is granted, any change in use within the project  
16 shall invalidate the waiver, adjustment, or reduction of the fee. If the Board grants a  
17 reduction, adjustment or waiver, the Clerk of the Board shall promptly transmit the  
18 nature and extent of the reduction, adjustment or waiver to the Treasurer.

19           (4)    In the event that the Board of Supervisors grants a waiver or reduction  
20 under this Section, it shall be the policy of the Board of Supervisors that it shall adjust  
21 the percentage of inclusionary housing in lieu fees in Planning Code Section  
22 827(b)~~(5)(C)~~(1)(C) such that a greater percentage of the in lieu fees will be spent in  
23 SOMA with the result that the waiver or reduction under this Section shall not reduce  
24 the overall funding to the SOMA community.

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1           **SEC. 809. GUIDE TO UNDERSTANDING THE MIXED USE DISTRICT**

2           **ZONING CONTROLS.**

3           Mixed Use District controls are set forth in the Zoning Control Tables in Sections  
4           810 through 818, and in Sections 825 and 827 or referenced in Section 899 of this  
5           Code.

6           (a)     The first column in the Zoning Control Table, titled "No." provides a  
7           category number for each zoning control category.

8           (b)     The second column in the table, titled "Zoning Control Category," lists  
9           zoning control categories for the district in question.

10          (c)     The third column, titled "§ References," contains numbers of other  
11          sections in the Planning Code and other City Codes, in which additional relevant  
12          provisions are contained.

13          (d)     In the fourth column, the controls applicable to the various Mixed Use  
14          Districts are indicated either directly or by reference to other Code Sections which  
15          contain the controls.

16          The following symbols are used in this table:

17          **TABLE INSET:**

18          P -- Permitted as a principal use.

19          C -- Permitted as a conditional use, subject to the provisions set forth in this  
20          Code.

21          -- A blank space on the tables in Sections 810 through 812 indicates that  
22          the use or feature is not permitted within the Chinatown Mixed Use  
23          Districts. Unless a use or feature is permitted or required in the  
24          Chinatown Mixed Use Districts as set forth in the Zoning Control Tables  
25

1 or in those sections referenced in Section 899 of this Code, such use or  
2 feature is prohibited, unless determined by the Zoning Administrator to  
3 be a permitted use.

4 NP -- Not Permitted. Section 803.4 lists certain uses not permitted in any South  
5 of Market District. NP in the Article 8 control column of Tables 813  
6 through 818 also indicates that the use or feature is not permitted in the  
7 applicable South of Market District.

8 # -- See specific provisions listed by section and zoning category number at  
9 the end of the table.

10 1st -- 1st story and below, where applicable.

11 2nd --2nd story, where applicable.

12 3rd+ --3rd story and above, where applicable.

13 **SEC. 825. DTR - DOWNTOWN RESIDENTIAL DISTRICTS.**

14 (a) Description. Downtown Residential (DTR) districts are transit-oriented, high-  
15 density mixed-use residential neighborhoods in and around downtown. These areas  
16 are generally transitioning from a variety of commercial and industrial to residential  
17 uses. The intent of this district is to enable a mix of new day and nighttime activities,  
18 with an emphasis on encouraging new housing within walking distance or a short  
19 transit-ride of downtown, supported by a mix of retail, and neighborhood services to  
20 meet the needs of residents and the larger downtown community.

21 High-density residential uses, including residential towers in select locations, are  
22 allowed and encouraged within the limits set by height and bulk controls. Given the  
23 district's proximity to downtown, a range of commercial uses is permitted on the lower  
24 stories, with active pedestrian-oriented retail, service, and entertainment uses on the  
25

1 ground floor. Along special streets, pedestrian-oriented uses are required on the first  
2 floor. Ground floor entries to individual dwelling units ~~are~~ may be encouraged on streets  
3 that will become primarily residential.

4 There is generally no pattern of mid-block open space or of rear yards. While lot  
5 coverage is limited for all levels with residential uses, traditional rear yard open spaces  
6 are not required except in ~~the limited neighborhoods or~~ instances where there is an  
7 existing pattern of them. Specific height and bulk controls establish appropriate heights  
8 for both towers and mid-rise development, and ensure adequate spacing between  
9 towers and preserve light and air to streets and open spaces. Setbacks are required  
10 where necessary to buffer ground floor residential uses or to ensure sunlight access to  
11 streets and open spaces. To support the intensification of land uses in these districts,  
12 detailed traffic, streetscape and open space improvements will take place over time.

13 Downtown Residential districts include all of the individual DTR districts  
14 governed by ~~Section 827 of~~ this Code. ~~except the~~ Transbay Downtown Residential  
15 District (TB-DTR), as set forth in Section 828, is governed by the Transbay  
16 Redevelopment Plan and its Development Controls and Design Guidelines.

17 (b) Building Standards. The following building standards are applicable in the  
18 Downtown Residential Districts.

19 (1) Street-Facing Use Requirements. Pedestrian-oriented retail, residential,  
20 institutional uses, and community services are required ground floor uses on all street facing  
21 frontages, except for the minimum frontage required for fire doors, parking and loading access,  
22 and other utilities.

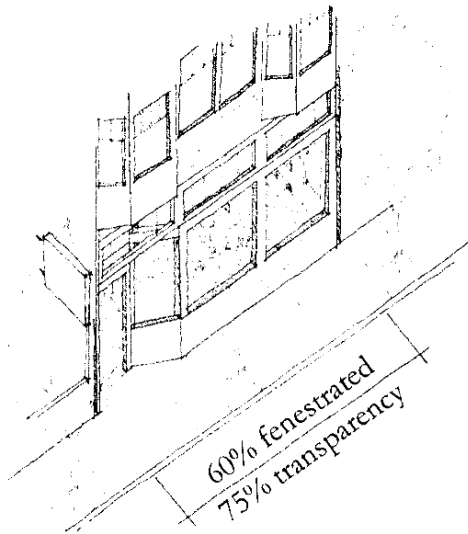
23 (A) Transparency and Fenestration. Non-residential frontages must be fenestrated  
24 with windows and doorways for no less than 60 percent of the façade area. No less than 75  
25

1 percent of the fenestrated area must be transparent. The use of dark or mirrored glass is not  
2 permitted or required transparent area.

3 (B) Security Gates. Rolling or sliding security gates must consist of open grillework  
4 rather than solid material, so as to provide visual interest to pedestrians when the gates are  
5 closed, and to permit light to pass through mostly unobstructed. The gates when both open and  
6 folded or rolled as well as the gate mechanism, must be recessed within or laid flush with the  
7 building façade.

8 (2) Lighting. Pedestrian-scaled lighting shall be provided as an integral element of  
9 all building façades and shall be designed and located to accentuate the uses facing the street.  
10 Pedestrian-scaled lighting shall be incorporated into all façades and landscaped setback areas  
11 in the form of wall sconces, entry illumination and low-level lighting set into edging features.  
12 Lighting should be designed to accentuate ground floor retail and residential entries.  
13 Incandescent or color-corrected lighting sources must be used.

14 **Figure 825(A): Required Ground Floor Commercial Transparency and**  
15 **Fenestration.**



25

1       (3) Sidewalk Treatment.

2       (A) To carry out policies contained in the San Francisco General Plan related to  
3 sidewalk treatments in an applicable downtown plan area, the Planning Commission may  
4 require an applicant to install lighting, decorative paving, seating, and landscaping on public  
5 sidewalks.

6       (B) The conditions imposed by the Planning Commission and any sidewalk  
7 treatments installed by an applicant shall comply with any applicable ordinances and with any  
8 applicable regulations of the Art Commission, the Department of Public Works and the Bureau  
9 of Light, Heat and Power of the Public Utility Commission regarding street lighting, sidewalk  
10 paving, seating and sidewalk landscaping.

11       (C) The Commission conditions imposed pursuant to subsection (B) shall require the  
12 abutting property owner or owners to hold harmless the City and County of San Francisco, its  
13 officers, agents, and employees, from any damage or injury caused by reason of the design,  
14 construction or maintenance of the sidewalk treatments, and shall require the owner or owners  
15 or subsequent owner or owners of the respective property to be solely liable for any damage or  
16 loss occasioned by any act or negligence with respect to the design, construction or  
17 maintenance of the sidewalk treatments.

18       (D) Notwithstanding the provisions of this Section, an applicant shall apply for all  
19 required permits for changes to the legislated sidewalk widths and sidewalk treatments and pay  
20 all required fees.

21       (E) The owner of the property is required to maintain all those improvements other  
22 than lighting.

23       (4) Street Trees. Street trees shall be installed by the owner or developer in the  
24 case of construction of a new building, relocation of a building, or addition of gross floor area  
25

1 equal to 20 percent or more of the gross floor area of an existing building. Street trees shall be  
2 provided according to the provisions of Section 143(b), (c) and (d).

3 (5) Open Space. Unless specified otherwise in controls for an individual DTR  
4 district, the following open space controls shall apply:

5 (A) Amount Required.

6 (i) Residential. For all residential uses, 75 square feet of open space is required  
7 per dwelling unit. All residential open space must meet the provisions described in Section 135  
8 unless otherwise established in this Section. Open space requirements may be met with the  
9 following types of open space: "private usable open space" as defined in Section 135(a) of this  
10 Code, "common usable open space" as defined in Section 135(a) of this Code, and "publicly-  
11 accessible open space" as defined in this Section. At least 40 percent of the residential open  
12 space is required to be common to all residential units. Common usable open space is not  
13 required to be publicly-accessible. Publicly-accessible open space, including off-site open  
14 space permitted by this Section, meeting the standards of this Section may be considered as  
15 common usable open space. For residential units with direct access from the street, building  
16 setback areas that meet the standards in the individual DTR district for the project may be  
17 counted toward the open space requirement as private non-common open space.

18 (ii) Non-residential. One square foot of publicly-accessible open space is required  
19 for every 50 gross square feet of non-residential uses over 10,000 square feet. All non-  
20 residential open space must meet the standards of Section 825(b)(5)(C) for publicly-accessible  
21 open space.

22 (B) Off-site provision of required open space. The provision of off-site publicly-  
23 accessible open space may be counted toward the requirements of both residential and non-  
24 residential open space provided it is within the individual DTR district of the project or within



1 500 feet of any boundary of the individual DTR district of the project, and meets the standards  
2 of this Section.

3 (i) At least 36 square feet per residential unit of required open space and 50 percent  
4 of required non-residential open space must be provided on-site. Pursuant to the procedures of  
5 Section 309.1, the Planning Commission may reduce the minimum on-site provision of required  
6 residential open space to not less than 18 square feet per unit in order to both create additional  
7 publicly-accessible open space serving the district and to foster superior architectural design  
8 on constrained sites.

9 (ii) Open Space Provider. The open space required by this Section may be provided  
10 individually by the project sponsor or jointly by the project sponsor and other project sponsors,  
11 provided that each square foot of jointly developed open space may count toward only one  
12 sponsor's requirement. With the approval of the Planning Commission, a public or private  
13 agency may develop and maintain the open space, provided that (i) the project sponsor or  
14 sponsors pay for the cost of development of the number of square feet the project sponsor is  
15 required to provide, (ii) provision satisfactory to the Commission is made for the continued  
16 maintenance of the open space for the actual lifetime of the building giving rise to the open  
17 space requirement, and (iii) the Commission finds that there is reasonable assurance that the  
18 open space to be developed by such agency will be developed and open for use by the time the  
19 building, the open space requirement of which is being met by the payment, is ready for  
20 occupancy.

21 (C) Publicly-Accessible Open Space Standards. Any open space intended to fulfill  
22 the requirements of off-site or publicly-accessible open space required by this Section must meet  
23 the following standards and be approved by the Planning Commission according to the  
24 procedures of Section 309.1 of this Code.

25

- 1 (i) Open space must be of one or more of the following types:
- 2 (AA) An unenclosed park or garden at street grade or following the natural
- 3 topography, including improvements to hillsides or other unimproved public areas provided the
- 4 open space is consistent with the applicable General Plan policies for the individual DTR
- 5 district;
- 6 (BB) An unenclosed plaza at street grade, with seating areas and landscaping and no
- 7 more than 10 percent of the floor area devoted to food or beverage service;
- 8 (CC) An unenclosed pedestrian pathway that meets the minimum standards described
- 9 in the individual DTR district for the project;
- 10 (DD) A terrace or roof garden with landscaping;
- 11 (EE) Streetscape improvements with landscaping and pedestrian amenities that result
- 12 in additional space beyond the pre-existing sidewalk width and conform to a streetscape plan
- 13 for the individual DTR district, such as sidewalk widening or building setbacks, other than
- 14 those ground floor setbacks required by the individual DTR district or intended by design for
- 15 the use of individual ground floor residential units; and
- 16 (ii) Open space must meet the following standards:
- 17 (AA) Be in such locations and provide such ingress and egress as will make the area
- 18 convenient, safe, secure and easily accessible to the general public;
- 19 (BB) Be appropriately landscaped;
- 20 (CC) Be protected from uncomfortable winds;
- 21 (DD) Incorporate ample seating and, if appropriate, access to limited amounts of food
- 22 and beverage service, which will enhance public use of the area;
- 23 (EE) Be well signed and accessible to the public during daylight hours;
- 24 (FF) Be well lighted if the area is of the type requiring artificial illumination;
- 25

1 (GG) Be designed to enhance user safety and security;  
2 (HH) Be of sufficient size to be attractive and practical for its intended use; and  
3 (II) Have access to drinking water and toilets if feasible.  
4 (iii) Maintenance. Open spaces shall be maintained at no public expense, except as  
5 might be provided for by any community facilities district that may be formed in the individual  
6 DTR district. The owner of the property on which the open space is located shall maintain it by  
7 keeping the area clean and free of litter and keeping in a healthy state any plant material that is  
8 provided. Conditions intended to assure continued maintenance of the open space for the  
9 actual lifetime of the building giving rise to the open space requirement may be imposed in  
10 accordance with the provisions of Section 309.1.  
11 (iv) Informational Plaque. Prior to issuance of a permit of occupancy, a plaque of  
12 no less than 24 inches by 36 inches in size shall be placed in a publicly conspicuous location  
13 outside the building at street level, or at the site of any publicly-accessible open space,  
14 identifying said open space feature and its location, stating the right of the public to use the  
15 space and the hours of use, describing its principal required features (e.g., number of seats,  
16 availability of food service) and stating the name and address of the owner or owner's agent  
17 responsible for maintenance.  
18 (v) The Zoning Administrator shall have authority to require a property owner to  
19 hold harmless the City and County of San Francisco, its officers, agents and employees, from  
20 any damage or injury caused by the design, construction or maintenance of open space, and to  
21 require the owner or owners or subsequent owner or owners of the property to be solely liable  
22 for any damage or loss occasioned by any act or neglect in respect to the design, construction  
23 or maintenance of the open space.

24  
25

1 (6) Off-Street Parking and Loading. Restrictions on the design and location of off-  
2 street parking and loading and access to off-street parking and loading are necessary to reduce  
3 their negative impacts on neighborhood quality and the pedestrian environment. Unless  
4 specified otherwise in an individual DTR district, the following off-street parking and loading  
5 controls shall apply:

6 (A) Required Below-Grade. All off-street parking in DTR districts shall be built  
7 below street grade. The design of parking on sloping sites must be reviewed through the  
8 procedures of Section 309.1, according to the following standards:

9 (i) For sloping sites with a grade change of at least ten feet laterally along the  
10 street, no less than 50 percent of the perimeter of all floors with off-street parking shall be  
11 below the level of said sloping street; and

12 (ii) For sites that slope upwards from a street, no less than 50 percent of the  
13 perimeter of all floors with off-street parking shall be below the average grade of the site; and

14 (iii) Any above-grade parking shall be set back from the street facing façades and  
15 wrapped with active uses, as defined by Section 145.4, for a depth of no less than 25 feet at the  
16 ground floor and 15 feet on floors above.

17 Pursuant to the procedures of Section 309.1, the Planning Commission may reduce the  
18 minimum on-site provision of required residential open space to not less than 18 square feet per  
19 unit in order to both create additional publicly accessible open space serving the district and to  
20 foster superior architectural design on constrained sites.

21 (B) Parking and Loading Access.

22 (i) Width of openings. Any single development is limited to a total of two façade  
23 openings of no more than 11 feet wide each or one opening of no more than 22 feet wide for  
24 access to off-street parking and one façade opening of no more than 15 feet wide for access to  
25

1 off-street loading. Shared openings for parking and loading are encouraged. The maximum  
 2 permitted width of a shared parking and loading garage opening is 27 feet.

3 (ii) Sidewalk narrowings or porte cocheres to accommodate passenger loading and  
 4 unloading are not permitted. For the purpose of this section, a "porte cochere" is defined as an  
 5 off-street driveway, either covered or uncovered, for the purpose of passenger loading or  
 6 unloading, situated between the ground floor façade of the building and the sidewalk.

7 (c) Use. A use is the specified purpose for which a property or building is used,  
 8 occupied, maintained, or leased. Uses in Downtown Residential Districts are either permitted,  
 9 conditional, accessory, temporary or are not permitted. Unless otherwise specified in an  
 10 individual DTR district, the uses permitted in DTR districts are set forth in Table 825.

11 TABLE 825.  
 12 DOWNTOWN RESIDENTIAL DISTRICTS ZONING CONTROL TABLE.

			<u><b>Downtown Residential District</b></u>
<u><b>No.</b></u>	<u><b>Zoning Category</b></u>	<u><b>§ References</b></u>	<u><b>Controls</b></u>
<u><i>Non-Residential Standards and Uses</i></u>			
<u>.26</u>	<u><i>All Non-Residential Uses Permitted, except as described below.</i></u>		
<u>.27</u>	<u><i>Drive-Up Facility</i></u>	<u><i>§ 890.30</i></u>	<u><i>NP</i></u>
<u>.28</u>	<u><i>Walk-Up Facility</i></u>	<u><i>§ 890.140</i></u>	<u><i>P if recessed 3 ft. C otherwise.</i></u>
<u>.29</u>	<u><i>Hospital or Medical Center</i></u>	<u><i>§ 124.1, 890.44</i></u>	<u><i>C</i></u>
<u>.30</u>	<u><i>Other Institutions</i></u>	<u><i>§ 890.50</i></u>	<u><i>C</i></u>
<u>.31</u>	<u><i>Public Use</i></u>	<u><i>§ 890.80.</i></u>	<u><i>C</i></u>
<u>.32</u>	<u><i>Movie theater</i></u>	<u><i>§ 890.64</i></u>	<u><i>C</i></u>
<u>.33</u>	<u><i>Nighttime Entertainment</i></u>	<u><i>§§ 102.17, 803.5(g)</i></u>	<u><i>C</i></u>
<u>.34</u>	<u><i>Adult Entertainment</i></u>	<u><i>§ 890.36</i></u>	<u><i>NP</i></u>
<u>.35</u>	<u><i>Massage/Establishment</i></u>	<u><i>§ 890.60 Article 29 Health Code</i></u>	<u><i>C</i></u>
<u>.36</u>	<u><i>Automobile Parking Lot, Community Commercial</i></u>	<u><i>§§ 890.9, 160</i></u>	<u><i>NP</i></u>
<u>.37</u>	<u><i>Automobile Parking Garage, Community Commercial</i></u>	<u><i>§ 890.10, 160</i></u>	<u><i>NP</i></u>

<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Downtown Residential District Controls</u>
.39	<u>Automotive Service Station</u>	<u>§ 890.18, 890.19</u>	<u>NP</u>
.40	<u>Automotive Repair</u>	<u>§ 890.15</u>	<u>NP</u>
.41	<u>Automotive Wash</u>	<u>§ 890.20</u>	<u>NP</u>
.42	<u>Automotive Sale or Rental</u>	<u>§ 890.13</u>	<u>C</u>
.43	<u>Mortuary</u>	<u>§ 890.62</u>	<u>C</u>
.44	<u>Hours of Operations</u>	<u>§ 890.48</u>	<u>C. 2 a.m.-6 a.m.</u>
.45	<u>Business Sign</u>	<u>§§ 602-604, 608.1, 608.2</u>	<u>P. § 607.2(f)</u>
<u>Residential Standards and Uses</u>			
.46	<u>Residential Use</u>	<u>§ 890.88</u>	<u>P</u>
.47	<u>Residential Density, Dwelling Units</u>	<u>§ 890.88(a)</u>	<u>No Limit. § 207.5(b)</u>
.48	<u>Residential Density, Group Housing</u>	<u>§ 890.88(b)</u>	<u>No Limit. § 207.5(b)</u>
.49	<u>Usable Open space [Per Residential Unit]</u>	<u>§ 135, 136</u>	<u>75 sq. ft. per unit; up to 50% may be provided off-site if publicly accessible. § 825(b)(5).</u>
.50	<u>Accessory Off-Street Parking, Residential</u>	<u>§§ 151.1, 153-157, 159-160, 204.5</u>	<u>None Required. Up to one car per 2 dwelling units permitted; up to one car per dwelling unit per procedures and criteria of §§ 151.1 and 825(b)(6).</u>
.51	<u>Residential Conversions</u>	<u>§ 790.84, Ch. 41 Admin. Code</u>	<u>C</u>
.52	<u>Residential Demolition</u>		<u>C</u>

(1) Permitted Uses. If there are two or more uses in a structure, any use not classified in Section 825(c)(1)(C) of this Code as accessory will be considered separately as an independent permitted, conditional, temporary or not permitted use.

(A) Principal Uses. Principal uses are permitted as of right in a Downtown Residential district, when so indicated in this Section 825 of this Code. Additional requirements and conditions may be placed on particular uses as provided pursuant to Section 803.5 and other applicable provisions of this Code.

1 (B) Conditional Uses. Conditional uses are permitted in a Downtown Residential  
2 district, when authorized by the Planning Commission; whether a use is conditional in a given  
3 district is generally indicated in Section 825 of this Code. Conditional uses are subject to the  
4 applicable provisions set forth in Sections 178, 179, 263.11, 303, 316.8, and 803.5 of this Code.

5 (i) Notwithstanding any other provision of this Article, a change in use or  
6 demolition of a movie theater use, as set forth in Section 890.64, shall require conditional use  
7 authorization. This Section shall not authorize a change in use if the new use or uses are  
8 otherwise prohibited.

9 (C) Accessory Uses. Subject to the limitations set forth below, in Section 151.1, and  
10 elsewhere in this Code, an accessory use is a related minor use which is either necessary to the  
11 operation or enjoyment of a lawful principal use or conditional use, or is appropriate,  
12 incidental and subordinate to any such use, and shall be permitted as an accessory use in a  
13 Downtown Residential district. In order to accommodate a principal use which is carried out  
14 by one business in multiple locations within the same general area, such accessory use need not  
15 be located in the same structure or lot as its principal use provided that (1) the accessory use is  
16 located within 1,000 feet of the principal use, (2) the multiple locations existed on the effective  
17 date of this amendment; and (3) the existence of the multiple locations is acknowledged in  
18 writing by the Zoning Administrator within 60 days after the effective date of this amendment.  
19 Any use, which does not qualify as an accessory use, shall be classified as a principal use.

20 No use will be considered accessory to a principal use, which involves or requires any  
21 of the following:

22 (i) The use of more than one-third of the total occupied floor area which is occupied  
23 by both the accessory use and principal use to which it is accessory, combined, except in the  
24  
25

1 case of accessory off-street parking or loading which shall be subject to the provisions of  
2 Sections 151, 151.1, 156 and 157 of this Code;

3 (ii) Nighttime entertainment, massage establishment, large fast food restaurant, or  
4 movie theater use;

5 (iii) Any sign not conforming to the limitations of Section 607.2(f)(3).

6 (D) Temporary Uses. Temporary uses not otherwise permitted are permitted in  
7 Downtown Residential districts to the extent authorized by Sections 205 through 205.3 of this  
8 Code.

9 (E) Prohibited Uses.

10 (i) Uses which are not specifically listed in Section 825 or Article 6 are not  
11 permitted unless they qualify as a nonconforming use pursuant to Sections 180 through 186.1 of  
12 this Code or are determined by the Zoning Administrator to be permitted uses in accordance  
13 with Section 307(a) of this Code.

14 (ii) No use, even though listed as a permitted use or otherwise allowed, shall be  
15 permitted in a Downtown Residential district which, by reason of its nature or manner of  
16 operation, creates conditions that are hazardous, noxious, or offensive through the emission of  
17 odor, fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or  
18 excessive noise.

19 (iii) The establishment of a use that sells alcoholic beverages, other than beer and  
20 wine, concurrent with motor vehicle fuel is prohibited, and shall be governed by Section 229.

21 (2) Residential Use Controls. Unless otherwise specified in an individual DTR  
22 district, the following residential use controls shall apply:

23 (A) Required Residential to Non-Residential Use Ratio. For newly constructed  
24 buildings or additions which exceed 20 percent or more of an existing structure's gross floor  
25



1 area, at least six occupiable square feet of residential use shall be provided for each occupiable  
2 square foot of non-residential use, excluding accessory parking, on any lot legally existing.  
3 Hotels, inns or hostels as defined under Section 209.2(d) and (e) and lawfully existing live/work  
4 units shall be considered as non-residential uses for the purpose of this section, and do not  
5 satisfy the residential requirement. Exemption from the required use ratio for building  
6 additions of less than 20 percent may not be granted for any single lot if such an exemption  
7 would increase the total square footage of the building to an amount 20 percent greater than  
8 existed on the lot since the adoption of this Section.

9 (B) Required unit size mix. No less than 40 percent of all units on-site must have at  
10 least two bedrooms or more. Projects are encouraged to have at least 10 percent of all units on  
11 site with three bedrooms or more.

12 (C) For newly constructed buildings or additions, which exceed 20 percent or more  
13 of an existing structure's gross floor area, all building area above 85 feet in height shall be  
14 devoted to residential use.

15 (D) Residential Density. There shall be no density limit for residential uses in  
16 Downtown Residential districts. The provisions of Sections 207 through 208 related to  
17 residential density shall not apply.

18 (d) Reduction of Ground Level Wind Currents.

19 (1) Requirement. New buildings and additions to existing buildings shall be shaped,  
20 or other wind-baffling measures shall be adopted, so that the developments will not cause  
21 ground-level wind currents to exceed, more than 10 percent of the time year-round, between  
22 7:00 a.m. and 6:00 p.m., the comfort level of 11 m.p.h. equivalent wind speed in areas of  
23 substantial pedestrian use and seven m.p.h. equivalent wind speed in public seating areas. The

1 term "equivalent wind speed" shall mean an hourly mean wind speed adjusted to incorporate  
2 the effects of gustiness or turbulence on pedestrians.

3 (2) When preexisting ambient wind speeds exceed the comfort level, or when a  
4 proposed building or addition may cause ambient wind speeds to exceed the comfort level, the  
5 building shall be designed to reduce the ambient wind speeds to meet the requirements.

6 (3) Exception. The Zoning Administrator may allow the building or addition to add  
7 to the amount of time the comfort level is exceeded by the least practical amount if (i) it can be  
8 shown that a building or addition cannot be shaped and other wind-baffling measures cannot be  
9 adopted to meet the foregoing requirements without creating an unattractive and ungainly  
10 building form and without unduly restricting the development potential of the building site in  
11 question, and (ii) the Zoning Administrator concludes that, because of the limited amount by  
12 which the comfort level is exceeded, the addition is insubstantial.

13 The Zoning Administrator shall not grant an exception, and, no building or addition  
14 shall be permitted that causes equivalent winds speeds to reach or exceed the hazard level of 26  
15 miles per hour for a single hour of the year.

16 (4) Procedures. Procedures and methodologies for implementing this Section shall  
17 be specified by the Environmental Review Officer of the Planning Department.

18 SEC. 827. RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT (RH  
19 DTR).

20 The Rincon Hill Downtown Residential Mixed Use District (RH DTR), the  
21 boundaries of which are shown in Section Map No. 1 of the Zoning Map, is established  
22 for the purposes set forth below.

23 The RH DTR District is adjacent to the southern edge of the downtown,  
24 generally bounded by Folsom Street, the Bay Bridge, the Embarcadero, and Essex  
25

1 Street. High-density residential uses and supporting commercial and institutional uses  
2 are allowed and encouraged within the limits set by height, bulk, and tower spacing  
3 controls. Folsom Street is intended to develop as the neighborhood commercial heart  
4 of the Rincon Hill and Transbay neighborhoods, and pedestrian-oriented uses are  
5 required on the ground floor. Individual townhouse dwelling units with ground floor  
6 entries directly to the street are required on streets that will become primarily  
7 residential, including First, Fremont, Beale, Main, and Spear Streets.

8 While lot coverage is limited for all levels with residential uses that do not face  
9 onto streets or alleys, traditional rear yard open spaces are not required except in the  
10 limited instances where there is an existing pattern of them, such as smaller lots on the  
11 Guy Place block. Specific height, bulk, and setback controls establish appropriate  
12 heights for both towers and mid-rise podium development and ensure adequate  
13 spacing between towers in order to establish a neighborhood scale and ensure light  
14 and air to streets and open spaces. Setbacks are required where necessary to provide  
15 transition space for ground floor residential uses and to ensure sunlight access to  
16 streets and open spaces. Off-street parking must be located below grade.

17 Given the need for services and open space resulting from new development,  
18 projects will provide or contribute funding for the creation of public open space and  
19 community facilities as described in the Rincon Hill Area Plan of the General Plan. The  
20 Rincon Hill Streetscape Plan, part of the Area Plan, proposes to enhance and redesign  
21 most streets in the district to create substantial new open space amenities, improve  
22 pedestrian conditions, and improve the flow of local traffic and transit. Detailed  
23 standards for the provision of open spaces, mid-block pathways, and residential entries  
24  
25

1 are provided to ensure that new buildings contribute to creating a public realm of the  
 2 highest quality in Rincon Hill.

3 Table 827.  
 4 RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE  
 5 DISTRICT ZONING CONTROL TABLE

			Rincon Hill Downtown Residential Mixed Use District Zoning
No.	Zoning Category	§ References	Controls
Building and Siting Standards			
.10	Height and Bulk	§§ 102.12, 105, 106, 250-252, 260, 270	Varies 45-550 feet. For height limits, see Zoning Map 1H and § 263.19; for bulk controls, see § 270(e).
.11	Lot Size <i>[Per Development]</i>	§§ 890.56, 121	No limit
.12	Rear Yard/Site Coverage	§ 136	100 percent lot coverage permitted; up to 80 percent for parcels that front the north side of Guy Place and for all parcels at residential levels where not all units face onto streets or alleys. § <del>827(d)(2)</del> 827(a).
.13	Setbacks		Building setback of 3 to 10 ft. for all buildings except towers on Spear, Main, Beale, Fremont, and First Streets. § <del>827(d)</del> 827(a).  Upper-story setback of 10 ft. required above a height of 65 feet on both sides of Spear, Main, Beale, Fremont, and First Streets. § <del>827(d)</del> 827(a).  Sun access plane setback of 50 degrees for all buildings 85' and lower on the south

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			side of east-west mid-block pathways. <del>§ 827(d) 825(b).</del>
.14	Street-Facing Uses	§§ 145.4.,145.5	Requirements based on location. See §§ 145.4 , <del>825(b)</del> and <del>827(e)-827(a).</del>
.15	Parking and Loading Access: Prohibition	§ 155(r)	Prohibited on Folsom Street from Essex Street to The Embarcadero. <del>§ 827(d)(7)-825(b).</del>
.16	Parking and Loading Access: Siting and Dimensions	§§ 145.4, 151.1, 155(r)	No parking permitted aboveground, except on sloping sites. Parking access limited to two openings, max. 11' wide each, loading access limited to one 15' opening. <del>§ 827(d)(7)-825(b).</del>
.17	Awning	§ 890.21	P, § 136.2(a)
.18	Canopy	§ 890.24	P, § 136.2(b)
.19	Marquee	§ 890.58	P, § 136.2(c)
<i>Non-Residential Standards and Uses</i>			
<del>.20</del>	<del>Required Residential to Non-Residential Use Ratio</del>	<del>§ 102.10</del>	<del>Non-residential uses limited to occupiable sf per 6 occupiable sf devoted to residential uses. § 827(b).</del>
<del>.21</del>	<del>Use Size [Non-residential]</del>	<del>§§ 890.130, 145.4</del>	<del>P for non-residential uses up to 25,000 sq. ft., C above. No individual ground floor tenant may occupy more than 75' of frontage for a depth of 25' from Folsom Street. §§ 827(d)(5), 145.4.</del>

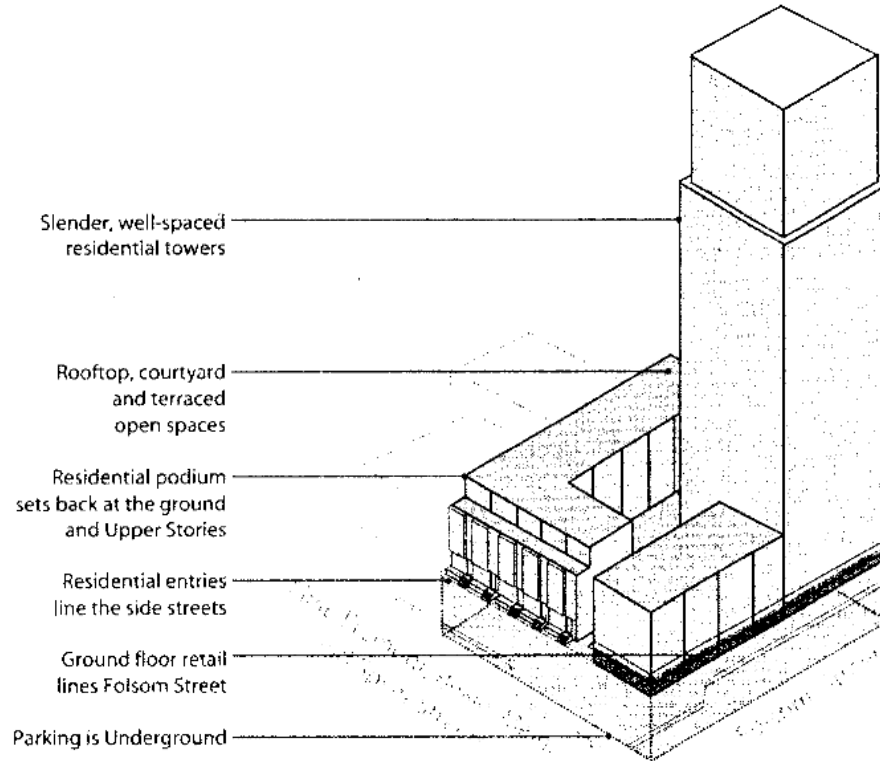
1	.22	<i>Open Space</i>	<i>§135</i>	<i>1 sq. ft. of publicly accessible open space for every 50 sq. ft. of non-residential use over 10,000 sq. ft. § 827(e)</i>
2				
3	.23	<i>Off Street Parking {Office uses}</i>	<i>§§ 150, 151, 151.1, 153-157, 204.5</i>	<i>None Required. Parking that is accessory to office space limited to 7% of GFA.</i>
4				
5	.24	<i>Off-Street Parking {Non-Residential, other than office uses}</i>	<i>§§ 150, 151, 151.1, 153-157, 204.5</i>	<i>Non Required. Parking limited as described in Section 151.1.</i>
6				
7	.25	<i>Off Street Freight Loading</i>	<i>§§ 150, 152.2, 153- 155, 204.5</i>	<i>None Required. Loading maximums described in Section 152.2.</i>
8				
9	.26	<i>All Non Residential Uses Permitted, except as described below.</i>		
10				
11	.27	<i>Drive Up Facility</i>	<i>§ 890.30</i>	<i>NP</i>
12	.28	<i>Walk Up Facility</i>	<i>§ 890.140</i>	<i>P if recessed 3 ft. C otherwise.</i>
13	.29	<i>Hospital or Medical Center</i>	<i>§ 124.1, 890.44</i>	<i>€</i>
14	.30	<i>Other Institutions</i>	<i>§ 890.50</i>	<i>€</i>
15	.31	<i>Public Use</i>	<i>§ 890.80.</i>	<i>€</i>
16	.32	<i>Movie theater</i>	<i>§ 890.64</i>	<i>€</i>
17	.33	<i>Nighttime Entertainment</i>	<i>§§ 102.17, 803.5(g)</i>	<i>€</i>
18	.34	<i>Adult Entertainment</i>	<i>§ 890.36</i>	<i>NP</i>
19	.35	<i>Massage/Establishment</i>	<i>§ 890.60 Article 29 Health Code</i>	<i>€</i>
20	.36	<i>Automobile Parking Lot, Community Commercial</i>	<i>§§ 890.9, 160</i>	<i>NP</i>
21	.37	<i>Automobile Parking Garage, Community Commercial</i>	<i>§ 890.10, 160</i>	<i>NP</i>
22	.38	<i>Automotive Gas Station</i>	<i>§ 890.14</i>	<i>NP</i>
23	.39	<i>Automotive Service Station</i>	<i>§ 890.18, 890.19</i>	<i>NP</i>
24	.40	<i>Automotive Repair</i>	<i>§ 890.15</i>	<i>NP</i>
25	.41	<i>Automotive Wash</i>	<i>§ 890.20</i>	<i>NP</i>
	.42	<i>Automotive Sale or Rental</i>	<i>§ 890.13</i>	<i>€</i>
	.43	<i>Mortuary</i>	<i>§ 890.62</i>	<i>€</i>
	.44	<i>Hours of Operations</i>	<i>§ 890.48</i>	<i>€ 2 a.m. 6 a.m.</i>

1	.45	<i>Business Sign</i>	<del>§§ 602-604, 608.1, 608.2</del>	<i>P. § 607.2(f)</i>
2	<i>Residential Standards and Uses</i>			
3	.46	<i>Residential Use</i>	<del>§ 890.88</del>	<i>P</i>
4	.47	<i>Residential Density, Dwelling Units</i>	<del>§ 890.88(a)</del>	<i>No Limit. § 207.5(b)</i>
5	.48	<i>Residential Density, Group Housing</i>	<del>§ 890.88(b)</del>	<i>No Limit. § 207.5(b)</i>
6	.49	<i>Usable Open space [Per Residential Unit]</i>	<del>§ 135, 136</del>	<i>75 sq. ft. per unit; up to 50% may be provided off site if publicly accessible. § 827(e).</i>
7	.50	<i>Accessory Off-Street Parking, Residential</i>	<del>§§ 151.1, 153-157, 159-160, 204.5</del>	<i>None Required. Up to one car per 2 dwelling units permitted; up to one car per dwelling unit per procedures and criteria of Sections 151.1 and 8279d).</i>
8	.51	<i>Residential Conversions</i>	<del>§ 790.84, Ch. 41 Admin. Code</del>	<i>€</i>
9	.52	<i>Residential Demolition</i>		<i>€</i>

(a) Building Standards.

(1) Development Concept. The development concept is for podium development up to 85 feet in height, with slender residential towers spaced to provide ample light and air to the district. New development will contribute to the creation of a substantial amount of public open space, as well as provide private common areas, courtyards, and balconies. Streets will be improved to provide widened sidewalks with substantial public open space. Ground floor uses will be pedestrian-oriented in character, consisting primarily of retail on Folsom Street, and individual townhouse-style residential units on First, Fremont, Beale, Main, and Spear Streets, as well as on alleys and mid-block pathways. Parking will be located below grade, and building utilities (loading bays, service doors, garage doors) will be located in sidewalk vaults or on secondary frontages.

1 **Figure 827(A) Development Concept**



15 **Mixed Use Districts**

16 ~~(b) Residential Use Controls.~~

17 ~~(1) Residential Density. There shall be no density limit for residential uses, as~~  
18 ~~defined by Section 890.88 of this Code, in the Rincon Hill Downtown Residential District. The~~  
19 ~~provisions of Sections 207 through 208 related to residential density shall not apply.~~

20 ~~(2) Required Residential to Non Residential Use Ratio. For newly constructed~~  
21 ~~buildings or additions which exceed 20 percent or more of an existing structure's gross floor~~  
22 ~~area, at least six occupiable square feet of residential use shall be provided for each occupiable~~  
23 ~~square foot of non residential use, excluding accessory parking, on any lot legally existing.~~  
24 ~~Lawfully existing live/work units shall be considered as non residential uses for the purpose of~~



1 ~~this section, and do not satisfy the residential requirement. Exemption from the required use~~  
2 ~~ratio for building additions of less than 20 percent may not be granted for any single lot if such~~  
3 ~~an exemption would increase the total square footage of the building to an amount 20 percent~~  
4 ~~greater than existed on the lot since the adoption of this section.~~

5 ~~———— (3) ——— Required unit size mix. No less than 40 percent of all units on site must have at~~  
6 ~~least two bedrooms or more. Projects are encouraged to have at least 10 percent of all units on~~  
7 ~~site with three bedrooms or more.~~

8 ~~———— (4) ——— For newly constructed buildings or additions, which exceed 20 percent or more~~  
9 ~~of an existing structure's gross floor area, all building area above 85 feet in height shall be~~  
10 ~~devoted to residential use.~~

11 ~~———— (5) ——— Housing Requirement for Residential Developments. The requirements of~~  
12 ~~Sections 315 through 315.9 shall apply in the RH DTR subject to the following exceptions:~~

13 ~~———— (A) ——— If constructed on site, a minimum of 12 percent of the total units constructed,~~  
14 ~~and if constructed off site, a minimum of 17 percent of the total units constructed, shall be~~  
15 ~~affordable to and occupied by qualifying persons and families as defined elsewhere in this~~  
16 ~~Code.~~

17 ~~———— (B) ——— Below market rate units as required by Sections 315 through 315.9 that are built~~  
18 ~~off site must be built within the area bounded by Market Street, the Embarcadero, King Street,~~  
19 ~~Division Street, and South Van Ness Avenue.~~

20 ~~———— (C) ——— No less than fifty percent (50%) of the fees that are paid due to development in~~  
21 ~~the Rincon Hill Area Plan under Section 315.4(e)(2) and 315.6 shall be paid into the Citywide~~  
22 ~~Affordable Housing Fund, but the funds shall be separately accounted for and designated~~  
23 ~~exclusively to increase the supply of affordable housing in the SOMA area.~~

1 ~~———— (D) Fifty percent (50%) of the below market rate units as required by Section 315~~  
2 ~~through 315.9 that are built on or off site must be provided as rental units for the life of the~~  
3 ~~project, as defined in Planning Code Section 315.7(a).~~

4 ~~———— (E) The Mayor's Office of Housing must submit a resolution to the Board of~~  
5 ~~Supervisors with a plan for the use of all in lieu fee payments generated from the Rincon Hill~~  
6 ~~Plan prior to any expenditure of the Funds.~~

7 ~~———— (e)(2) Street-Facing Use Requirements. Pedestrian-oriented retail, residential,~~  
8 ~~institutional uses, and community services are required ground floor uses on all street facing~~  
9 ~~frontages, except for the minimum frontage required for fire doors, parking and loading access,~~  
10 ~~and other utilities.~~

11 ~~(1)(A)~~ Required Ground Floor Retail Spaces. For frontages facing Folsom  
12 Street, ground floor space suitable for retail use is required for no less than 75 percent  
13 of all frontages, as specified in Section 145.4.

14 ~~(2)(B)~~ Required Individual Ground Floor Residential Units. For building  
15 frontages facing Fremont, First, Main, Beale and Spear Streets more than 60 feet from  
16 an intersection with Folsom, Harrison, or Bryant Streets, and for building frontages  
17 facing Guy Place and Lansing Street, individual ground floor residential units with direct  
18 pedestrian access to the sidewalk are required at intervals of no greater than 25 feet,  
19 except where residential lobbies, parking and loading access, utilities, and open space  
20 are necessary and provided pursuant to the allowances of Section 827 and other  
21 sections of this Code. Individual ground floor residential units are also encouraged  
22 along Harrison Street, Bryant Street, and alleys and mid-block pedestrian paths where  
23 appropriate.

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1 **Figure 827(B): Frontages Where Ground Floor Retail Uses Are Required.**

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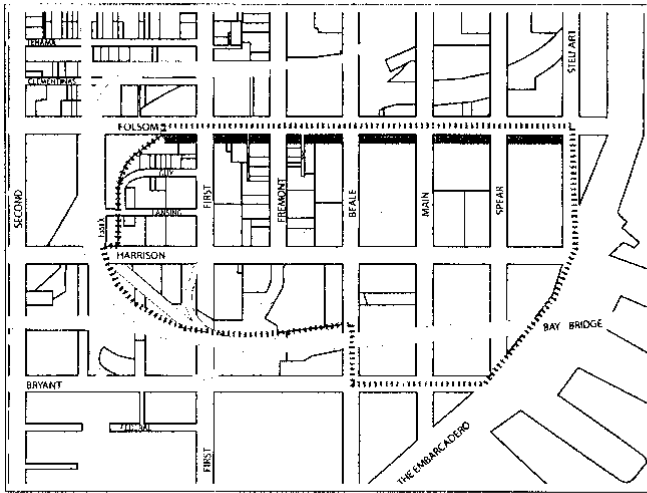
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— Locations Where Ground Floor Retail is Required ↗

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**Figure 827(C): Frontages Where Ground Floor Residential Uses/Entries Are Required.**

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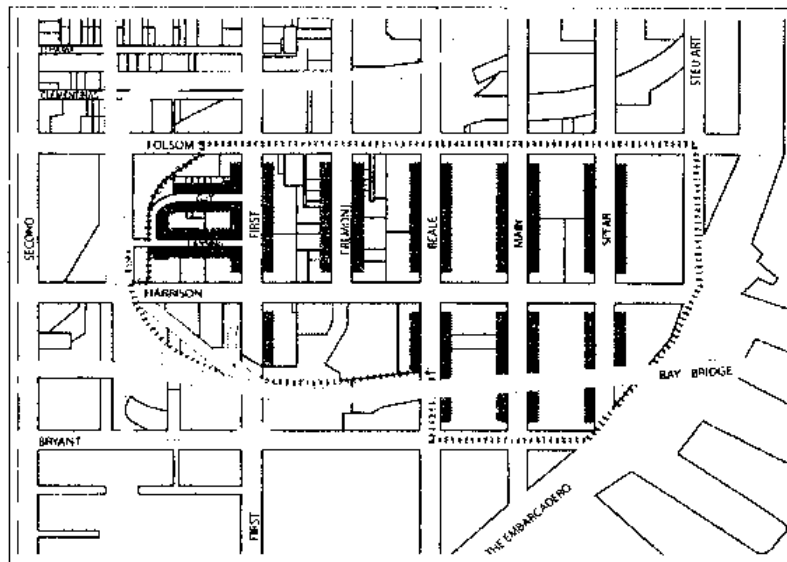
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— Locations Where Ground Floor Residential is Required ↗

1           ~~(d)~~ *Building Design Standards.*

2           ~~(1)~~(3) Required Streetwall. Building area below 85 feet in height is required to  
3 be built to 100 percent of all property lines facing public rights-of-way, except where  
4 setbacks are required by this Section and except where publicly accessible open space  
5 is provided according to the provisions of this Section. Recesses, insets and breaks  
6 between buildings are permitted to provide vertical articulation to the façade, provided  
7 the overall integrity of the streetwall is maintained.

8           ~~(2)~~(4) Lot Coverage. The requirements of Section 134 shall not apply in the RH  
9 DTR District. Lot coverage is limited to 80 percent at all residential levels except on  
10 levels in which all residential units face onto a public right-of-way or mid-block  
11 pedestrian path meeting the minimum standards of this Section. The unbuilt portion of  
12 the lot shall be open to the sky except for those obstructions permitted in yards  
13 pursuant to Section 136(c). Exceptions to the 20 percent open area requirement may  
14 be granted, pursuant to the provisions of Section 309.1, for conversions of existing  
15 non-residential structures where it is determined that provision of 20 percent open area  
16 would require partial demolition of the existing non-residential structure. Lots fronting  
17 only on the north side of Guy Place are permitted up to 80 percent lot coverage.

18           ~~(3)~~(5) Dwelling Unit Exposure. The requirements of Section 140 shall apply.  
19 Reductions in this requirement may be granted through the procedures of Section  
20 309.1.

21           ~~(4)~~(6) Upper Story Setback. To ensure adequate sunlight to streets, alleys, and  
22 pedestrian pathways, upper story setbacks are required as follows:

23           (A) All buildings are required to set back at least 10 feet above a height of 65  
24 feet along Spear, Main, Beale, Fremont and First Streets. This requirement shall not  
25

1 apply to street frontage occupied by a building taller than 85 feet. This upper story  
2 setback requirement shall also not apply to the first 60 linear feet of frontage from  
3 corners at Folsom, Harrison, and Bryant Streets.

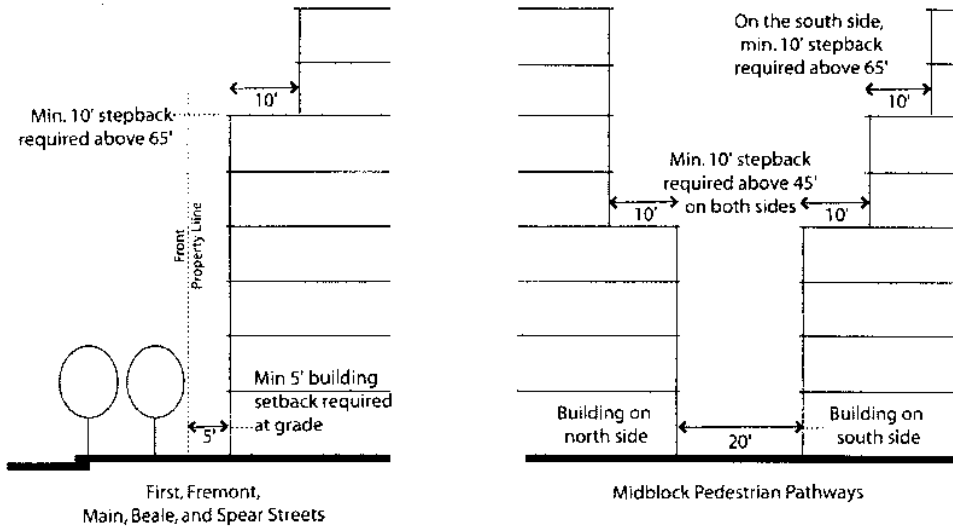
4 (B) Buildings greater than 60 linear feet from a major street along Guy Place,  
5 Lansing Street, and any proposed or existing private or public mid-block pedestrian  
6 pathways, are required to be set back at least 10 feet above 45 feet in height from said  
7 right-of-way.

8 (C) In order to increase sun access to mid-block pathways and uses along  
9 such pathways, all building frontage on the southeast side of mid-block pathways not  
10 occupied by a building taller than 85 feet must set back upper stories by 10 feet above  
11 a building height of 45 feet. For projects on the south side of a mid-block pedestrian  
12 pathway taller than 65 feet, an additional upper story setback of 10 feet is required  
13 above a building height of 65 feet.

14 (i) Modifications. For any lot on the north side of a required mid-block  
15 pedestrian pathway, a modification from the required upper story setback of 10 feet  
16 above a height of 45 feet may be granted according to the provisions of Section 309.1,  
17 provided that, in total, the building is set back by a volume equal to what would be  
18 required by meeting the standard in (C) above, and the modification would substantially  
19 improve the accessibility, design and character of the mid-block pedestrian pathway.

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1 **Figure 827 (D): Required Upper Story Stepbacks**



12 ~~(5)(7)~~ Ground Floor Residential Units. Where ground floor residential units are  
 13 required along Spear, Main, Beale, Fremont, and First Streets, the following design  
 14 standards apply. Ground floor residential units along Guy Place and Lansing Street,  
 15 within the footprint of towers taller than 105 feet, and those that are proposed in  
 16 locations where they are not required, are encouraged to meet the standards in this  
 17 subsection to the greatest degree possible.

18 (A) Façade Articulation. Individual residential units are required to be  
 19 vertically articulated at regular intervals of no greater than 25 feet. Changes in vertical  
 20 massing, architectural projections and recesses may be used to achieve this  
 21 articulation.

22 (B) Setback Dimensions. Building setbacks are required to create a  
 23 transitional space between the public realm of the street and the private realm of the  
 24

1 individual dwelling unit. The setback shall be implemented according to the following  
2 specifications, and as illustrated in Figures 827(E) and 827(F):

3 (i) The entire building façade must be set back from the street-abutting  
4 property line a minimum of three feet, an average of five feet, and not in excess of ten  
5 feet.

6 (ii) All projections allowed by Section 136 permitted in front setbacks are  
7 permitted, except for garages and driveways. Architectural projections, such as bay  
8 windows, are encouraged and may extend down to the ground provided they do not  
9 encroach within the 18-inch landscaping strip required by subsection (iii). Railings,  
10 fences, and grilles up to a height of 3 feet 6 inches that are at least 75 percent open to  
11 perpendicular view are permitted on top of an landing or porch, regardless of the  
12 combined total height of the railing and porch from street grade.

13 (iii) A landscaped strip at grade with the sidewalk is required for the first 18  
14 inches of the setback, for at least 50 percent of the width of each residential unit.

15 (iv) Setbacks proposed to be greater than five feet are encouraged to provide  
16 a porch or landscape area at grade with the residential entry.

17 (C) Residential Entries.

18 (i) Residential entries are required to be raised an average of three feet  
19 above street grade.

20 (ii) Each entry is required to have a vestibule at least one foot in depth from  
21 the building façade. The entry vestibule may be no less than five feet wide and no less  
22 than the height of the ground story.

23 (D) Landscaping in Setbacks. All building setback areas not occupied by  
24 steps, porches or other occupiable space must be landscaped. Setbacks should be  
25

1 designed to provide access to landscaped areas, encouraging gardening and other  
2 uses by residents.

3 (i) A water source must be provided for each residential setback.

4 (ii) To allow for landscaping and street trees at street grade, parking must be  
5 located far enough below the surface of the setback to provide a minimum soil depth of  
6 3 feet 6 inches. A continuous soil trough should be provided with adequate centrally-  
7 operated irrigation.

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9 **Figure 827(E): Required Dimensions for Building Setbacks.**

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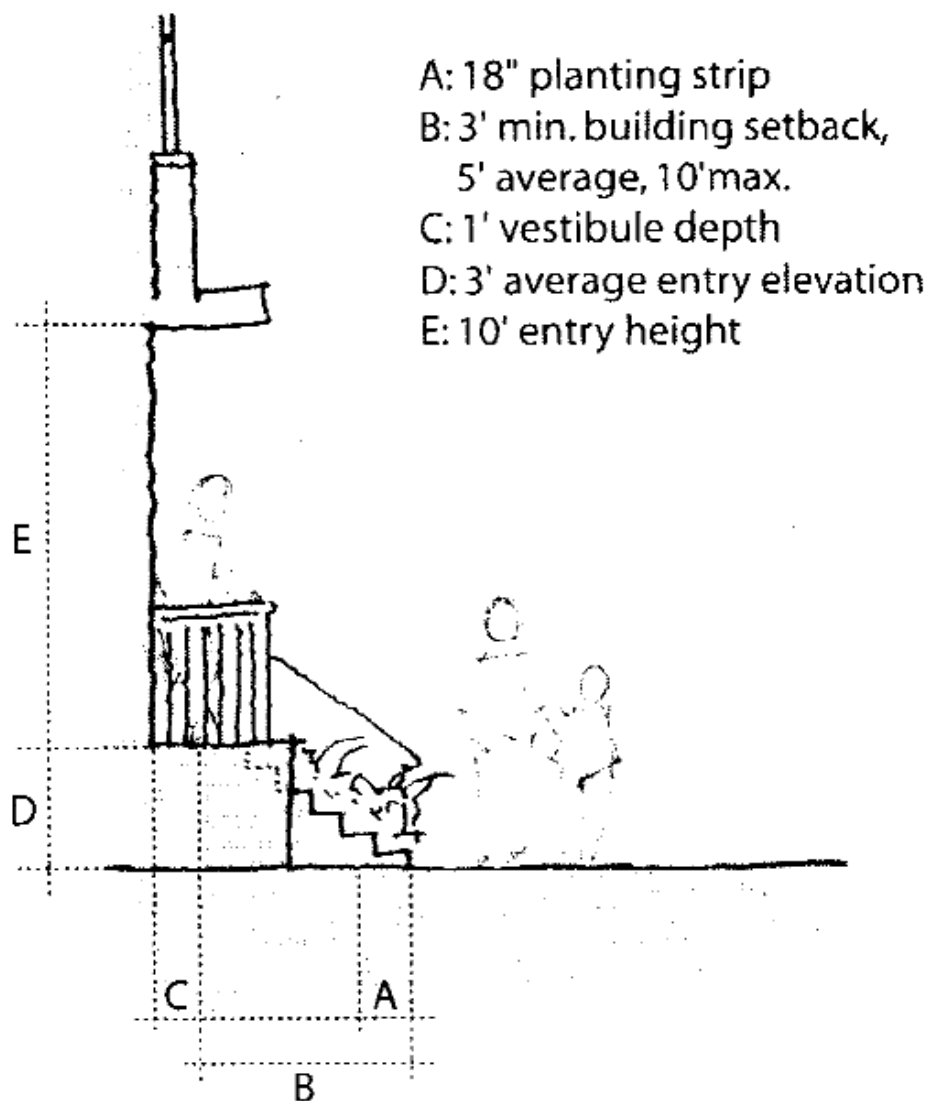
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1           ~~(6)(8)~~ Ground Floor Commercial Design.

2           (A)     Minimum Depth. Ground floor non-residential spaces along Folsom  
3 Street must have a minimum depth of 25 feet from the Folsom Street façade.

4           (B)     Minimum Ceiling Height. Ground floor non-residential spaces along  
5 Folsom Street must have a minimum 12 foot 6 inch clear ceiling height for the first 25  
6 feet of depth fronting Folsom Street.

7           (C)     Transparency and Fenestration. Non-residential frontages must be  
8 fenestrated with windows and doorways *for no less than 60 percent of the façade area. No*  
9 *less than 75 percent of the fenestrated area must be transparent. The use of dark or mirrored*  
10 *glass is not permitted or required transparent area as specified in Section 825(b)(1)(A).*

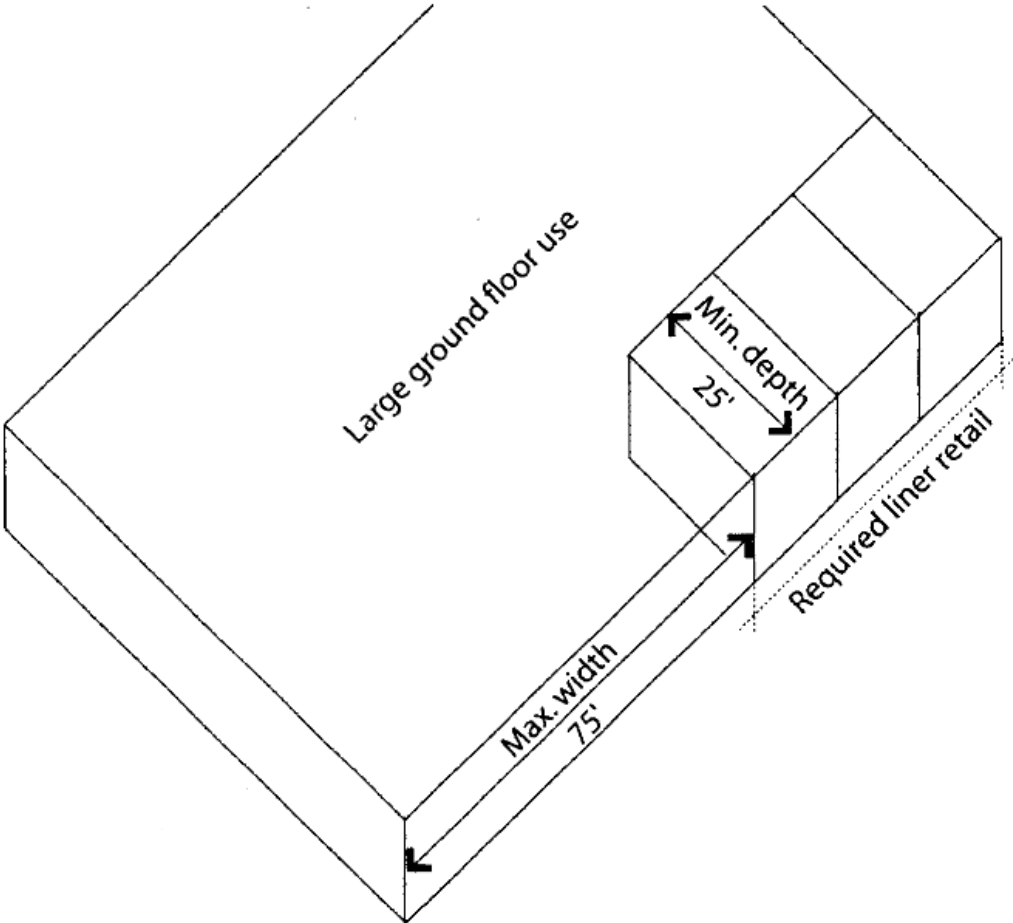
11          (D)     Maximum Frontage. A single ground floor commercial tenant may not  
12 occupy more than 75 linear feet of frontage for the first 25 feet of depth from the street  
13 facing façade along any major street. Separate individual storefronts shall wrap large  
14 footprint ground floor uses for the first 25 feet of depth.

15          ~~(7) — Lighting. Pedestrian scaled lighting shall be provided as an integral element of~~  
16 ~~all building façades and shall be designed and located to accentuate the uses facing the street.~~  
17 ~~Pedestrian scaled lighting shall be incorporated into all façades and landscaped setback areas~~  
18 ~~in the form of wall sconces, entry illumination and low level lighting set into edging features.~~  
19 ~~Lighting should be designed to accentuate ground floor retail and residential entries.~~  
20 ~~Incandescent or color corrected lighting sources must be used.~~  
21 ~~Figure 827(G): Required Ground Floor Commercial Transparency and Fenestration.~~

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**Figure 827(HG): Ground Floor Commercial Frontages.**



~~(8)(9) Off-Street Parking and Loading. Restrictions on the design and location of off-street parking and loading and access to off-street parking and loading are necessary to reduce their negative impacts on neighborhood quality and the pedestrian environment.~~

1 ~~———— (A) ——— Required Below Grade. All off street parking in the RH DTR shall be built~~  
2 ~~below street grade. The design of parking on sloping sites must be reviewed through the~~  
3 ~~procedures of Section 309.1, according to the following standards:~~

4 ~~———— (i) ——— For sloping sites with a grade change of at least ten feet laterally along the~~  
5 ~~street, no less than 50 percent of the perimeter of all floors with off street parking shall be~~  
6 ~~below the level of said sloping street; and~~

7 ~~———— (ii) ——— For sites that slope upwards from a street, no less than 50 percent of the~~  
8 ~~perimeter of all floors with off street parking shall be below the average grade of the site; and~~

9 ~~———— (iii) ——— Any above grade parking shall be set back from the street facing façades and~~  
10 ~~wrapped with active uses, as defined by Section 145.4, for a depth of no less than 25 feet at the~~  
11 ~~ground floor and 15 feet on floors above.~~

12 ~~———— Pursuant to the procedures of Section 309.1, the Planning Commission may reduce the~~  
13 ~~minimum on site provision of required residential open space to not less than 18 square feet per~~  
14 ~~unit in order to both create additional publicly accessible open space serving the district and to~~  
15 ~~foster superior architectural design on constrained sites.~~

16 ~~(B)~~(A) Parking and Loading Access.

17 (i) Width of openings. ~~Any single development is limited to a total of two façade~~  
18 ~~openings of no more than 11 feet wide each or one opening of no more than 22 feet wide for~~  
19 ~~access to off street parking and one façade opening of no more than 15 feet wide for access to~~  
20 ~~off street loading. Shared openings for parking and loading are encouraged. The maximum~~  
21 ~~permitted width of a shared parking and loading garage opening is 27 feet. The maximum~~  
22 permitted width of all combined parking and loading openings on Guy Place and  
23 Lansing Street for any single project is 20 feet.

1 (ii) Folsom Street. Access to off-street parking is not permitted on Folsom  
2 Street for lots with frontage on another street. For lots fronting solely on Folsom Street,  
3 access to parking on a Folsom Street frontage is permitted only through the processes  
4 established by Section 309.1 by demonstrating that every effort has been made to  
5 minimize negative impact on the pedestrian quality of the street. Loading may not be  
6 accessed from Folsom Street.

7 ~~(iii) Sidewalk narrowings or porte cocheres to accommodate passenger loading and~~  
8 ~~unloading are not permitted. For the purpose of this section, a "porte cochere" is defined as an~~  
9 ~~off street driveway, either covered or uncovered, for the purpose of passenger loading or~~  
10 ~~unloading, situated between the ground floor façade of the building and the sidewalk.~~

11 ~~(e)(10) Open Space.~~

12 ~~(1) Amount Required.~~

13 ~~(A) Residential. For all residential uses, 75 square feet of open space is required~~  
14 ~~per dwelling unit. All residential open space must meet the provisions described in Section 135~~  
15 ~~unless otherwise established in this Section. Open space requirements may be met with the~~  
16 ~~following types of open space: "private usable open space" as defined in Section 135(a) of this~~  
17 ~~Code, "common usable open space" as defined in Section 135(a) of this Code, and "publicly~~  
18 ~~accessible open space" as defined in this Section. At least 40 percent of the residential open~~  
19 ~~space is required to be common to all residential units. Common usable open space is not~~  
20 ~~required to be publicly accessible. Publicly accessible open space, including off site open~~  
21 ~~space permitted by this Section, meeting the standards of this Section may be considered as~~  
22 ~~common usable open space. For residential units with direct access from the street, building~~  
23 ~~setback areas that meet the standards in Section 827(d)(4) may be counted toward the open~~  
24 ~~space requirement as private non common open space.~~

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1 ~~———— (B) ——— Non residential. One square foot of publicly accessible open space is required~~  
2 ~~for every 50 gross square feet of non residential uses over 10,000 square feet. All non-~~  
3 ~~residential open space must meet the standards of Section 827 for publicly accessible open~~  
4 ~~space.~~

5 ~~———— (2) ——— Off site provision of required open space. The provision of off site publicly-~~  
6 ~~accessible open space may be counted toward the requirements of both residential and non-~~  
7 ~~residential open space provided it is within the RH DTR or within 500 feet of any boundary of~~  
8 ~~the RH DTR District, and meets the standards of this Section.~~

9 ~~———— (A) ——— At least 36 square feet per residential unit of required open space and 50 percent~~  
10 ~~of required non residential open space must be provided on site. Pursuant to the procedures of~~  
11 ~~Section 309.1, the Planning Commission may reduce the minimum on site provision of required~~  
12 ~~residential open space to not less than 18 square feet per unit in order to both create additional~~  
13 ~~publicly accessible open space serving the district and to foster superior architectural design~~  
14 ~~on constrained sites.~~

15 ~~———— (B) ——— Open Space Provider. The open space required by this Section may be provided~~  
16 ~~individually by the project sponsor or jointly by the project sponsor and other project sponsors,~~  
17 ~~provided that each square foot of jointly developed open space may count toward only one~~  
18 ~~sponsor's requirement. With the approval of the Planning Commission, a public or private~~  
19 ~~agency may develop and maintain the open space, provided that (i) the project sponsor or~~  
20 ~~sponsors pay for the cost of development of the number of square feet the project sponsor is~~  
21 ~~required to provide, (ii) provision satisfactory to the Commission is made for the continued~~  
22 ~~maintenance of the open space for the actual lifetime of the building giving rise to the open~~  
23 ~~space requirement, and (iii) the Commission finds that there is reasonable assurance that the~~  
24 ~~open space to be developed by such agency will be developed and open for use by the time the~~

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1 *building, the open space requirement of which is being met by the payment, is ready for*  
2 *occupancy.*

3 ~~(3)(A)~~ Publicly-Accessible Open Space Standards. Any open space intended to  
4 fulfill the requirements of off-site or publicly-accessible open space required by this  
5 Section must ~~meet the following standards and~~ be approved by the Planning Commission  
6 according to the procedures of Section 309.1 of this Code and.

7 ~~—— (A) ——~~ *Open space must be of one or more of the following types: types defined in*  
8 *Section 825(b)(4)(C)(i), or may include*

9 ~~(i) ——~~ *An unenclosed park or garden at street grade or following the natural*  
10 *topography, including improvements to hillsides or other unimproved public areas according to*  
11 *the Rincon Hill Area Plan;*

12 ~~—— (ii) ——~~ *An unenclosed plaza at street grade, with seating areas and landscaping and no*  
13 *more than 10 percent of the floor area devoted to food or beverage service;*

14 ~~—— (iii) ——~~ *An unenclosed pedestrian pathway that meets the minimum standards described*  
15 *in Section 827(g)(3);*

16 ~~—— (iv) ——~~ *A terrace or roof garden with landscaping;*

17 ~~—— (v) ——~~ *Streetscape improvements with landscaping and pedestrian amenities that result*  
18 *in additional space beyond the pre-existing sidewalk width and conform to the Streetscape Plan*  
19 *of the Rincon Hill Area Plan, such as sidewalk widening or building setbacks, other than those*  
20 *ground floor setbacks required by Section 827(d)(4) or intended by design for the use of*  
21 *individual ground floor residential units; and*

22 ~~—— (vi) ——~~ *Streetscape streetscape improvements with landscaping and pedestrian*  
23 *amenities on Guy Place and Lansing Street, beyond basic street tree planting or street*

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1 lighting as otherwise required by this Code, in accordance with the Streetscape Plan of  
2 the Rincon Hill Area Plan.

3 ~~(B) — Open space must meet the following standards:~~

4 ~~—— (i) — Be in such locations and provide such ingress and egress as will make the area~~  
5 ~~convenient, safe, secure and easily accessible to the general public;~~

6 ~~—— (ii) — Be appropriately landscaped;~~

7 ~~—— (iii) — Be protected from uncomfortable winds;~~

8 ~~—— (iv) — Incorporate ample seating and, if appropriate, access to limited amounts of food~~  
9 ~~and beverage service, which will enhance public use of the area;~~

10 ~~—— (v) — Be well signed and accessible to the public during daylight hours;~~

11 ~~—— (vi) — Be well lighted if the area is of the type requiring artificial illumination;~~

12 ~~—— (vii) — Be designed to enhance user safety and security;~~

13 ~~—— (viii) — Be of sufficient size to be attractive and practical for its intended use; and~~

14 ~~—— (ix) — Have access to drinking water and toilets if feasible.~~

15 ~~—— (C) — Maintenance. Open spaces shall be maintained at no public expense, except as~~  
16 ~~might be provided for by any community facilities district that may be formed in the RH DTR.~~

17 ~~The owner of the property on which the open space is located shall maintain it by keeping the~~  
18 ~~area clean and free of litter and keeping in a healthy state any plant material that is provided.~~

19 ~~Conditions intended to assure continued maintenance of the open space for the actual lifetime~~  
20 ~~of the building giving rise to the open space requirement may be imposed in accordance with~~  
21 ~~the provisions of Section 309.1.~~

22 ~~—— (D) — Informational Plaque. Prior to issuance of a permit of occupancy, a plaque of~~  
23 ~~no less than 24 inches by 36 inches in size shall be placed in a publicly conspicuous location~~

24 ~~outside the building at street level, or at the site of any publicly accessible open space,~~

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1 ~~identifying said open space feature and its location, stating the right of the public to use the~~  
2 ~~space and the hours of use, describing its principal required features (e.g., number of seats,~~  
3 ~~availability of food service) and stating the name and address of the owner or owner's agent~~  
4 ~~responsible for maintenance.~~

5 ~~—— (E) —— The Zoning Administrator shall have authority to require a property owner to~~  
6 ~~hold harmless the City and County of San Francisco, its officers, agents and employees, from~~  
7 ~~any damage or injury caused by the design, construction or maintenance of open space, and to~~  
8 ~~require the owner or owners or subsequent owner or owners of the property to be solely liable~~  
9 ~~for any damage or loss occasioned by any act or neglect in respect to the design, construction~~  
10 ~~or maintenance of the open space.~~

11 ~~—— (f) —— Reduction of Ground Level Wind Currents.~~

12 ~~—— (1) —— Requirement. New buildings and additions to existing buildings shall be shaped,~~  
13 ~~or other wind baffling measures shall be adopted, so that the developments will not cause~~  
14 ~~ground level wind currents to exceed, more than 10 percent of the time year round, between~~  
15 ~~7:00 a.m. and 6:00 p.m., the comfort level of 11 m.p.h. equivalent wind speed in areas of~~  
16 ~~substantial pedestrian use and seven m.p.h. equivalent wind speed in public seating areas. The~~  
17 ~~term "equivalent wind speed" shall mean an hourly mean wind speed adjusted to incorporate~~  
18 ~~the effects of gustiness or turbulence on pedestrians.~~

19 ~~—— (2) —— When preexisting ambient wind speeds exceed the comfort level, or when a~~  
20 ~~proposed building or addition may cause ambient wind speeds to exceed the comfort level, the~~  
21 ~~building shall be designed to reduce the ambient wind speeds to meet the requirements.~~

22 ~~—— (3) —— Exception. The Zoning Administrator may allow the building or addition to add~~  
23 ~~to the amount of time the comfort level is exceeded by the least practical amount if (i) it can be~~  
24 ~~shown that a building or addition cannot be shaped and other wind baffling measures cannot be~~

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1 *adopted to meet the foregoing requirements without creating an unattractive and ungainly*  
2 *building form and without unduly restricting the development potential of the building site in*  
3 *question, and (ii) the Zoning Administrator concludes that, because of the limited amount by*  
4 *which the comfort level is exceeded, the addition is insubstantial.*

5 ~~————~~ *The Zoning Administrator shall not grant an exception, and, no building or addition*  
6 *shall be permitted that causes equivalent winds speeds to reach or exceed the hazard level of 26*  
7 *miles per hour for a single hour of the year.*

8 ~~(g)~~(11) Streetscape Standards.

9 ~~(H)~~(A) Sidewalk Treatments.

10 ~~(A)~~(i) For all frontages abutting a public sidewalk, the project sponsor is  
11 required to install sidewalk widening, street trees, lighting, decorative paving, seating  
12 and landscaping in accordance with the Streetscape Plan of the Rincon Hill Area Plan,  
13 developed by the Planning Department and approved by the Board of Supervisors.

14 ~~(B)~~(ii) Prior to approval by the Board of Supervisors of a Streetscape Plan for  
15 Rincon Hill, the Planning Commission, through the procedures of Section 309.1, shall  
16 require an applicant to install sidewalk widening, street trees, lighting, decorative  
17 paving, seating, and landscaping in keeping with the intent of the Rincon Hill Area Plan  
18 of the General Plan and in accordance with subsections ~~(C)~~—~~(F)~~(iii-vi) below.

19 ~~(C)~~(iii) Sidewalk treatments shall comply with any applicable ordinances and  
20 with any applicable regulation of the Art Commission, the Department of Public Works  
21 and the Bureau of Light, Heat and Power of the Public Utility Commission regarding  
22 street lighting, sidewalk paving, and sidewalk landscaping.

23 ~~(D)~~(iv) The Streetscape Plan and any Commission requirement pursuant to  
24 subsection ~~(B)~~(ii) shall require the abutting property owner or owners to hold harmless  
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1 the City and County of San Francisco, its officers, agents, and employees, from any  
2 damage or injury caused by reason of the design, construction or maintenance of the  
3 improvements, and shall require the owner or owners or subsequent owner or owners  
4 of the respective property to be solely liable for any damage or loss occasioned by any  
5 act.

6 ~~(E)~~(v) Notwithstanding the provisions of this Section, an applicant shall apply for  
7 all required permits for changes to the legislated sidewalk widths and street  
8 improvements and pay all required fees.

9 ~~(F)~~(vi) The owner of the property is required to maintain all those improvements  
10 other than lighting.

11 ~~(2)~~(B) Street Trees. Street trees shall be installed by the owner or developer in  
12 the case of construction of a new building, relocation of a building, or addition of floor  
13 area equal to 20 percent or more of an existing building when such construction,  
14 relocation or addition occurs on any site in the RH DTR. Street trees shall be provided  
15 according to the provisions of Section 143(b), (c) and (d). In addition, street trees shall:

16 ~~(A)~~(i) be planted at least one foot back from the curb line;

17 ~~(B)~~(ii) have a minimum 2 inch caliper, measured at breast height;

18 ~~(C)~~(iii) branch a minimum of 8 feet above sidewalk grade;

19 ~~(D)~~(iv) where in the public right-of way, be planted in a sidewalk opening at least  
20 16 square feet, and have a minimum soil depth of 3 feet 6 inches;

21 ~~(E)~~(v) where planted in individual basins rather than a landscaped planting bed,  
22 be protected by a tree grate with a removable inner ring to provide for the tree's growth  
23 over time;

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1           ~~(F)~~(vi) provide a below-grade environment with nutrient-rich soils, free from  
2 overly-compacted soils, and generally conducive to tree root development;

3           ~~(G)~~(vii) be irrigated, maintained and replaced if necessary by the property  
4 owner, in accordance with Sec. 174 of the Public Works Code; and

5           ~~(H)~~(viii) be planted in a continuous soil-filled trench parallel to the curb,  
6 such that the basin for each tree is connected.

7           ~~(3)~~(C) Mid-block Pedestrian Pathways. For developments on Assessor's Blocks  
8 3744—3748, the Commission may require, pursuant to Section 309.1, the applicant to  
9 provide a mid-block pedestrian pathway for the entire depth of their property where  
10 called for by the Rincon Hill Area Plan of the General Plan. This pathway shall be  
11 designed in accordance with the standards of this Section.

12           ~~(A)~~(i) Design. The design of the pathway shall meet the following minimum  
13 requirements:

14           ~~(i)~~(AA) Have a minimum width of 20 feet from building face to building face;

15           ~~(ii)~~(BB) Have a minimum clear walking width of 10 feet free of any  
16 obstructions.

17           ~~(iii)~~(CC) Be open to the sky and free from all encroachments for that entire  
18 width, except for those permitted in front setbacks by Section 136 of this Code;

19           ~~(iv)~~(DD) Provide such ingress and egress as will make the area easily  
20 accessible to the general public;

21           ~~(v)~~(EE) Be protected from uncomfortable wind, as called for elsewhere in this  
22 Code;

23           ~~(vi)~~(FF) Be publicly accessible, as defined elsewhere in this Section;

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1           ~~(vii)~~(GG)       Be provided with special paving, furniture, landscaping, and other  
2 amenities that facilitate pedestrian use;

3           ~~(viii)~~(HH)       Be provided with ample pedestrian lighting to ensure pedestrian  
4 comfort and safety;

5           ~~(ix)~~(II)       Be free of any changes in grade or steps not required by the natural  
6 topography of the underlying hill; and

7           ~~(x)~~(JJ)       Be fronted by active ground floor uses, such as individual townhouse  
8 residential units, to the greatest extent possible.

9           ~~(B)~~(ii)       Prior to issuance of a permit of occupancy, informational signage  
10 directing the general public to the pathway shall be placed in a publicly conspicuous  
11 outdoor location at street level stating its location, the right of the public to use the  
12 space and the hours of use, and the name and address of the owner or owner's agent  
13 responsible for maintenance.

14           ~~(C)~~(iii)       The owner of the property on which the pathway is located shall maintain  
15 it by keeping the area clean and free of litter and keeping in a functional and healthy  
16 state any street furniture, lighting and/or plant material that is provided.

17           ~~(D)~~(iv)       Notwithstanding the provisions of this subsection, an applicant shall  
18 obtain all required permits for changes to the legislated sidewalk and street  
19 improvements and pay all required fees.

20           ~~(E)~~(v)       The property owner or owners must hold harmless the City and County of  
21 San Francisco, its officers, agents, and employees, from any damage or injury caused  
22 by reason of the design, construction or maintenance of the improvements, and shall  
23 require the owner or owners or subsequent owner or owners of the respective property  
24 to be solely liable for any damage or loss occasioned by any act.

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(b) Uses.

(1) Housing Requirement for Residential Developments. The requirements of Sections 315 through 315.9 shall apply in the RH DTR subject to the following exceptions:

(A) If constructed on-site, a minimum of 12 percent of the total units constructed, and if constructed off-site, a minimum of 17 percent of the total units constructed, shall be affordable to and occupied by qualifying persons and families as defined elsewhere in this Code.

(B) Below-market-rate units as required by Sections 315 through 315.9 that are built off-site must be built within the area bounded by Market Street, the Embarcadero, King Street, Division Street, and South Van Ness Avenue.

(C) No less than fifty percent (50%) of the fees that are paid due to development in the Rincon Hill Area Plan under Section 315.4(e)(2) and 315.6 shall be paid into the Citywide Affordable Housing Fund, but the funds shall be separately accounted for and designated exclusively to increase the supply of affordable housing in the SOMA area.

(D) Fifty percent (50%) of the below-market rate units as required by Section 315 through 315.9 that are built on- or off-site must be provided as rental units for the life of the project, as defined in Planning Code Section 315.7(a).

(E) The Mayor's Office of Housing must submit a resolution to the Board of Supervisors with a plan for the use of all in lieu fee payments generated from the Rincon Hill Plan prior to any expenditure of the Funds.

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

By: \_\_\_\_\_  
Elaine C. Warren  
Deputy City Attorney