

1 [Administrative, Planning Codes - Central South of Market Area Plan]

2

3 **Ordinance amending the Administrative and Planning Codes to give effect to the**
4 **Central South of Market Area Plan, encompassing an area generally bounded on its**
5 **western portion by Sixth Street, on its eastern portion by Second Street, on its northern**
6 **portion by the border of the Downtown Plan Area (an irregular border that generally**
7 **jogs along Folsom, Howard and Stevenson Streets), and on its southern portion by**
8 **Townsend Street; making approval findings under the California Environmental Quality**
9 **Act, including adopting a statement of overriding considerations; and making findings**
10 **of consistency with the General Plan, and the eight priority policies of Planning Code,**
11 **Section 101.1, and findings of public necessity, convenience, and welfare under**
12 **Planning Code, Section 302.**

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

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

19

20 Section 1. Environmental and Planning Code Findings.

21 (a) On May 10, 2018, after a duly noticed public hearing, the Planning Commission
22 certified the Final Environmental Impact Report (EIR) for the proposed Central South of
23 Market (SoMa) Area Plan (the Project) by Motion No. 20182, finding that the Final EIR reflects
24 the independent judgment and analysis of the City and County of San Francisco, is adequate,
25

1 accurate, and objective, and contains no significant revisions to the Draft EIR, and that the
2 content of the report and the procedures through which the Final EIR was prepared,
3 publicized, and reviewed comply with the California Environmental Quality Act (CEQA) (Public
4 Resources Code Section 21000 et seq.), the CEQA Guidelines (14 Cal. Code Regs. Section
5 15000 et seq.), and Chapter 31 of the Administrative Code. Copies of the Planning
6 Commission Motion and the Final EIR are on file with the Clerk of the Board in File No.
7 180651 and are incorporated herein by reference.

8 (b) The Project evaluated in the Final EIR includes the proposed amendments to the
9 Planning Code and Zoning Map as well as amendments to the General Plan, adopting the
10 Central SoMa Area Plan and other related amendments. The proposed Planning Code and
11 Zoning Map amendments set forth in this ordinance are within the scope of the Project
12 evaluated in the Final EIR.

13 (c) At the same hearing during which the Planning Commission certified the Final EIR,
14 the Planning Commission adopted findings under CEQA regarding the Project's
15 environmental impacts, the disposition of mitigation measures, and project alternatives, as
16 well as a statement of overriding considerations (CEQA Findings) and adopted a mitigation
17 monitoring reporting program (MMRP), by Resolution No. 20183.

18 (d) At the same hearing, the Planning Commission, in Resolution No. 20185,
19 recommended the proposed Planning Code and Zoning Map amendments for approval and
20 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
21 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The
22 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
23 the Board of Supervisors in File No. 180184, and is incorporated herein by reference.

24 (e) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this
25 Planning Code Amendment will serve the public necessity, convenience, and welfare for the

1 reasons set forth in Planning Commission Resolution Nos. 20185 and 20186, and the Board
2 incorporates such reasons herein by reference.

3 (f) The Board of Supervisors has reviewed and considered the Final EIR and the
4 environmental documents on file referred to herein. The Board of Supervisors has reviewed
5 and considered the CEQA Findings, and hereby adopts them as its own and incorporates
6 them by reference as though such findings were fully set forth in this ordinance.

7 (g) The Board of Supervisors adopts the MMRP as a condition of this approval, and
8 endorses those mitigation measures that are under the jurisdiction of other City Departments,
9 and recommends for adoption those mitigation measures that are enforceable by agencies
10 other than City agencies, all as set forth in the CEQA Findings and MMRP.

11 (h) The Board of Supervisors finds that no substantial changes have occurred in the
12 proposed Project that would require revisions in the Final EIR due to the involvement of new
13 significant environmental effects or a substantial increase in the severity of previously
14 identified significant effects, no substantial changes have occurred with respect to the
15 circumstances under which the proposed Project is to be undertaken that would require major
16 revisions to the Final EIR due to the involvement of new environmental effects or a substantial
17 increase in the severity of effects identified in the Final EIR, and no new information of
18 substantial importance to the proposed Project has become available which indicates that (1)
19 the Project will have significant effects not discussed in the Final EIR, (2) significant
20 environmental effects will be substantially more severe, (3) mitigation measure or alternatives
21 found not feasible that would reduce one or more significant effects have become feasible or
22 (4) mitigation measures or alternatives that are considerably different from those in the Final
23 EIR would substantially reduce one or more significant effects on the environment.

24
25 Section 2. General Findings

1 (a) Findings Regarding Setback Requirement on Fourth Street. The increased
2 development in Central SoMa is likely to cause congestion and crowding for pedestrians on
3 the Central SoMa Plan Area’s sidewalks, particularly near the intersection of the Central
4 Subway and Caltrain, due to the increased concentration of commuters using Muni and
5 Caltrain at that location. In most of the Plan Area, pedestrian congestion will be ameliorated
6 by widening sidewalks to the widths identified in the Better Streets Plan, pursuant to Planning
7 Code Section 138.1. However, the sidewalks on 4th Street between Bryant and Townsend
8 Streets cannot be widened to the extent recommended by the Better Streets Plan because
9 the Central Subway will run at grade in the middle of the street. Therefore, requiring the
10 buildings on 4th Street between Bryant Street and Townsend Street be set back five feet at
11 ground level will alleviate this impact to pedestrian congestion and crowding.

12 (b) Findings Regarding Micro-Retail Uses in the Central SoMa Special Use District.
13 The Plan seeks to provide small retail spaces, referred to as “micro-retail,” to ensure that
14 space is available for small, non-Formula Retail establishments, which are more likely to offer
15 non-traditional and unique merchandise for residents and visitors. The micro-retail space
16 requirements provide for a diversity of retail land uses, which will help preserve Central
17 SoMa’s distinct neighborhood character and help fulfill the City’s Priority Policy of the General
18 Plan that existing neighborhood-serving retail uses be preserved and enhanced and that
19 opportunities for resident employment in and ownership of neighborhood-serving retail
20 establishments be enhanced. In addition, the Board hereby incorporates by reference and
21 adopts the findings set forth in Planning Code Section 303.1(a), which further support the
22 provision of non-Formula Retail micro-retail spaces in the Central SoMa Plan Area.

23 (c) Findings Regarding Privately-Owned Public Open Space (POPOS).

24 (1) Adequate open space is of vital importance to the desirability of downtown
25 and South of Market as a place to visit, work or shop.

1 (2) New non-residential development increases demands on the City's existing
2 limited parks, recreational facilities, and open spaces, contributing to overcrowding of those
3 facilities.

4 (3) Publicly-accessible open space and recreation facilities are essential to
5 creating and maintaining an attractive central business district and to generally create an
6 environment appealing for workers, shoppers, and visitors. The economic sustainability and
7 well-being of the City is dependent on the reputation of its commercial and visitor areas as
8 pleasant and amenity-filled. Businesses choose to locate in San Francisco because of its
9 balance of high-accessibility to other businesses and services and its livability. The skilled
10 and creative workforce sought by businesses growing in San Francisco values spending time
11 in an interesting and amenity-filled walkable urban environment. These spaces directly
12 enhance the economic value of the commercial properties themselves.

13 (4) New non-residential development increases the demand for parks,
14 recreational facilities, and open space. These amendments provide for open space
15 demanded as a result of new non-residential development. These amendments also provide
16 for a reduction in open space requirements where recreational and open space amenities are
17 provided by other means. Also, to ensure that these publicly accessible spaces mitigate the
18 impacts described above, truly supplement the public open space system, and provide
19 welcoming environments to all members of the public, indoor and upper-story spaces are
20 discouraged in favor of outdoor, street-level spaces, except where a specific recreational
21 amenity is provided that is necessarily indoors or the project location makes outdoor space
22 undesirable (e.g., adjacent to a freeway). Further, limited amounts of food and beverage
23 service retail are permitted in larger spaces created pursuant to this ordinance to ensure that
24 these spaces are active and attractive to workers, visitors, and shoppers, as well as provide
25 some revenue for the property owners.

1 (5) To ensure that the requirements of this ordinance provide sufficient flexibility
2 for project sponsors to address the context of their particular sites and address the impacts of
3 their developments, project sponsors are given options to meet the requirements other than
4 by setting aside space on their project sites. These options include (depending on zoning
5 district) provision of off-site open space and payment of fees in lieu of providing any space.
6 Reasonable geographic latitude is given in provision of off-site spaces. In-lieu fee amounts
7 are set based on the reasonably comparable costs of acquiring land in the area of the
8 development and improving the property to the same high standard of investment as would be
9 expected in a highly-trafficked public space in a high-density urban area (i.e., significantly
10 higher cost per square foot for more intensive amenity, hardscape, and engineering
11 investment than relatively cheaper expansive lawns and landscape areas common in less
12 dense more outlying neighborhoods). These in-lieu fees are based on costs identified in
13 Downtown San Francisco Park, Recreation, and Open Space Development Impact Fee
14 Nexus Study by Hausrath Economics from April 2012.

15 (6) The San Francisco Infrastructure Level of Service Analysis (2014) (“LOS
16 Analysis”), p. 22, concludes that four acres of open space are necessary for every 1,000
17 “Service Population Units.” Each employee is equivalent to 0.19 “Service Population Units”
18 (Hausrath Economics Group, “Phoenix Park and EDU Factors Study,” A Report to City of
19 Phoenix Planning Department, Sept. 1998, cited in San Francisco Citywide Nexus Analysis
20 (2014) at p. 14 n. 22.) Thus, every 1,000 additional employees creates a demand for 0.76
21 acres of open space (4.0 acres/1,000 employees x 0.19 = 0.76 acres/1,000 workers).

22 (7) Development under the Central SoMa Plan is expected to add 8.5 million
23 gross square feet (gsf) of new non-residential building space, based on the Planning
24 Department’s *Buildout Analysis for Central SoMa* (January 25, 2018).

25

1 (8) This 8.5 million gsf would result in approximately 40,000 jobs (assuming an
2 employment density of approximately 220 gsf per worker). (“Central SoMa Growth Allocation
3 by TAZ - August 2016.”)

4 (9) Because, as noted above, every 1,000 additional employees creates a
5 demand for 0.76 acres of open space, the Central SoMa Plan would create demand for an
6 additional 30.4 acres of open space.

7 (10) The San Francisco Citywide Nexus Analysis (2014) (“Citywide Nexus
8 Analysis”), at p. 15, states that the cost to construct new open space is approximately \$10.3
9 million per acre. Therefore providing 30.4 acres of new open space in Central SoMa would
10 cost the City approximately \$313 million.

11 (11) Non-residential development projects in Central SoMa pay the Eastern
12 Neighborhoods Infrastructure Impact Fee (Fee), of which 6% is dedicated to open space. As
13 of 2018, the maximum Fee paid by non-residential uses was \$19.81 per gsf; 6% of which is
14 \$1.19 per gsf. As such, non-residential projects in Central SoMa are expected to generate
15 approximately \$10 million towards open space, leaving an unfunded portion of nearly \$300
16 million.

17 (12) The Central SoMa Plan POPOS program would yield approximately four
18 acres of open space, based on the proposed requirement of 1 gsf of POPOS for every 50 gsf
19 of non-residential development and the expectation of 8.5 million of gsf of non-residential
20 development. At a cost of \$10.3 million per acre, these four acres of POPOS would be the
21 equivalent of approximately \$40 million of additional open space fees.

22 (13) Therefore, expanding the POPOS requirement to the Central SoMa Plan
23 Area is an essential part of the City’s overall strategy to meet the demand for open space
24 generated by new residents and workers.

25

1 (d) Findings Regarding the Establishment of Citizens Advisory Committees to Guide
2 Plan Implementation. Through the Eastern Neighborhoods planning process, the City
3 established the Eastern Neighborhoods Citizens Advisory Committee (CAC) to advise on the
4 implementation of the Eastern Neighborhoods Plans and community improvements
5 programming within the Central Waterfront, East SoMa, Western SoMa, Mission, and
6 Showplace Square/Potrero Hill areas. However, with the addition of the Central SoMa Area
7 Plan and its related implementation and community improvements programming, it is evident
8 that a single CAC can no longer provide the appropriate community input necessary to serve
9 these growing areas. The Board of Supervisors intends to revise the composition and
10 jurisdiction of the Eastern Neighborhoods CAC, such that it is split into two CACs, one which
11 serves the three SoMa Plan Areas (East SoMa, Central SoMa, and Western SoMa) and one
12 which serves the southern Plan Areas (Mission, Showplace Square/Potrero Hill, and Central
13 Waterfront). Any process of modifying existing and proposed CACs should incorporate
14 community input. Therefore it is the Board’s intent to create a process which incorporates the
15 recommendations of neighborhood stakeholders and community members as they develop
16 the necessary details of restructuring these bodies.

17 (e) Findings Regarding Access to Good Jobs. While accommodating the growth of
18 jobs is important, it is just as important that these are jobs that pay a living wage. Many of the
19 office jobs in the technology sector and even the PDR jobs are certain to be good jobs,
20 particularly in that they pay well relative to education. However, it is important that the City
21 supports good jobs across all sectors, including construction workers, hotel workers, and
22 other professions. Therefore, it is the intent of the Board of Supervisors to develop a “Good
23 Jobs Policy” to help enable permanent jobs at good living wages with benefits within the future
24 development.

1 Section 3. The Administrative Code is hereby amended by revising Chapter 35, to
2 read as follows:

3
4 **CHAPTER 35: RESIDENTIAL, HOTEL, AND ~~INDUSTRIAL~~PDR COMPATIBILITY AND**
5 **PROTECTION**

6 **SEC. 35.1. SHORT TITLE.**

7 This Chapter 35 may be referred to as the Residential and ~~Industrial~~PDR Compatibility
8 and Protection Ordinance.

9 **SEC. 35.2. DECLARATION OF POLICY.**

10 It shall be the policy of the City and County of San Francisco (City) to protect its
11 existing and future ~~industrial businesses~~Production, Distribution, and Repair (PDR) Uses from
12 potentially incompatible adjacent and nearby development provided that such ~~industrial~~Uses
13 are conducted and maintained ~~in a manner consistent with proper and accepted customs and~~
14 ~~standards and~~ in accordance with all applicable federal, state, and local laws and regulations.
15 The City ~~and County of San Francisco~~ encourages the use of best available control technologies
16 and best management practices whenever possible to further reduce the potential for
17 incompatibility with other uses, including residential.

18 Furthermore, it shall be the policy of the City ~~and County of San Francisco~~ to support the
19 health, safety, and welfare of~~protect~~ the future residents of and overnight visitors to
20 ~~industrial~~Industrial, PDR, and mixed-use neighborhoods by providing for a notification process
21 so that such residents and overnight visitors are made aware of some of the possible
22 consequences of moving to or staying in an industrial or mixed-use such neighborhoods and by
23 ~~encouraging and, if possible, requiring,~~ features in any new residential or hotel construction
24 designed to promote the compatibility of residential and hotel and adjacent or nearby ~~industrial~~
25 PDR uses.

1 **SEC. 35.3. DEFINITIONS.**

2 For the purposes of this Chapter 35, the following definitions shall apply.

3 ~~(a) "Adjacent Property" means all real property inside or within 150 feet of an Industrial Use~~
4 ~~Zoning District.~~

5 ~~(b) "Eligible IndustrialPDR Use" means any legally existing, including legally non-~~
6 ~~conforming, or future IndustrialPDR Use, conducted or maintained for industrialPDR purposes,~~
7 ~~in a manner consistent with proper and accepted customs and standards, as established and followed~~
8 ~~by similar industrialPDR uses in the same neighborhood if such uses exist, and~~ in accordance with all
9 applicable federal, state, and local laws and regulations.

10 ~~"Hotel Use" is as defined in Planning Code Section 102.~~

11 ~~(c) "IndustrialPDR Use" means any industrial use as is as defined in the Planning Code~~
12 ~~Section 102., including, but not limited to, Automotive as defined in Planning Code Section 223, Animal~~
13 ~~Services as defined in Planning Code Section 224, Wholesaling, Storage, Distribution and Open Air~~
14 ~~Handling of Materials and Equipment as defined in Planning Code Section 225, Manufacturing and~~
15 ~~Processing as defined in Planning Code Section 226. Other Uses as defined in Planning Code Section~~
16 ~~227, and Light Manufacturing. Wholesale Sales, Storage as defined in Planning Code Section 890.54.~~
17 ~~Upon adoption of the permanent Eastern Neighborhoods Zoning Controls. "Industrial Use" shall also~~
18 ~~include Production, Design, and Repair Uses ("PDR Uses"), as defined in the zoning controls,~~
19 ~~including, but not limited to, Publishing, Audio/Visual, Arts, Fashion, Transport, Food/Event, Interior~~
20 ~~Design. Construction, Equipment, Motor Vehicles, and Other PDR uses.~~

21 ~~(d) "IndustrialPDR Use Zoning District" means a zoning district designated in Planning~~
22 ~~Code Section 201 as an Industrial District, Production Distribution Repair District, or Eastern~~
23 ~~Neighborhoods Mixed Use District C-M (Heavy Commercial), M-1 (Light Industrial), M-2 (Heavy~~
24 ~~Industrial), SPD (South Park), RSD (Residential/Service Mixed Use), SLR (Service/Light~~
25 ~~Industrial/Residential Mixed Use), SLI (Service/Light Industrial), SSO (Service/Secondary Office), or~~

1 ~~MB-CI (Mission Bay-Commercial Industrial). Upon adoption of the permanent Eastern Neighborhoods~~
2 ~~Zoning Controls, "Industrial Use Zoning District" shall also include a zoning district within the~~
3 ~~Eastern Neighborhoods Plan Area in which PDR is a principally permitted use, including, but not~~
4 ~~limited to, zoning districts designated PDR Zone, Employment and Business Development Zone, or~~
5 ~~Urban Mixed Use Zone.~~

6 "Property" means all real property inside a PDR Use Zoning District.

7 ~~(e) "Residential Use" is as defined in Planning Code Section 102 means the use of any real~~
8 ~~property as a dwelling unit or units, regardless of whether it is a primary residence.~~

9 ~~(f) "Transfer" means, but is not limited to, the following: sale or lease.~~

10 "Transferee" means a purchaser or lessee of all or any portion of a Property, and includes but
11 is not limited to the purchaser or lessee's partners, assigns, successors, representatives, and heirs.

12 "Transferee" shall not mean a guest at a Hotel or Motel.

13 "Transferor" means an owner of a Property who sells or leases all or any portion of the
14 structure to a Transferee, and includes but is not limited to the owner's partners, assigns, successors,
15 and representatives.

16 **SEC. 35.4. PROTECTION OF ~~INDUSTRIAL~~PDR USES.**

17 No Eligible ~~Industrial~~PDR Use shall be or become a public or private nuisance ~~if the~~
18 ~~PDR Use operates in compliance with the Municipal Code and state and federal law, and with the~~
19 ~~terms of its permits due to any changed condition in Adjacent Property after the Industrial Use has been~~
20 ~~in operation for more than two years if it was not a nuisance at the time it was established.~~

21 **SEC. 35.5. EXEMPTIONS AND NONAPPLICATION.**

22 (a) The provisions of Section 35.4 shall not apply whenever a nuisance results from
23 the negligent, improper, or illegal operation of any ~~Industrial~~PDR Use.

1 (b) This Chapter 35 is not intended to super~~e~~se~~d~~e or limit any other provisions of the
2 Municipal Code with regard to the regulation and control of ~~Industrial~~PDR Uses, including, but
3 not limited to, Article 11 of the Health and Safety Code.

4 * * * *

5 **SEC. 35.6. NOTICE REQUIREMENTS FOR TRANSFER OF REAL PROPERTY FOR**
6 **RESIDENTIAL USE.**

7 (a) **Notice Requirement.** The ~~Transferor~~ of ~~Adjacent~~ Property for Residential Use or
8 Hotel Use must provide notice to the ~~Transferee~~ as follows.

9 (1) **Timing of Disclosure.** For all transfers of ~~Adjacent~~ Property having any
10 Residential Use or Hotel Use, the ~~Transferor~~ shall provide the disclosure described in
11 ~~S~~ubsection 35.6(a)(2) on a written document. This notice shall be provided for a lease prior to
12 the tenant(s) signing ~~at~~he lease, or for a purchase agreement for the transfer of the ~~Adjacent~~
13 Property at the time required by California Civil Code Section 1102.3.

14 (2) ~~Disclosure~~**Contents of Disclosure Notice.** The disclosure shall include a
15 citation to this Section 35.6, a copy of this Chapter 35 as is in effect when the disclosure notice is
16 provided, and a written statement containing substantially the following language in at least 12-
17 point font:

18 **"DISCLOSURE OF ~~ADJACENT~~NEIGHBORING INDUSTRIALPDR USES**

19 You are purchasing or leasing property in an area that permits Production, Distribution, and
20 Repair (PDR) Uses, as defined in Planning Code Section 102~~that may be adjacent to an existing~~
21 ~~industrial use.~~ IndustrialPDR Uses may subject you to inconveniences or discomfort arising
22 from ~~Industrial~~their operations, which may include, but are not limited to: noise, odors, dust,
23 chemicals, smoke, operation of machinery, and loading and unloading operations, which may
24 occur throughout the day and night. One or more of these types of inconveniences may occur
25 even if the ~~industrial~~PDR Use is operating in conformance with existing laws and regulations

1 and locally accepted customs and standards for operations of such use. ~~If you live near~~
2 ~~industrial uses, you~~ You should be prepared to accept such inconveniences or discomfort as
3 normal and a necessary aspect of living in a neighborhood with mixed ~~industrial~~ PDR and
4 residential ~~Uses~~. A PDR Use shall not be considered a public or private nuisance if it operates in
5 compliance with the Municipal Code and state and federal law, and with the terms of its
6 permits ~~Transferor shall maintain a copy of this disclosure in the transferor's records for not less than~~
7 ~~two years, and a copy shall be provided to the City or the transferee upon request.~~"

8 (b) **Affidavit of Disclosure.**

9 (1) Contents of Affidavit. The ~~Transferor~~ shall make and sign, upon penalty of
10 perjury, an affidavit containing the following information, with appropriate terms to be inserted in
11 place of the bracketed language, as specified: ~~stating that the transferor provided the disclosure~~
12 ~~required by this Section and shall attach a copy of the notice actually provided; provided, however,~~
13 ~~that the attachment need not also include a copy of the then-current text of this Chapter. This affidavit,~~
14 ~~with the attached notice provided, shall be maintained in the transferor's records for not less than two~~
15 ~~years, and a copy shall be provided to the City or the transferee upon request.~~

16 (A) the identities of the Transferor and any entity on whose behalf the
17 Transferor is acting;

18 (B) the identity of the Transferee;

19 (C) the address, including unit number, of the portion of the Project being
20 transferred;

21 (D) whether the Transfer is a sale or lease; and

22 (E) the following language:

23 "I have provided to the [purchaser or lessee] the disclosure required by San Francisco
24 Administrative Code Chapter 35. Attached is a true and correct copy of the notice provided to the
25 [purchaser or lessee].

1 I declare under penalty of perjury under the laws of the State of California that the foregoing is
2 true and correct. Executed on [date] in [city and state]."

3 (2) Affidavit Transmitted to the Planning Department. The Transferor shall transmit
4 to the Planning Department, by any means acceptable to the Planning Department, the affidavit and a
5 copy of the disclosure notice provided to each Transferee; provided however, that the attachment need
6 not also include a copy of the then-current text of this Chapter 35. This transmittal must occur within
7 90 days of the transfer. Upon request of the Transferee, the Transferor shall also provide a copy of this
8 affidavit, with an attached copy of the disclosure notice referenced in the affidavit, to the Transferee.

9 (3) Affidavits Available to the Public. Pursuant to state and local law, upon request,
10 the Planning Department shall provide a copy of the affidavit and attached notice to any member of the
11 public.

12 (4) Covenants, Conditions, and Restrictions for Condominium Projects. If the
13 Property will be subdivided into condominiums, the requirements of this Section 35.6(b) shall be
14 included as terms of the Covenants, Conditions, and Restrictions ("CC&Rs") that will be filed with the
15 State and that govern owners of the property. Upon request, a copy of the CC&Rs shall be provided to
16 the Planning Department.

17 * * * *

18 ~~(e) This Chapter shall not create any private right of action against the City. The City shall~~
19 ~~have no duty or liability based on any failure to achieve the disclosure required by this Chapter or~~
20 ~~based on the City's failure to prosecute.~~Enforcement. The Planning Department shall enforce this
21 Section 35.6 through the application of Planning Code Sections 176 and 176.1.

22 **SEC. 35.7. PLANNING DEPARTMENT AND COMMISSION REVIEW OF**
23 **RESIDENTIAL PROJECTS.**

24 The Planning Department and Commission shall consider, among other
25 considerationsfactors, the compatibility of uses when approving Residential Uses and Hotel Uses

1 ~~in PDR Use Zoning Districts adjacent to or near existing Industrial Uses and to~~ shall take all
2 reasonably available means through the City's design review and approval processes to
3 ensure that the design of such new residential and hotel development projects is sensitive to
4 both the existing and future Industrial PDR Uses in these Districts and the future residents and
5 overnight visitors of the new development. Such ~~considerations~~ factors may include, among
6 others:

7 (a) The proposed project's consistency with the Industrial Area Design Guidelines;

8 (b) The proposed project's overall design, acoustical treatment, and ventilation to
9 achieve interior noise levels and ventilation compatible with residential standards; and

10 (c) The location of non-habitable spaces or spaces such as closets, bathrooms,
11 kitchens, and/or landscaping so that such spaces may provide a buffer between the proposed
12 habitable residential areas and any common property line with Industrial PDR Uses.

13 **SEC. 35.8. SEVERABILITY.**

14 In the event that a court or agency of competent jurisdiction holds that a Federal or
15 State law, rule, or regulation invalidates any clause, sentence, paragraph, or section of this
16 Chapter 35 or the application thereof to any person or circumstances, it is the intent of the
17 Board of Supervisors that the court or agency sever such clause, sentence, paragraph, or
18 section or application thereof so that the remainder of this ~~ordinance~~ Chapter shall remain in
19 effect.

20 **SEC. 35.9. NO PRIVATE RIGHT OF ACTION AGAINST CITY.**

21 This Chapter 35 shall not create any private right of action against the City. The City shall have
22 no duty or liability based on any failure to achieve the disclosure required by this Chapter or based on
23 the City's failure to enforce or prosecute pursuant to this Chapter.

1 Section 4. The Planning Code is hereby amended by adding Sections 128.1, 132.4,
2 175.1, 249.78, 263.32, 263.33, 263.34, 413.7, 432, 433, 434, and 848; revising Sections 102,
3 124, 134, 135, 135.3, 138, 140, 145.1, 145.4, 151.1, 152, 152.1, 153, 155, 163, 169.3, 181,
4 182, 201, 206.4, 207.5, 208, 211.2, 249.36, 249.40, 249.45, 260, 261.1, 263, 270, 270.2,
5 303.1, 304, 307, 329, 401, 406, 411A.3, 413.10, 415.3, 415.5, 415.7, 417.5, 418.7, 419,
6 419.6, 423.1, 423.2, 423.3, 423.5, 426, 427, 429.2, 603, 608.1, 802.1, 802.4, 803.3, 803.4,
7 803.5, 803.9, 809, 813, 825, 840, 841, 842, 843, 844, 845, 846, 847, 890.37, 890.116, and
8 890.124; and deleting Sections 263.11, 425, 802.5, 803.8, 815, 816, 817, and 818, to read as
9 follows:

10 **SEC. 102. DEFINITIONS.**

11 * * * *

12 **Floor Area, Gross.** In Districts other than C-3, ~~CMUO~~the Central SoMa Special Use
13 District, and the Van Ness Special Use District, the sum of the gross areas of the several floors of
14 a building or buildings, measured from the exterior faces of exterior walls or from the
15 centerlines of walls separating two buildings. Where columns are outside and separated from
16 an exterior wall (curtain wall) that encloses the building space or are otherwise so arranged
17 that the curtain wall is clearly separate from the structural members, the exterior face of the
18 curtain wall shall be the line of measurement, and the area of the columns themselves at each
19 floor shall also be counted.

20 In the C-3 and CMUO Central SoMa Districts and the Van Ness Special Use Districts,
21 the sum of the gross areas of the several floors of a building or buildings, measured along the
22 glass line at windows at a height of four feet above the finished floor and along a projected
23 straight line parallel to the overall building wall plane connecting the ends of individual
24 windows, provided, however, that such line shall not be inward of the interior face of the wall.

1 (a) Except as specifically excluded in this definition, "Gross Floor Area" shall include,
2 but not be limited to, the following:

3 * * * *

4 (7) In districts other than the C-3 and CMUO Central SoMa Special Use
5 Districts, floor space in accessory buildings; and

6 (8) In the C-3 and CMUO Central SoMa Special Use Districts, any floor area
7 dedicated to accessory or non-accessory parking, except for bicycle parking, required
8 off-street loading, and accessory parking as specified in subsection (b)(7); and

9 * * * *

10 (b) "Gross Floor Area" shall not include the following:

11 * * * *

12 (4) Mechanical equipment, appurtenances, and areas necessary to the
13 operation or maintenance of the building itself (A) if located at an intermediate story of the
14 building and forming a complete floor level; or (B) in the C-3 and CMUO Central SoMa Special
15 Use Districts, if located on a number of intermediate stories occupying less than a full floor
16 level, provided that the mechanical equipment, appurtenances, and areas are permanently
17 separated from occupied floor areas and in aggregate area do not exceed the area of an
18 average floor as determined by the Zoning Administrator;

19 * * * *

20 (7) In C-3 and CMUO Districts, floor space dedicated to parking which does not
21 exceed the amount principally permitted as accessory, and is located underground.

22 * * * *

23 (13) Ground floor area in the C-3-O, C-3-O(SD), C-3-S, C-3-S(SU), ~~and~~ and C-
24 3-G, Districts, and CMUO in the Central SoMa Special Use Districts devoted to building or
25 pedestrian circulation and building service;

1 * * * *

2 (16) Floor area in C-3, ~~South of Market Mixed Use Districts,~~ and Eastern
3 Neighborhoods Mixed Use Districts devoted to child care facilities, provided that:

4 (A) Allowable indoor space is no less than 3,000 square feet and no
5 more than 6,000 square feet, ~~and;~~

6 (B) The facilities are made available rent free, ~~and;~~

7 (C) Adequate outdoor space is provided adjacent, or easily accessible, to
8 the facility. Spaces such as atriums, rooftops, or public parks may be used if they meet
9 licensing requirements for child care facilities; ~~and~~

10 (D) The space is used for child care for the life of the building as long as
11 there is a demonstrated need. No change in use shall occur without a finding by the Planning
12 Commission that there is a lack of need for child care and that the space will be used for a
13 facility described in ~~§~~ subsection (b)(17) below dealing with cultural, educational, recreational,
14 religious, or social service facilities;

15 (17) Floor area in C-3, ~~South of Market Mixed Use Districts,~~ and Eastern
16 Neighborhoods Mixed Use Districts permanently devoted to cultural, educational, recreational,
17 religious, or social service facilities available to the general public at no cost or at a fee
18 covering actual operating expenses, provided that such facilities are:

19 (A) Owned and operated by a nonprofit corporation or institution; or

20 (B) Are made available rent free for occupancy only by nonprofit
21 corporations or institutions for such functions. Building area subject to this ~~§~~ subsection shall
22 be counted as Occupied Floor Area, except as provided in ~~§~~ subsections(a) through (f) in the
23 definition for Floor Area, Occupied, for the purpose of calculating the freight loading
24 requirements for the project;

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SEC. 123. MAXIMUM FLOOR AREA RATIO.

(a) The limits upon the floor area ratio of buildings, as defined by this Code, shall be as stated in this Section and Sections 124 through 128.1. The maximum floor area ratio for any building or development shall be equal to the sum of the basic floor area ratio for the district, as set forth in Section 124, plus any premiums and floor area transfers which are applicable to such building or development under Sections 125, 127, ~~and 128,~~ and 128.1 and as restricted by the provisions of Sections 123(c) and (d) and 124(b) and (j).

(b) No building or structure or part thereof shall be permitted to exceed, except as stated in Sections 172 and 188 of this Code, the floor area ratio limits herein set forth for the district in which it is located.

(c) In the C-3 Districts, ~~T~~the amount of TDR that may be transferred to a development lot, as allowed by Section 128, is limited as follows:

(1) The gross floor area of a structure on a lot in the C-3-O District may not exceed a floor area ratio of 18 to 1;

(2) The gross floor area of a structure on a lot in the C-3-R, C-3-G and C-3-S Districts may not exceed a floor area ratio that is 1½ times the basic floor area limit for the district as provided in Section 124. This section shall not apply to the C-3-S (SU) District.

(d) The gross floor area of a structure on a lot on which is or has been located a Significant or Contributory Building may not exceed the basic floor area ratio limits stated in Section 124 except as provided in Sections 128(c)(2) and 124(f).

(e) **C-3-O(SD) District.** To exceed the basic floor area ratio limit of 6.0:1 up to a ratio of 9.0:1, TDR must be transferred to the development lot as described in Section 128. The use of TDR to exceed a floor area ratio of 9.0:1 shall not be allowed in the C-3-O(SD) district. In order to exceed a floor area ratio of 9.0:1, all projects must participate in the Transit Center

1 District Mello-Roos Community Facilities District as described in Section 424.8. The gross
 2 floor area of a structure on a lot in the C-3-O(SD) District shall not otherwise be limited.

3 (f) A project subject to the TDR requirements of Section 249.78 is subject to the floor
 4 area ratio restrictions contained in that Section.

5
 6 **SEC. 124. BASIC FLOOR AREA RATIO.**

7 (a) Except as provided in ~~S~~subsections (b), (c), (d), (e), and (l) of this Section 124, the
 8 basic Floor Area Ratio limits specified in the Zoning Control Table for the district in which the
 9 lot is located, or in Table 124 below, shall apply to each building or development in the
 10 districts indicated.

11

TABLE 124	
BASIC FLOOR AREA RATIO LIMITS	
<i>District</i>	<i>Basic Floor Area Ratio Limit</i>
* * * *	
RSD , SPD, NC-1, NCT-1, NC-S	1.8 to 1
Haight	
Inner Clement	
Inner Sunset	
North Beach	
Outer Clement	
Sacramento	

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1	24th Street-Noe Valley	
2	West Portal	
3	* * * *	
4		
5	<i>SLR, SLI</i>	<i>2.5 to 1</i>
6	<i>SSO and in a 40 or 50 foot height district</i>	<i>3.0 to 1</i>
7	<i>SSO and in a 65 or 80 foot height district</i>	<i>4.0 to 1</i>
8		
9	<i>SSO and in a 130 foot height district</i>	<i>4.5 to 1</i>
10	* * * *	

11 * * * *

12 (j) Within ~~the any RSD, SPD, SLR, SLI or SSO~~ District, Live/Work Units constructed
 13 above the floor area ratio limits in Section 102 (Floor Area Ratio, subsection (b)(19)) of this
 14 Code shall be subject to the following conditions and standards:

15 (1) Considering all Dwelling Units and all Live/Work Units on the lot, existing and
 16 to be constructed, there shall be no more than one Live/Work Unit and/or Dwelling Unit per
 17 200 square feet of lot area, ~~except that, for projects in the RSD District which will exceed 40 feet in~~
 18 ~~height, and therefore are required to obtain conditional use approval, the allowable density for~~
 19 ~~Dwelling Units and Live/Work Units shall be established as part of the conditional use determination;~~
 20 and

21 * * * *

22 **SEC. 128.1. TRANSFER OF DEVELOPMENT RIGHTS IN THE CENTRAL SOMA**
 23 **SPECIAL USE DISTRICT.**

1 (a) Purpose. *The purpose of this Section is to use Transferable Development Rights to*
2 *facilitate the economic viability of buildings that are of civic importance, that are not built to their full*
3 *development potential, and that are within the Central SoMa Special Use District, established in*
4 *Section 249.78.*

5 (b) Definitions.

6 "Development Lot." *A lot within the Central SoMa Special Use District to which*
7 *Transferable Development Rights may be transferred. The following areas are exempted from the*
8 *calculation of the Development Lot area: The Development Lot shall not include any land*
9 *dedicated to the City for affordable housing pursuant to Section 249.78 or land dedicated to*
10 *the City for publicly-owned parks or publicly-owned recreation centers pursuant to Section*
11 *263.32 or 263.34.*

12 "Preservation Lot." *A parcel of land within the Central SoMa Special Use District on*
13 *which exists (1) a Significant or Contributory Building, as designated pursuant to Article 11 of this*
14 *Code; or (2) a structure designated as an individual landmark or as contributory to a historic district*
15 *designated pursuant to Article 10 of this Code. The boundaries of the Preservation Lot shall be the*
16 *boundaries of the Assessor's Lot on which the building is located at the time the ordinance making the*
17 *designation is adopted, unless boundaries are otherwise specified in that ordinance.*

18 "Transfer Lot." *A lot within the Central SoMa Special Use District from which*
19 *Transferable Development Rights may be transferred.*

20 "Transferable Development Rights (TDR)." *Units of allowable Gross Floor Area that*
21 *may be transferred, pursuant to the provisions of this Section and Article 11 of this Code, from a*
22 *Transfer Lot to increase the allowable Gross Floor Area of a development on a Development Lot.*

23 "Unit of TDR." *One unit of TDR is one square foot of Gross Floor Area.*

24 (c) Applicability. *TDR may be transferred from a Transfer Lot to a Development Lot, subject*
25 *to the requirements set forth in this Section 128.1 and Section 249.78.*

1 (1) The maximum TDR available for transfer from a Transfer Lot consists of the
2 difference between the allowable Gross Floor Area on the Transfer Lot and the actual Gross Floor
3 Area of the development located on the Transfer Lot. For purposes of this Section, the allowable Gross
4 Floor Area of the Transfer Lot is as follows:

5 (A) 3.0 Floor Area Ratio for projects in height districts of 40 to 49 feet;

6 (B) 4.0 Floor Area Ratio for projects in height districts of 50 to 59 feet;

7 (C) 5.0 Floor Area Ratio for projects in height districts of 60 to 69 feet;

8 (D) 6.0 Floor Area Ratio for projects in height districts of 70 to 85 feet; and

9 (E) 7.5 Floor Area Ratio for projects in height districts over 85 feet.

10 (2) TDR may not be transferred for use on any lot on which there is a Significant or
11 Contributory building designated pursuant to Article 11 or any building designated pursuant to Article
12 10; provided that this restriction shall not apply if the Historic Preservation Commission finds that the
13 additional space resulting from the transfer of TDR is essential to make economically feasible the
14 reinforcement of a Significant or Contributory building designated pursuant to Article 11 to meet the
15 standards for seismic loads and forces of the Building Code, in which case TDR may be transferred for
16 that purpose, provided that the project sponsor has satisfied all other requirements of this Section and
17 Article 11, including but not limited to the requirements of Sections 1111 through 1111.6.

18 (3) Notwithstanding any other provision of this Section 128.1, development on a
19 Development Lot is limited by the provisions of this Code, other than those on floor area ratio,
20 governing the approval of projects, including but not limited to the requirements relating to height,
21 bulk, setback, sunlight access, and separation between towers, and any limitations imposed pursuant to
22 Section 329 review applicable to the Development Lot.

23 (d) Controls. The transfer of TDR shall be allowed only under the following circumstances:

24 (1) The Transfer Lot is a Preservation Lot or consists of a building all of the housing
25 units of which are Affordable Housing Units as defined in Section 401.

1 (2) The purchaser of the TDR is a Development Lot as defined in Section 128 and
2 128.1.

3 (e) **Additional Requirements.** Projects transferring TDR pursuant to this Section 128.1 are
4 subject to the requirements of Planning Code Section 128(e) through (l) and Section 249.78.

5 **SEC. 132.4. SETBACKS, STREETWALL ARTICULATION, AND TOWER SEPARATION**
6 **IN THE CENTRAL SOMA SPECIAL USE DISTRICT.**

7 (a) **Purpose.** The controls in this Section 132.4 are intended to ensure that new buildings in the
8 Central SoMa Special Use District contribute to the activation, safety, and dynamism of the
9 neighborhood, help create a strong urban room, and facilitate a substantial amount of light and air to
10 the neighborhood's major streets.

11 (b) **Definitions.** The definitions of Section 102 shall apply, as well as the following additional
12 definitions.

13 **"Mid-Rise Building."** A building above 85 feet and up to 160 feet in Height.

14 **"Mid-Rise Portion."** The portion of a Mid-Rise Building above 85 feet in Height.

15 **"Separation."** The distance, measured horizontally, between the outside surfaces of the
16 exterior walls of the subject buildings.

17 **"Tower."** Any building taller than 160 feet in Height.

18 **"Tower Portion."** The portion of a Tower above 85 feet in Height.

19 (c) **Applicability.** The controls in this Section 132.4 apply within the Central SoMa Special Use
20 District, established in Section 249.78.

21 (d) **Controls.**

22 (1) **Streetwall.**

23 (A) **Requirements.** Buildings shall be built up to the street- or alley-facing
24 property line up to 65 feet in Height, subject to the controls of Section 261.1 as applicable, except as
25 provided in subsection (B) below.

1 (B) Permitted Streetwall Setbacks. Notwithstanding the requirements of
2 subsection (A), any building may be recessed from the property line as follows:

3 (i) To the extent necessary to accommodate any setback required by this
4 Code;

5 (ii) For portions of residential buildings with walk-up dwelling units that
6 have setbacks in accordance with the Ground Floor Residential Guidelines;

7 (iii) For publicly-accessible open space built pursuant to the
8 requirements of Section 138; or

9 (iv) For building façade architectural articulation and modulation up to
10 a maximum depth of 58 feet.

11 (2) Setbacks.

12 (A) For Mid-Rise Buildings in the CS Bulk District, as defined in Section 270(h),
13 the following requirements apply:

14 (i) Along all street- and alley-facing property lines, a 15-foot setback is
15 required for the Mid-Rise Portion for at least 60 percent of the frontage length. This setback may be
16 reduced for obstructions permitted by Section 136;

17 (ii) Along all interior property lines, a 15-foot setback is required for the
18 Mid-Rise Portion for the entire frontage. This setback may be reduced for obstructions permitted
19 according to Section 136.

20 (B) For Towers in the CS Bulk District, along all property lines, a 15-foot
21 setback is required for the Tower Portion for the entire frontage. This setback may be reduced for
22 obstructions permitted according to Section 136.

23 (C) Along 4th Street between Bryant Street and Townsend Street, building
24 facades on new development shall be set back from the street-facing property line by a minimum depth
25 of five feet to a minimum height of 25 feet above sidewalk grade. This setback shall be designed as an

1 extension of the sidewalk, free of columns or other obstructions, except as allowed according to Section
2 136, and shall generally be available to the public at all times for pedestrian circulation.

3 **(3) Building Separation.**

4 (A) The Tower Portion of a project shall have a horizontal separation of at least
5 115 feet from the Tower Portion of any other Tower.

6 (B) Through the procedures of Section 329, the Planning Commission may
7 reduce the separation required under subsection (A) if it finds that a Tower project meets all of the
8 following criteria:

9 (i) The Tower Portion of the project has, at a minimum, a horizontal
10 separation of at least 85 feet from the Tower Portion of any other Tower;

11 (ii) The maximum floor area of any floor of the Tower Portion of the
12 project is no more than 10,000 gross square feet;

13 (iii) The maximum height of the uppermost building element or mass,
14 occupied or unoccupied, of the Tower has a difference of at least 50 feet in Height from the maximum
15 height of the uppermost element of any other Tower within 115 feet of horizontal distance; and

16 (iv) The Tower Portion of the project is designed so as to maximize
17 apparent distance and architectural differentiation from any other nearby Tower.

18 (C) The Tower Portion of a project shall have a horizontal separation of at least
19 30 feet from any Mid-Rise Portion on the same development lot, except that a bridge between the
20 Tower Portion and the Mid-Rise Portion may be permissible up to a height of 130 feet if the bridge is
21 no more than one story in height, is set back a minimum of 15 feet from any property line, and is
22 visually subordinate to the buildings it connects.

23 (D) Any development containing both a Tower Portion and Mid-Rise Portion
24 shall be designed to emphasize a visual distinction between the Tower and Mid-Rise Portions as
25 separate structures.

1 * * * *

2 **SEC. 134. REAR YARDS, R, NC, C, SPD, M, MUG, WMUG, MUO, MUR, UMU, RED,**
3 **AND RED-MX, ~~RSD, SLR, SLI AND SSO~~ DISTRICTS.**

4 The rear yard requirements established by this Section 134 shall apply to every
5 building in the districts listed below. To the extent that these provisions are inconsistent with
6 any Special Use District or Residential Character District, the provisions of the Special Use
7 District or Residential Character District shall apply. These requirements are intended to
8 assure the protection and continuation of established midblock, landscaped open spaces, and
9 maintenance of a scale of development appropriate to each district, consistent with the
10 location of adjacent buildings.

11 (a) **Basic Requirements.** The basic rear yard requirements shall be as follows for the
12 districts indicated:

13 (1) **RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC-3, RC-4, NC Districts other**
14 **than the Pacific Avenue NC District, C, M, MUG, WMUG, MUO, CMUO, MUR, UMU, RED,**
15 **RED-MX, and SPD, ~~RSD, SLR, SLI and SSO~~ Districts. Except as specified in this subsection,**
16 ~~T~~he minimum rear yard depth shall be equal to 25% of the total depth of the lot on which the
17 building is situated, but in no case less than 15 feet.

18 (A) For buildings containing only SRO Units in the *South of Market Mixed*
19 *Use and Eastern Neighborhoods Mixed Use* Districts, the minimum rear yard depth shall be
20 equal to 25% of the total depth of the lot on which the building is situated, but the required
21 rear yard of SRO buildings not exceeding a height of 65 feet shall be reduced in specific
22 situations as described in ~~S~~ubsection (c) below.

23 (B) To the extent the lot coverage requirements of Section 249.78 apply
24 to a project, those requirements shall control, rather than the requirements of this Section 134.

25 * * * *

1 (C) RC-3, RC-4, NC-3, NCT-3, Broadway, Fillmore Street NCT, Hayes-
2 Gough NCT, Japantown, SoMa NCT, Mission Street NCT, Polk Street, Pacific Avenue, C,
3 M, SPD, ~~RSD, SLR, SLL, SSO~~, MUR, MUG, MUO, and UMU Districts. Rear yards shall be
4 provided at the lowest story containing a Dwelling Unit, and at each succeeding level or story
5 of the building. In the Hayes-Gough NCT, lots fronting the east side of Octavia Boulevard
6 between Linden and Market Streets (Central Freeway Parcels L, M, N, R, S, T, U, and V) are
7 not required to provide rear yards at any level of the building, provided that the project fully
8 meets the usable open space requirement for Dwelling Units *per pursuant to* Section 135 of
9 this Code, the exposure requirements of Section 140, and gives adequate architectural
10 consideration to the light and air needs of adjacent buildings given the constraints of the
11 project site.

12 * * * *

13 (c) Reduction of Requirements in RH-2, RH-3, RTO, RTO-M, RM-1, and RM-2
14 Districts. The rear yard requirement stated in *Paragraph subsection* (a)(2) above and as stated
15 in *Paragraph subsection* (a)(1) above for SRO buildings located in *either the South of Market*
16 *Mixed Use or the* Eastern Neighborhoods Mixed Use Districts not exceeding a height of 65 feet,
17 shall be reduced in specific situations as described in this *§* subsection (c), based upon
18 conditions on adjacent lots. Except for those SRO buildings referenced above in this
19 paragraph whose rear yard can be reduced in the circumstances described in *§* subsection (c)
20 to a 15-foot minimum, under no circumstances, shall the minimum rear yard be thus reduced
21 to less than a depth equal to 25 percent of the total depth of the lot on which the building is
22 situated, or to less than 15 feet, whichever is greater.

23 * * * *

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

1 Except as provided in Sections 134.1, 172, and 188 of this Code, usable open space
2 shall be provided for each dwelling and each group housing structure in R, NC, C, Mixed Use,
3 and M Districts according to the standards set forth in this Section 135 unless otherwise
4 specified in specific district controls elsewhere in this Code.

5 * * * *

6 (d) **Amount Required.** Usable open space shall be provided for each building in the
7 amounts specified herein and in Tables 135A and B for the district in which the building is
8 located; provided, however, that in the Downtown Residential (DTR) Districts, open space
9 shall be provided in the amounts specified in Section 825 of this Code.

10 In Neighborhood Commercial Districts, the amount of usable open space to be
11 provided shall be the amount required in the nearest Residential District, but the minimum
12 amount of open space required shall be in no case greater than the amount set forth in Table
13 135A for the district in which the building is located. The distance to each Residential District
14 shall be measured from the midpoint of the front lot line or from a point directly across the
15 street therefrom, whichever requires less open space.

16 * * * *

17 (5) **Eastern Neighborhoods Mixed Use Districts.**

18 (A) Minimum amount.

19 (i) Dwelling units, excluding SRO dwelling units. The minimum
20 amount of usable open space to be provided for use by each dwelling unit shall be as
21 specified in Table 135B.

22 (ii) For group housing structures and, including SRO dwelling
23 units, ~~The~~ minimum amount of usable open space provided for use by each bedroom shall
24 be one-third the amount required for a dwelling unit as specified in Table 135B.

25 (B) Compliance.

1 (i) Privately-owned public open space. Usable open space
 2 requirements in these areas may be fulfilled by providing privately-owned public open space
 3 as specified in Table 135B.

4 (ii) Towers in the ~~CMUO~~ Central SoMa Special Use District.
 5 Residential developments taller than 160 feet shall provide on-site at least 36 square feet per unit or
 6 bedroom of the open space requirement of Table 135B. Any additional open space required pursuant to
 7 Table 135B may be satisfied through payment of the fee established in Section 427.

8 (iii) Payment in case of Variance or exception. Projects granted a
 9 usable open space Variance pursuant to Section 305 or an exception through Section 329 shall pay the
 10 fee established in Section 427 for each square foot of useable open space not provided.

11 * * * *

12 TABLE 135 A 13 MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING 14 OUTSIDE THE EASTERN NEIGHBORHOODS MIXED USE DISTRICT		
15 District	16 Square Feet Of Usable 17 Open Space Required For 18 <u>for</u> Each Dwelling Unit If All Private	19 Ratio of Common Usable Open Space That May Be Substituted for Private
20 * * * *		
21 C-3, C-M, SLR, SLI, SSO , M-1, 22 M-2	23 36	24 1.33
25 * * * *		

26 * * * *

1 (h) **Publicly-Accessible Usable Open Space Standards.** In DTR Districts and the
2 Eastern Neighborhoods Mixed Use Districts, some or all of the usable open space
3 requirements may be fulfilled by providing privately-owned public open space. Any space
4 credited as publicly-accessible usable open space, where permitted or required by this Code,
5 shall meet the following standards:

6 (1) **Types of Open Space.** Open space shall be of one or more of the following
7 types:

8 (A) An unenclosed park or garden at street grade or following the natural
9 topography, including improvements to hillsides or other unimproved public areas;

10 (B) An unenclosed plaza at street grade, with seating areas and
11 landscaping and no more than 10 percent of the total floor area devoted to facilities for food or
12 beverage service, exclusive of seating areas as regulated in Section 138(d)~~(5)~~;

13 (C) An unenclosed pedestrian pathway which complies with the
14 standards of Section 270.2 and which is consistent with applicable design guidelines.

15 (D) Streetscape improvements with landscaping and pedestrian
16 amenities that result in additional pedestrian space beyond the pre-existing sidewalk width
17 and conform to the Better Streets Plan and any other applicable neighborhood streetscape
18 plans *perpursuant to* Section 138.1 or other related policies such as those associated with
19 sidewalk widenings or building setbacks, other than those intended by design for the use of
20 individual ground floor residential units; and

21 (2) **Standards of Open Space.** Open space shall meet the standards
22 described in Section 138(d)~~(1) through (11)~~ of this Code.

23 (3) **Maintenance.** Maintenance requirements for open space in these areas are
24 subject to Section 138(h) of this Code.

1 (4) **Informational Plaque.** Signage requirements for open space in these areas
2 are subject to Section 138(i) of this Code.

3 (5) **Open Space Provider.** Requirements regarding how to provide and
4 maintain open space are subject to Section 138(f) of this Code.

5 (6) **Approval of Open Space Type and Features.** Approval of open space in
6 these areas is subject to requirements of Section 138(d) of this Code.

7 * * * *

8 **SEC. 135.3. USABLE OPEN SPACE FOR USES OTHER THAN DWELLING UNITS,**
9 **GROUP HOUSING AND LIVE/WORK UNITS WITHIN THE ~~SOUTH OF MARKET,~~ EASTERN**
10 **NEIGHBORHOODS MIXED USE, AND DTR DISTRICTS.**

11 (a) **Amount of Open Space Required.** All newly constructed structures, all structures
12 to which ~~gross floor area~~Gross Floor Area equal to 20%~~percent~~ or more of existing ~~gross floor~~
13 ~~area~~Gross Floor Area is added, and all structures in the ~~SSO and~~ Eastern Neighborhoods Mixed
14 Use Districts within which floor area is converted to office use other than office use accessory
15 to a non-office use shall provide and maintain usable open space for that part of the new,
16 additional or converted square footage which is not subject to Sections 135.1 and 135.2 as
17 follows:

18 **MINIMUM USABLE OPEN SPACE REQUIREMENTS FOR USES OTHER THAN**
19 **DWELLING UNITS, GROUP HOUSING AND LIVE/WORK UNITS IN THE ~~SOUTH OF~~**
20 **~~MARKET,~~ EASTERN NEIGHBORHOODS MIXED USE, AND DTR DISTRICTS**

Use	Square Feet of Useable Open Space Required
* * * *	

1	<i>Manufacturing and light industrial, storage</i>	<i>1 sq. ft. per 120 gross sq. ft. of occupied floor</i>
2	<i>without distribution facilities, and like uses in the</i>	<i>area of new or added square footage</i>
3	<i>South of Market Mixed Use Districts</i>	
4	* * * *	
5	<i>Office uses, as defined in 890.70, in the South of</i>	<i>1 sq. ft. per 90 sq. ft. of occupied floor area of</i>
6	<i>Market Mixed Use Districts</i>	<i>new, converted or added square footage</i>
7	* * * *	

* * * *

(2) **Eastern Neighborhoods Mixed Use Districts.** In the Eastern

Neighborhoods Mixed Use Districts, the open space requirements of this Section 135.3 may be fulfilled by providing privately-owned public open space. Such open space is subject to the following:

(A) The amount of open space required pursuant to Table 135.3 may be reduced by 33% percent if it is publicly accessible usable open space.

(B) Publicly accessible usable open space is required to meet all requirements specified in Section 135(h) of this Code.

(C) Up to 50% percent of the publicly accessible open space may be provided off-site, subject to Section 329 ~~of this Code~~ for projects to which that Section applies and Section 307(h) for other projects. Any such space shall meet the publicly accessible open space standards set forth in Section 135(h) and be provided within 800 feet of the project. The publicly accessible off-site usable open space shall be constructed, completed, and ready for use no later than the project itself, and shall receive its Certificate of Final Completion from the Department of Building Inspection prior to the issuance of any Certificate of Final Completion or Temporary Certificate of Occupancy for the project itself. This subsection (C)

1 ~~shall not apply to projects in the GMUO~~ Central SoMa Special Use District, and instead such
2 projects shall comply with Section 138.

3 (3) Central SoMa SUD. This Section 135.3 shall not apply to projects subject
4 to the privately-owned public open space requirement pursuant to Section 138(a)(2).

5
6 (34) DTR Districts. In DTR Districts, the open space requirements of this
7 Section may be fulfilled by providing privately-owned public open space and shall be subject
8 to the following:

9 (A) Such open space shall meet all requirements specified in Section
10 135(h) of this Code.

11 (B) Up to 50 percent of required open space may be provided off-site per
12 the procedures of Section 309.1 if it is within the individual DTR district of the project or within
13 500 feet of any boundary of the individual DTR district of the project.

14 * * * *

15 **SEC. 138. PRIVATELY-OWNED PUBLIC OPEN SPACE (POPOS) REQUIREMENTS**
16 **~~IN C-3 DISTRICTS.~~**

17 (a) ~~Requirement-Applicability.~~ The following projects shall provide open space in the amount
18 and in accordance with the standards set forth in this Section:

19 (1) In C-3 Districts, any project proposing new construction of ~~An applicant for a~~
20 ~~permit to construct a new~~ a Non-Residential building or an addition of Gross Floor Area equal to
21 20 percent or more of an existing Non-Residential building (~~hereinafter "building"~~). Institutional
22 ~~uses in C-3 Districts are exempt from the requirements of this Section 138.~~ in C-3 Districts shall provide
23 ~~open space in the amount and in accordance with the standards set forth in this Section.~~ All
24 ~~determinations concerning the adequacy of the amount of open space to be provided and its compliance~~
25 ~~with the requirements of this Section shall be made in accordance with the provisions of Section 309.~~

(2) In the ~~CMUO~~Central SoMa Special Use District, any project proposing new construction or an addition of 50,000 gross square feet or more of Non-Residential use. Retail, Institutional, and PDR uses in the ~~CMUO~~Central SoMa Special Use District are exempt from the requirements of this Section 138.

(b) **Amount Required.** ~~Except in the C-3-O(SD) District, o~~Open space shall be provided in the amounts specified in Table 138 below for all uses except (i) Residential Uses, which shall be governed by Section 135 of this Code and (ii) Institutional Uses.

Table 138

Minimum Amount of Open Space Required	
Use District	Ratio of Square Feet of Open Space to Gross Floor Area With Open Space Requirement
C-3-O	1:50
C-3-R	1:100
C-3-G	1:50
C-3-S	1:50
C-3-O (SD)	1:50
<u>CMUO</u> Central SoMa Special Use District	1:50; however, every square foot of the following amenities shall count as 4.33 square feet towards meeting the requirements of this Section: (1) playgrounds; (2) community gardens; (3) sport courts; and (4) dog runs.

(c) **Location.** The open space required by this Section may be on the same site as the building project for which the permit is sought, or within 900 feet of it on either private property or, with the approval of all relevant public agencies, public property, provided that all open space required by this Section for a project within the C-3 District shall ~~must~~ be located

1 entirely within the C-3 District. Projects within the ~~CMUC~~Central SoMa Special Use District may
2 provide the open space required by this Section within one-half mile of the project if the required open
3 space is on publicly-owned land underneath or adjacent to the I-80 freeway. Open space is within
4 900 feet of the building for which the permit is sought within the meaning of this Section if any
5 portion of the buildingproject is located within 900 feet of any portion of the open space. Off-
6 site open space shall be developed and open for use prior to issuance of a first certificate of
7 occupancy, as defined in Section 401 of this Code, of the buildingproject whose open space
8 requirement is being met off-site. Failure to comply with the requirements of this subsection
9 shall be grounds for enforcement under this Code, including but not limited to the provisions of
10 Sections 176 and 176.1.

11 (d) **Types and Standards of Open Space.**

12 (1) C-3 Districts. In C-3 Districts, Except as otherwise provided in §subsection
13 (ef), the project ~~applicant~~ may satisfy the requirements of this Section by providing one or more
14 of the following types of open space: A plaza, an urban park, an urban garden, a view terrace,
15 a sun terrace, a greenhouse, a small sitting area (a “snippet”), an atrium, an indoor park, or a
16 public sitting area in a galleria, in an arcade, in a public street or alley, or in a pedestrian mall
17 or walkway, as more particularly defined in the table entitled "Guidelines for Open Space" in
18 the Open Space Section of the Downtown Plan, or any amendments thereto, provided that the
19 open space meets the following minimum standards. The open space shall:

- 20 (~~1A~~) Be of adequate size;
- 21 (~~2B~~) Be situated in such locations and provide such ingress and egress
22 as will make the area easily accessible to the general public;
- 23 (~~3C~~) Be well-designed, and where appropriate, be landscaped;
- 24 (~~4D~~) Be protected from uncomfortable wind;

1 (5E) Incorporate various features, including ample seating and, if
2 appropriate, access to food service, which will enhance public use of the area;

3 (6F) Have adequate access to sunlight if sunlight access is appropriate
4 to the type of area;

5 (7G) Be well-lighted if the area is of the type requiring artificial
6 illumination;

7 (8H) Be open to the public at times when it is reasonable to expect
8 substantial public use;

9 (9I) Be designed to enhance user safety and security;

10 (10J) If the open space is on private property, provide toilet facilities open
11 to the public; *and*

12 (11K) Have at least 75 percent of the total open space approved be open
13 to the public during all daylight hours.

14 (2) GMUO **Central SoMa Special Use District**. In the GMUO **Central SoMa**
15 **Special Use District**, a project shall satisfy the requirements listed below, as well as the approval
16 process described in subsection (e):

17 (A) Projects shall meet the minimum standards of subsection (d)(1).

18 (B) Projects may provide open spaces outdoors or indoors, ~~or may pay the in-~~
19 lieu fee as set forth in Section 4276 and subject to Commission review pursuant to subsection
20 (ee) below or may pay the in-lieu fee as set forth in Section 426, except that development on sites
21 of 40,000 square feet or more and located south of Bryant Street shall provide the required open space
22 outdoors and may not pay an in-lieu fee.

23 (C) All open space provided shall be at street grade up to an amount that equals
24 15 percent of the lot area. Any additional required open space may be provided above street grade.

1 (D) All open space shall be publicly accessible, at a minimum, from 7AM to
2 6PM every day.

3 (E) All outdoor open space provided at street grade, except space provided
4 underneath the I-80 freeway, shall meet the following requirements:

5 (i) The open space shall be open to the sky, except for obstructions
6 permitted by Section 136 and up to 10% of space that may be covered by a cantilevered portion
7 of the building if the space has a minimum height of 20 feet;

8 (ii) Any buildings on the subject property that directly abut the open
9 space shall meet the active space requirements of Section 145.1; and

10 (iii) The open space shall be maximally landscaped with plantings on
11 horizontal and vertical surfaces, subject to the appropriate design for circulation routes and any
12 recreational or public amenities provided. Such plantings may include, but are not limited to living
13 walls, stormwater gardens, and drought-tolerant landscaping.

14 (F) All indoor open spaces provided at street grade shall:

15 (i) Have a minimum area of 2,500 square feet;

16 (ii) Have a minimum floor-to-ceiling height of 20 feet for at least 75%
17 of the space;

18 (iii) Provide openings directly to a sidewalk or other publicly-accessible
19 outdoor space and, weather permitting, be accessible without the need to open doors;

20 (iv) Be situated, designed, and programmed distinctly from building
21 lobbies or other private entrances to the building;

22 (G) All spacesProjects shall make efforts to include at least one publicly-
23 accessible potable water source convenient for drinking and filling of water bottles.

24 (H) Any food service area provided in the required open space shall occupy no
25 more than 20% of the open space;

1 (I) Any restaurant seating shall not take up more than 20% of the seating and
2 tables provided in the required open space; and

3 (J) All spaces shall facilitate three-stream waste sorting and collection.

4 **(e) Approval of Open Space Type and Features.**

5 (1) In C-3 Districts, the type, size, location, physical access, seating and table
6 requirements, landscaping, availability of commercial services, sunlight and wind conditions
7 and hours of public access shall be reviewed and approved in accordance with the provisions
8 of Section 309, and shall generally conform to the "Guidelines for Open Space" in the Open
9 Space Section of the Downtown Plan, or any amendments thereto.

10 The Commission may, by resolution, declare certain types of open space ineligible to
11 meet the requirements of this Section 138, either throughout C-3 Districts, or in certain defined
12 areas, if it determines that a disproportionate number of certain types of open space, or ~~that~~
13 an insufficient number of parks and plazas, is being provided ~~in order~~ to meet the public need
14 for open space and recreational uses. Such resolution may exempt from its application
15 projects whose permit applications are on file with the Planning Department.

16 Over time, no more than 20 percent of POPOS in the space provided under this Section
17 ~~138~~ C-3 Districts shall be indoor space and at least 80 percent shall be outdoor space. Once an
18 indoor space has been approved, another such feature may not be approved until the total
19 square footage of outdoor open space features approved under this ~~subsection~~ Section exceeds
20 80 percent of the total square footage of all open spaces approved under this
21 ~~subsection~~ Section.

22 (2) In the ~~CMUO~~ Central SoMa Special Use District, all determinations concerning
23 the adequacy of the location, amount, amenities, design, and implementation of open space required by
24 this Section shall be made in accordance with the provisions of Section 329 and subsection ~~(e)~~ (d(2)).

1 above. As part of this determination, the Planning Commission shall consider the ability of the open
2 space to meet the open space, greening, and community needs of the neighborhood, as follows:

3 (A) **Location.** The provision of outdoor space, including off-site, should be
4 given preference over the provision of indoor space and/or the payment of the in-lieu fee. The
5 Commission may approve the provision of indoor space and/or the payment of the in-lieu fee only
6 where the provision of outdoor space would:

7 (i) Be subject to substantially negative or unpleasant environmental
8 conditions, such as noise, wind, or lack of access to direct sunlight; and/or

9 (ii) Where provision of the open space outdoors would substantially
10 degrade the street wall or otherwise undermine the pedestrian experience.

11 (B) **Amenities.** The type of amenities provided shall take into consideration and
12 complement the amenities currently and foreseeably provided in nearby publicly-accessible open
13 spaces and recreational facilities, both publicly and privately owned, with a preference given to
14 provision of amenities and types of spaces lacking or over-utilized in the area.

15 (C) **Community Needs.** The Commission shall consider the extent to
16 which the open space serves the open space and recreational needs of the diverse
17 inhabitants of the Central SoMa Special Use District, including but not limited to residents,
18 youth, families, workers, and seniors.

19 * * * *

20 **SEC. 140. ALL DWELLING UNITS IN ALL USE DISTRICTS TO FACE ON AN OPEN**
21 **AREA.**

22 (a) **Requirements for Dwelling Units.** ~~With the exception of Dwelling Units in SRO~~
23 ~~buildings in the South of Market Mixed Use Districts, i~~In each Dwelling Unit in any use district, the
24 required windows (as defined by Section 504 of the San Francisco Housing Code) of at least
25 one room that meets the 120-square-foot minimum superficial floor area requirement of

1 Section 503 of the Housing Code shall face directly on an open area of one of the following
2 types:

3 (1) A public street, public alley at least 20 feet in width, side yard at least 25 feet
4 in width, or rear yard meeting the requirements of this Code; provided, that if such windows
5 are on an outer court whose width is less than 25 feet, the depth of such court shall be no
6 greater than its width; or

7 (2) An open area (whether an inner court or a space between separate
8 buildings on the same lot) which is unobstructed (except for fire escapes not projecting more
9 than necessary for safety and in no case more than four feet six inches, chimneys, and those
10 obstructions permitted in Sections 136(c)(14), (15), (16), (19), (20) and (29) of this Code) and
11 is no less than 25 feet in every horizontal dimension for the floor at which the Dwelling Unit in
12 question is located and the floor immediately above it, with an increase of five feet in every
13 horizontal dimension at each subsequent floor, except for SRO buildings in the Eastern
14 Neighborhoods Mixed Use Districts, which are not required to increase five feet in every
15 horizontal dimension until the fifth floor of the building.

16 * * * *

17 **SEC. 145.1. STREET FRONTAGES IN NEIGHBORHOOD COMMERCIAL,**
18 **RESIDENTIAL-COMMERCIAL, COMMERCIAL, AND MIXED USE DISTRICTS.**

19 (a) **Purpose.** The purpose of this Section is to preserve, enhance, and promote
20 attractive, clearly defined street frontages that are pedestrian-oriented and fine-grained, and
21 ~~which~~ that are appropriate and compatible with the buildings and uses in Neighborhood
22 Commercial Districts, Commercial Districts, Residential-Commercial Districts, and Mixed Use
23 Districts.

24 * * * *

1 (c) **Controls.** The following requirements shall generally apply, except for those
2 controls listed in subsections (1) Above Grade Parking Setback and (4) Ground Floor Ceiling
3 Height, which only apply to a "development lot" as defined above.

4 In NC-S Districts, the applicable frontage shall be the primary facade(s) ~~which~~that
5 contains customer entrances to commercial spaces.

6 * * * *

7 (4) **Ground Floor Ceiling Height.** Unless otherwise established elsewhere in
8 this Code:

9 (A) All ground floor uses in UMU Districts shall have a minimum floor-to-
10 floor height of 17 feet, as measured from grade. Ground floor Residential Uses shall also be
11 designed to meet the City’s Ground Floor Residential Design Guidelines.

12 (B) Ground floor Non-Residential Uses in all C-3, NCT, DTR, Chinatown
13 Mixed Use, ~~RSD, SLR, SLL~~, SPD, ~~SSO~~, RED-MX, WMUG, MUG, MUR, WMUO, CMUO and
14 MUO Districts shall have a minimum floor-to-floor height of 14 feet, as measured from grade.

15 * * * *

16 **SEC. 145.4. REQUIRED GROUND FLOOR COMMERCIAL USES.**

17 (a) **Purpose.** To support active, pedestrian-oriented commercial uses on important
18 commercial streets.

19 (b) **Applicability.** The requirements of this Section apply to the following street
20 frontages.

21 * * * *

22 (7) Fourth Street, between ~~Folsom Bryant~~ and Townsend Streets in the ~~SLI~~and
23 CMUO Central SoMa Special Use Districts;

24 * * * *

1 (28) Any street frontage that is in the Polk Street Neighborhood Commercial
2 District; *and*,

3 (29) Pacific Avenue, between Van Ness Avenue and Jones Street, on lots
4 where the last known ground floor use was a commercial or retail use.;

5 (30) Folsom Street, between 4th and 6th Streets in the ~~CMUO~~ and ~~MUG~~ Central SoMa
6 Special Use Districts;

7 (31) Second Street, on the west side, between Dow Place and Townsend Street in the
8 ~~CMUO~~ Central SoMa Special Use District;

9 (32) Third Street, between Folsom Street and Townsend Street in the ~~CMUO~~ Central
10 SoMa Special Use District and C-3-O Districts;

11 (33) Brannan Street, between Third Street and Fourth Street, in the ~~CMUO~~ Central
12 SoMa Special Use District; and

13 (34) Townsend Street, on the north side, between Second Street and Fourth Street.

14 * * * *

15 (d) Controls.

16 * * * *

17 (4) In the Central SoMa SUD, a project whose street frontage is subject to this
18 Section 145.4 may locate a Privately-Owned Public Open Spaces (POPOS) along such street
19 frontage, provided that the ground floor portion of the building facing the POPOS is lined with
20 active commercial uses.

21
22 **SEC. 151.1. SCHEDULE OF PERMITTED OFF-STREET PARKING SPACES IN**
23 **SPECIFIED DISTRICTS.**

24 * * * *

25 **Table 151.1**

OFF-STREET PARKING PERMITTED AS ACCESSORY

Use or Activity	Number of Off-Street Car Parking Spaces or Space Devoted to Off-Street Car Parking Permitted
RESIDENTIAL USES	
* * * *	
Dwelling Units and SRO Units in SLI , SALI, SSO , MUG <i>outside of the Central SoMa SUD</i> , WMUG, MUR, MUO, WMUO, SPD Districts, except as specified below	P up to one car for each four Dwelling or SRO Units; C up to 0.75 cars for each Dwelling Unit, subject to the criteria and conditions and procedures of Section 151.1(e) or (f); NP above 0.75 cars for each Dwelling or SRO Unit.
Dwelling Units in SLI , SALI, SSO , MUG <i>outside of the Central SoMa SUD</i> , WMUG, MUR, MUO, WMUO, <i>and</i> SPD Districts with at least two bedrooms and at least 1,000 square feet of Occupied Floor Area	P up to one car for each four Dwelling Units; C up to one car for each Dwelling Unit, subject to the criteria and conditions and procedures of Section 151.1(e) or (f); NP above one car for each Dwelling Unit.
* * * *	
Dwelling Units in MUG District within the Central SoMa SUD and the CMUO Districts	P up to one car for each two <u>four</u> Dwelling Units; NP <u>C</u> above 0.25 <u>0.5</u> and up to 0.5 <u>0.5</u> cars for each Dwelling Unit.
* * * *	
NON-RESIDENTIAL USES IN DISTRICTS OTHER THAN C-3	
* * * *	
Entertainment, Arts, and Recreation Uses Category	

<p>1 Arts Activities, except theaters and 2 auditoriums</p>	<p>P up to one for each 2,000 square feet of Occupied Floor Area. In South of Market Mixed Use Districts, participation in transportation programs may be required per Section 151.1(j).</p>
<p>3 * * * *</p>	
<p>4 Sales and Services Category</p>	
<p>5 * * * *</p>	
<p>6 All retail in the Eastern Neighborhoods 7 Mixed Use Districts where any portion of the 8 parcel is <u>within the CMUO Central SoMa 9 Special Use District</u> or is less than 1/4 mile 10 from Market, Mission, 3rd Streets and 4th 11 Street north of Berry Street, except grocery 12 stores of over 20,000 gross square feet.</p>	<p>P up to one for each 1,500 square feet of Gross Floor Area.</p>
<p>13 * * * *</p>	
<p>14 Office uses in DTR, SSO, SPD, MUG, 15 WMUG, MUR, WMUO, and MUO Districts</p>	<p>P up to 7% of the Occupied Floor Area of such uses and subject to the pricing conditions of Section 155(g); NP above.</p>
<p>16 <u>Office uses in the CMUO Central SoMa Special 17 Use District</u></p>	<p><u>P up to one car per 3,500 square feet of 18 Occupied Floor Area.</u></p>
<p>19 * * * *</p>	

20 * * * *

21 (f) **Small Residential Projects in MUG, WMUG, MUR, MUO, CMUO, WMUO, RED,**
22 **RED-MX and SPD Districts.** Any project that is not subject to the requirements of Section

1 329 and that requests residential accessory parking in excess of what is principally permitted
2 in Table 151.1 shall be reviewed by the Zoning Administrator subject to Section 307(i). The
3 Zoning Administrator may grant parking in excess of what is principally permitted in Table
4 151.1, not to exceed the maximum amount stated in Table 151.1, only if the Zoning
5 Administrator determines that:

6 * * * *

7 **SEC. 152. SCHEDULE OF REQUIRED OFF-STREET FREIGHT LOADING SPACES**
8 **IN DISTRICTS OTHER THAN C-3; AND EASTERN NEIGHBORHOODS MIXED USE**
9 **DISTRICTS, ~~OR SOUTH OF MARKET MIXED USE DISTRICTS.~~**

10 In districts other than C-3; and Eastern Neighborhoods Mixed Use Districts, ~~and the~~
11 ~~South of Market Mixed Use Districts~~, off-street freight loading spaces shall be provided in the
12 minimum quantities specified in the following table, except as otherwise provided in Section
13 152.2 and Section 161 of this Code. The measurement of Occupied Floor Area shall be as
14 defined in this Code, except that nonaccessory parking spaces and driveways and
15 maneuvering areas incidental thereto shall not be counted.

16 **Table 152**

17 **OFF-STREET FREIGHT LOADING SPACES REQUIRED (OUTSIDE C-3; AND EASTERN**
18 **NEIGHBORHOODS MIXED USE DISTRICTS, ~~AND SOUTH OF MARKET MIXED USE~~**
19 ***DISTRICTS*)**

20 * * * *

21 **SEC. 152.1. REQUIRED OFF-STREET FREIGHT LOADING AND SERVICE**
22 **VEHICLE SPACES IN C-3; AND EASTERN NEIGHBORHOODS MIXED USE DISTRICTS;**
23 **~~AND SOUTH OF MARKET MIXED USE DISTRICTS.~~**

24 In C-3; and Eastern Neighborhoods Mixed Use Districts, ~~and South of Market Mixed Use~~
25 ~~Districts~~, off-street freight loading spaces shall be provided in the minimum quantities specified

1 in the following Table 152.1, except as otherwise provided in Sections 153(a)(6), 161, and as
 2 stated below in this Section 152.1. Notwithstanding the requirements of this Section, including
 3 Table 152.1, no building in the C-3-O(SD) district shall be required to provide more than six
 4 off-street freight loading or service vehicle spaces in total. The measurement of Occupied
 5 Floor Area shall be as defined in this Code, except that non-accessory parking spaces and
 6 driveways and maneuvering areas incidental thereto shall not be counted.

7 For projects in the Eastern Neighborhoods Mixed Use Districts that are subject to
 8 Section 329, the Planning Commission may waive these requirements *perpursuant to* the
 9 procedures of Section 329 if it finds that the design of the project, particularly ground floor
 10 frontages, would be improved and that such loading could be sufficiently accommodated on
 11 adjacent Streets and Alleys. For projects in the Eastern Neighborhoods Mixed Use Districts
 12 that are not subject to Section 329, the Zoning Administrator may administratively waive these
 13 requirements pursuant to Section 307(h) and the criteria identified above which apply to
 14 projects subject to Section 329.

15
 16 **Table 152.1**
 17 **OFF-STREET FREIGHT LOADING SPACES REQUIRED (IN C-3, AND EASTERN**
 18 **NEIGHBORHOODS MIXED USE DISTRICTS, ~~AND SOUTH OF MARKET MIXED USE~~**
 19 ***DISTRICTS*)**

Use or Activity	Gross Floor Area of Structure or Use (sq. ft.)	Number of Off-Street Freight Loading Spaces Required
* * * *		
Wholesaling, manufacturing, and all other uses primarily	0 – 10,000	0
	10,001 – 50,000	1

<p>engaged in handling goods, and Live/Work Units within existing buildings, within Eastern Neighborhoods Mixed Use Districts, and South of Market Mixed Use Districts</p>	<p>Over 50,000</p>	<p>0.21 spaces per 10,000 sq. ft. of Occupied Floor Area (to closest whole number per <u>pursuant to</u> Section 153)</p>
<p>* * * *</p>		

* * * *

SEC. 153. RULES FOR CALCULATION OF REQUIRED SPACES.

(a) In the calculation of off-street parking, freight loading spaces, and bicycle parking spaces required under Sections 151, 152, 152.1, 155.2, 155.3 and 155.4 of this Code, the following rules shall apply:

* * * *

(6) In C-3, MUG, MUR, MUO, CMUO, ~~and~~ UMU, ~~and South of Market Districts~~, substitution of two service vehicle spaces for each required off-street freight loading space may be made, provided that a minimum of 50 percent of the required number of spaces are provided for freight loading. Where the 50 percent allowable substitution results in a fraction, the fraction shall be disregarded.

* * * *

SEC. 154. DIMENSIONS FOR OFF-STREET PARKING, FREIGHT LOADING AND SERVICE VEHICLE SPACES.

(a) Parking Spaces. Required parking spaces may be either independently accessible or space-efficient as described in 154(a)(4) and 154(a)(5), except as required elsewhere in

1 the Building Code for spaces specifically designated for persons with physical disabilities.
2 Space-efficient parking is encouraged.

3 (1) Each independently accessible off-street parking space shall have a
4 minimum area of 144 square feet (8 feet by 18 feet) for a standard space and 112.5 square
5 feet for a compact space (7.5 feet by 15 feet), except for the types of parking spaces
6 authorized by Paragraph (a)(4) below and spaces specifically designated for persons with
7 physical disabilities, the requirements for which are set forth in the Building Code. Every
8 required space shall be of usable shape. The area of any such space shall be exclusive of
9 driveways, aisles and maneuvering areas. The parking space requirements for the Bernal
10 Heights Special Use District are set forth in Section 242.

11 (2) Any ratio of standard spaces to compact spaces may be permitted, so long
12 as compact car spaces are specifically marked and identified as a compact space. Special
13 provisions relating to the Bernal Heights Special Use District are set forth in Section 242.

14 (3) Off-street parking spaces in DTR, C-3, RTO, NCT, Eastern Neighborhoods
15 Mixed Use, PDR-1-D, and PDR-1-G Districts shall have no minimum area or dimension
16 requirements, except as required elsewhere in the Building Code for spaces specifically
17 designated for persons with physical disabilities. For all uses in all Districts for which there is
18 no minimum off-street parking requirement, per Section 151.1, refer to 151.1(c) for rules
19 regarding calculation of parking spaces.

20 (4) Parking spaces in mechanical parking structures that allow a vehicle to be
21 accessed without having to move another vehicle under its own power shall be deemed to be
22 independently accessible. Parking spaces that are accessed by a valet attendant and are
23 subject to such conditions as may be imposed by the Zoning Administrator to insure the
24 availability of attendant service at the time the vehicle may reasonably be needed or desired
25 by the user for whom the space is required, shall be deemed to be independently accessible.

1 Any conditions imposed by the Zoning Administrator pursuant to this Section shall be
2 recorded as a Notice of Special Restriction.

3 (5) Space-efficient parking is parking in which vehicles are stored and
4 accessed by valet, mechanical stackers or lifts, certain tandem spaces, or other space-
5 efficient means. Tandem spaces shall only count towards satisfying the parking requirement if
6 no more than one car needs to be moved to access the desired parking space. Space-
7 efficient parking is encouraged, and may be used to satisfy minimum-parking requirements so
8 long as the project sponsor can demonstrate that all required parking can be accommodated
9 by the means chosen.

10 (6) Ground floor ingress and egress to any off-street parking spaces provided
11 for a structure or use, and all spaces to be designated as preferential carpool or van pool
12 parking, and their associated driveways, aisles and maneuvering areas, shall maintain a
13 minimum vertical clearance of seven feet.

14 (b) Freight Loading and Service Vehicle Spaces. Every required off-street freight
15 loading space shall have a minimum length of 35 feet, a minimum width of 12 feet, and a
16 minimum vertical clearance including entry and exit of 14 feet, except as provided below.

17 (1) Minimum dimensions specified herein shall be exclusive of platform,
18 driveways and maneuvering areas except that minimum vertical clearance must be
19 maintained to accommodate variable truck height due to driveway grade.

20 (2) The first such space required for any structure or use shall have a minimum
21 width of 10 feet, a minimum length of 25 feet, and a minimum vertical clearance, including
22 entry and exit, of 12 feet.

23 (3) Each substituted service vehicle space provided under Section 153(a)(6) of
24 this Code shall have a minimum width of eight feet, a minimum length of 20 feet, and a
25 minimum vertical clearance of seven feet.

1
2 **SEC. 155. GENERAL STANDARDS AS TO LOCATION AND ARRANGEMENT OF**
3 **OFF-STREET PARKING, FREIGHT LOADING, AND SERVICE VEHICLE FACILITIES.**

4 Required off-street parking and freight loading facilities shall meet the following
5 standards as to location and arrangement. In addition, facilities which are not required but are
6 actually provided shall meet the following standards unless such standards are stated to be
7 applicable solely to required facilities. In application of the standards of this Code for off-street
8 parking and loading, reference may be made to provisions of other portions of the Municipal
9 Code concerning off-street parking and loading facilities, and to standards of the Better
10 Streets Plan and the Bureau of Engineering of the Department of Public Works. Final authority
11 for the application of such standards under this Code, and for adoption of regulations and
12 interpretations in furtherance of the stated provisions of this Code shall, however, rest with the
13 Planning Department.

14 * * * *

15 (d) **Enclosure of Off-Street Loading and Service Vehicle Spaces Required.** All off-
16 street freight loading and service vehicle spaces in the C-3, DTR, MUO, CMUO, WMUO,
17 MUG, WMUG, and MUR, ~~and South of Market Mixed Use Districts~~ shall be completely enclosed,
18 and access from a public Street or Alley shall be provided by means of a private service
19 driveway, ~~which~~ that is totally contained within the structure. Such a private service driveway
20 shall include adequate space to maneuver trucks and service vehicles into and out of all
21 provided spaces, and shall be designed so as to facilitate access to the subject property while
22 minimizing interference with street and sidewalk circulation. Any such private service driveway
23 shall be of adequate width to accommodate drive-in movement from the adjacent curb or
24 inside traffic lane but shall in no case exceed 30 feet. Notwithstanding the foregoing, if an
25 adjacent Street or Alley is determined by the Zoning Administrator to be primarily used for

1 building service, up to four off-street freight or loading spaces may be allowed to be
2 individually accessible directly from such a Street or Alley, pursuant to the provisions of
3 Section 309 in a C-3 District, ~~the provisions of Section 307(g) in a South of Market Mixed Use~~
4 ~~District~~, the provisions of Section 309.1 in a DTR District, the provisions of Section 329 for
5 projects subject to Section 329 in a MUO, CMUO, WMUO, MUG, WMUG, or MUR District, or
6 by administrative decision of the Zoning Administrator for projects that are not subject to
7 Section 329 in a MUO, CMUO, WMUO, MUG, WMUG, or MUR District.

8 * * * *

9 (g) **Parking Pricing Requirements.** In order to discourage long-term commuter
10 parking, any off-street parking spaces provided for a structure or use other than Residential or
11 Hotel in a C-3, DTR, ~~SSO~~, SPD, MUG, WMUG, MUR, CMUO, WMUO, or MUO District,
12 whether classified as an accessory or Conditional Use, ~~which~~that are otherwise available for
13 use for long-term parking by downtown workers shall maintain a rate or fee structure for their
14 use such that the rate charge for four hours of parking duration is no more than four times the
15 rate charge for the first hour, and the rate charge for eight or more hours of parking duration is
16 no less than 10 times the rate charge for the first hour. Additionally, no discounted parking
17 rate shall be permitted for weekly, monthly or similar time-specific periods.

18 * * * *

19 (r) **Protected Pedestrian-, Cycling-, and Transit-Oriented Street Frontages.** In
20 order to preserve the pedestrian character of certain downtown and neighborhood commercial
21 districts and to minimize delays to transit service, garage entries, driveways or other vehicular
22 access to off-street parking or loading (except for the creation of new publicly-accessible
23 Streets and Alleys) shall be regulated on development lots as follows on the following Street
24 frontages:

25

1 (1) Folsom Street, from Essex Street to the Embarcadero, not permitted except
2 as set forth in Section 827.

3 (2) Not permitted:

4 * * * *

5 (N) 3rd Street, in the UMU districts for 100 feet north and south of
6 Mariposa and 100 feet north and south of 20th Streets, ~~and 4th Street between Bryant and~~
7 ~~Townsend in the SLI and MUO District,~~

8 * * * *

9 (Y) 2nd Street from Market to ~~Folsom~~ Townsend Streets,

10 * * * *

11 (CC) Buchanan Street from Post Street to Sutter Street,;

12 (DD) Grant Avenue between Columbus Avenue and Filbert Street,

13 (EE) Green Street between Grant Avenue and Columbus/Stockton,

14 (FF) All Alleys within the North Beach NCD and the Telegraph Hill-North
15 Beach Residential SUD,;

16 (GG) Howard Street from 5th Street to 13th Street,

17 (HH) Folsom Street from 2nd Street to 13th Street,

18 (II) Brannan Street from 2nd Street to 6th Street,

19 (JJ) Townsend Street from 2nd Street to 6th Street, except as set forth
20 in permitted pursuant to Section 329(e)(3)(B)249.78(e)(3).

21 (KK) 3rd Street from Folsom Street to Townsend Street,

22 (LL) 4th Street from Folsom Street to Townsend Street, and

23 (MM) 6th Street from Folsom Street to Brannan Street.

24 (3) Not permitted except with a Conditional Use authorization, except that in the
25 C-3-O(SD) and the CMUO Central SoMa Special Use Districts, the Planning Commission may

1 grant such permission as an exception pursuant to Section s 309 or 329 in lieu of a Conditional
2 Use authorization where the amount of parking proposed does not exceed the amounts
3 permitted as accessory according to Section 151.1.

4 * * * *

5 (I) 1st, Fremont and Beale Streets from Market to Folsom Street, *and*
6 (J) The eastern (water) side of The Embarcadero between Townsend
7 and Taylor Streets;

8 (K) Harrison Street from 2nd Street to 6th Street,

9 (L) Bryant Street from 2nd Street to 6th Street, and

10 (M) 5th Street from Howard Street to Townsend Street.

11 * * * *

12 (u) Driveway and Loading Operations Plan (DLOP) in the Central SoMa Special Use
13 District.

14 (1) Purpose. The purpose of a Driveway and Loading and Operations Plan (DLOP) is
15 to reduce potential conflicts between driveway and loading operations, including passenger and
16 freight loading activities, and pedestrians, bicycles, and vehicles, to maximize reliance of on-site
17 loading spaces to accommodate new loading demand, and to ensure that off-site loading activity is
18 considered in the design of new buildings.

19 (2) Applicability. Development projects of more than 100,000 net new gross square
20 feet in the Central SoMa Special Use District.

21 (3) Requirement. Applicable projects shall prepare a DLOP for review and approval
22 by the Planning Department and the SFMTA, in consultation with the San Francisco Municipal
23 Transportation Agency. The DLOP shall be written in accordance with any guidelines issued by the
24 Planning Department.

25 * * * *

1 **SEC. 163. TRANSPORTATION MANAGEMENT PROGRAMS AND**
2 **TRANSPORTATION BROKERAGE SERVICES IN COMMERCIAL AND MIXED USE**
3 **DISTRICTS.**

4 (a) **Purpose.** This Section 163 is intended to ~~assure~~ ensure that adequate services are
5 undertaken to minimize the transportation impacts of added office employment and residential
6 development in the downtown and South of Market area, in a manner consistent with the
7 objectives and policies of the General Plan, by facilitating the effective use of transit,
8 encouraging ridesharing, and employing other practical means to reduce commute travel by
9 single-occupant vehicles.

10 (b) **Applicability.** The requirements of this Section apply to any project meeting one
11 of the following conditions:

12 * * * *

13 (4) In the case of the ~~SSO~~, WMUO, ~~CMUO~~ Central SoMa Special Use
14 District, or MUO District, where the occupied square feet of new, converted or added floor
15 area for office use equals at least 25,000 square feet.

16 * * * *

17 **SEC. 169. TRANSPORTATION DEMAND MANAGEMENT PROGRAM.**

18 Sections 169 through 169.6 (hereafter referred to collectively as “Section 169”) set forth
19 the requirements of the Transportation Demand Management Program (TDM Program).

20 * * * *

21 **SEC. 169.3. APPLICABILITY.**

22 * * * *

23 (e) Operative Date.

24 (1) Except as described in subsection ~~(4)~~ (34) below, Development Projects with a
25 Development Application filed or an Environmental Application deemed complete on or before

1 September 4, 2016 shall be subject to 50% of the applicable target, as defined in the Planning
2 Commission's Standards.

3 (2) Except as described in subsection ~~(4)~~ (34) below, Development Projects with no
4 Development Application filed or an Environmental Application deemed complete on or before
5 September 4, 2016, but that file a Development Application on or after September 5, 2016,
6 and before January 1, 2018, shall be subject to 75% of such target.

7 (3) Development Projects with a Development Application filed on or after
8 January 1, 2018 shall be subject to 100% of such target.

9 (4) Development Projects within the Central SoMa Special Use District that fall
10 within Central SoMa Fee Tier A, B, or C, as defined in Section 423.2, shall be subject to the
11 following requirements:

12 _____ (i) projects that have filed a Development Application or submitted an
13 Environmental Application deemed complete on or before September 4, 2016 shall be subject
14 to 75% of such target.

15 _____ (ii) projects that filed a Development Application or submitted an
16 Environmental Application deemed complete after September 4, 2016 shall be subject to
17 100% of such target.

18 ~~-(4) Development Projects within the Central SoMa Special Use District that~~
19 ~~have a Central SoMa Development Fee Tier of A, B, or C, as defined in Section 423.2,~~
20 ~~regardless of the date filed of any Development Application or Environmental Application,~~
21 ~~shall be subject to 100% of such target.~~

22
23 * * * *

24 **SEC. 175.1. EFFECTIVE DATE OF THE CENTRAL SOMA ZONING CONTROLS.**

1 (a) Intent. It is the intent of this Section 175.1 to provide for an orderly transition from prior
2 zoning and planning requirements to the requirements under the Central SoMa Controls, without
3 impairing the validity of prior actions by the City or frustrating completion of actions authorized prior
4 to the effective date of those Controls.

5 (b) Definitions. The following definitions shall apply to this Section 175.1:

6 (1) "Central SoMa Controls" shall mean all Ordinances adopted in furtherance of the
7 Central SoMa Area Plan, including but not limited to Ordinance Nos. _____, and
8 associated amendments to the Planning Code, Zoning Map, and Administrative Code.

9 (2) "Development Application" is defined in Planning Code Section 401.

10 (3) "Project Approval" shall mean any required approval or determination on a
11 Development Application that the Planning Commission, Planning Department, or Zoning
12 Administrator issues.

13 (4) "Code Conforming Project" shall mean a development project for which all
14 required Development Applications could have received Project Approval under the Planning Code
15 immediately prior to the effective date of the Central SoMa Controls.

16 (c) Applicability. A Code Conforming Project within the Central SoMa Special Use District
17 may elect to be exempt from the Central SoMa Controls and instead be subject to those controls in
18 place immediately prior to the effective date of the Central SoMa Controls, if at least one Development
19 Application for such project was filed before February 15, 2018 and the project receives its first
20 Project Approval by December 31, 2019.

21 **SEC. 181. NONCONFORMING USES: ENLARGEMENTS, ALTERATIONS AND**
22 **RECONSTRUCTION.**

23 The following provisions shall apply to nonconforming uses with respect to
24 enlargements, alterations and reconstruction:

25 * * * *

1 (f) **Nighttime Entertainment Uses in Certain Mixed-Use Districts.** A nighttime
2 entertainment use within the ~~RSD, MUG, or~~ MUR, ~~or SLR~~ Districts may be enlarged, intensified,
3 extended, or expanded, including the expansion to an adjacent lot or lots, provided that: (1)
4 the enlargement, intensification, extension, or expansion is approved as a conditional use
5 pursuant to Sections 303 and 316 of this Code; (2) the use as a whole meets the parking and
6 signage requirements, floor area ratio limit, height and bulk limit, and all other requirements of
7 this Code ~~which~~that would apply if the use were a permitted one; and (3) the provisions of
8 Section 803.5(b) of this Code are satisfied.

9 * * * *

10 **SEC. 182. NONCONFORMING USES: CHANGES OF USE.**

11 The following provisions shall apply to nonconforming uses with respect to changes of
12 use:

13 (a) A nonconforming use shall not be changed or modified so as to increase the
14 degree of nonconformity under the use limitations of this Code, with respect to the type of use
15 or its intensity except as provided in Section 181 for Nighttime Entertainment uses within the
16 ~~RSD, MUG, or~~ MUR, ~~or SLR~~ Districts. The degree of nonconformity shall be deemed to be
17 increased if the new or modified use is less widely permitted by the use districts of the City
18 than the nonconforming use existing immediately prior thereto. For purposes of this Section,
19 intensification of a Formula Retail use as defined in Section 178(c) is determined to be a
20 change or modification that increases the degree of nonconformity of the use.

21 (b) Except as limited in this ~~s~~ubsubsection, a nonconforming use may be reduced in size,
22 extent or intensity, or changed to a use that is more widely permitted by the use districts of the
23 City than the existing use, subject to the other applicable provisions of this Code. Except as
24 otherwise provided herein, the new use shall still be classified as a nonconforming use.

25 * * * *

1 ~~(3) A nonconforming use in any South of Market Mixed Use District may not be~~
2 ~~changed to an Office, Retail, Bar, Restaurant, Nighttime Entertainment, Adult Entertainment, Hotel,~~
3 ~~Motel, inn, hostel, or Movie Theater use in any district where such use is otherwise not permitted or~~
4 ~~conditional, except as provided in Subsection (f) below.~~

5 * * * *

6 (f) Once a nonconforming use has been changed to a principal or ~~e~~Conditional ~~u~~Use
7 permitted in the district in which the property is located, or brought closer in any other manner
8 to conformity with the use limitations of this Code, the use of the property may not thereafter
9 be returned to its former nonconforming status, ~~except that within any South of Market Mixed Use~~
10 ~~District, any area occupied by a nonconforming Office use that is changed to an arts, home and/or~~
11 ~~business service use falling within the definition of an Arts Activity in Section 102 or zoning categories~~
12 ~~816.42 through 816.47 or a wholesale, storage, or light manufacturing use falling within zoning~~
13 ~~categories 816.64 through 816.67 shall be allowed to return to its former nonconforming Office use.~~
14 Upon restoration of a previous nonconforming use as permitted above, any modification,
15 enlargement, extension, or change of use, from circumstances that last lawfully existed prior
16 to the change from office use, shall be subject to the provisions of this Article, and the
17 restored nonconforming use shall be considered to have existed continuously since its original
18 establishment, prior to the change to Office use, for purposes of this Article.

19 * * * *

20 **SEC. 201. CLASSES OF USE DISTRICTS.**

21 In order to carry out the purposes and provisions of this Code, the City is hereby
22 divided into the following classes of use districts:

23 * * * *

24 ~~South of Market Use Mixed Use Districts~~
25 ~~(Also see Sec. 802.5)~~

1	<i>RSD</i>	<i>Residential Service District (Defined in Sec. 815)</i>
2	<i>SLR</i>	<i>Service/Light Industrial/Residential District (Defined in Sec. 816)</i>
3	<i>SLI</i>	<i>Service/Light Industrial District (Defined in Sec. 817)</i>
4	<i>SSO</i>	<i>Service/Secondary Office District (Defined in Sec. 818)</i>

5 * * * *

<p>6 <i>Eastern Neighborhoods Mixed Use Districts</i></p> <p>7 <i>(Also see Sec. 802.4)</i></p>		
8	<i>CMUO</i>	<i>Central SoMa Mixed Use – Office District (Defined in Sec. 848)</i>
9	SPD	South Park District (Defined in Sec. 814)
10 * * * *		

11 * * * *

12 In addition to the classes of use districts in the above table, the following terms shall
 13 apply:

14 "R District" shall mean any RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-1, RM-2, RM-3,
 15 RM-4, RTO, RTO-M, RC-1, RC-2, RC-3 or RC-4 District;

16 "M District" shall mean any M-1 or M-2 District;

17 "PDR District" shall mean any PDR-1-B, PDR-1-D, PDR-1-G or PDR-2 District;

18 "RH District" shall mean any RH-1(D), RH-1, RH-1(S), RH-2, or RH-3 District;

19 "RM District" shall mean any RM-1, RM-2, RM-3, or RM-4 District;

20 "RTO District" shall mean any RTO or RTO-M District;

21 "C-3 District" shall mean any C-3-O, C-3-R, C-3-G, or C-3-S District. For the purposes
 22 of Section 128 and Article 11 of this Code, the term "C-3 District" shall also include the South
 23 of Market Extended Preservation District designated on Section Map SU03 of the Zoning
 24 Map;

1 "NCT District" shall mean any district listed in Section 702.1(b), including any NCT-1,
2 NCT-2, NCT-3, and any Neighborhood Commercial Transit District identified by street or area
3 name; and

4 "Mixed Use District" shall mean all Chinatown Mixed use, ~~South of Market Mixed Use,~~
5 Eastern Neighborhood Mixed use, and Downtown Residential Districts.

6 * * * *

7 **SEC. 206.4. THE 100 PERCENT AFFORDABLE HOUSING BONUS PROGRAM.**

8 (a) **Purpose and Findings.** This Section 206.~~34~~ describes the 100 Percent Affordable
9 Housing Bonus Program, or "100 Percent Affordable Housing Program". In addition to the
10 purposes described in Section 206.1, the purpose of the 100 Percent Affordable Housing
11 Program is to facilitate the construction and development of projects in which all of the
12 residential units are affordable to Low and Very-Low Income Households. Projects pursuing a
13 development bonus under this 100 Percent Affordable Program would exceed the City's
14 shared Proposition K housing goals that 50% of new housing constructed or rehabilitated in
15 the City by 2020 be within the reach of working middle class San Franciscans, and at least
16 33% affordable for low and moderate income households.

17 * * * *

18 (b) **Applicability.** A 100 Percent Affordable Housing Bonus Project under this Section
19 206.~~34~~ shall be a Housing Project that:

20 * * * *

21 (3) is not seeking and receiving a density or development bonus under the
22 provisions of California Government Code Sections 65915 et seq., Planning Code Sections
23 207, 124(f), 304, ~~803.8~~ or any other state or local program that provides development
24 bonuses;

25 * * * *

1 **SEC. 207.5. DENSITY OF DWELLING UNITS IN MIXED USE DISTRICTS.**

2 (a) The dwelling unit density in the Chinatown Mixed Use District shall be at a density
3 ratio not exceeding the amount set forth in the specific district tables in Article 8.

4 (b) ~~Except as indicated in Paragraph (c) below, the dwelling unit density in the South of~~
5 ~~Market Mixed Use Districts shall be as specified in the specific district tables in Article 8.~~

6 (c) ~~There shall be no density limit for single room occupancy (SRO) units in any South of~~
7 ~~Market Mixed Use District.~~

8 (d) ~~There shall be no density limit for any residential use, as defined by Section~~
9 ~~890.88 in any DTR district.~~

10 (e) There shall be no density limits for any residential use, as defined by Section
11 890.88, in the Eastern Neighborhoods Mixed Use Districts.

12 * * * *

13 **SEC. 208. DENSITY LIMITATIONS FOR GROUP HOUSING OR HOMELESS**
14 **SHELTERS.**

15 ~~Except for Single Room Occupancy Units in the South of Market Mixed Use Districts, the~~
16 density limitations for Group Housing or Homeless Shelters, as described in Sections 102,
17 790.88(b) and (c) and 890.88(b) and (c) of this Code, shall be as follows:

18 (a) For Group Housing, the maximum number of Bedrooms on each Lot shall be as
19 specified in the Zoning Control Table for the District in which the Lot is located, except that in
20 RTO, RTO-M, RCD, UMU, MUG, WMUG, MUR, MUO, CMUO, WMUO, RED, RED-MX, SPD,
21 DTR, and all NCT Districts the density of Group Housing shall not be limited by lot area, and
22 except that for Lots in NC Districts, the group housing density shall not exceed the number of
23 Bedrooms permitted in the nearest R District provided that the maximum density not be less
24 than the amount permitted by the ratio specified for the NC District in which the lot is located.
25 For Homeless Shelters, the maximum number of beds on each lot shall be regulated

1 ~~per~~pursuant to the requirements of the Standards of Care for City Shelters contained in
2 Administrative Code, Chapter 20, Article XIII, in addition to the applicable requirements of the
3 Building Code and Fire Code.

4 * * * *

5 **SEC. 211.2. CONDITIONAL USES, P DISTRICTS.**

6 The following uses shall require Conditional Use authorization from the Planning
7 Commission, as provided in Section 303 of this Code, unless otherwise permitted under
8 Section 211.1 of this Code:

9 * * * *

10 (b) For P Districts located within the right-of-way of any State or federal
11 highway:

12 (1) Parking lot or garage uses when: (A) adjacent to any Eastern
13 Neighborhoods Mixed Use Districts, ~~or the South of Market Mixed Use District,~~ or (B) within the
14 Market and Octavia Plan Area.

15 * * * *

16 **SEC. 249.36. LIFE SCIENCE AND MEDICAL SPECIAL USE DISTRICT.**

17 (a) **Purpose.** The Life Science and Medical Special Use District is intended to support
18 uses that benefit from proximity to the University of California, San Francisco (UCSF) campus
19 at Mission Bay. These uses include medical office and life science (biotechnology) uses.

20 (b) **Geography.** The boundaries of the Life Science and Medical Special Use District
21 are shown on Sectional Map No. 8SU of the Zoning Map. Generally, the area borders
22 Mariposa St. on the north, 23rd St. on the south, I-280 to the west, and 3rd St. to the east.
23 Within this area, the Dogpatch Historic District is generally excluded.

24 (c) **Controls.** All provisions of the Planning Code currently applicable shall continue to
25 apply, except as otherwise provided in this Section:

1 (1) **Medical Services.** Medical services, including medical offices and clinics,
2 as defined in Section 890.114, are a principally permitted use and are exempted from use size
3 limitations, PDR replacement requirements (Sec. 230), and vertical (floor-by-floor) zoning
4 controls (Sec. 803.9(~~hf~~)). For the purposes of this Section, a medical service use may be
5 affiliated with a hospital or medical center as defined in 890.44.

6 (2) **Life Science Offices.** Office uses that contain Life Science facilities, as
7 defined in Section 890.53, are a principally permitted use and are exempted from use size
8 limitations, PDR replacement requirements (Sec. 230), and vertical (floor-by-floor) zoning
9 controls (Sec. 219.1 and 803.9(~~hf~~)).

10 (3) **Life Science Laboratories.** Laboratories that engage in life science
11 research and development, as defined in Section 890.52, are a principally permitted use and
12 are exempted from use size limitation, PDR replacement requirements (Sec. 230), and
13 vertical (floor-by-floor) zoning controls (Sec. 219.1 and 803.9(~~hf~~)).

14 * * * *

15 **SEC. 249.40. POTRERO CENTER MIXED-USE SPECIAL USE DISTRICT.**

16 (a) **Purpose.** The Potrero Center Mixed-Use Special Use District is intended to
17 facilitate the continued operation of the shopping center located at 2300 16th Street, which is
18 characterized by large formula retail sales and services, while providing an appropriate
19 regulatory scheme for a potential phased mixed-use redevelopment of the shopping center in
20 the future.

21 (b) **Geography.** The boundaries of the Potrero Center Mixed-Use Special Use District
22 shall consist of Assessor's Block 3930A, Lot 002 as designated on the Zoning Map of the City
23 and County of San Francisco and generally bound by Bryant Street to the west, 16th Street to
24 the south, Potrero Avenue to the east, and Assessor's Blocks 3931A, 3921A and 3922A to the
25 north.

1 (c) **Controls.** All provisions of the Planning Code shall continue to apply, except for
2 the following:

3 (1) **Floor Area Ratio.** The maximum floor area ratio (FAR) set forth in Section
4 124 shall not apply to Retail Sales and Services uses or to Gym uses. The maximum FAR for
5 Retail Sales and Service uses and Gym uses shall not exceed 3.0:1.

6 (2) **Use Size Limitations for Retail Sales and Services and Gyms.** The use
7 size limitations and ratio requirements applicable to Retail Sales and Service uses and Gym
8 uses of Sections 121.6(a), 803.9(*ig*), 843.45 and 843.51 shall not apply. Retail Sales and
9 Service uses and Gym uses are principally permitted, and the replacement of one such use or
10 tenant by another such use or tenant in an existing store or gym, regardless of its size, is
11 permitted. Newly constructed space for Retail Sales and Service uses or Gym uses larger
12 than 25,000 gross square feet per use or the expansion of an existing Retail Sales and
13 Services use or Gym use by more than 25,000 new gross square feet per use shall require
14 conditional use authorization pursuant to the provisions of Section 303.

15 * * * *

16 **SEC. 249.45. VISITACION VALLEY/SCHLAGE LOCK SPECIAL USE DISTRICT.**

17 A Special Use District entitled the "Visitacion Valley/Schlage Lock Special Use District"
18 is hereby established for a portion of the Visitacion Valley neighborhood and the Schlage Lock
19 site within the City and County of San Francisco, the boundaries of which are designated on
20 Sectional Map SU10 of the Zoning Maps of the City and County of San Francisco, and which
21 includes properties generally fronting Bayshore Boulevard between Tunnel Avenue in the
22 north and the San Francisco/San Mateo County line in the south, and properties fronting
23 Leland Avenue between Bayshore Boulevard and Cora Street. The following provisions shall
24 apply within the Special Use District:

25 * * * *

1 (e) **Controls in Zone 1.** Development in Zone 1 of the Special Use District shall be
2 regulated by the controls contained in this Section 249.45(e) and the Design for Development.
3 Where not explicitly superseded by definitions and controls established in this Section
4 249.45(e) or the Design for Development, the definitions and controls in this Planning Code
5 shall apply except where those controls conflict with the Development Agreement. The
6 following shall apply only in Zone 1 of the Special Use District:

7 * * * *

8 (2) **Use Requirements.**

9 * * * *

10 (C) **Prohibited Uses.** The following uses shall be prohibited within this Special
11 Use District:

- 12 (i) Auto repair services;
- 13 (ii) Office, except in existing buildings or as an accessory use to other
14 permitted uses. The floor controls set forth in Section 803.9(~~hf~~) for the MUG zoning
15 designation shall not apply to office use in the Old Office Building or to the existing building
16 located on Assessor's Block and Lot No. 5100-007;

17 * * * *

18 **SEC. 249.78. CENTRAL SOMA SPECIAL USE DISTRICT.**

19 *(a) Purpose.* *In order to implement the goals, objectives, and policies of the Central SoMa*
20 *Plan (Ordinance No. _____, on file with the Clerk of the Board of Supervisors in File No.*
21 *180185), the Central SoMa Special Use District (SUD) is hereby established.*

22 *(b) Geography.* *The SUD is within the South of Market (SoMa) neighborhood, and its*
23 *boundaries generally run from 2nd Street to the east to 6th Street to the west, and from Townsend*
24 *Street to the south to an irregular border that generally follows Folsom, Howard, and Stevenson Streets*
25 *to the north, as more specifically shown on Sectional Maps 1SU and 8SU of the Zoning Map.*

1 (c) Land Use Controls.

2 (1) Active Uses. The controls of Section 145.1 and 145.4 shall apply, except as
3 specified below:

4 (A) Active uses, as defined in Section 145.1, are required along any outdoor
5 publicly-accessible open space;

6 (B) An office use, as defined in Section 890.70, is not an “active use” on the
7 ground floor;

8 (C) POPOS, as defined in Section 138, is an “active use” on the ground floor;

9 (D) Hotels and Production, Distribution, and Repair uses, both as defined in
10 Section 102, shall be considered “Active commercial uses,” as defined in Section 145.4(c).

11 (E) Active uses shall be required within the first 10 feet of building depth if
12 any of the following conditions apply:

13 (i) The use is a Micro-Retail use located on a Narrow Street as
14 defined in Section 261.1(b)(1); or

15 (ii) The use is along a Narrow Street provided there is a doorway
16 provided every 25 feet along the street frontage, at minimum.

17 ~~(F)~~ Notwithstanding the PDR exemption found in Section 145.1(c)(6), PDR
18 uses shall meet the following transparency and fenestration requirements contained in
19 that Section:

20 (i) Building facades greater than 50 linear feet shall be required to
21 be fenestrated with transparent windows and doorways for no less than 30% of
22 the street frontage at the ground level and allow visibility into the building. The
23 use of dark or mirrored glass shall not count towards the required transparent
24 area.

1 (ii) Building facades up to 50 linear feet are not required to be
2 transparent.

3 (2) **Nighttime Entertainment.** Nighttime Entertainment uses are principally permitted,
4 regardless of the underlying zoning district, in the area bounded by 4th Street, 6th Street, Bryant Street,
5 and Townsend Street.

6 (3) **Hotels.** Hotels in the ~~GMUO District~~ Central SoMa SUD shall not be
7 subject to the land use ratio requirements of Section 803.9(g).

8 (4) **Retail.**

9 (A) **Formula Retail.** Formula Retail Uses, as defined in Section 303.1,
10 that are also Bar, Restaurant or Limited Restaurant Uses, as defined in Section 102, shall not
11 be permitted.

12 (B) **Micro-Retail.** “Micro-Retail” shall mean a Retail Use, other than a
13 Formula Retail Use, measuring no less than 100 gross square feet and no greater than 1,000
14 gross square feet.

15 (Ai) **Applicability.** Micro-Retail controls shall apply to new non-
16 residential development projects on lots of 20,000 square feet or more.

17 (Bii) **Controls.**

18 (i)a. **Amount.** Applicable development projects are required to
19 have at least one Micro-Retail unit for every 20,000 square feet of lot area, rounded to the nearest unit.

20 (ii)b. **Location and Design.** All Micro-Retail units shall be on
21 the ground floor, independently and directly accessed from a public right-of-way or publicly-accessible
22 open space, and designed to be accessed and operated independently from other spaces or uses on the
23 subject property.

24 (iii)c. **Type.** Formula Retail uses, as defined in Section 303.1, are
25 not permitted as Micro-Retail.

1 (5) PDR and Community Building Space Requirements.

2 (A) For purposes of this subsection, "Community Building Space" shall
3 mean space provided for a Social Service, Institutional Community, Grocery Store,
4 Community Facility, or Public Facility Use or for a Legacy Business.

5 (B) In addition to the requirements of Section 202.8, the following shall apply
6 to any newly constructed project that contains at least 50,000 gross square feet of office shall provide
7 one of the following:

8 (A) The project shall provide a(i) An amount of PDR space for PDR
9 Uses or Community Building Space, or a combination thereof, that is the greater of the following:

10 (i)a. the square footage of PDR space required by the controls of
11 Section 202.8, or

12 (ii)b. on-site dedication of space for PDR Uses or Community
13 Building Space, or a combination thereof, that is equivalent to 40 percent of the lot area, in which
14 case for purposes of this S-section 249.78(b)(5), the following areas are exempted from the
15 calculation of the lot area: land dedicated to a building whose housing units consist entirely of
16 Affordable Housing Units as defined in Section 401; publicly accessible open space and mid-block
17 alleys that are fully open to the sky except for obstructions permitted pursuant to Section 136 or under
18 a cantilevered portion of the building for up to 10% of space pursuant to Section 138(d)(2);
19 any portion of the lot or lots containing a building dedicated primarily to residential use; and
20 ground floor space dedicated to a Child Care Facility are exempted from calculation of the lot
21 area. For purposes of this subsection, "on-site" means anywhere on the subject project lot or
22 lots.

23 (B)(ii) In the alternative, the project sponsor may provide either of
24 the following:

1 _____ (i) Establishment off-site, through new construction, addition, or change
2 of use, of a minimum of 150 percent of gross square feet of the on-site PDR requirement for PDR
3 Uses or for Community Building Space. Such off-site PDR space shall be located within the area
4 bounded by Market Street, ~~the Embarcadero~~ Second Street, King Street, Division Street, and South
5 Van Ness Avenue; or

6 (ii) Preservation of existing PDR uses off-site, at a minimum of 200
7 percent of the on-site requirement, for the life of the project that is subject to the requirements of this
8 subsection (6) or for 55 years, whichever is less. This off-site PDR shall be located on one or more
9 lots in the area bounded by Market Street, ~~the Embarcadero~~ Second Street, King Street, Division
10 Street, and South Van Ness Avenue. The PDR space preserved off-site shall not include any space
11 already required to be preserved pursuant to this Section or Section 202.8.

12 (C) The PDR and Community Building Space requirements of this subsection
13 may be reduced by 25 percent for any project subject to any contract or agreement meeting the
14 requirements of California Civil Code Section 1954.28(d), including but not limited to a development
15 agreement approved by the City under California Government Code Section 65864 et seq. if, pursuant
16 to the terms of such agreement, the required replacement space is rented, leased, or sold at 50 percent
17 below market rate for PDR space for a period of not less than 55 years or the life of the project;
18 whichever is less. Such restrictions on the rent, lease, or sale price shall be recorded on the subject
19 property as a Notice of Special Restrictions.

20 (D) Any project that meets the requirements of this ~~Section 249.78~~ subsection
21 249.78(c)(5) and the PDR replacement requirements of Section 202.8 shall not be subject to the
22 Conditional Use Authorization required by Section 202.8.

23 (E) Any development application submitted to the Planning Department
24 for a project that is subject to the PDR and Community Building Space requirements of this

1 Section 249.78 or the PDR replacement requirements of Section 202.8 shall include the
2 following materials:

3 (i) Documentation demonstrating that the applicant has provided
4 written notification to all existing PDR tenants that the applicant intends to develop the
5 property pursuant to this Section 249.78.

6 (ii) Documentation demonstrating that the applicant has provided
7 all existing PDR tenants with information regarding the Central SoMa PDR Relocation Fund
8 described in the Central SoMa Implementation Program Document, and PDR Sector
9 Assistance for Displaced Businesses available from the Office of Economic and Workforce
10 Development (OEWD) or its successor agency.

11 **(6) Use on Large Development Sites.**

12 (A) **Applicability.** South of Harrison Street on sites larger than 40,000 square
13 feet that entail new construction or an addition of 100,000 square feet or more.

14 (B) **Requirement.** At least two-thirds of the Gross Floor Area of all building
15 area below 160 feet in height shall be non-residential.

16 **(7) Single Room Occupancy.** Single Room Occupancy units that are Dwelling
17 Units are Not Permitted in the Central SoMa SUD except in buildings that consist of 100%
18 affordable units. For the purposes of this subsection (7), "affordable units" shall mean units
19 rented, leased or sold at rates or prices affordable to a household whose income is no greater
20 than 80% of the median income for households in San Francisco ("Lower Income
21 Households"), as determined by Title 25 of the California Code of Regulations Sections 6928
22 and 6932 and implemented by the Mayor's Office of Housing and Community Development.

23 **(8) Group Housing.** Group Housing uses are Not Permitted in the Central
24 SoMa SUD except Group Housing uses that are also defined as Student Housing, Senior
25 Housing, or Residential Care Facility, are designated for persons with disabilities, are

1 designated for Transition Age Youth as defined by the Mayor's Office of Housing &
2 Community Development, or are contained in buildings that consist of 100% affordable units.
3 For the purposes of this subsection (8), "affordable units" shall mean units rented, leased or
4 sold at rates or prices affordable to a household whose income is no greater than 80% of the
5 median income for households in San Francisco ("Lower Income Households"), as
6 determined by Title 25 of the California Code of Regulations Sections 6928 and 6932 and
7 implemented by the Mayor's Office of Housing and Community Development.

8 *(d) Urban Design and Density Controls.*

9 (1) **Prevailing Building Height and Density.** In order to ensure adequate
10 provision of infrastructure and services in an area transitioning from industrial uses to more
11 intensive residential and commercial uses through adoption of the Central SoMa Plan,
12 Prevailing Building Height and Density Limits are herein established.

13 (A) **Applicability.** The controls of this subsection (d)(1) shall apply to
14 any project that is subject to Section 434(b).

15 (B) **Controls.** Notwithstanding the height limit indicated on the Zoning
16 Map and the Floor Area Ratio controls of subsection (3) below, the following height and Floor
17 Area Ratio controls shall apply:

18 (i) For all projects on lots where the Zoning Map indicates a height
19 limit of 85 feet or greater, the height of the project shall be limited to 85 feet in height and the
20 project lot or lots shall be limited to a maximum Floor Area Ratio of 4.0:1.

21 (ii) For projects on lots where the Zoning Map indicates a height
22 limit of less than 85 feet, the project lot or lots shall be limited a maximum Floor Area Ratio of
23 3.0:1.

24 (C) **Height and Density Bonus for Participation in CFD.** A project
25 may exceed the Prevailing Building Height and Density Limits of subsection (B) up to the

1 maximum height and density otherwise permitted in this Code and the Zoning Map in cases
2 where the project sponsor elects to develop a project subject to Section 434.

3 (42) **Design of Buildings.** New construction shall comply with the “Central SoMa
4 Guide to Urban Design” as adopted and periodically amended by the Planning Commission.

5 (23) **Floor Area Ratio.** There shall be no maximum Floor Area Ratio limit for lots
6 within the CMUO, MUR, MUG, and WMUO Districts in this SUD.

7 (34) **Living and Solar Roofs and Living Walls** and Renewable Energy.

8 (A) **Definitions.** For the purpose of this subsection, all terms shall be as defined
9 in Sections 102 and 149.

10 (B) **Applicability.** Any development that meets all of the following criteria:

11 (i) The development lot is 5,000 square feet or larger; and

12 (ii) The building constitutes a Large Development Project or Small
13 Development Project under the Stormwater Management Ordinance (Public Works Code Secs. 147-
14 147.6); and

15 (iii) The building height is 160 feet or less.

16 (C) **Requirements.**

17 (i) Notwithstanding the requirements of Section 149, at least fifty
18 percent of the roof area shall be covered by one or more Living Roofs.

19 (ii) Residential projects subject to this subsection (d)(34) shall comply
20 with Green Building Code Section 4.201.2, which sets forth requirements for solar photovoltaic systems
21 and/or solar thermal systems.

22 (iii) Non-residential projects shall comply with Green Building Code
23 Section 5.201.1.2, which sets forth requirements for solar photovoltaic systems and/or solar thermal
24 systems.

1 (iv) ~~All projects shall commit, as a condition of approval, to~~
2 ~~sourcing electricity from 100% greenhouse gas-free sources.~~

3 (iv) The Living Roof shall be considered in determining compliance with
4 the Stormwater Management Ordinance.

5 (v) The Planning Department, after consulting with the Public Utilities
6 Commission and the Department of the Environment, shall adopt rules and regulations to implement
7 this subsection ~~249.78(d)(34)~~ and shall coordinate with those departments to ensure compliance with
8 the Stormwater Management Ordinance.

9 (vi) ~~All projects shall commit, as a condition of approval, to~~
10 ~~sourcing electricity from 100% greenhouse gas-free sources.~~

11 (vii) Projects that consist of multiple buildings may choose to
12 locate the required elements in this subsection ~~249.78(d)(34)(i)-(v)~~ on any rooftops within the
13 subject project, including on buildings that are not subject to these requirements, provided the
14 equivalent amount of square footage is provided elsewhere on the project site.

15 (vii) Project sponsors are encouraged to incorporate plantings on
16 vertical surfaces into projects. Such plantings may include green and/or living walls,
17 stormwater gardens, and drought-tolerant landscaping.

18 (D) Waiver. If the project sponsor demonstrates to the Zoning Administrator's
19 satisfaction that it is physically infeasible to meet the Living Roof requirements as written for the
20 project in question, the Zoning Administrator may, in his or her sole discretion and pursuant to the
21 procedures set forth in Planning Code Section 307(h), reduce the requirements stated in subsection (C)
22 from fifty percent to thirty-three percent.

23 (45) Renewable Electricity.

24 (A) Definitions. For the purpose of this subsection, "greenhouse-gas
25 free" shall mean energy resources qualifying as renewable pursuant to California Public

1 Resources Code Chapter 8.6, Section 25741(a) and from hydroelectric facilities of 30
2 megawatts or greater.

3 (B) **Applicability.** This subsection shall apply to any newly constructed
4 commercial or residential building or major renovation to an existing building, as defined by
5 San Francisco Green Building Code Section 202.

6 (C) **Requirements.**

7 (i) All projects shall commit, as a condition of approval, to fulfilling
8 all on-site electricity demands through any combination of on-site generation of 100%
9 greenhouse gas-free electricity and purchase of electricity from 100% greenhouse gas-free
10 sources for a period of not less than 25 years from issuance of entitlement.

11 (ii) The Planning Department, after consulting with the Public
12 Utilities Commission, Department of Building Inspection, and the Department of the
13 Environment, shall adopt rules and regulations to implement this subsection.

14 (56) **Lot Coverage.** For residential uses, the rear yard requirements of Section 134 of
15 this Code shall not apply. Lot coverage is limited to 80 percent at all residential levels, except that on
16 levels in which all residential units face onto a public right-of-way, 100 percent lot coverage may
17 occur. The unbuilt portion of the lot shall be open to the sky except for those obstructions permitted in
18 yards pursuant to Section 136(c) of this Code. Where there is a pattern of mid-block open space for
19 adjacent buildings, the unbuilt area of the new project shall be designed to adjoin that mid-block open
20 space.

21 (567) **Lot Merger Restrictions.**

22 (A) **Applicability.** Lots that meet both of the following criteria shall be subject
23 to the lot merger restrictions of this Section:

1 (i) Lots containing one or more buildings with California Historic
2 Resources Status Code 1, 2, 3, 4, 5, or 6L, as identified in a survey adopted by the Historic
3 Preservation Commission; and

4 (ii) Lots with any single street frontage under 200 feet in length.

5 (B) Control. Any lot to which this subsection is applicable shall not merge with
6 an adjacent lot in such a way that any existing street frontage of under 200 feet is increased to 200 feet
7 in length or longer.

8 (C) Exemptions.

9 (i) The street frontages of lots abutting the north side of Perry Street and
10 the street frontages along Harrison Street on Block 3763 in lots 099 and 100 are exempt from
11 this control.

12 (ii) On blocks of less than 200 feet in length between streets or alleys, an
13 applicable lot may merge with an adjacent non-applicable lot if the non-applicable lot is a corner lot.

14 (678) Open Space. A project whose housing units consist entirely of Affordable
15 Housing Units, as defined in Section 401, shall provide at least 36 square feet of usable Open Space, as
16 set forth in Section 135, per unit unless the project is located directly adjacent to a publicly-owned park
17 in which case such project shall not be required to provide usable Open Space.

18 (789) Wind.

19 (A) Applicability. This subsection shall apply to new buildings above 85 feet in
20 Height and additions to existing buildings that result in a building above 85 feet in Height.

21 (B) Definitions.

22 “Comfort Level” means ground-level equivalent wind speeds of 11 miles
23 per hour in areas of substantial pedestrian use and seven miles per hour in public seating areas
24 between 7:00 a.m. and 6:00 p.m. when occurring for more than 15 percent of the time year round.

1 “Equivalent Wind Speed” means an hourly mean wind speed adjusted to
2 incorporate the effects of gustiness or turbulence on pedestrians.

3 “Nine-Hour Hazard Criterion” means a ground-level equivalent wind
4 speed of 26 miles per hour for more than nine hours per year per test location.

5 “One-Hour Hazard Criterion” means a ground-level equivalent wind
6 speed of 26 miles per hour for more than one hour per year per test location.

7 “Substantial Increase” means an increase in wind speeds of more than
8 six miles per hour for more than 15 percent of the time year round.

9 **(C) Controls for Wind Comfort.**

10 (i) Projects may not result in wind speeds that exceed the Comfort Level
11 at any location.

12 (ii) Projects may not cause a Substantial Increase in wind speed at any
13 location where the existing or resulting wind speed exceeds the Comfort Level.

14 (iii) Pursuant to Section 329, the Planning Commission may grant an
15 exception to the standards of subsections (i) and (ii) above as applied to a project if it finds that the
16 project meets the following criteria:

17 (aa) It has undertaken all feasible measures to reduce wind
18 speeds through such means as building sculpting and appurtenances, permanent wind baffling
19 measures, and landscaping; and

20 (bb) Reducing wind speeds further would substantially detract
21 from the building design or unduly restrict the square footage of the project.

22 **(D) Controls for Hazardous Winds.**

23 (i) Projects shall not result in net new locations with an exceedance of
24 the One-Hour Hazard Criterion, except as allowed by the Planning Commission based on criteria
25 described in subsection (ii) below.

1 (ii) Pursuant to Section 329, the Planning Commission may grant an
2 exception to the standard of subsection (i) above as applied to a proposed project if it finds that the
3 proposed project meets all of the following criteria:

4 (aa) The project ~~with mitigations~~ wind reduction measures
5 does not result in net new locations with an exceedance of the Nine-Hour Hazard Criterion;

6 (bb) The project has undertaken all feasible measures to reduce
7 hazardous wind speeds, such as building sculpting and appurtenances, permanent wind baffling
8 measures, and landscaping; and

9 (cc) Meeting the requirements of subsection (i) would detract
10 from the building design or unduly restrict the square footage of the project.

11 (iii) No exception shall be granted and no building or addition shall be
12 permitted for any project that causes net new locations with an exceedance in the Nine-Hour Hazard
13 Criterion.

14 (E) Guidelines. Procedures and methodologies for implementing this
15 subsection shall be issued by the Department.

16 (8910) ~~Ground~~ PDR Floor Heights. PDR space ~~provided at the ground floor that~~
17 is subject to the requirements of Section 202.8 or 249.78(c)(5) shall have a minimum floor-to-floor
18 height of 17 feet, as measured from grade.

19 (94011) Dwelling Unit Exposure. The requirements of Section 140 shall
20 apply, except that the required windows (as defined by Section 504 of the San Francisco
21 Housing Code) of at least one room that meets the 120-square-foot minimum superficial floor
22 area requirement of Section 503 of the Housing Code shall face on an open area as follows:

23 (A) For units constructed above 85 feet in height, the required windows
24 shall face directly on an open area that is no less than 15 feet by 15 feet;

1 (B) 10% of units constructed at or below 85 feet may face directly onto
2 an open area that is no less than 15 feet by 15 feet; and

3 (C) Where required windows are built on an open area, pursuant to
4 140(a)(2), the requirements to increase the horizontal dimension at each subsequent floor do
5 not apply.

6 (e) **Community Development Controls.**

7 (1) **Affordable Housing Funds.** Affordable Housing Fees for projects within the
8 Central SoMa Special Use District shall be deposited in the Central SoMa Affordable Housing Fund
9 and shall be expended within a limited geographic area, as specified in Administrative Code Section
10 10.100-46.

11 (2) **Land Dedication.**

12 (A) Residential projects in this SUD may opt to fulfill the Inclusionary Housing
13 requirement of Section 415 through the Land Dedication alternative contained in Section 419.6.

14 (B) Non-Residential projects in this Special Use District may opt to fulfill their
15 Jobs-Housing Linkage Fee requirement of Section 413 through the Land Dedication alternative
16 contained in Section 413.7.

17
18 (3) **TDR Requirements for Large Development Sites.**

19 (A) **Applicability.** This control applies to projects that:

20 (i) Are located in Central SoMa ~~Development Fee~~ Tier C, as defined in
21 Section 423.2;

22 (ii) Contain new construction, or addition, of 50,000 non-residential
23 gross square feet or greater; and

24 (iii) Have a Floor Area Ratio of 3:1 or greater.

25 (B) **Requirement.**

1 (i) A project subject to this subsection (43) will be considered a
2 “Development Lot,” pursuant to Section 128.1;

3 (ii) To exceed a Floor Area Ratio of 3:1, a Development Lot shall
4 acquire one Unit of TDR from a Transfer Lot, as defined in Sections 128 and 128.1, per square foot
5 of development up to a Floor Area Ratio of 4.25:1. Above 4.25:1, the acquisition of additional TDR is
6 not required.

7 (4) Onsite Childcare Facilities. Prior to issuance of a building or site permit
8 for a development project subject to the requirements of Section 414.4, the sponsor of an
9 Office or Hotel project on a Key Site, as defined in Section 329(e), shall elect its choice of the
10 options described in subsection (A), (B) and (E) of Section 414.4(c)(1) to fulfill any
11 requirements imposed pursuant to Section 414.4 as a condition of approval. The Planning
12 Commission shall review the project for compliance with Section 414.4. In addition, the
13 following process shall apply; ~~and shall notify the Department of its choice, except that~~

14 (A) The Commission may grant an exception to the provisions of Section
15 414.5(A), 414.6(A), or 414.9(A) if it finds that one or all of the following apply:

16 (i) The space is being provided to the proposed child-care
17 provider at a below-market rate rent and/or at a significantly reduced cost.

18 (ii) The proposed child-care provider provides services consistent
19 with the goals and expenditures of the Child Care Capital Fund in Section 414.14, which may
20 include activities including, but not limited to, providing care affordable to households of low
21 and moderate income, or providing care that fulfills unmet needs for child care by age group
22 and/or neighborhood, as determined through a needs assessment conducted by the Director
23 of the Office of Early Care & Education, or its successor.

24 (B) If the Commission determines that none of these options described
25 in subsection (A), (B), and (E) of Section 414.4(c)(1) is feasible, the sponsor may elect any of

1 the other options in subsection 414.4(c)(1). Feasibility may be determined by, among other
2 things, the sufficiency of the existing supply of child care facilities in the Central SoMa SUD,
3 the inability to provide suitable space that would meet childcare licensing requirements, a
4 determination by the Commission that the site is not a suitable location for child care
5 provision, and financial feasibility.

6 **SEC. 260. HEIGHT LIMITS: MEASUREMENT.**

7 * * * *

8 (b) **Exemptions.** In addition to other height exceptions permitted by this Code, the
9 features listed in this subsection (b) shall be exempt from the height limits established by this
10 Code, in an amount up to but not exceeding that which is specified.

11 (1) The following features shall be exempt; provided the limitations indicated for
12 each are observed; provided further that the sum of the horizontal areas of all features listed
13 in this subsection (b)(1) shall not exceed 20 percent of the horizontal area of the roof above
14 which they are situated, or, in C-3 Districts, and in the Rincon Hill Downtown Residential
15 District, where the top of the building has been separated into a number of stepped elements
16 to reduce the bulk of the upper tower, of the total of all roof areas of the upper towers; and
17 provided further that in any R, RC-3, or RC-4 District the sum of the horizontal areas of all
18 such features located within the first 10 feet of depth of the building, as measured from the
19 front wall of the building, shall not exceed 20 percent of the horizontal area of the roof in such
20 first 10 feet of depth.

21 As an alternative, the sum of the horizontal areas of all features listed in this
22 subsection (b)(1) may be equal to but not exceed 20 percent of the horizontal area permitted
23 for buildings and structures under any bulk limitations in Section 270 of this Code applicable
24 to the subject property.

1 Any such sum of 20 percent heretofore described may be increased to 30
2 percent by unroofed screening designed either to obscure the features listed under (A) and
3 (B) below or to provide a more balanced and graceful silhouette for the top of the building or
4 structure.

5 * * * *

6 (E) In any C-3 District ~~and~~ the CMUO District, and any MUR or MUG District
7 within the Central SoMa Special Use District, enclosed space related to the recreational use
8 of the roof, not to exceed 16 feet in height.

9 (F) Rooftop enclosures and screening for features listed in subsections (b)(1)(A)
10 and (B) above that add additional building volume in any C-3 District except as otherwise
11 allowed in the S-2 Bulk district according to subsection (M) below, or the Eastern
12 Neighborhoods Mixed Use Districts, ~~or South of Market Mixed Use District.~~ The rooftop
13 enclosure or screen creating the added volume:

14 (i) shall not be subject to the percentage coverage limitations
15 otherwise applicable to this Section 260(b) but shall meet the requirements of Section 141;

16 (ii) shall not exceed 20 feet in height, measured as provided in
17 subsection (a) above;

18 (iii) may have a volume, measured in cubic feet, not to exceed
19 three-fourths of the horizontal area of all upper tower roof areas multiplied by the maximum
20 permitted height of the enclosure or screen;

21 (iv) shall not be permitted within the setbacks required by
22 Sections 132.1, 132.2, and 132.3;

23 (v) shall not be permitted within any setback required to meet the
24 sun access plane requirements of Section 146; and
25

1 (vi) shall not be permitted within any setback required by Section
2 261.1.

3 * * * *

4 (L) ~~{Reserved.}~~ In the Central SoMa Special Use District, additional building
5 volume used to enclose or screen from view the features listed in subsections (b)(1)(A) and (b)(1)(B)
6 above. The rooftop form created by the added volume shall not be subject to the percentage coverage
7 limitations otherwise applicable to the building, but shall meet the requirements of Section 141; shall
8 not exceed 10 percent of the total height of any building taller than 200 feet; shall have a horizontal
9 area not more than 100 percent of the total area of the highest occupied floor; and shall contain no
10 space for human occupancy. The features described in subsection (b)(1)(B) shall not be limited to 16
11 feet for buildings taller than 200 feet, but shall be limited by the permissible height of any additional
12 rooftop volume allowed by this subsection (L).

13 * * * *

14 (2) The following features shall be exempt, without regard to their horizontal
15 area, provided the limitations indicated for each are observed:

16 * * * *

17 (O) ~~Additional building height, up to a height of five feet above the otherwise~~
18 ~~applicable height limit, where the uppermost floor of the building is to be occupied solely by live/work~~
19 ~~units located within a South of Market District.~~

20 (P) ~~Enclosed recreational facilities up to a height of 10 feet above the~~
21 ~~otherwise applicable height limit when located within a 65-U Height and Bulk District and either~~
22 ~~an MUO or SSØ District, and only then when authorized by the Planning Commission as a~~
23 ~~Conditional Use pursuant to Section 303 of this Code, provided that the project is designed in~~
24 ~~such a way as to reduce the apparent mass of the structure above a base 50-foot building~~
25 ~~height.~~

1 (~~OP~~) Historic Signs and Vintage Signs permitted pursuant to Article 6 of
2 this Code.

3 (~~RQ~~) In the Eastern Neighborhoods Mixed Use Districts, enclosed utility
4 sheds of not more than 100 square feet, exclusively for the storage of landscaping and
5 gardening equipment for adjacent rooftop landscaping, with a maximum height of 8 feet above
6 the otherwise applicable height limit.

7 (~~SR~~) Hospitals, as defined in this Code, that are legal non-complying
8 structures with regard to height, may add additional mechanical equipment so long as the new
9 mechanical equipment 1) is not higher than the highest point of the existing rooftop enclosure,
10 excluding antennas; 2) has minimal visual impact and maximum architectural integration; 3) is
11 necessary for the function of the building; and 4) no other feasible alternatives exist. Any
12 existing rooftop equipment that is out of service or otherwise abandoned ~~must~~shall be removed
13 prior to installation of new rooftop equipment.

14 * * * *

15 **SEC. 261.1. ADDITIONAL HEIGHT LIMITS FOR NARROW STREETS AND ALLEYS**
16 **IN, RTO, NC, NCT, AND EASTERN NEIGHBORHOODS MIXED USE, ~~AND SOUTH OF~~**
17 **~~MARKET MIXED USE~~ DISTRICTS.**

18 (a) **Purpose.** The intimate character of narrow streets (rights-of-way 40 feet in width
19 or narrower) and alleys is an important and unique component of the City and certain
20 neighborhoods in particular. The scale of these streets should be preserved to ensure they do
21 not become overshadowed or overcrowded. Heights along alleys and narrow streets are
22 hereby limited to provide ample sunlight and air, as follows:

23 (b) **Definitions.**

24
25

1 (1) "Narrow Street" shall be defined as a public right of way less than or equal
2 to 40 feet in width, or any mid-block passage or alley that is less than 40 feet in width created
3 under the requirements of Section 270.2.

4 (2) "Subject Frontage" shall mean any building frontage in an RTO, NC, NCT or
5 Eastern Neighborhood Mixed Use District that abuts a Narrow Street and that is more than 60
6 feet from an intersection with a street wider than 40 feet.

7 (3) "East-West Narrow Streets" shall mean all Narrow Streets, except those
8 created pursuant to Section 270.2, that are oriented at 45 degrees or less from a true east-
9 west orientation or are otherwise named herein: Elm, Redwood, Ash, Birch, Ivy, Linden,
10 Hickory, Lily, Rose, Laussat, Germania, Clinton Park, Brosnan, Hidalgo, and Alert Streets.

11 (4) "North-South Narrow Streets" shall mean all Narrow Streets, except those created
12 pursuant to Section 270.2, that are oriented at 45 degrees or less from a true north-south orientation.

13 (c) **Applicability.** The controls in this Section shall apply in all RTO, NC, NCT, and
14 Eastern Neighborhoods Mixed Use, ~~and South of Market Mixed Use~~ Districts. Notwithstanding the
15 foregoing, in the CS Bulk District these controls shall only apply on certain frontages as described in
16 Section 270(h).

17 (d) **Controls.**

18 (1) **General Requirement.** Except as described below, all ~~s~~Subject ~~f~~Frontages
19 shall have upper stories set back at least 10 feet at the property line above a height equivalent
20 to 1.25 times the width of the abutting ~~n~~Narrow ~~s~~Street.

21 (2) **Southern Side of East-West Narrow Streets and, within the Central SoMa**
22 **Special Use District, all North-South Narrow Streets.** All ~~s~~Subject ~~f~~Frontages on the southerly
23 side of an East-West Narrow Street and, within the Central SoMa Special Use District, all Subject
24 Frontages on a North-South Narrow Street shall have upper stories which are set back at the
25 property line such that they avoid penetration of a sun access plane defined by an angle of 45

1 degrees extending from the most directly opposite northerly property line (as illustrated in
2 Figure 261.1A.) No part or feature of a building, including but not limited to any feature listed
3 in Sections 260(b), may penetrate the required setback plane.

4 (3) **Northern Side of all Narrow Streets with the Central SoMa Special Use District.**

5 Subject Frontages in a 65- or 85- foot Height district are required to meet Apparent Mass Reduction
6 requirements, as defined in Section 270(h), as follows:

7 (A) All Subject Frontages in a 65-foot Height district are required to have an
8 Apparent Mass Reduction of fifty percent, as measured utilizing a Base Height of 35 feet.

9 (B) All Subject Frontages in a 85-foot Height district are required to have an
10 Apparent Mass Reduction of seventy percent, as measured utilizing a Base Height of 35 feet.

11 (34) **Mid-block Passages.** Subject ~~f~~Frontages abutting a mid-block passage
12 provided perpursuant to the requirements of Section 270.2 shall have upper story setbacks as
13 follows:

14 * * * *

15 **SEC. 263. HEIGHT LIMITS: SPECIAL EXCEPTIONS.**

16 In the height and bulk districts indicated in the following Sections, buildings and
17 structures exceeding the prescribed height limits may be approved by the Planning
18 Commission according to the procedures for conditional use approval in Section 303 of this
19 Code unless otherwise specified herein; provided, however, that such. Any exceptions
20 granted may be permitted only in the areas specified and only to the extent stated in each
21 Section.

22 ~~**SEC. 263.11. SPECIAL HEIGHT EXCEPTIONS: SOUTH OF MARKET RSD 40-X/85-B**~~
23 ~~**HEIGHT DISTRICT.**~~

24 (a) ~~**General.**~~ ~~In the 40-X/85-B Height and Bulk District, as designated on Sectional Map No.~~
25 ~~HT01 of the Zoning Map, located within the boundaries of the South of Market RSD District, height~~

1 ~~exceptions above the 40-foot base height to a maximum of 85 feet may be approved in accordance with~~
2 ~~the Conditional Use procedures and criteria provided in Sections 303 of this Code, and the criteria and~~
3 ~~conditions set forth below.~~

4 ~~(b) **Reduction of Shadows on Certain Public, Publicly Accessible, or Publicly Financed or**~~
5 ~~**Subsidized Private Open Space.**~~

6 ~~(1) New buildings or additions subject to this Section shall be shaped to reduce~~
7 ~~substantial shadow impacts on public plazas, parks or other nearby publicly accessible or publicly~~
8 ~~financed private open spaces. The criteria set forth in Section 147 of this Code shall be used to assess~~
9 ~~the shadow impacts of new building development over 40 feet in height.~~

10 ~~(2) To the extent that height above 40 feet on lots 14, 16, 18, 19, 20, 20A, 21, 22, 24, 25,~~
11 ~~26, 28, 29, 30, 31, 34, 91 and 92 of Assessor's Block 3733 and on lots 14, 15, 17, 18, 19, 23, 24, 26, 27,~~
12 ~~28, 32, 33, 36 and 95 of Assessor's Block 3752 would create adverse impact on light and air to~~
13 ~~adjacent residential uses and/or sunlight access to residential open spaces, such additional height shall~~
14 ~~not be permitted.~~

15 ~~(c) **Reduction of Ground Level Wind Currents.** New buildings or additions subject to this~~
16 ~~Section shall be shaped, or other wind baffling measures shall be adopted, so that the development will~~
17 ~~not cause ground level wind currents to exceed, more than 10 percent of the time year round, between~~
18 ~~7:00 a.m. and 6:00 p.m., the comfort level of 11 m.p.h. equivalent wind speed in areas of substantial~~
19 ~~pedestrian use and seven m.p.h. equivalent wind speed in public seating areas. When pre-existing~~
20 ~~ambient wind speeds exceed the comfort level, the building or addition shall be designed to reduce the~~
21 ~~ambient wind speeds to meet the requirements.~~

22 ~~If it is shown that a building or addition cannot be shaped or wind baffling measures cannot be~~
23 ~~adopted to meet the foregoing requirements without creating an unattractive and ungainly building~~
24 ~~form and without unduly restricting the development potential of the building site in question, and/or it~~
25 ~~is concluded that, because of the limited amount by which the comfort level is exceeded, the limited~~

1 *location in which the comfort level is exceeded, the limited time during which the comfort level is*
2 *exceeded, or the addition is insubstantial, an exception may be granted as part of the conditional use*
3 *process, allowing the building or addition to add to the amount of time that the comfort level is*
4 *exceeded by the least practical amount.*

5 *No exception shall be allowed and no building or addition shall be permitted that causes*
6 *equivalent wind speeds to reach or exceed the hazard level of 26 miles per hour for a single hour of the*
7 *year.*

8 *For the purposes of this Section, the term "equivalent wind speed" shall mean an hourly mean*
9 *wind speed adjusted to incorporate the effects of gustiness or turbulence on pedestrians.*

10 ~~*(d) Construction of Live/Work Units Above the 40-Foot Base Height Limit. Live/work units*~~
11 ~~*may be relied upon to qualify for a height exception under this Section only if:*~~

12 ~~*(1) Each non-residential use within each individual live/work unit is limited to an*~~
13 ~~*activity permitted within the district or conditional within the district and specifically approved as a*~~
14 ~~*conditional use;*~~

15 ~~*(2) Each live/work unit is sufficiently insulated for noise attenuation between units to*~~
16 ~~*insure that noise shall not exceed the acceptable decibel levels established for residential use as*~~
17 ~~*specified in the San Francisco Noise Control Ordinance; and*~~

18 ~~*(3) The project satisfies the open space, parking and freight loading provisions of this*~~
19 ~~*Code without administrative exceptions.*~~

20 ~~*(e) Affordability. In determining whether to allow a height exception under this Section the*~~
21 ~~*Planning Commission shall, in addition to the criteria set forth in Section 303(e) of this Code, consider*~~
22 ~~*the extent to which the project seeking the exception will include residential and live/work units*~~
23 ~~*affordable to low-income and moderate-income households. The City Planning Commission may*~~
24 ~~*impose conditions on the approval of additional height pursuant to this Subsection to assure housing*~~
25 ~~*affordability and the enforceability and enforcement of housing affordability and use provisions, which*~~

1 ~~may include, but need not be limited to, a requirement that a minimum stated percentage of the total~~
2 ~~number of units approved pursuant to this Section remain affordable to households whose incomes are~~
3 ~~not greater than a stated percentage of a defined median income for a period of not less than a stated~~
4 ~~number of years.~~

5 ~~(1) The property owner shall submit an annual report to the City, along with a fee~~
6 ~~whose amount shall be determined periodically by the City Planning Commission, to cover costs of the~~
7 ~~enforcement of the affordability of designated units. The fee shall not exceed the amount of those costs.~~
8 ~~The report shall state rents, annual household income, number of adults and children living in each~~
9 ~~designated unit, and such other information as the City may require.~~

10 * * * *

11 **SEC. 263.32. SPECIAL HEIGHT EXCEPTIONS: PERMITTED BUILDING HEIGHTS IN**
12 **THE CENTRAL SOMA SPECIAL USE DISTRICT.**

13 (a) Purpose. The provision of affordable housing, public open space, and recreational
14 amenities are encouraged in the Central SoMa Special Use District to achieve the policy objectives of
15 the Central SoMa Plan. To facilitate the creation of these amenities, additional height may be allowed,
16 as long as it does not result in a net increase in development potential for the primary project as set
17 forth in subsection (c), below.

18 (b) Applicability. This Section shall apply to any project that:

19 (1) Provides housing units consisting entirely of on-site or off-site Affordable Housing
20 Units as defined in Section 401;

21 (2) Dedicates land pursuant to Sec. 249.78(e) for housing consisting entirely of
22 Affordable Housing Units as defined in Section 401, which land the CityMOHCD deems
23 suitable for such use, taking into consideration size, configuration, physical characteristics,
24 physical and environmental constraints, access, location, adjacent use, and other relevant
25 planning criteria; or

1 (3) Provides land for publicly-owned parks or publicly-owned recreational amenities,
2 which land the City Director of Planning or their designee deems suitable for such use, taking into
3 consideration size, configuration, physical characteristics, physical and environmental constraints,
4 access, location, adjacent use, and other relevant planning criteria.

5 (c) Controls. An additional 25 feet of height above the otherwise applicable height limit is
6 permitted for applicable development projects subject to this Section 263.32 without requiring
7 conditional use authorization by the Planning Commission subject only if it meets the following
8 conditions:

9 (1) The project provides housing units consisting entirely of on-site or off-site
10 Affordable Housing Units pursuant to subsection 263.32(b)(1); or

11 (2) The project provides land for housing, publicly-owned parks, or publicly-
12 owned recreational amenities pursuant to subsections 263.32(b)(2) or (3), The development
13 capacity of the primary project receiving a special height exception pursuant to this subsection
14 263.32(c)(2) shall not be increased due to the provision of the additional height as compared to
15 greater than the development capacity achievable without the special height exception.

16 (2) For purposes of this section, the development capacity of the primary
17 project shall be calculated as the Gross Floor Area of development proposed on the site, less:

18 ————— (A) Any Gross Floor Area constructed in the project providing housing
19 units consisting entirely of Affordable Housing Units, as defined in Section 401;

20 ————— (B) Any Gross Floor Area of potential development of land dedicated to
21 the City for affordable housing pursuant to Section 249.78(e)(2), as determined by the
22 Planning Department;

23 ————— (C) Any Gross Floor Area of potential development of land dedicated to
24 the City for publicly-owned parks or publicly-owned recreation centers, as determined by the
25 Planning Department; and

1 ~~_____ (D) Any Gross Floor Area constructed as a publicly owned recreation~~
2 ~~center.~~

3 (2) The additional height shall not cause any new or substantially increased significant
4 impacts that cannot be mitigated to less than significant levels related to wind and shadow that would
5 not have occurred without the additional height, as determined by the Environmental Review Officer.

6 (3) A project using a special height exception pursuant to this Section 263.32
7 shall be subject to Sections 132.4 and 270(h), based on the otherwise applicable Height limit
8 for the lot.

9 (4) A project ~~utilizing~~ using a special height exemption ~~exception~~ pursuant to this
10 Section 263.32 may add 25 feet above the otherwise applicable Height limit for purposes of calculating
11 its Apparent Mass Reduction pursuant to Section 270(h).

12 **SEC. 263.33. SPECIAL HEIGHT EXCEPTIONS: VASSAR AND HARRISON STREETS.**

13 (a) Purpose. To facilitate the provision of increased affordable housing and a large hotel
14 proximate to the Moscone Convention Center.

15 (b) Applicability. Assessor's Block No. 3763, Lots 078, 079, 080, 080A, 081, 099, 100, 101,
16 and 105.

17 **(c) Controls.**

18 (1) The applicable lots shall have a base ~~H~~height limit of 130 feet, except as specified
19 below.

20 (2) For development on Assessor's Block No. 3763, Lot 105, if a project sponsor
21 elects one of the following options, the Height limit shall be 200 feet:

22 (A) development of the site for a hotel use, or

23 (B) development of the site for a residential or combined residential and
24 hotel use, with election of the On-Site Affordable Housing Alternative, or with the voluntary
25 provision of 110% or more of the requirement set forth in Section 415.5 for the subject lot~~the~~

1 Height limit shall be 200 feet for a project that includes a hotel and/or residential uses,
2 provided that a residential project ~~of not less than 400 guest rooms.~~

3 (3) For development on Assessor’s Block No. 3763, Lots 078, 079, 080, 080A, 081, 099,
4 100, and 101, if the project sponsor elects to provide 110% or more of the requirement set forth
5 in Section 415, the Height limit shall be 350 feet for a project that includes affordable housing in
6 an amount that is equal to or greater than 110% of the requirement set forth in Section 415.

7 (4) Conditional use authorization by the Planning Commission shall not be
8 required for use of this special height exception.

9
10 **SEC. 263.34. SPECIAL HEIGHT AND SETBACK EXCEPTIONS: FOURTH AND**
11 **HARRISON STREETS**

12 (a) Purpose. To facilitate the provision of affordable housing or other public benefits.

13 (b) Applicability. Assessor’s Block No. 3762, Lots 106, 108, 109, 112, 116, and 117.

14 (c) Controls.

15 (1) Lots 108, 109, 117, and portions of Lot 116 shall have a base height limit of 85 feet,
16 as shown on Height and Bulk District Map HT01 of the Zoning Map of the City and County of San
17 Francisco.

18 (2) Lots 106, 113 and portions of Lots 112 and 116 shall have a base height limit of
19 130 feet, as shown on Height and Bulk District Map HT01 of the Zoning Map of the City and County of
20 San Francisco.

21 (3) ~~The Height limit shall be 160 feet~~ for a project that dedicates land for the
22 provision of affordable housing, pursuant to Section 419.5(a)(2)(A) and (C) through (J)
23 ~~249.78(e)(2) for housing consisting entirely of affordable housing units as defined in Section~~
24 401:

25 (A) The height limit shall be 160 feet;

1 (B) Notwithstanding Sections 145.1(c)(4) and 249.78(d)(10), non-
 2 residential and PDR uses on the ground floor shall have a minimum floor-to-floor height of 14
 3 feet, measured from the ground floor slab; and

4 (C) Notwithstanding the Apparent Mass Reduction controls in Section
 5 270(h)(2), on Lots 106, 108, 109, 112, 116, and 117, the following Apparent Mass Reduction
 6 controls shall apply:

7 (i) on the building frontage on Harrison Street, the Apparent Mass
 8 Reduction requirement is 50%; and

9 (ii) on the building frontage on Fourth Street, there is no Apparent
 10 Mass Reduction Requirement.

11 (4) Conditional use authorization by the Planning Commission shall not be
 12 required for use of this special height the exceptions in this Section 263.34.

13
 14 **SEC. 270. BULK LIMITS: MEASUREMENT.**

15 (a) The limits upon the bulk of buildings and structures shall be as stated in this
 16 Section and in Sections 271 and 272. The terms "height," "plan dimensions," "length" and
 17 "diagonal dimensions" shall be as defined in this Code. In each height and bulk district, the
 18 maximum plan dimensions shall be as specified in the following table, at all horizontal cross-
 19 sections above the height indicated.

20 **TABLE 270**
 21 **BULK LIMITS**

District Symbol on Zoning Map	Height Above Which Maximum Dimensions Apply (in feet)	Maximum Plan Dimensions (in feet)	
		Length	Diagonal Dimension

* * * *	
<u>CS</u>	<i>This table not applicable. But see Section 270(h).</i>

* * * *

(h) CS Bulk District. *In the CS Bulk District, the bulk limits contained in this subsection 270(h) shall apply.*

(1) Definitions. *For purposes of this subsection, the definitions of Section 102 and the following definitions apply unless otherwise specified in this Section:*

Apparent Mass Reduction. *The percentage of the Skyplane that does not include the Projected Building Mass from the subject lot. For purposes of calculating Apparent Mass Reduction, any portion of the Projected Building Mass that projects above the Height limit shall be added to the projection within the Skyplane.*

Base Height. *The lowest Height from which the Skyplane is measured.*

Lower Tower. *The lower two-thirds of the Tower Portion of a Tower, rounded to the nearest floor.*

Major Street. *2nd Street, 3rd Street, 4th Street, 5th Street, 6th Street, Mission Street, Howard Street, Folsom Street, Harrison Street, Bryant Street, Brannan Street, and Townsend Street.*

Mid-Block Passage. *Any passage created pursuant to Section 270.2.*

Narrow Street. *A right-of-way with a width of 40 feet or less and more than 60 feet from an intersection with a street wider than 40 feet.*

Projected Building Mass. *The portion of the subject building that projects into the Skyplane as viewed from the most directly opposite property line. This volume includes all parts and features of a building, including but not limited to any feature listed in Section 260(b).*

Skyplane.

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(i) A plane along each street-facing property line of the subject lot

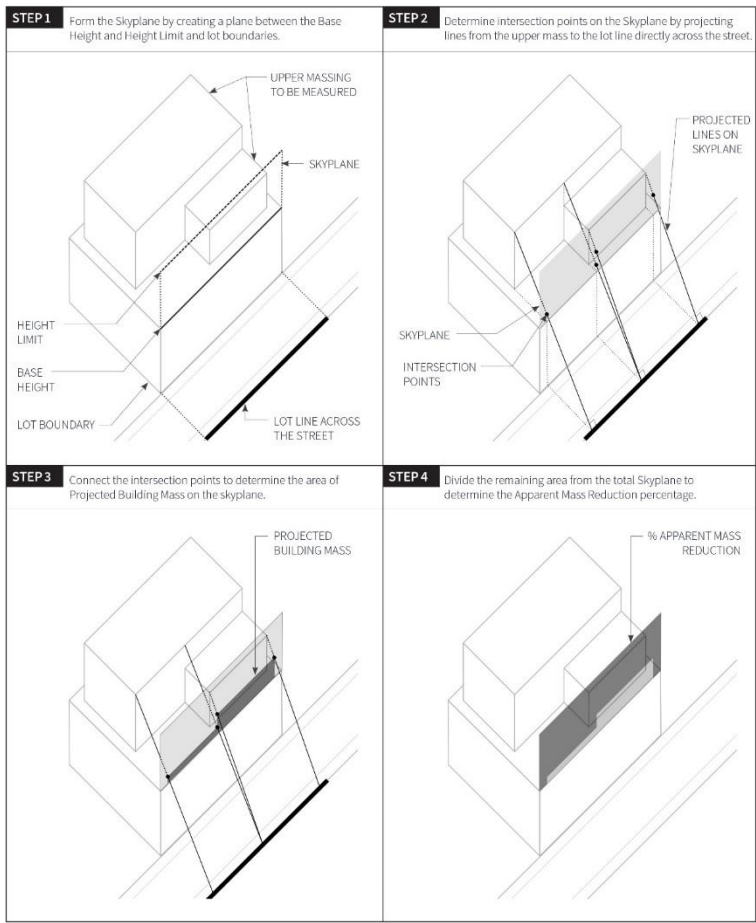
extending:

(aa) Vertically from the Base Height up to the Height limit for the

subject lot; and

(bb) Horizontally for the length of the street-facing property line.

(ii) The figure below illustrates how a skyplane is to be measured:



Tower. Any building taller than 160 feet in Height.

Tower Portion. *The portion of a Tower above 85 feet in Height.*

Upper Tower. *The upper one-third of the Tower Portion of a Tower, rounded to the nearest floor.*

(2) Apparent Mass Reduction. *Projects in the CS Bulk District are subject to the Apparent Mass Reduction controls of Table 270(h), as well as the setback requirements of Section 132.4.*

<u>Table 270(h)</u>				
<u>Apparent Mass Reduction</u>				
<u>Building Frontage</u>	<u>Side of the Street</u>	<u>Height District</u>	<u>Base Height*</u>	<u>Apparent Mass Reduction</u>
<i>Major Street</i>	<i>Southeast and southwest</i>	<i>130 feet</i>	<i>85 feet</i>	<i>67%</i>
<i>Major Street</i>	<i>Southeast and southwest</i>	<i>160 feet</i>	<i>85 feet</i>	<i>80%</i>
<i>Major Street</i>	<i>Northeast and northwest</i>	<i>130 feet</i>	<i>85 feet</i>	<i>50%</i>
<i>Major Street</i>	<i>Northeast and northwest</i>	<i>160 feet</i>	<i>85 feet</i>	<i>70%</i>
<i>Major Street</i>	<i>All</i>	<i>Above 160 feet</i>	<i>85 feet</i>	<i>None for the Tower Portion, as defined in Section 132.4. 80% for the remainder of the building, using a Height limit of 160</i>

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				<u>feet for purposes of this calculation.</u>
<u>Narrow Street</u>	<u>Southeast and southwest</u>	<u>160 feet and less</u>	<u>35 feet</u>	<u>The controls of Section 261.1(d)(2) shall apply.**</u>
<u>Narrow Street</u>	<u>Northeast and northwest</u>	<u>135 feet and 160 feet</u>	<u>35 feet</u>	<u>85%</u>
<u>Narrow Street</u>	<u>All</u>	<u>Above 160 feet</u>	<u>35 feet</u>	<u>None for the Tower Portion, as defined in Section 132.4. 85% for the remainder of the building, using a Height limit of 160 feet for purposes of this calculation.</u>
<u>Mid- Block Passage</u>	<u>All</u>	<u>All</u>	<u>None</u>	<u>The controls of Section 261.1(d)(3) shall apply.**</u>
<u>Perry Street</u>	<u>Northwest</u>	<u>All</u>	<u>35 feet</u> <u>None</u>	<u>The controls of Section 261.1(d)(1) shall apply.**</u>
<u>Stillman Street</u>	<u>Southeast</u>	<u>All</u>	<u>35 feet</u>	<u>Between 2nd and 3rd Streets: the controls of Section 261.1 shall apply.</u> <u>Between 3rd and 4th Streets: the controls of Section 261.1 shall not apply, and for the first 60</u>

				<u>feet from an intersection, 0% apparent mass reduction is required; elsewhere, 85% apparent mass reduction is required.</u>
<u>Other Street</u>	<u>All</u>	<u>All</u>	<u>Width of the abutting street</u>	<u>Same as the Apparent Mass Reduction for projects along Major Streets in the same height district and on the same side of the street.</u>

* For projects that are required to provide PDR pursuant to Sections 202.8 and 249.78(c)(5), if such PDR is provided on the ground floor or above, add 3 vertical feet to the Base Height.

** For projects that are required to provide PDR pursuant to Sections 202.8 and 249.78(c)(5), if such PDR is provided on the ground floor or above, add 3 vertical feet to the height where upper story setback is required pursuant to Section 261.1.

(3) Bulk Controls for Buildings Towers.

(A) Maximum Floor Area for the Tower Portion.

(i) For residential and hotel uses, the maximum Gross Floor Area of any floor is 12,000 gross square feet.

(ii) For all other uses, the maximum Gross Floor Area of any floor is 17,000 gross square feet and the average Gross Floor Area for all floors in the Tower Portion shall not exceed 15,000 gross square feet.

1 (B) Maximum Plan Dimensions for the Tower Portion.

2 (i) The maximum length shall be 150 feet.

3 (ii) The maximum diagonal shall be 190 feet.

4 (iii) For buildings with a Height of 250 feet or more, the average Gross
5 Floor Area of the Upper Tower shall not exceed 85 percent of the average Gross Floor Area of the
6 Lower Tower, and the average diagonal of the Upper Tower shall not exceed 92.5 percent of the
7 average diagonal of the Lower Tower.

8 (4) Exceptions. Except as specifically described in this subsection (h) and in Section
9 329(e), no exceptions to the controls in the CS Bulk District shall be permitted. The procedures for
10 granting special exceptions to bulk limits described in Section 272 shall not apply.

11 * * * *

12 **SEC. 270.2. SPECIAL BULK AND OPEN SPACE REQUIREMENT: MID-BLOCK**
13 **ALLEYS IN LARGE LOT DEVELOPMENT IN THE EASTERN NEIGHBORHOODS MIXED**
14 **USE DISTRICTS, SOUTH OF MARKET NEIGHBORHOOD COMMERCIAL TRANSIT**
15 **DISTRICT, FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT,**
16 **REGIONAL COMMERCIAL DISTRICT, ~~SOUTH OF MARKET MIXED USE DISTRICT, C-3~~**
17 **DISTRICT, AND DTR DISTRICT.**

18 * * * *

19 (c) **Applicability.** This Section 270.2 applies to all new construction on parcels that
20 have one or more street or alley frontages of over 200 linear feet on a block face longer than
21 400 feet between intersections, and are in the C-3 Districts, if located south of Market Street,
22 or in the ~~South of Market Mixed Use Districts,~~ South of Market Neighborhood Commercial
23 Transit District, Folsom Street Neighborhood Commercial Transit District, Regional
24 Commercial District, Eastern Neighborhoods Mixed Use Districts, or DTR Districts, except for
25 parcels in the RH DTR District, which are subject to Section 827.

1 * * * *

2 **SEC. 303.1. FORMULA RETAIL USES.**

3 * * * *

4 (b) **Definition.** A Formula Retail use is hereby defined as a type of retail sales or
5 service activity or retail sales or service establishment that has eleven or more other retail
6 sales establishments in operation, or with local land use or permit entitlements already
7 approved, located anywhere in the world. In addition to the eleven establishments either in
8 operation or with local land use or permit entitlements approved for operation, the business
9 maintains two or more of the following features: a standardized array of merchandise, a
10 standardized facade, a standardized decor and color scheme, uniform apparel, standardized
11 signage, a trademark or a servicemark.

12 * * * *

13 (e) **Conditional Use Authorization Required.** A Conditional Use Authorization shall
14 be required for a Formula Retail use in the following zoning districts unless explicitly
15 exempted:

16 * * * *

17 (12) The C-3-G District with frontage on Market Street, between 6th Street and
18 the intersection of Market Street, 12th Street and Franklin Street.; and

19 (13) The Central SoMa Mixed-Use Office Special Use District as defined in Section
20 848, except for those uses not permitted pursuant to subsection (f) below.

21 (f) **Formula Retail Uses Not Permitted.** Formula Retail uses are not permitted in the
22 following zoning districts:

23 * * * *

24 (9) Chinatown Mixed Use Districts do not permit Formula Retail uses that are
25 also Restaurant or Limited-Restaurant uses as defined in Sections 790.90 and 790.91.; and

1 (10) Central SoMa ~~Mixed-Use Office~~ Special Use District does not permit Formula
2 Retail Uses that are also Bar, Restaurant, or Limited Restaurant Uses as defined in Section 102.

3 * * * *

4 **SEC. 304. PLANNED UNIT DEVELOPMENTS.**

5 In districts other than C-3, the Eastern Neighborhoods Mixed Use Districts, or the DTR
6 Districts, ~~or the South of Market Mixed Use Districts~~, the Planning Commission may authorize as
7 conditional uses, in accordance with the provisions of Section 303, Planned Unit
8 Developments subject to the further requirements and procedures of this Section. After review
9 of any proposed development, the Planning Commission may authorize such development as
10 submitted or may modify, alter, adjust or amend the plan before authorization, and in
11 authorizing it may prescribe other conditions as provided in Section 303(d). The development
12 as authorized shall be subject to all conditions so imposed and shall be excepted from other
13 provisions of this Code only to the extent specified in the authorization.

14 * * * *

15 **SEC. 307. OTHER POWERS AND DUTIES OF THE ZONING ADMINISTRATOR.**

16 In addition to those specified in Sections 302 through 306 of this Code, the Zoning
17 Administrator shall have the following powers and duties in administration and enforcement of
18 this Code. The duties described in this Section shall be performed under the general
19 supervision of the Director of Planning, who shall be kept informed of the actions of the
20 Zoning Administrator.

21 * * * *

22 (g) **Exceptions from Certain Specific Code Standards through Administrative**
23 **Review in the Chinatown Mixed Use Districts ~~and the South of Market Mixed Use Districts~~.**

24 The Zoning Administrator may allow complete or partial relief from rear yard, open space and
25 wind and shadow standards as authorized in the applicable sections of this Code, when

1 modification of the standard would result in a project better fulfilling the criteria set forth in the
2 applicable section. The procedures and fee for such review shall be the same as those which
3 are applicable to Variances, as set forth in Sections 306.1 through 306.5 and 308.2.

4 (h) **Exceptions from Certain Specific Code Standards through Administrative**
5 **Review.** The Zoning Administrator may allow complete or partial relief from certain standards
6 specifically identified below, in Section 161, or elsewhere in this Code when modification of
7 the standard would result in a project fulfilling the criteria set forth below and in the applicable
8 section.

9 (1) **Applicability.**

10 * * * *

11 (E) **Better Roofs; Living Roof Alternative.** For projects subject to
12 Section 149 *and 249.78(d)(3)*, the Zoning Administrator may waive portions of the applicable
13 requirements as provided in Section 149(e) *and 249.78(d)(3)(D), respectively.*

14 * * * *

15 **SEC. 329. LARGE PROJECT AUTHORIZATION IN EASTERN NEIGHBORHOODS**
16 **MIXED USE DISTRICTS.**

17 (a) **Purpose.** The purpose of this Section is to ensure that all large projects proposed
18 in the Eastern Neighborhoods Mixed Use Districts are reviewed by the Planning Commission,
19 in an effort to achieve the objectives and policies of the General Plan, the applicable Design
20 Guidelines, and the purposes of this Code.

21 (b) **Applicability.** This Section applies to all projects in the Eastern Neighborhoods
22 Mixed Use *Districts*, except projects in the Western SoMa Special Use District, *that are* subject
23 to Section 823(c) ~~(1211)~~, that meet at least one of the following criteria:

24 (1) **Outside the Central SoMa Special Use District.**

1 (A) The project includes the construction of a new building greater than
2 75 feet in height (excluding any exceptions permitted ~~per~~pursuant to Section 260(b)), or
3 includes a vertical addition to an existing building with a height of 75 feet or less resulting in a
4 total building height greater than 75 feet; or

5 (2B) The project involves a net addition or new construction of more than
6 25,000 gross square feet.

7 (2) Within the Central SoMa Special Use District.

8 (A) The project includes the construction of a new building greater than 85 feet
9 in height (excluding any exceptions permitted pursuant to Section 260(b)), or includes a vertical
10 addition to an existing building with a height of 85 feet or less resulting in a total building height
11 greater than 85 feet; or

12 (B) The project involves a net addition or new construction of more than 50,000
13 gross square feet.

14 * * * *

15 (d) **Exceptions.** As a component of the review process under this Section 329,
16 projects may seek specific exceptions to the provisions of this Code as provided for below:

17 * * * *

18 (4) Exception from satisfaction of loading requirements of Section 152.1 as
19 specified therein. In the Central SoMa SUD, the Commission may consider the project's
20 Driveway and Loading Operations Plan (DLOP) pursuant to Section 155(u) in making its
21 determination.

22 * * * *

23 (12) Where not specified elsewhere in this ~~S~~subsection (d), ~~modification of~~
24 exceptions to other Code requirements ~~which~~ that could otherwise be modified as a Planned
25 Unit Development (as set forth in Section 304), irrespective of the zoning district in which the

1 property is located, except that such exceptions shall not be permitted for projects in the Central
2 SoMa Special Use District.

3 (13) For development located within the Central SoMa SUD:

4 (A) Exception to the building separation requirements pursuant to
5 Section 132.4(d)(3)(B).

6 (B) Exception to the freight loading requirements, pursuant to Sections
7 152.1, 154, and 155.

8 (C) Exception to Dwelling Unit Exposure requirements pursuant to
9 Sections 140 and 249.78(d)(911).

10 (D) Exception to the Controls for Wind Comfort pursuant to Section
11 249.78(d)(79).

12 (E) Exception to the lot coverage limits of Section 249.78(d)(46) for
13 conversions of existing non-residential structures to residential use.

14 (e) Exceptions for Key Sites in Central SoMa.

15 (1) Purpose. The Central SoMa Plan Area contains a number of large, underutilized
16 development sites. By providing greater flexibility in the development of these sites, the City has an
17 opportunity to achieve key objectives of the Central SoMa Plan and to locate important public assets
18 that would otherwise be difficult to locate in a highly developed neighborhood like SoMa.

19 (2) Applicability. The controls discussed below apply to the following lots, as identified
20 in the Key Site Guidelines adopted by the Central SoMa Area Plan (Ordinance No. _____, on file
21 with the Clerk of the Board of Supervisors in File No. 180184):

22 (A) The southwest corner of the intersection of 5th Street and Howard Street,
23 consisting of Block 3732, Lots 003, 004, 005, 099, 100, 145A, 146, and 149, as well as any other
24 parcels included as part of the same development application for one of these lots;
25

1 (B) The southeast corner of the intersection of 4th Street and Harrison Street,
2 consisting of Block 3762, Lots 106, 108, 109, 112, 116, and 117;

3 (C) The southwest corner of the intersection of 2nd Street and Harrison Street,
4 consisting of Block 3763, Lots 001, 078, 079, 080, 080A, 081, 099, 100, 101, 105, 112, and 113.

5 (D) The northeast corner of the intersection of 4th Street and Brannan Street,
6 consisting of Block 3776, Lot 025;

7 (E) The northeast corner of the intersection of 5th Street and Brannan Street,
8 consisting of Block 3777, Lots 045, 050, 051, and 052;

9 (F) The southern half of the block north of Brannan Street between 5th Street
10 and 6th Street, consisting of Block 3778, Lots 001B, 002B, 004, 005, 047, and 048;

11 (G) The southeast corner of the intersection of 5th and Brannan Streets,
12 consisting of Block 3786, Lots 036 and 037; and

13 (H) The northeast corner of the intersection of 4th and Townsend Streets,
14 consisting of Block 3787, Lots 026, 028, 050, 161, 162, 163, and 164.

15 (3) **Controls.** Pursuant to this Section 329(e) and the Key Site Guidelines adopted as
16 part of the Central SoMa Area Plan, the Planning Commission may grant exceptions to the provisions
17 of this Code as set forth in subsection (d) above and may also grant the exceptions listed below
18 for projects that provide qualified amenities in excess of what is required by the Code.

19 (A) **Qualified Amenities.** Qualified additional amenities that may be provided
20 by these Key Sites include: affordable housing beyond what is required under Section 415 et seq.; land
21 dedication pursuant to Section 413.7 by non-residential projects for construction of affordable
22 housing in partial or full satisfaction of the Jobs-Housing linkage Fee, or in excess of that
23 required to satisfy the Jobs-Housing linkage Fee, provided that if the land dedication is in
24 partial satisfaction of that Fee, the balance of the Fee shall be paid with the land value
25 calculated as set forth in Section 413.7 pursuant to Section 413.7; land dedication pursuant to

1 Section 413.7 by residential projects for construction of affordable housing in partial or full
2 satisfaction of the Alternatives to the Inclusionary Housing Fee, or in excess of that required to
3 satisfy the Alternatives to the Inclusionary Housing Fee Component, pursuant to Section
4 419.65, to the extent permitted by state law, provided that if the land dedication is in partial
5 satisfaction of that Fee, the balance of the Fee shall be paid with the land value calculated as
6 set forth in Section 413.7; PDR at a greater amount and/or lower rent than is otherwise required
7 under Sections 202.8 or 249.78(c)(5); public parks, recreation centers, or plazas; and improved
8 pedestrian networks.

9 *(B) Exceptions. Upon consideration of qualified amenities in excess of*
10 *what is required by the Code, the Planning Commission may grant one or more exceptions to the*
11 *following requirements: the streetwall and setback controls established in Section 132.4; the*
12 *building separation controls in Section 132.4, including but not limited to the controls in*
13 *subsection 132.4(d)(3)(B); protected street frontages in Section 155(r); the setback requirements*
14 *in Section 261.1; bulk controls established in Section 270(h); and the lot merger restrictions*
15 *established in Section 249.78(d)(5); the PDR requirements established in Section*
16 *249.78(c)(5); the requirement that POPOS be open to the sky established in Section*
17 *438(d)(2)(B); or the commercial orientation of large sites established in Section 249.78(c)(6).*

18 In addition to these exceptions, the Planning Commission may grant one or more of the
19 following exceptions:

20 (i) On the Key Site identified in Section 329(e)(2)(B), the ground
21 floor non-residential height required by Sections 145.1 and 249.78(d)(8)(10) may be reduced to
22 14 feet. In addition, the apparent mass reduction controls in Table 270(h) may be reduced as
23 follows: (A) on the building frontage on Harrison Street, a reduction in the apparent mass
24 reduction requirement to 50%; (B) on the building frontage on Fourth Street, elimination of the
25 apparent mass reduction requirement.

1 (ii) On the Key Site identified in Section 329(e)(2)(C), exception to
2 the lot coverage limits in Section 249.78(d)(46), the micro-retail requirement in 249.78(c)(4),
3 the active use requirement in Section 145.1, and the ground floor commercial use
4 requirements in Section 145.4. In addition, the site may be permitted to seek a Conditional
5 Use Authorization to establish a Formula Retail Limited Restaurant, pursuant to Section
6 303.1. In addition, any indoor POPOS on the site may be deemed to satisfy the requirements
7 of Sections 135(h) and 135.3.

8 (iii) On the Key Site identified in Section 329(e)(2)(D), exception to
9 the requirement in Section 138(d)(2)(E)(i) that ground floor POPOS be open to the sky.

10 (iv) On the Key Site identified in Section 329(e)(2)(E), exception to
11 the lot coverage limits in Section 249.78(d)(46), the requirement that POPOS be open to the
12 sky in Section 138, the street frontage requirements in Section 145.1, and the protected
13 pedestrian-, cycling-, and transit-oriented street frontage requirements of Section 155(r).

14 (iv) On the Key Site identified in Section 329(e)(2)(G), exception to
15 the PDR space requirements of Section 249.78(c)(5).

16 (vi) On the Key Site identified in Section 329(e)(2)(H), exception to
17 the protected pedestrian-, cycling-, and transit-oriented street frontage requirements of
18 Section 155(r) and to the protected pedestrian-, cycling-, and transit-oriented street frontage
19 requirements of Section 155(r), the street frontage requirements in Section 145.1, the required
20 ground floor commercial uses in Section 145.4, and the requirement that at least two-thirds of
21 the Gross Floor Area of all building area below 160 feet be non-residential in Section
22 249.78(c)(6), and the requirement in Section 138(d)(2)(E)(i) that ground floor POPOS be open
23 to the sky. In addition, the usable open space requirement pursuant to Section 135 may be
24 reduced to 60 square feet of usable open space required for each dwelling unit if not publicly
25 accessible.

1 (vii) On the Key Site identified in Section 329(e)(2)(F), the Planning
2 Commission may grant one or more of the following exceptions, if an agreement to such an
3 exception is contained in any development agreement approved by the City pursuant to
4 California Government Code Section 65864 et seq., and subject to any requirements
5 contained in said development agreement:

6 a. Exception to the off-street parking controls of Section
7 151.1 to allow additional accessory PDR parking solely to serve the tenants and customers of
8 the site.

9 b. Exception to the requirement that POPOS be open to the
10 sky in Section 138(d)(2)(E)(i), to allow a cumulative maximum of 20% of the POPOS to be
11 covered by any combination of (a) an inhabitable portion of a building, which portion of the
12 POPOS shall have a minimum clearance height of 20' and maximum depth from face of
13 overhead building of 15', or (b) an inhabitable portion of a building, which portion of the
14 POPOS shall have a minimum clearance height of 50' and minimum horizontal dimension in
15 all directions of 20'.

16 c. Exception to the transparency and fenestration
17 requirements of Section 249.78(c)(1)(F) on 5th Street between Brannan and Bryant Streets.

18 d. Exception to the protected street frontage requirements
19 of Section 155(r) on 5th Street between Brannan and Bryant Streets.

20 (4) **Determination.** In granting such exceptions, the Planning Commission shall
21 determine that the provision of the proposed amenities and exceptions would meet the following
22 criteria:

23 (A) The amenities and exceptions would, on balance, be in conformity with and
24 support the implementation of the Goals, Objectives, and Policies of the Central SoMa Plan,
25

1 (B) The amenities would result in an equal or greater benefit to the City than
2 would occur without the exceptions, and

3 (C) The exceptions are necessary to facilitate the provision of important public
4 assets that would otherwise be difficult to locate in a highly developed neighborhood like SoMa.

5 **(ef) Hearing and Decision.**

6 * * * *

7 **SEC. 401. DEFINITIONS.**

8 In addition to the specific definitions set forth elsewhere in this Article, the following
9 definitions shall govern interpretation of this Article:

10 * * * *

11 "Designated affordable housing zones." For the purposes of implementing the Eastern
12 Neighborhoods Community Improvements~~Public Benefits~~ Fund, shall mean the Mission NCT
13 defined in Section 754 ~~and those Mixed Use Residential Districts defined in Section 841 that are~~
14 ~~located within the boundaries of either the East SoMa or Western SoMa Plan Areas.~~

15 * * * *

16 "Eastern Neighborhoods Community Improvements~~Public Benefits~~ Fund." The fund into
17 which all fee revenue collected by the City from the Eastern Neighborhoods Impact Fee is
18 deposited.

19 * * * *

20
21 **SEC. 406. WAIVER, REDUCTION, OR ADJUSTMENT OF DEVELOPMENT**
22 **PROJECT REQUIREMENTS.**

23 * * * *

24 (e) Waiver or Reduction of Fees for a Public Park in the Central SoMa Plan Area.

25 A development project may elect to provide land and other resources in order to construct a

1 public park on an approximately 40,000 square-foot portion of Block 3777 as called for in the
2 Central SoMa Plan, and in doing so may be eligible for a waiver against all or a portion of fees
3 otherwise applicable to such development as set forth in this subsection 406(e). As part of
4 the approval process for such a project, the Planning Commission may waive all or a portion
5 of the Eastern Neighborhoods Infrastructure Impact Fee, the Central SoMa Infrastructure
6 Impact Fee, the Transit Impact Development Fee, and the Transit Sustainability Fee, and may
7 specify how such waiver would be distributed among the aforementioned fees, provided such
8 total amount does not exceed the value of the park, which shall be calculated based on actual
9 costs to acquire the land.

10 **SEC. 411A.3. APPLICATION OF TSF.**

11 * * * *

12 (d) **Application of the TSF to Projects in the Approval Process at the Effective**
13 **Date of Section 411A.** The TSF shall apply to Development Projects that are in the approval
14 process at the effective date of Section 411A, except as modified below:

15 (1) Projects that have a Development Application approved before the effective
16 date of this Section shall not be subject to the TSF, but shall be subject to the TIDF at the rate
17 applicable *perpursuant to* Planning Code Sections 411.3 (e) and 409, as well as any other
18 applicable fees.

19 (2) Projects that have filed a Development Application or environmental review
20 application on or before July 21, 2015, and have not received approval of any such
21 application, shall be subject to the TSF as follows, *except as described in subsection (3) below*:

22 (A) Residential Uses subject to the TSF shall pay 50% of the applicable
23 residential TSF rate, as well as any other applicable fees.

1 (B) The Non-residential or PDR portion of any project shall be subject to
2 the TSF but pay the applicable TIDF rate *perpursuant to* Planning Code Sections 411.3(e) and
3 409, as well as any other applicable fees.

4 (3) Projects that have not filed a Development Application or environmental
5 review application before July 22, 2015, and file the first such application on or after July 22,
6 2015, and have not received approval of any such application, *as well as projects within the*
7 *Central SoMa Special Use District that have a Central SoMa Development Fee Tier of A, B, or C, as*
8 *defined in Section 423.2, regardless of the date filed of any Development Application,* shall be subject
9 to the TSF as follows:

10 (A) Residential Uses subject to the TSF shall pay 100% of the applicable
11 residential TSF rate, as well as any other applicable fees.

12 (B) The Non-residential or PDR portion of any project shall pay 100% of
13 the applicable Non-residential or PDR TSF rate, as well as any other applicable fees.

14 * * * *

15 **SEC. 413.7. COMPLIANCE BY LAND DEDICATION WITHIN THE CENTRAL SOMA**
16 **SPECIAL USE DISTRICT.**

17 *(a) Controls. Within the Central SoMa Special Use District, projects may satisfy all or a*
18 *portion of the requirements of Section 413.5, 413.6 and 413.8 via dedication of land ~~with equivalent~~*
19 *or greater value than the fee owed pursuant to Section 413 et seq. Projects may receive a*
20 *credit against such requirements up to the value of the land donated, calculated pursuant to*
21 *subsection (b) below.*

22 **(b) Requirements.**

23 *(1) The value of the dedicated land shall be determined by the appraisal Director of*
24 *Property pursuant to Chapter 23 of the Administrative Code, but shall not exceed the actual*
25 *cost of acquisition by the project sponsor of the dedicated land in an arm's length transaction.*

1 Prior to issuance by DBI of the first site or building permit for a development project subject to Section
2 413.1 et seq. the sponsor shall submit to the Department, with a copy to MOHCD and the Director of
3 Property, the appraisal reports required by Chapter 23 of the Administrative Code of the fair
4 market value documentation sufficient to substantiate the actual cost of acquisition by the
5 sponsor in an arm's length transaction of any land to be dedicated by the sponsor to the City and
6 County of San Francisco, and any additional information that would impact the value of the land.

7 (2) Projects are subject to the requirements of Section 419.5(a)(2)(A) and (C) through
8 (J).

9 * * * *

10 **SEC. 413.10. CITYWIDE AFFORDABLE HOUSING FUND.**

11 All monies contributed pursuant to Sections 413.6 or 413.8 or assessed pursuant to
12 Section 413.9 shall be deposited in the Citywide Affordable Housing Fund ("Fund"),
13 established in Administrative Code Section 10.100-49. The receipts in the Fund collected
14 under Section 413 et seq. shall be used solely to increase the supply of housing affordable to
15 qualifying households subject to the conditions of this Section. The fees collected under this
16 Section may not be used, by way of loan or otherwise, to pay any administrative, general
17 overhead, or similar expense of any entity. The Mayor's Office of Housing and Community
18 Development ("MOHCD") shall develop procedures such that, for all projects funded by the
19 Citywide Affordable Housing Fund, MOHCD requires the project sponsor or its successor in
20 interest to give preference in occupying units as provided for in Administrative Code Chapter
21 47.

22 Pursuant to Section 249.78(e)(1), all monies contributed pursuant to the Jobs-Housing Linkage
23 Program and collected within the Central SoMa Special Use District shall be paid into the Citywide
24 Affordable Housing Fund, but the funds shall be separately accounted for. Such funds shall be
25

1 expended within the area bounded by Market Street, the Embarcadero, King Street, Division Street,
2 and South Van Ness Avenue.

3 * * * *

4
5 **SEC. 414.4. IMPOSITION OF CHILD CARE REQUIREMENT.**

6
7 (a) **Determination of Requirements.** The Department shall determine the applicability
8 of Section 414.1 et seq. to any development project requiring a first construction document
9 and, if Section 414.1 is applicable, the number of gross square feet of each type of space
10 subject to its requirements, and shall impose these requirements as a condition of approval
11 for issuance of the first construction document for the development project to mitigate the
12 impact on the availability of child-care facilities which will be caused by the employees
13 attracted to the proposed development project. The project sponsor shall supply any
14 information necessary to assist the Department in this determination.

15 (b) **Department Notice to Development Fee Collection Unit at DBI.** After the
16 Department has made its final determination of the net addition of gross square feet of each
17 type of space subject to Section 414.1 et seq., it shall immediately notify the Development Fee
18 Collection Unit at DBI of its determination in addition to the other information required by
19 Section 402(b) of this Article.

20 (c) **Sponsor's Choice to Fulfill Requirements.**

21 (1) Except as otherwise specified in this subsection, Pprior to issuance of a
22 building or site permit for a development project subject to the requirements of Section
23 414.1 et seq., the sponsor shall elect one of the six options listed below to fulfill any
24 requirements imposed as a condition of approval and notify the Department of ~~their~~its choice
25 of the following:

1 (1A) Provide a child-care facility on the premises of the development
2 project for the life of the project pursuant to Section 414.5; or

3 (2B) In conjunction with the sponsors or one or more other development
4 projects subject to Section 414.1 et seq. located within 1/2 mile of one another, provide a single
5 child-care facility on the premises of one of their development projects for the life of the
6 project as set forth in Section 414.6; or

7 (3C) Either singly or in conjunction with the sponsors or one or more
8 other development projects subject to Section 414.1 et seq. located within 1/2 mile of one
9 another, provide a single child-care facility to be located within one mile of the development
10 project(s) pursuant to Section 414.7; or

11 (4D) Pay an in-lieu fee to the Development Fee Collection Unit at DBI
12 pursuant to Section 414.8; or

13 (5E) Combine payment of an in-lieu fee to the Child Care Capital Fund
14 with construction of a child-care facility on the premises or providing child-care facilities near
15 the premises, either singly or in conjunction with other sponsors pursuant to Section 414.9; or

16 (6E) Enter into an arrangement pursuant to which a nonprofit
17 organization shall provide a child-care facility at a site within the City pursuant to Section
18 414.10.

19 (2) In the Central SoMa SUD, an Office or Hotel project that is a Key Site, as
20 defined in Section 329, shall satisfy this Section 414.4 by the means specified in Section
21 249.78.

22 * * * *

23
24 **SEC. 414.5. COMPLIANCE BY PROVIDING AN ON-SITE CHILD-CARE FACILITY.**

1 The sponsor of a development subject to Section 414.1 et seq. may elect to provide a
2 child-care facility on the premises of the development project for the life of the project to meet
3 the requirements of Section 414.1 et seq. The sponsor shall, prior to the issuance of the first
4 certificate of occupancy by DBI for the development project, provide proof to the Department
5 that:

6 * * * *

7
8 **SEC. 414.7. COMPLIANCE IN CONJUNCTION WITH THE SPONSORS OF OTHER**
9 **DEVELOPMENT PROJECTS TO PROVIDE A CHILD-CARE FACILITY WITHIN ONE MILE**
10 **OF THE DEVELOPMENT PROJECTS.**

11 Except as specified in Section 249.78, tThe sponsor of a development project subject
12 to Section 414.1 et seq., either singly or in conjunction with the sponsors of one or more other
13 development projects subject to Section 414.1et seq. located within ½ mile of one another,
14 may elect to provide a single child-care facility to be located within one mile of the
15 development project(s) to meet the requirements of Section 414.1 et seq. Subject to the
16 discretion of the Department, the child-care facility shall be located so that it is reasonably
17 accessible to public transportation or transportation provided by the sponsor(s). The
18 sponsor(s) shall, prior to the issuance of the first certificate of occupancy by DBI for any
19 development project complying with this part, provide proof to the Department that:

20 * * * *

21
22 **SEC. 414.8. COMPLIANCE BY PAYMENT OF AN IN-LIEU FEE.**

23 (a) Except as specified in Section 249.78 tThe sponsor of a development project
24 subject to Section 414.1et seq. may elect to pay a fee in lieu of providing a child-care facility.
25 The fee shall be computed as follows:

1 * * * *

2
3 **SEC. 415.3. APPLICATION.**

4 * * * *

5 (b) Except as provided in subsection (3) below, any development project that has
6 submitted a complete Environmental Evaluation application prior to January 12, 2016 shall
7 comply with the Affordable Housing Fee requirements, the on-site affordable housing
8 requirements or the off-site affordable housing requirements, and all other provisions of
9 Section 415.1 *et seq.*, as applicable, in effect on January 12, 2016. For development projects
10 that have submitted a complete Environmental Evaluation application on or after January 1,
11 2013, the requirements set forth in Planning Code Sections 415.5, 415.6, and 415.7 shall
12 apply to certain development projects consisting of 25 dwelling units or more during a limited
13 period of time as follows.

14 * * * *

15 (3) During the limited period of time in which the provisions of Section 415.3(b)
16 apply, the following provisions shall apply:

17 (A) For any housing development that is located in an area with a
18 specific affordable housing requirement set forth in an Area Plan or a Special Use District, or
19 in any other section of the Code such as Section 419, with the exception of the UMU Zoning
20 District or in the South of Market Youth and Family Zoning District, the higher of the affordable
21 housing requirement set forth in such Area Plan or Special Use District or in Section 415.3(b)
22 shall apply;

23 (B) Development projects that are within the Central SoMa Special Use
24 District; that are designated as Central SoMa Development Tier A, B, or C, as defined in Section
25 423.2; and that submitted a complete Environmental Evaluation application prior to January 12, 2016

1 shall be subject to the affordable housing requirements set forth in Sections 415.5, 415.6, and 415.7
2 that apply to projects that submitted a complete Environmental Evaluation Application on or after
3 January 13, 2016 and before December 31, 2017; and

4 (C) Any affordable housing impact fee paid pursuant to an Area Plan or
5 Special Use District shall be counted as part of the calculation of the inclusionary housing
6 requirements contained in Planning Code Sections 415.1 *et seq.*

7 * * * *

8 **SEC. 415.5. AFFORDABLE HOUSING FEE.**

9 * * * *

10 (f) **Use of Fees.** All monies contributed pursuant to the Inclusionary Affordable
11 Housing Program shall be deposited in the Citywide Affordable Housing Fund ("the Fund"),
12 established in Administrative Code Section 10.100-49, except as specified below. The Mayor's
13 Office of Housing and Community Development ("MOHCD") shall use the funds collected
14 under this Section 415.5 in the following manner:

15 * * * *

16 (2) **"Small Sites Funds."**

17 (A) **Designation of Funds.** MOHCD shall designate and separately
18 account for 10% of all fees that it receives under Section 415.1 *et seq.* that are deposited into
19 the Citywide Affordable Housing Fund, established in Administrative Code Section 10.100-49,
20 excluding fees that are geographically targeted such as those referred to in Sections
21 249.78(e)(1), 415.5(b)(1), and 827(b)(1), to support acquisition and rehabilitation of Small Sites
22 ("Small Sites Funds"). MOHCD shall continue to divert 10% of all fees for this purpose until
23 the Small Sites Funds reach a total of \$15 million, at which point, MOHCD will stop
24 designating funds for this purpose. At such time as designated Small Sites Funds are
25 expended and dip below \$15 million, MOHCD shall start designating funds again for this

1 purpose, such that at no time the Small Sites Funds shall exceed \$15 million. When the total
2 amount of fees paid to the City under Section 415.1 *et seq.* totals less than \$10 million over
3 the preceding 12-month period, MOHCD is authorized to temporarily divert funds from the
4 Small Sites Fund for other purposes. MOHCD ~~must~~shall keep track of the diverted funds,
5 however, such that when the amount of fees paid to the City under Section 415.1 *et seq.*
6 meets or exceeds \$10 million over the preceding 12-month period, MOHCD shall commit all of
7 the previously diverted funds and 10% of any new funds, subject to the cap above, to the
8 Small Sites Fund.

9 * * * *

10 (4) Pursuant to Section 249.78(e)(1), all monies contributed pursuant to the
11 Inclusionary Affordable Housing Program and collected within the Central SoMa Special Use District
12 shall be paid into the Citywide Affordable Housing Fund, but the funds shall be separately accounted
13 for. Such funds shall be expended within the area bounded by Market Street, the Embarcadero, King
14 Street, Division Street, and South Van Ness Avenue.

15 * * * *

16 **SEC. 415.7. OFF-SITE AFFORDABLE HOUSING ALTERNATIVE.**

17 * * * *

18 **(c) Location of off-site housing:**

19 (1) Except as specified in subsection (ii) below, ~~t~~The off-site units shall be located
20 within one mile of the principal project;

21 (2) Projects within the Central SoMa SUD must be located within the area bounded by
22 Market Street, the Embarcadero, King Street, Division Street, and South Van Ness Avenue.

23 * * * *

24 **SEC. 417.5. USE OF FUNDS.**

1 The Eastern Neighborhoods Area Plan Alternate Affordable Housing Fee shall be paid
2 into the Citywide Affordable Housing Fund, but the funds shall be separately accounted for.
3 MOH shall expend the funds according to the following priorities: First, to increase the supply
4 of housing affordable to qualifying households in the Eastern Neighborhoods Project Areas;
5 second, to increase the supply of housing affordable to qualifying households within 1 mile of
6 the boundaries of the Eastern Neighborhoods Project Areas; third, to increase the supply of
7 housing affordable to qualifying households in the City and County of San Francisco. The
8 funds may also be used for monitoring and administrative expenses subject to the process
9 described in Section 415.5(e). All monies contributed pursuant to the Eastern Neighborhoods Area
10 Plan Alternate Affordable Housing Fee and collected within the Central SoMa Special Use District
11 shall be paid into the Citywide Affordable Housing Fund, but the funds shall be separately accounted
12 for. Such funds shall be expended within the area bounded by Market Street, the Embarcadero, King
13 Street, Division Street, and South Van Ness Avenue.

14 * * * *

15 **SEC. 418.7. SOMA COMMUNITY STABILIZATION FUND.**

16 (a) **Purpose.** There is hereby established a separate fund set aside for a special
17 purpose entitled the SOMA Community Stabilization Fund ("Fund"), and within the Fund an
18 account related to the Community Facilities District defined in Section 434 called the SoMa
19 Community Facilities District Account ("Community Facilities District Account"). The Fund and
20 the Community Facilities District Account shall be held and maintained by the Controller. All
21 monies collected by DBI pursuant to Section 419.3418.3 shall be deposited in the Fund a
22 special fund, to be maintained by the Controller. The Controller may direct certain proceeds of
23 the Community Facilities District special tax, as defined in Section 434, collected pursuant to
24 Section 434, to be deposited into the Community Facilities District Account. Proceeds of
25 bonds issued for the Community Facilities District shall not be deposited into the Community

1 Facilities District Account .The receipts in the Fund and the Community Facilities District
2 Account are hereby appropriated in accordance with law to be used solely to address the
3 effects of destabilization on residents and businesses in SOMA subject to the conditions of
4 this Section.

5 (b) **Use of Funds.**

6 (1) All monies deposited in the Fund shall be used to address the impacts of
7 destabilization on residents and businesses in SOMA including assistance for: affordable
8 housing and community asset building, small business rental assistance, development of new
9 affordable homes for rental units for low income households, rental subsidies for low income
10 households, down payment assistance for home ownership for low income households,
11 eviction prevention, employment development and capacity building for SOMA residents, job
12 growth and job placement, small business assistance, leadership development, community
13 cohesion, civic participation, cultural preservation, and community based programs and
14 economic development. Monies in the Community Facilities District Account may be used for
15 the purposes specified in this subsection (b) that are authorized uses of Community Facilities
16 District revenues under the proceedings for the Community Facilities District and that are
17 described in the Central SoMa Implementation Program Document.

18 (2) Monies from the Fund may be appropriated by MOHCD without additional
19 approval by the Board of Supervisors to the Planning Commission or other City department or
20 office to commission economic analyses for the purpose of revising the fee, to complete a
21 nexus study to demonstrate the relationship between residential development and the need
22 for stabilization assistance if this is deemed necessary, provided these expenses do not
23 exceed a total of \$100,000. The receipts in the Fund may be used to pay the expenses of
24 MOHCD in connection with administering the Fund and monitoring the use of the Funds.
25 Before expending funds on administration, MOHCD must obtain the approval of the Board of

1 Supervisors by Resolution. Monies in the Community Facilities District Account may not be
2 used for the purposes described in this subsection.

3 (3) ~~Receipts in the Fund shall also be used to reimburse the Department for~~
4 ~~conducting a study as follows. Within 60 days of the effective date of Section 418.1 et seq. the~~
5 ~~Department shall commence a study on the impact, in nature and amount, of market rate~~
6 ~~housing development on the production of permanently affordable housing and recommend~~
7 ~~the range of possible fees to be paid by market rate housing developers to mitigate such~~
8 ~~impact should one be found. The Department shall make timely progress reports on the~~
9 ~~conduct of this study and shall submit the completed report along with recommendations for~~
10 ~~legislation to the Land Use & Economic Development Committee of the Board of Supervisors.~~
11 ~~This study is meant to accomplish the same purposes as the study authorized by the Board of~~
12 ~~Supervisors in Planning Code Section 415.8(e) and thus supersedes 415.8(e)4.~~

13 (c) Reporting. The Controller's Office shall file a report with the Board of Supervisors
14 in even-numbered years, which report shall set forth the amount of money collected in the
15 Fund. The Fund shall be administered and expended by MOHCD, but all expenditures shall
16 first be approved by the Board of Supervisors through the legislative process. In approving
17 expenditures from the Fund, MOHCD and the Board of Supervisors shall accept any
18 comments from the Community Advisory Committee, the public, and any relevant City
19 departments or offices. With respect to the Community Facilities District Account, the
20 Controller's Office also shall comply with the reporting requirements set forth in the Special
21 Tax Financing Law and Government Code Section 50075 et seq. ~~Before approving any~~
22 ~~expenditures, the Board of Supervisors shall determine the relative impact from the~~
23 ~~development in the Rincon Hill Plan Area on the areas described in Section 418.7(b) and shall~~
24 ~~insure that the expenditures are consistent with mitigating the impacts from the development.~~

1 (d) **Oversight.** There shall be a SOMA Community Stabilization Fund Community
2 Advisory Committee to advise MOHCD and the Board of Supervisors on the administration of
3 the Fund.

4 (1) The Community Advisory Committee shall be composed of seven members
5 appointed as follows:

6 (A) One member representing low-income families who lives with his or
7 her family in SOMA, appointed by the Board of Supervisors.

8 (B) One member who has expertise in employment development and/or
9 represents labor, appointed by the Board of Supervisors.

10 (C) One member who is a senior or disabled resident of SOMA,
11 appointed by the Board of Supervisors.

12 (D) One member with affordable housing expertise and familiarity with
13 the SOMA neighborhood, appointed by the Board of Supervisors

14 (E) One member who represents a community based organization in
15 SOMA, appointed by the Board of Supervisors.

16 (F) One member who provides direct services to SOMA families,
17 appointed by the Board of Supervisors.

18 (G) One member who has small business expertise and a familiarity with
19 the SOMA neighborhood, appointed by the Board of Supervisors.

20 (2) The Community Advisory Committee shall comply with all applicable public
21 records and meetings laws and shall be subject to the Conflict of Interest provisions of the
22 City's Charter and Administrative Code. The initial meeting of the Advisory Committee shall be
23 called within 30 days from the day the Board of Supervisors completes its initial appointments.
24 MOHCD shall provide administrative support to the Committee. The Committee shall develop
25 annual recommendations to MOHCD on the Expenditure Plan.

1 (3) The members of the Community Advisory Committee shall be appointed for
2 a term of two years; provided, however, that the members first appointed shall by lot at the
3 first meeting, classify their terms so that three shall serve for a term of one year and four shall
4 serve for a term of two years. At the initial meeting of the Committee and yearly thereafter, the
5 Committee members shall select such officer or officers as deemed necessary by the
6 Committee. The Committee shall promulgate such rules or regulations as are necessary for
7 the conduct of its business under this Section. In the event a vacancy occurs, a successor
8 shall be appointed to fill the vacancy consistent with the process and requirements to appoint
9 the previous appointee. When a vacancy occurs for an reason other than the expiration of a
10 term of office, the appointee to fill such vacancy shall hold office for the unexpired term of his
11 or her predecessor. Any appointee who misses four meetings within a twelve-month period,
12 without the approval of the Committee, shall be deemed to have resigned from the
13 Committee.

14 ~~(e) Within 90 days of the effective date of Section 418.1 et seq., the Director of MOC~~
15 ~~shall propose rules, regulations and a schedule for administrative support governing the Fund~~
16 ~~to the Board of Supervisors for its approval.~~

17 **SEC. 419. HOUSING REQUIREMENTS FOR RESIDENTIAL DEVELOPMENT**
18 **PROJECTS IN THE UMU ZONING DISTRICTS OF THE EASTERN NEIGHBORHOODS**
19 **AND THE LAND DEDICATION ALTERNATIVE IN THE UMU DISTRICT, MISSION NCT**
20 **DISTRICT, AND CENTRAL SOMA SPECIAL USE DISTRICT.**

21 Sections 419.1 through 419.6, hereafter referred to as Section 419.1 et seq., set forth
22 the housing requirements for residential development projects in the Umu Zoning Districts of
23 the Eastern Neighborhoods and the Land Dedication Alternative in the UMU District, Mission
24 NCT District, and Central SoMa Special Use District. The effective date of these requirements
25

1 shall be either December 19, 2008, which is the date that the requirements originally became
2 effective, or the date a subsequent modification, if any, became effective.

3 * * * *

4 **SEC. 419.6. LAND DEDICATION ALTERNATIVE IN THE MISSION NCT DISTRICT**
5 **AND CENTRAL SOMA SPECIAL USE DISTRICT.**

6 (a) Mission NCT District. The Land Dedication alternative is available for any project
7 within the Mission NCT District under the same terms and conditions as provided for in
8 Section 419.5(a)(2)(A)-(J).

9 (b) Central SoMa Special Use District. *The Land Dedication alternative is available for*
10 *projects within the Central SoMa Special Use District under the same terms and conditions as provided*
11 *for in Section 419.5(a)(2), except that in lieu of the Land Dedication Alternative requirements of*
12 *Table 419.5, projects may satisfy the requirements of Section 415.5 by dedicating land for affordable*
13 *housing if the dedicated site will result in a total amount of dedicated Gross Floor Area that is equal to*
14 *or greater than 45% of the potential Gross Floor Area that could be provided on the principal site, as*
15 *determined by the Planning Department. Any dedicated land shall be within the area bounded by*
16 *Market Street, the Embarcadero, King Street, Division Street, and South Van Ness Avenue.*

17 * * * *

18 **SEC. 423.1. PURPOSE AND FINDINGS SUPPORTING EASTERN**
19 **NEIGHBORHOODS IMPACT FEES AND COMMUNITY IMPROVEMENTS FUND.**

20 (a) **Purpose.** The Board takes legislative notice of the purpose of the Eastern
21 Neighborhoods Area Plan as articulated in the Eastern Neighborhoods Area Plan of the San
22 Francisco General Plan. San Francisco's Housing Element establishes the Eastern
23 Neighborhoods as a target area for development of new housing to meet San Francisco's
24 identified housing targets. The release of some of the area's formerly industrial lands, no
25 longer needed to meet current industrial or PDR needs, offer an opportunity to achieve higher

1 affordability, and meet a greater range of need. The Mission, Showplace Square - Potrero Hill,
2 Central SoMa, East SoMa, Western SoMa and Central Waterfront Area Plans of the General
3 Plan (Eastern Neighborhoods Plans) thereby call for creation of new zoning intended
4 specifically to meet San Francisco's housing needs, through higher affordability requirements
5 and through greater flexibility in the way those requirements can be met, as described in
6 Section 419. To support this new housing, other land uses, including PDR businesses, retail,
7 office and other workplace uses will also grow in the Eastern Neighborhoods.

8 This new development will have an extraordinary impact on the Plan Area's already
9 deficient neighborhood infrastructure. New development will generate needs for a significant
10 amount of public open space and recreational facilities; transit and transportation, including
11 streetscape and public realm improvements; community facilities and services, including child
12 care; and other amenities, as described in the Eastern Neighborhoods Community
13 Improvements Program, on file with the Clerk of the Board in File No. 081155.

14 A key policy goal of the Eastern Neighborhoods Plans is to provide a significant
15 amount of new housing affordable to low, moderate and middle income families and
16 individuals, along with "complete neighborhoods" that provide appropriate amenities for these
17 new residents. The Plans obligate all new development within the Eastern Neighborhoods to
18 contribute towards these goals, by providing a contribution towards affordable housing needs
19 and by paying an Eastern Neighborhoods Impact Fee.

20 * * * *

21 **SEC. 423.2. DEFINITIONS.**

22 ~~(a)~~ In addition to the definitions set forth in Section 401 of this Article, the following
23 definitions shall govern interpretation of Section 423.1 *et seq.*

24 (a) **Eastern Neighborhoods Base Height.** The Height limit immediately prior to the adoption
25 of the following:

1 (1) The Eastern Neighborhoods Plan (Ordinance No. 298-08, on file with the Clerk of
2 the Board of Supervisors in File No. 081153), regardless of subsequent changes in the Height limit, for
3 parcels within the East SoMa Plan Area at the time of plan adoption;

4 (2) The Western SoMa Area Plan (Ordinance No. 41-13, on file with the Clerk of the
5 Board of Supervisors in File No. 130001), regardless of subsequent changes in the Height limit, for
6 parcels within the Western SoMa Area Plan at the time of plan adoption; or

7 (3) Ordinance No. 13-14 (on file with the Clerk of the Board of Supervisors in File No.
8 131161), regardless of subsequent changes in the Height limit, for parcels added to the East SoMa
9 Plan Area by Ordinance No. 13-14.

10 **(b) Central SoMa Base Height.**

11 (1) For all parcels except those described in subsection (2) below, the Height limit
12 established by the Central SoMa Plan (Ordinance No. _____, on file with the Clerk of the Board
13 of Supervisors in File No. 180184), regardless of subsequent changes in the Height limit.

14 (2) **Exception for Narrow Sites.** Projects on parcels in the CS Bulk District, as defined
15 in Section 270, with a Height limit greater than 85 feet and with no street or alley frontage greater than
16 100 feet shall be considered for the purposes of Section 423 et seq. to have a Height limit of 85 feet
17 regardless of the parcel's actual Height limit.

18 **(c) Eastern Neighborhoods Fee Tiers.**

19 **(1) Tier 1.**

20 (A) All development on sites ~~which~~that received a height increase of eight
21 feet or less, received no height increase, or received a reduction in height, as measured from
22 the Eastern Neighborhoods Base Height~~part of the Eastern Neighborhoods Plan (on file with the Clerk~~
23 ~~of the Board of Supervisors in File No. 081154) or the Western SoMa Community Plan (on file with the~~
24 ~~Clerk of the Board of Supervisors in File No. 130001);~~

25 (B) The residential portion of all 100% affordable housing projects;

1 (C) The residential portion of all projects within the Urban Mixed Use
2 (UMU) district; and

3 (D) All changes of use within existing structures.

4 (2) **Tier 2.** All additions to existing structures or new construction on other sites
5 not listed in subsection (1) above ~~which~~that received a height increase of nine to 28 feet, as
6 measured from the Eastern Neighborhoods Base Heightpart of the Eastern Neighborhoods Plan (on file
7 with the Clerk of the Board of Supervisors in File No. 081154) or the Western SoMa Community Plan
8 (on file with the Clerk of the Board of Supervisors in File No. 130001);

9 *For the purposes of this Section, increase in heights in the WMUG District in*
10 *Assessor's Blocks 3733 and 3752 shall be measured by the base height (as defined in Section 263.11)*
11 *prior to the effective date of the Western SoMa Plan (Ordinance No. Ord. 42-13);*

12 (3) **Tier 3.** All additions to existing structures or new construction on other sites
13 not listed in subsection (1) above ~~which~~that received a height increase of 29 feet or more, as
14 measured from the Eastern Neighborhoods Base Heightpart of the Eastern Neighborhoods Plan (on file
15 with the Clerk of the Board of Supervisors in File No. 081154) or the Western SoMa Community Plan
16 (on file with the Clerk of the Board of Supervisors in File No. 130001).

17 *For purposes of this Section, increase in heights in the MUR District shall be*
18 *measured by the base height (as defined in Section 263.11) prior to the effective date of the Eastern*
19 *Neighborhoods (Ordinance No. 298-08).*

20 (d) Central SoMa Fee Tiers. For all applicable projects, the following Fee Tiers apply:

21 (1) Tier A.

22 (A) All development on sites rezoned from SALI or SLI to either CMUO, MUG,
23 MUR, or WMUO with a Height limit at or below 45 feet, pursuant to the adoption of the Central SoMa
24 Area Plan (on file with the Clerk of the Board of Supervisors in File No. 180184).

1 (B) All development on all other sites that received a Height increase of 15 feet
2 to 45 feet pursuant to the adoption of the Central SoMa Area Plan (on file with the Clerk of the Board
3 of Supervisors in File No. 180184).

4 (2) Tier B.

5 (A) All development on sites rezoned from SALI or SLI to either CMUO, MUG,
6 MUR, or WMUO with a Height limit of between 46 and 85 feet, pursuant to the adoption of the Central
7 SoMa Area Plan (on file with the Clerk of the Board of Supervisors in File No. 180184).

8 (B) All development on all other sites that received a Height increase of 46 feet
9 to 85 feet pursuant to the adoption of the Central SoMa Area Plan (on file with the Clerk of the Board
10 of Supervisors in File No. 180184).

11 (3) Tier C.

12 (A) For All development on sites rezoned from SALI or SLI to either CMUO,
13 MUG, MUR, or WMUO with a Height limit above 85 feet, pursuant to the adoption of the Central
14 SoMa Area Plan (on file with the Clerk of the Board of Supervisors in File No. 180184).

15 (B) All development on all other sites that received a Height increase of more
16 than 85 feet pursuant to the adoption of the Central SoMa Area Plan (on file with the Clerk of the
17 Board of Supervisors in File No. 180184).

18 **SEC. 423.3. APPLICATION OF EASTERN NEIGHBORHOODS INFRASTRUCTURE**
19 **IMPACT FEE.**

20 * * * *

21 **(d) Option for In-Kind Provision of Community Improvements and Fee Credits.**

22 Project sponsors may propose to directly provide community improvements to the City. In
23 such a case, the City may enter into an In-Kind Improvements Agreement with the sponsor
24 and issue a fee waiver for the Eastern Neighborhoods Infrastructure Impact Fee from the
25 Planning Commission, subject to the following rules and requirements:

1 (1) **Approval Criteria.** The City shall not enter into an In-Kind Agreement
2 unless the proposed in-kind improvements meet an identified community need as analyzed in
3 the Eastern Neighborhoods Community Improvements Program and where they substitute for
4 improvements that could be provided by the Eastern Neighborhoods *Community Improvements*
5 *Public Benefits* Fund (as described in Section 423.5). The City may reject in-kind improvements
6 if they are not consistent with the priorities identified in the Eastern Neighborhoods Area Plans
7 (Central Waterfront, East SoMa, Western SoMa, Mission, and Showplace Square/Potrero
8 Hill), by the Interagency Plan Implementation Committee (see Section 36 of the Administrative
9 Code), the Eastern Neighborhoods Citizens Advisory Committee, or other prioritization
10 processes related to Eastern Neighborhoods Citizens community improvements
11 programming. No physical improvement or provision of space otherwise required by the
12 Planning Code or any other City Code shall be eligible for consideration as part of this In-Kind
13 Improvements Agreement.

14 * * * *

15 (f) **Waiver or Reduction of Fees.** Development projects may be eligible for a waiver
16 or reduction of impact fees, *pursuant to* Section 406 of this Article. Additionally, *project*
17 *sponsors with a development project located within an applicable San Francisco Redevelopment*
18 *Project Area may reduce their required contribution to the Eastern Neighborhoods Public Benefits*
19 *Fund by half of any total sum that they would otherwise be required to pay under this Section, if the*
20 *sponsor*

21 *(1) has filed its first application, including an environmental evaluation*
22 *application or any other Planning Department or Building Department application before the effective*
23 *date of Section 423.1 et seq. and*

24 *(2) provides the Zoning Administrator with written evidence, supported in*
25 *writing by the San Francisco Redevelopment Agency, that demonstrates the annual tax increment*

1 ~~which could be generated by the proposed project would support a minimum future bonding capacity~~
2 ~~equal to \$10,000,000 or greater.~~ office projects under 50,000 square feet, other non-residential
3 projects, and residential projects in the Central SoMa Special Use District may reduce their required
4 contribution to the Eastern Neighborhoods Community Improvements Fund as follows: for every gross
5 square foot of PDR space required by Planning Code Section 202.8, the project may waive payment for
6 four gross square feet of the Eastern Neighborhoods Infrastructure Impact Fee.

7 * * * *

8 **SEC. 423.5. THE EASTERN NEIGHBORHOODS COMMUNITY IMPROVEMENTS**
9 **FUND.**

10 * * * *

11 (b) **Use of Funds.** The Fund shall be administered by the Board of Supervisors.

12 (1) All monies deposited in the Fund or credited against Fund obligations shall
13 be used to design, engineer, acquire, improve, and develop public open space and
14 recreational facilities; transit, streetscape and public realm improvements; and child care
15 facilities. Funds may be used for childcare facilities that are not publicly owned or publicly-
16 accessible.

17 (A) Funds collected from all zoning districts in the Eastern
18 Neighborhoods Program Area, excluding Designated Affordable Housing Zones shall be
19 allocated to accounts by improvement type according to Table 423.5.

20 (B) Funds collected in Designated Affordable Housing Zones (~~Mission~~
21 ~~NCT and MUR~~, as defined in Section 401), shall be allocated to accounts by improvement type
22 as described in Table 423.5A.

23 * * * *

24 (c) Funds shall be allocated to accounts by improvement type as described below:

1 (1) Funds collected from all zoning districts in the Eastern Neighborhoods
2 Program Area, excluding Designated Affordable Housing Zones shall be allocated to accounts
3 by improvement type according to Table 423.5. Funds collected from MUR Zoning Districts
4 outside of the boundaries of either the East SoMa or Western SoMa Area Plans shall be
5 allocated to accounts by improvement type according to Table 423.5.

6 (2) Funds collected in Designated Affordable Housing Zones, ~~(Mission NCT and~~
7 ~~MUR Use Districts within the boundaries of either the East SoMa or Western SoMa Area Plans (as~~
8 defined in Section 401), shall be allocated to accounts by improvement type as described in
9 Table 423.5A. For funds allocated to affordable housing, MOH shall expend the funds as
10 follows:

11 (A) All funds collected from projects in the Mission NCT shall be
12 expended on housing programs and projects within the Mission Area Plan boundaries.

13 ~~(B) All funds collected from projects in the MUR Use Districts within the~~
14 ~~boundaries of either the East SoMa or Western SoMa Area Plans shall be expended on housing~~
15 ~~programs and projects within the boundaries of 5th to 10th Streets/Howard to Harrison Streets.~~

16 * * * *

17 ~~**SEC. 425. ALTERNATIVE MEANS OF SATISFYING THE OPEN SPACE**~~
18 ~~**REQUIREMENT IN THE SOUTH OF MARKET MIXED USE DISTRICTS.**~~

19 ~~(The effective date of these provisions shall be either April 6, 1990, the date that it originally~~
20 ~~became effective, or the date a subsequent modification, if any, became effective.)~~

21 ~~If it is the judgment of the Zoning Administrator that an open space satisfying the requirements~~
22 ~~and standards of subsections (b) and (c) of Section 135.3 of this Code cannot be created because of~~
23 ~~constraints of the development site, or because the project cannot provide safe, convenient access to the~~
24 ~~public, or because the square footage of open space is not sufficient to provide a usable open space, the~~
25 ~~Zoning Administrator may (i) authorize, as an eligible type of open space, a pedestrian mall or~~

1 ~~walkway within a public right-of-way which is improved with paving, landscaping, and street furniture~~
2 ~~appropriate for creating an attractive area for sitting and walking, or (ii) waive the requirement that~~
3 ~~open space be provided upon payment to the Open Space Fund of a fee of \$.80 for each square foot of~~
4 ~~open space otherwise required to be provided. These amounts shall be adjusted annually effective April~~
5 ~~1st of each calendar year by the percentage of change in the Building Cost Index used by the San~~
6 ~~Francisco Bureau of Building Inspection. This payment shall be paid in full to the City prior to the~~
7 ~~issuance of any temporary or other certificate of occupancy for the subject property. Said fee shall be~~
8 ~~used for the purpose of acquiring, designing, improving and/or maintaining park land, park facilities,~~
9 ~~and other open space resources, which is expected to be used solely or in substantial part by persons~~
10 ~~who live, work, shop or otherwise do business in the South of Market Base District, as that District is~~
11 ~~defined in Section 820 of this Code and identified on Sectional Map 3SU of the Zoning Map of the City~~
12 ~~and County of San Francisco. Said fee, and any interest accrued by such fee, shall be used for the~~
13 ~~purpose stated herein unless it is demonstrated that it is no longer needed.~~

14 **SEC. 426. ALTERNATIVE MEANS OF SATISFYING THE NON-RESIDENTIAL**
15 **OPEN SPACE REQUIREMENT IN THE EASTERN NEIGHBORHOODS MIXED USE**
16 **DISTRICTS.**

17 (The effective date of these provisions shall be either December 19, 2008, the date that
18 they originally became effective, or the date a subsequent modification, if any, became
19 effective.)

20 In the Eastern Neighborhoods Mixed Use Districts, except for any parcels within the
21 GMUOCentral SoMa Special Use District, the usable open space requirement of Section 135.3
22 may be satisfied through payment of a fee of \$76 for each square foot of usable open space
23 not provided ~~pursuant to that Variance~~. In the GMUOCentral SoMa Special Use District, the
24 usable open space requirement of Section 135.3 may be satisfied through payment of a fee of \$890 for
25 each square foot of required usable open space not provided, and the POPOS requirement of

1 Section 138 may be satisfied through a payment of a fee of \$890 for each square foot of
2 required open space not provided that meets the conditions of Sections 138 et seq. and
3 329(e). Any square footage for which the Planning Commission grants an exception to design
4 standards pursuant to Section 329(e) shall be considered as meeting the requirements of
5 Sections 135, 135.3 and 138 for purposes of this Section 426. ~~This~~ These fees shall be adjusted
6 in accordance with Section 423.3 of this Article. ~~This~~ These fees shall be paid into the Recreation
7 and Open Space subset of the Eastern Neighborhoods Community Improvements ~~Public Benefits~~
8 Fund, as described in Section 423 of this Article. ~~Said fee shall be used for the purpose of~~
9 acquiring, designing, and improving park land, park facilities, and other open space resources, which
10 is expected to be used solely or in substantial part by persons who live, work, shop or otherwise do
11 business in the Eastern Neighborhoods Mixed Use districts.

12 **SEC. 427. PAYMENT IN CASES OF VARIANCE OR EXCEPTION FOR REQUIRED**
13 **RESIDENTIAL OPEN SPACE.**

14 (a) **Eastern Neighborhoods Mixed Use Districts.** In the Eastern Neighborhoods
15 Mixed Use Districts, ~~except for the GMUO Central SoMa Special Use District, ~~should a Variance~~~~
16 ~~from usable open space requirements for residential uses be granted by the Zoning Administrator, any~~
17 ~~project that obtains a Variance pursuant to Section 305, or an exception be granted for those projects~~
18 ~~subject pursuant to the Section 329 process, to provide less usable open space than otherwise~~
19 ~~required by Section 135 shall pay a fee of \$327 shall be required~~ for each square foot of usable
20 open space not provided ~~pursuant to that Variance. In the GMUO Central SoMa Special Use~~
21 ~~District, any project that obtains a Variance pursuant to Section 305, an exception pursuant to Section~~
22 ~~329, or chooses the in-lieu option pursuant to Section 135(d)(5)(B)(ii) shall pay a fee of \$890 for each~~
23 ~~square foot of required useable open space not provided. ~~This~~ These fees shall be adjusted in~~
24 accordance with Section 423.3 of this Article. ~~This~~ These fees shall be paid into the Recreation
25 and Open Space subset of the Eastern Neighborhoods Community Improvements ~~Public Benefits~~

1 Fund, as described in Section 423 of this Article. *Said fee shall be used for the purpose of*
2 *acquiring, designing, and improving park land, park facilities, and other open space resources, which*
3 *is expected to be used solely or in substantial part by persons who live, work, shop or otherwise do*
4 *business in the Eastern Neighborhoods Mixed Use Districts.*

5 * * * *

6 **SEC. 429. ARTWORKS, OPTIONS TO MEET PUBLIC ART FEE REQUIREMENT,**
7 **RECOGNITION OF ARCHITECT AND ARTISTS, AND REQUIREMENTS.**

8 (The effective date of these requirements shall be either September 17, 1985, the date
9 that they originally became effective, or the date a subsequent modification, if any, became
10 effective.)

11 * * * *

12 **SEC. 429.2. APPLICATION.**

13 This section shall apply to:

- 14 (a) all projects that involve construction of a new building or addition of floor area in
15 excess of 25,000 square feet to an existing building in a C-3 District; and
16 (b) all non-residential projects that involve construction of a new building or addition of
17 floor area in excess of 25,000 square feet and that have submitted their first complete
18 Development Application on or after January 1, 2013 on the following parcels:
19 (1) all parcels in RH-DTR, TB-DTR, SB-DTR, ~~SLI, SLR, SSO, C-M,~~ UMU, WMUG,
20 WMUO and SALI Districts;
21 (2) properties that are zoned MUG, CMUO, or MUO, ~~or MUR~~ MUR and that
22 are north of Division/Duboce/13th Streets; and
23 (3) all parcels zoned C-2 except for those on Blocks 4991 (Executive Park) and
24 7295 (Stonestown Galleria Mall).

1 For the purposes of this Section, a "Development Application" shall mean any
2 application for a building permit, site permit, environmental review, Preliminary Project
3 Assessment (PPA), Conditional Use, or Variance.

4 * * * *

5 **SEC. 432. CENTRAL SOMA COMMUNITY SERVICES FACILITIES FEE AND FUND.**

6 Sections 432.1 through 432.4 set forth the requirements and procedures for the Central SoMa
7 Community Services Facilities Fee and Fund.

8 **SEC. 432.1. PURPOSE AND FINDINGS.**

9 (a) Purpose. New development in Central SoMa will increase the resident and employee
10 populations, generating new demand for use of community service facilities, such as cultural facilities,
11 health clinics, services for people with disabilities, and job training centers. New revenues to fund
12 investments in community services are necessary to maintain the existing level of service. This fee will
13 generate revenue that will be used to ensure an expansion in community service facilities in Central
14 SoMa as new development occurs.

15 (b) Findings. In adopting the Central SoMa Plan (Ordinance No. _____, on file with the
16 Clerk of the Board of Supervisors in File No. 180184), the Board of Supervisors reviewed the Central
17 SoMa Community Facilities Nexus Study, prepared by Economic & Planning Systems and dated March
18 2016. The Board of Supervisors reaffirms the findings and conclusions of this study as they relate to the
19 impact of new development in Central SoMa on community services facilities, and hereby readopts the
20 findings contained in the Central SoMa Community Facilities Nexus Study.

21 **SEC. 432.2. APPLICATION OF FEES.**

22 (a) Applicable Projects. The Central SoMa Community Services Facilities Fee is applicable to
23 any development project in the Central SoMa Special Use District that:

- 24 (1) Is in any Central SoMa Fee Tier, pursuant to Section 423; and
- 25 (2) Includes new construction or an addition of space in excess of 800 gross square feet.

1 **(b) Fee Calculation.** *For applicable projects, the Fee is as follows:*

2 *(1) For Residential uses, \$1.30 per gross square foot of net additional gross square feet,*
3 *net replacement of gross square feet from PDR uses, or net change of use of gross square feet from*
4 *PDR uses.*

5 *(2) For Non-residential uses,*

6 *(A) \$1.75 per gross square foot of net additional gross square feet, net*
7 *replacement of gross square feet from PDR uses, or net change of use of gross square feet from PDR*
8 *uses.*

9 *(B) \$0.45 per gross square foot of net replacement of gross square feet from*
10 *Residential uses or net change of use of gross square feet from Residential uses.*

11 **(c) Option for In-Kind Provision of Community Improvements and Fee Credits.** *Project*
12 *sponsors may propose to directly provide community improvements to the City. In such a case, the City*
13 *may enter into an In-Kind Improvements Agreement with the sponsor and issue a fee waiver for the*
14 *Central SoMa Community Services Facilities ~~Impact~~ Fee from the Planning Commission, subject to*
15 *the following rules and requirements:*

16 *(1) Approval Criteria.* *The City shall not enter into an In-Kind Agreement unless the*
17 *proposed in-kind improvements meet an identified community need as analyzed in the Central SoMa*
18 *Community Improvements Program and substitute for improvements that could be provided by the*
19 *Central SoMa Community Services Facilities Public Benefits Fund (as described in Section 432.4).*
20 *The City may reject in-kind improvements if they are not consistent with the priorities identified in the*
21 *Central SoMa Plan, by the Interagency Plan Implementation Committee (see Section 36 of the*
22 *Administrative Code), the Eastern Neighborhoods Citizens Advisory Committee, or other prioritization*
23 *processes related to Eastern Neighborhoods Citizens community improvements programming. No*
24 *physical improvement or provision of space otherwise required by the Planning Code or any other City*
25 *Code shall be eligible for consideration as part of this In-Kind Improvements Agreement.*

1 (2) Valuation, Content, Approval Process, and Administrative Costs. *The valuation,*
2 *content, approval process, and administrative costs shall be undertaken pursuant to the requirements of*
3 *Sections 423.3(d)(2) through 423.3(d)(5).*

4 (d) Timing of Fee Payments. *The Fee is due and payable to the Development Fee Collection*
5 *Unit at DBI at the time of and in no event later than issuance of the first construction document, with*
6 *an option for the project sponsor to defer payment to prior to issuance of the first certificate of*
7 *occupancy upon agreeing to pay a deferral surcharge that would be paid into the appropriate fund in*
8 *accordance with Section 107A.13.3 of the San Francisco Building Code.*

9 (e) Waiver or Reduction of Fees. *Development projects may be eligible for a waiver or*
10 *reduction of impact fees, pursuant to Section 406.*

11 **SEC. 432.3. IMPOSITION OF CENTRAL SOMA COMMUNITY SERVICES FACILITIES**

12 **FEE.**

13 (a) Determination of Requirements. *The Department shall determine the applicability of*
14 *Section 432 et seq. to any development project requiring a first construction document and, if Section*
15 *432 et seq. is applicable, the Department shall determine the amount of the Central SoMa Community*
16 *Services Facilities Fees required and shall impose these requirements as a condition of approval for*
17 *issuance of the first construction document for the development project. The project sponsor shall*
18 *supply any information necessary to assist the Department in this determination.*

19 (b) Department Notice to Development Fee Collection Unit at DBI. *Prior to the issuance of a*
20 *building or site permit for a development project subject to the requirements of Section 432 et seq., the*
21 *Department shall notify the Development Fee Collection Unit at DBI of its final determination of the*
22 *amount of the Central SoMa Community Services Facilities Fees required, including any reductions*
23 *calculated for an In-Kind Improvements Agreement, in addition to the other information required by*
24 *Section 402(b) of this Article.*

1 (c) **Development Fee Collection Unit Notice to Department Prior to Issuance of the First**
2 **Certificate of Occupancy.** The Development Fee Collection Unit at DBI shall provide notice in writing
3 or electronically to the Department prior to issuing the first certificate of occupancy for any
4 development project subject to Section 432 et seq. that has elected to fulfill all or part of its Central
5 SoMa Community Services Facilities Fee requirement with an In-Kind Improvements Agreement. If the
6 Department notifies the Unit at such time that the sponsor has not satisfied any of the terms of the In-
7 Kind Improvements Agreement, the Director of DBI shall deny any and all certificates of occupancy
8 until the project complies with the requirements of Section 432 et seq., either through conformance with
9 the In-Kind Improvements Agreement or payment of the remainder of the Central SoMa Community
10 Services Facilities Fee that would otherwise have been required, plus a deferral surcharge as set forth
11 in Section 107A.13.3.1 of the San Francisco Building Code.

12 (d) **Process for Revisions of Determination of Requirements.** In the event that the Department
13 or the Commission takes action affecting any development project subject to Section 432 et seq. and
14 such action is subsequently modified, superseded, vacated, or reversed by the Department or the
15 Commission, Board of Appeals, the Board of Supervisors, or by court action, the procedures of Section
16 402(c) of this Article shall be followed.

17 **SEC. 432.4. THE CENTRAL SOMA COMMUNITY SERVICES FACILITIES FUND.**

18 (a) There is hereby established a separate fund set aside for a special purpose entitled the
19 Central SoMa Community Services Facilities Fund ("Fund"). All monies collected by the Development
20 Fee Collection Unit at DBI pursuant to Section 432.3(b) shall be deposited in a special fund
21 maintained by the Controller. The receipts in the Fund are to be used solely to fund public
22 infrastructure subject to the conditions of this Section.

23 (b) Expenditures from the Fund shall be administered by the Mayor's Office of Housing and
24 Community Development, or its successor. The Mayor's Office of Housing and Community

1 Development or its successor shall have the authority to prescribe rules and regulations governing the
2 Fund.

3 (1) All monies deposited in the Fund shall be used to design, engineer, and develop
4 community services facilities, including cultural/arts facilities, social welfare facilities, and community
5 health facilities, in the Central SoMa Special Use District as established in the Central SoMa Plan and
6 the Central SoMa Plan Implementation Program Document and supported by the findings of the
7 Central SoMa Community Facilities Nexus Study.

8 (2) Funds may be used for administration and accounting of fund assets, for additional
9 studies as detailed in the Central SoMa Plan Implementation Program Document, and to defend the
10 Central SoMa Community Services Facilities Impact Fee against legal challenge, including the legal
11 costs and attorney's fees incurred in the defense. Administration of this fund includes time and
12 materials associated with reporting requirements, facilitating any necessary or required public
13 meetings aside from Planning Commission hearings, and maintenance of the fund. Monies from the
14 Fund may be used by the Planning Commission to commission economic analyses for the purpose of
15 revising the fee, and/or to complete an updated nexus study to demonstrate the relationship between
16 development and the need for public facilities and services if this is deemed necessary. Monies used for
17 the purposes consistent with this subsection (2) shall not exceed five percent of the total fees collected.
18 All interest earned on this account shall be credited to the Central SoMa Community Services Facilities
19 Fund.

20 (3) The Mayor's Office of Housing and Community Development shall report annually
21 to the Board of Supervisors on the current status of the fund, the amounts approved for disbursement,
22 and the number and types of housing units or households assisted.

23 (4) All funds are justified and supported by the Central SoMa Community Facilities
24 Nexus Study, adopted as part of the Central SoMa Plan (Ordinance No. _____, on file with the
25 Clerk of the Board of Supervisors in File No. 180184). Implementation of the Fee and Fund are

1 monitored according to the Eastern Neighborhoods Plan Monitoring Program required by the
2 Administrative Code Section 10E.

3 **SEC. 433. CENTRAL SOMA INFRASTRUCTURE IMPACT FEE AND FUND.**

4 Sections 433.1 through 433.4 set forth the requirements and procedures for the Central SoMa
5 Infrastructure Impact Fee and Fund.

6 **SEC. 433.1. PURPOSE AND FINDINGS.**

7 (a) Purpose. New development in the Central SoMa Plan Area will increase the resident and
8 employee populations, generating new demand for use of community-serving infrastructure such as
9 transit, complete streets, and recreation and open space. New revenues to fund investments in this
10 infrastructure are necessary to maintain the existing level of service. This fee will generate revenue that
11 will be used to ensure an expansion in community-serving infrastructure in Central SoMa as new
12 development occurs.

13 (b) Findings. The Board of Supervisors reviewed the San Francisco Citywide Nexus Analysis
14 prepared by AECOM dated March 2014 ("Nexus Analysis"), the San Francisco Infrastructure Level of
15 Service Analysis prepared by AECOM dated March 2014, and the Transportation Sustainability Fee
16 Nexus Study (TSF Nexus Study), dated May, 2015, on file with the Clerk of the Board in Files Nos.
17 150149 and 150790, and, pursuant to Section 401A, adopts the findings and conclusions of those
18 studies and the general and specific findings in that Section, specifically including the Recreation and
19 Open Space Findings, Pedestrian and Streetscape Findings, Bicycle Infrastructure Findings, and
20 Transit Findings, and incorporates those by reference herein to support the imposition of the fees under
21 this Section.

22 **SEC. 433.2. APPLICATION OF FEES.**

23 (a) Applicable Projects. The Central SoMa Infrastructure Impact Fee is applicable to any
24 development project in the Central SoMa Special Use District that:

25 (1) Is in any Central SoMa Tier, pursuant to Section 423; and

1 (2) Includes new construction or an addition of space in excess of 800 gross square feet.

2 (b) Fee Calculation. For applicable projects, the Fee is as follows:

3 (1) For Residential uses in Central SoMa Fee Tier B:

4 (A) For Condominium uses, \$20.00 per gross square foot of net additional
5 gross square feet, net replacement of gross square feet from PDR uses, or net change of use of gross
6 square feet from PDR uses.

7 (B) For Rental uses, \$10.00 per gross square foot of net additional gross
8 square feet, net replacement of gross square feet from PDR uses, or net change of use of
9 gross square feet from PDR uses.

10 (2) For Non-residential uses in Central SoMa Fee Tiers ~~A and B~~ that are seeking an
11 Office Allocation of 50,000 gross square feet or more pursuant to the requirements of Planning Code
12 Section 321, \$21.50 per gross square foot of net additional gross square feet, net replacement of gross
13 square feet from PDR uses, or net change of use of gross square feet from PDR uses.

14 (3) For Non-residential uses in Central SoMa Fee Tiers ~~A and B~~ that are not seeking
15 an Office Allocation of 50,000 gross square feet or more pursuant to the requirements of Planning
16 Code Section 321:

17 (A) \$41.50 per gross square foot of net additional gross square feet, net
18 replacement of gross square feet from PDR uses, or net change of use of gross square feet from PDR
19 uses;

20 (B) \$21.50 per gross square foot of net replacement of gross square feet from
21 Residential uses or net change of use of gross square feet from Residential uses.

22 (4) For Non-residential uses in Central SoMa Fee Tier C that are not seeking an Office
23 Allocation of 50,000 gross square feet or more pursuant to the requirements of Planning Code Section
24 321, \$20.00 per gross square foot of net additional gross square feet, net replacement of gross square
25 feet from PDR uses, or net change of use of gross square feet from PDR uses.

1 (c) Option for In-Kind Provision of Community Improvements and Fee Credits. Project
2 sponsors may propose to directly provide community improvements to the City. In such a case, the City
3 may enter into an In-Kind Improvements Agreement with the sponsor and issue a fee waiver for the
4 Central SoMa Infrastructure Impact Fee from the Planning Commission, subject to the following rules
5 and requirements:

6 (1) Approval Criteria. The City shall not enter into an In-Kind Agreement unless the
7 proposed in-kind improvements meet an identified community need as analyzed in the Central SoMa
8 Community Improvements Program and substitute for improvements that could be provided by the
9 Central SoMa Infrastructure Public Benefits Fund (as described in Section 433.4). The City may reject
10 in-kind improvements if they are not consistent with the priorities identified in the Central SoMa Plan,
11 by the Interagency Plan Implementation Committee (see Section 36 of the Administrative Code), the
12 Eastern Neighborhoods Citizens Advisory Committee, or other prioritization processes related to
13 Eastern Neighborhoods Citizens community improvements programming. No physical improvement or
14 provision of space otherwise required by the Planning Code or any other City Code shall be eligible for
15 consideration as part of this In-Kind Improvements Agreement.

16 (2) Valuation, Content, Approval Process, and Administrative Costs. The valuation,
17 content, approval process, and administrative costs shall be undertaken pursuant to the requirements of
18 Sections 423.3(d)(2) through 423.3(d)(5).

19 (d) Timing of Fee Payments. The Fee is due and payable to the Development Fee Collection
20 Unit at DBI at the time of and in no event later than issuance of the first construction document, with
21 an option for the project sponsor to defer payment to prior to issuance of the first certificate of
22 occupancy upon agreeing to pay a deferral surcharge that would be paid into the appropriate fund in
23 accordance with Section 107A.13.3 of the San Francisco Building Code.

24 (e) Waiver or Reduction of Fees. Development projects may be eligible for a waiver or
25 reduction of impact fees, pursuant to Section 406.

1 **SEC. 433.3. IMPOSITION OF CENTRAL SOMA INFRASTRUCTURE IMPACT FEE.**

2 **(a) Determination of Requirements.** *The Department shall determine the applicability of*
3 *Section 433.2 et seq. to any development project requiring a first construction document and, if Section*
4 *433.2 et seq. is applicable, the Department shall determine the amount of the Central SoMa*
5 *Infrastructure Impact Fees required and shall impose these requirements as a condition of approval for*
6 *issuance of the first construction document for the development project. The project sponsor shall*
7 *supply any information necessary to assist the Department in this determination.*

8 **(b) Department Notice to Development Fee Collection Unit at DBI.** *Prior to the issuance of a*
9 *building or site permit for a development project subject to the requirements of Sections 433 et seq., the*
10 *Department shall notify the Development Fee Collection Unit at DBI of its final determination of the*
11 *amount of the Central SoMa Infrastructure Impact Fees required, including any reductions calculated*
12 *for an In-Kind Improvements Agreement, in addition to the other information required by Section*
13 *402(b) of this Article.*

14 **(c) Development Fee Collection Unit Notice to Department Prior to Issuance of the First**
15 **Certificate of Occupancy.** *The Development Fee Collection Unit at DBI shall provide notice in writing*
16 *or electronically to the Department prior to issuing the first certificate of occupancy for any*
17 *development project subject to Section 433 et seq. that has elected to fulfill all or part of its Central*
18 *SoMa Infrastructure Impact Fee requirement with an In-Kind Improvements Agreement. If the*
19 *Department notifies the Unit at such time that the sponsor has not satisfied any of the terms of the In-*
20 *Kind Improvements Agreement, the Director of DBI shall deny any and all certificates of occupancy*
21 *until the project complies with the requirements of Section 433 et seq., either through conformance with*
22 *the In-Kind Improvements Agreement or payment of the remainder of the Central SoMa Infrastructure*
23 *Impact Fees that would otherwise have been required, plus a deferral surcharge as set forth in Section*
24 *107A.13.3.1 of the San Francisco Building Code.*

1 (d) Process for Revisions of Determination of Requirements. In the event that the Department
2 or the Commission takes action affecting any development project subject to Section 433 et seq. and
3 such action is subsequently modified, superseded, vacated, or reversed by the Department or the
4 Commission, Board of Appeals, the Board of Supervisors, or by court action, the procedures of Section
5 402(c) of this Article shall be followed.

6 **SEC. 433.4. THE CENTRAL SOMA INFRASTRUCTURE IMPACT FUND.**

7 (a) There is hereby established a separate fund set aside for a special purpose entitled the
8 Central SoMa Infrastructure Impact Fund ("Fund"). All monies collected by the Development Fee
9 Collection Unit at DBI pursuant to Section 433.3(b) shall be deposited in a special fund maintained by
10 the Controller. The receipts in the Fund to be used solely to fund Public Benefits subject to the
11 conditions of this Section.

12 (b) Expenditures from the Fund shall be recommended by the Interagency Plan Implementation
13 Committee for allocation and administration by the Board of Supervisors.

14 (1) All monies deposited in the Fund shall be used to design, engineer, and develop
15 community public transit as established in the Central SoMa Plan and the Central SoMa Plan
16 Implementation Program Document.

17 (2) Funds may be used for administration and accounting of fund assets, for additional
18 studies as detailed in the Central SoMa Plan Implementation Program Document, and to defend the
19 Central SoMa Infrastructure Impact Fee against legal challenge, including the legal costs and
20 attorney's fees incurred in the defense. Administration of this fund includes time and materials
21 associated with reporting requirements, facilitating any necessary or required public meetings aside
22 from Planning Commission hearings, and maintenance of the fund. Monies from the Fund may be used
23 by the Planning Commission to commission economic analyses for the purpose of revising the fee,
24 and/or to complete an updated nexus study to demonstrate the relationship between development and
25 the need for public facilities and services if this is deemed necessary. Monies used for the purposes

1 consistent with this subsection (2) shall not exceed five percent of the total fees collected. All interest
2 earned on this account shall be credited to the Central SoMa Infrastructure Impact Fund.

3 (3) All funds are justified and supported by the San Francisco Citywide Nexus Analysis
4 prepared by AECOM dated March 2014 ("Nexus Analysis"), and the Transportation Sustainability Fee
5 Nexus Study (TSF Nexus Study), dated May, 2015, on file with the Clerk of the Board in Files Nos.
6 150149 and 150790. Implementation of the Fee and Fund are monitored according to the Eastern
7 Neighborhoods Plan Monitoring Program required by Section 10E of the Administrative Code.

8
9 **SEC. 434. CENTRAL SOMA COMMUNITY FACILITIES DISTRICT PROGRAM.**

10 (a) **Purpose.** New construction that increases the density of the South of Market
11 neighborhood will require the City to invest in substantial new infrastructure and services. By
12 increasing height limits, removing restrictive zoning, relieving density and floor area ratio
13 limitations, and making other regulatory changes, the Central SoMa Plan substantially
14 increases the development potential of properties in the area. This new development potential
15 will create a significant demand for infrastructure, improvements, and services as described in
16 the Central SoMa Implementation Program Document, including but not limited to transit
17 investments, street and environmental improvements, and development and maintenance of
18 parks and recreation centers. The Central SoMa Community Facilities District ("CFD" or
19 "Special Tax District") shall be a special tax district formed pursuant to Administrative Code
20 Chapter 43, Article X to address these needs created by projects that choose to exceed the
21 Prevailing Height and Density Limits.

22 (b) **Applicability.** This Section 434 shall apply to a development on any lot in the
23 Central SoMa Special Use District where all of the following apply:

24 (1) The project includes new construction or the net addition of more than
25 4025,000 gross square feet, as determined by the Planning Director or their designee

1 pursuant to the Rate and Method of Apportionment for the Central SoMa Community Facilities
2 District;

3 (2) The proposed project exceeds the applicable Prevailing Building Height and
4 Density controls established in Section 249.78(d)(1)(B) a floor area ratio that was applicable to
5 the subject lot for non-residential uses prior to the effective date of this Ordinance; and,

6 (3) The project includes

7 (A) new non-residential development on any lot that is either wholly or
8 partially in Central SoMa Fee Tier B or C, as defined in Section 423.2; or

9 (B) new residential condominium development for which any units have
10 been sold on any lot that is either wholly or partially in Central SoMa Fee Tier B or C, as
11 defined in Section 423.2.

12 (c) **Requirement.** Except as specified herein, any applicable development project
13 shall participate in the CFD to be established by the Board of Supervisors pursuant to Article
14 X of Chapter 43 of the Administrative Code (the “Special Tax Financing Law”) and
15 successfully annex the lot or lots of the subject development into the CFD prior to the
16 issuance of the first Certificate of Occupancy for the development. Any project lot or lots that
17 contain areas that fall under more than one Central SoMa Fee Tier shall be wholly annexed
18 into the CFD at the level of the highest applicable Fee Tier. Any project lot or lots that receive
19 a condominium map pursuant to the Subdivision Code shall wholly annex the lot or lots of the
20 subject development into the CFD prior to the sale of the first condominium on the site. For
21 any lot to which the requirements of this Section 434 apply, the Zoning Administrator shall
22 approve and order the recordation of a Notice in the Official Records of the Recorder of the
23 City and County of San Francisco for the subject property prior to the first Certificate of
24 Occupancy for the development, except that for condominium projects, the Zoning
25 Administrator shall approve and order the recordation of such Notice prior to the sale of the

1 first condominium unit. This Notice shall state the requirements and provisions of subsections
2 434(b)-(c) above.

3 (d) **Special Taxes.** The Board of Supervisors will be authorized to levy a special tax
4 on properties that annex into the Community Facilities District to finance facilities and services
5 described in the proceedings for the Community Facilities District and the Central SoMa
6 Implementation Program Document.

7 (e) Special tax revenues associated with the CFD shall be expended as described in
8 the Central SoMa Plan Implementation Program in the Planning Commission’s September 27,
9 2018 transmittal in Board of Supervisors File No. 180184, except that \$20 million shall be
10 allocated to restoration of the Old United States Mint, San Francisco Landmark No. 236, and
11 \$155 million shall be allocated to regional transit capacity enhancement and expansion.

12 **SEC. 603. EXEMPTED SIGNS.**

13 Nothing in this Article 6 shall apply to any of the following signs:

14 * * * *

15 (c) Two General Advertising Signs each not exceeding 24 square feet in area on either
16 a transit shelter or associated advertising kiosk furnished by contract with the Municipal
17 Transportation Agency or predecessor agency for the Municipal Railway in RTO, RTO-M, RM-
18 2, RM-3, RM-4, RC, NC, C, M, PDR, Eastern Neighborhoods Mixed Use Districts, ~~and South of~~
19 ~~Market Mixed Use Districts~~, and in those P Districts where such Signs would not adversely
20 affect the character, harmony, or visual integrity of the district as determined by the Planning
21 Commission; eight General Advertising Signs each not exceeding 24 square feet in area on
22 transit shelters located on publicly owned property on a high level Municipal Railway boarding
23 platform in an RH-1D District adjacent to a C-2 District, provided that such advertising signs
24 solely face the C-2 District; up to three double-sided General Advertising Signs each not
25 exceeding 24 square feet in area on or adjacent to transit shelters on publicly owned high

1 level Municipal Railway boarding platforms along The Embarcadero south of the Ferry
2 Building, up to six double-sided panels at 2nd and King Streets, and up to four double-sided
3 panels at 4th and King Streets; up to two double-sided panels not exceeding 24 square feet in
4 area on each low-level boarding platform at the following E-Line stops: Folsom Street and The
5 Embarcadero, Brannan Street and The Embarcadero, 2nd and King Streets, and 4th and King
6 Streets; and a total of 71 double-sided General Advertising Signs each not exceeding 24
7 square feet in area on or adjacent to transit shelters on 28 publicly owned high level Municipal
8 Railway boarding platforms serving the Third Street Light Rail Line. Each advertising sign on a
9 low-level or high-level boarding platform shall be designed and sited in such a manner as to
10 minimize obstruction of public views from pedestrian walkways and/or public open space.

11 Notwithstanding the above, no Sign shall be placed on any transit shelter or associated
12 advertising kiosk located on any sidewalk which shares a common boundary with any
13 property under the jurisdiction of the Recreation and Park Commission, with the exception of
14 Justin Herman Plaza; on any sidewalk on Zoo Road; on Skyline Boulevard between Sloat
15 Boulevard and John Muir Drive; on John Muir Drive between Skyline Boulevard and Lake
16 Merced Boulevard; or on Lake Merced Boulevard on the side of Harding Park Municipal Golf
17 Course, or on any sidewalk on Sunset Boulevard between Lincoln Way and Lake Merced
18 Boulevard; on any sidewalk on Legion of Honor Drive; or in the Civic Center Special Sign
19 Districts as established in Section 608.3 of this Code.

20 The provisions of this subsection (c) shall be subject to the authority of the Port
21 Commission under Sections 4.114 and B3.581 of the City Charter and under State law.

22 * * * *

23 **SEC. 608.1. NEAR R DISTRICTS.**

24 No general advertising sign, and no other sign exceeding 100 square feet in area, shall
25 be located in an NC, C, M, PDR, or Eastern Neighborhoods Mixed Use District ~~or South of~~

1 ~~Market Mixed Use District~~ within 100 feet of any R District in such a manner as to be primarily
 2 viewed from residentially zoned property or from any street or alley within an R District; any
 3 sign of which the face is located parallel to a street property line and lies for its entire width
 4 opposite an NC, C, M, PDR, or MUR, ~~or South of Market SLR~~ District shall be deemed prima
 5 facie not to be primarily so viewed. No sign of any size within 100 feet of any R District shall
 6 project beyond the street property line or building setback line of any street or alley leading off
 7 the main commercial frontage into the R District.

8 * * * *

9
 10 **SEC. 753. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

11 * * * *

12 **Table 753. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**
 13 **ZONING CONTROL TABLE**

Zoning Category	§ References	District Controls		
* * * *				
		Controls by Story		
		1st	2nd	3rd+
Non-Residential Standards and Uses				
Institutional Use Category				
Institutional Uses*				
* * * *	* * * *	* * * *	* * * *	* * * *

1	Medical Cannabis Dispensary	§§ 102, 202.2(e)	<u>DRC</u>	<u>DRC</u>	NP
2					
3	* * * *	* * * *	* * * *	* * * *	* * * *
4					

5

6

7

8 **SEC. 802.1. MIXED USE DISTRICTS.**

9 The following districts are established for the purpose of implementing the Residence
10 Element, the Commerce and Industry Element, the Downtown Plan, the Chinatown Plan, the
11 Rincon Hill Plan, the South of Market Plan, the East SoMa Plan, the Mission Plan, the
12 Showplace Square/Potrero Hill Plan, ~~and~~ the Central Waterfront Plan, the Western SoMa Area
13 Plan, and the Central SoMa Plan, all of which are parts of the General Plan. Description and
14 Purpose Statements outline the main functions of each Mixed Use District in this Article,
15 supplementing the statements of purpose contained in Section 101 of this Code.

16 Description and purpose statements applicable to each district are set forth in Sections
17 810 through ~~843~~848 of this Code. The boundaries of the various Mixed Use Districts are
18 shown on the Zoning Map referred to in Section 105 of this Code, subject to the provisions of
19 that Section. The following Districts are hereby established as Mixed Use Districts.

20	Districts	Section Number
21	* * * *	
22	<i>RSD – Residential/Service District</i>	§ 815
23	<i>SLR – Service/Light Industrial/Residential District</i>	§ 816
24	<i>SLI – Service/Light Industrial District</i>	§ 817
25		

1	<i>SSO – Service/Secondary Office District</i>	§ 818
2	<i>CMUO - Central SoMa Mixed-Use Office District</i>	§ 848
3	* * * *	

4 * * * *

5 **SEC. 802.4. EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.**

6 Throughout the Planning Code, the term "Eastern Neighborhoods Mixed Use Districts"
7 refers to the following districts: Residential Enclave District (RED), Residential Enclave- Mixed
8 District (RED-MX), Mixed Use-General (MUG), Western SoMa Mixed Use-General (WMUG),
9 Mixed Use-Office (MUO), *Central SoMa Mixed-Use Office (CMUO)*, Western SoMa Mixed Use-
10 Office (WMUO), Mixed Use- Residential (MUR), South Park District (SPD), Service/Arts/Light
11 Industrial (SALI), and Urban Mixed Use (UMU).

12 ~~**SEC. 802.5. SOUTH OF MARKET MIXED USE DISTRICTS.**~~

13
14 ~~*Throughout the Planning Code, the term "South of Market Mixed Use Districts" refers to the*~~
15 ~~*following districts: Residential/Service District (RSD), Service/Light Industrial (SLI), Service/Light*~~
16 ~~*Industrial/Residential (SLR), and Service/Secondary Office (SSO).*~~

17 * * * *

18 **SEC. 803.3. USES PERMITTED IN EASTERN NEIGHBORHOODS MIXED USE**
19 ~~**DISTRICTS AND SOUTH OF MARKET MIXED USE DISTRICTS.**~~

20 (a) **Use Categories.** A use is the specified purpose for which a property or building is
21 used, occupied, maintained, or leased. Whether or not a use is permitted in a specific Eastern
22 Neighborhood Mixed Use District ~~and South of Market Mixed Use District~~ is generally set forth,
23 summarized or cross-referenced in Sections 813 through ~~818~~814 and 840 through ~~847~~848 of
24 this Code for each district class.

1 (b) **Use Limitations.** Uses in Eastern Neighborhood Mixed Use Districts *and South of*
2 *Market Mixed Use Districts* are either permitted, conditional, accessory, temporary or are not
3 permitted.

4 (1) **Permitted Uses.** If there are two or more uses in a structure, any use not
5 classified below under Section 803.3(b)(1)(C) of this Code as Accessory will be considered
6 separately as an independent permitted, Conditional, temporary or not permitted use.

7 (A) **Principal Uses.** Principal uses are permitted as of right in an
8 Eastern Neighborhood Mixed Use District *and South of Market Mixed Use District*, when so
9 indicated in Sections 813 through ~~818~~814 and 840 through ~~847~~848 of this Code for the district.
10 Additional requirements and conditions may be placed on particular uses as provided
11 pursuant to Section 803.5 through 803.9 and other applicable provisions of this Code.

12 (B) **Conditional Uses.** Conditional uses are permitted in an Eastern
13 Neighborhood Mixed Use District *and South of Market Mixed Use District*, when authorized by
14 the Planning Commission; whether a use is conditional in a given district is generally indicated
15 in Sections 813 through ~~818~~814 and 840 through ~~847~~848 of this Code. Conditional Uses are
16 subject to the applicable provisions set forth in Sections 178, 179, ~~263.11~~, 303, 316, and 803.5
17 through 803.9 of this Code.

18 * * * *

19 (C) **Accessory Uses.** Subject to the limitations set forth below and in
20 Sections 204.1 (Accessory Uses for Dwelling Units in R and NC Districts), 204.2 (Accessory
21 Uses for Uses Other Than Dwellings in R Districts), 204.4 (Dwelling Units Accessory to Other
22 Uses), and 204.5 (Parking and Loading as Accessory Uses) of this Code, an accessory use is
23 a related minor use which is either necessary to the operation or enjoyment of a lawful
24 Principal Use or Conditional Use, or is appropriate, incidental and subordinate to any such
25 use, and shall be permitted as an Accessory Use in an Eastern Neighborhoods Mixed Use

1 District ~~and South of Market Mixed Use District~~. In order to accommodate a Principal Use which
2 is carried out by one business in multiple locations within the same general area, such
3 Accessory Use need not be located in the same structure or lot as its Principal Use provided
4 that (1) the Accessory Use is located within 1,000 feet of the Principal Use; and (2) the
5 multiple locations existed on April 6, 1990. Accessory Uses to non-office uses (as defined in
6 Section 890.70) may occupy space which is non-contiguous or on a different Story as the
7 Principal Use so long as the Accessory Use is located in the same building as the Principal
8 Use and complies with all other restrictions applicable to such Accessory Uses. Any use
9 which does not qualify as an Accessory Use shall be classified as a Principal Use.

10 No use will be considered accessory to a Principal Use which involves or requires any
11 of the following:

12 (i) The use of more than one-third of the total Occupied Floor Area
13 which is occupied by both the accessory use and principal use to which it is accessory,
14 combined, except in the case of accessory off-street parking or loading which shall be subject
15 to the provisions of Sections 151, 156 and 303 of this Code;

16 (ii) A hotel, motel, inn, hostel, adult entertainment, massage
17 establishment, large fast food restaurant, or movie theater use in a RED, RED-MX, SPD, ~~RSD,~~
18 ~~SLR, SLL, SSO,~~ DTR, MUG, WMUG, MUR, MUO, CMUO, WMUO, SALI or UMU District;

19 (iii) Any take-out food use, except for a take-out food use which
20 occupies 100 square feet or less (including the area devoted to food preparation and service
21 and excluding storage and waiting areas) in a restaurant, bar, catering establishment, bakery,
22 retail grocery or specialty food store.

23 (iv) Any sign not conforming to the limitations of Section
24 607.2(f)(3).

25 (v) Medical Cannabis Dispensaries as defined in 890.133.

1 (vi) Any nighttime entertainment use, as defined in Section 102;
2 provided, however, that a Limited Live Performance Permit as set forth in Police Code Section
3 1060et seq. is allowed in any District except for an RED, RED-MX, ~~RSD, SLR,~~ MUR, or MUG
4 District.

5 (vii) Cannabis Retail that does not meet the limitations set forth in
6 204.3(a)(3).

7 (D) **Temporary Uses.** Temporary uses not otherwise permitted are
8 permitted in Eastern Neighborhoods Mixed Use Districts ~~and South of Market Mixed Use Districts~~
9 to the extent authorized by Sections 205 through 205.3 of this Code.

10 * * * *

11 **SEC. 803.4. USES PROHIBITED IN SOUTH OF MARKET AND EASTERN**
12 **NEIGHBORHOODS MIXED USE DISTRICTS.**

13 (a) ~~Uses which are not specifically listed in this Article or Article 6 are not permitted in South~~
14 ~~of Market Mixed Use Districts unless they qualify as a nonconforming use pursuant to Sections 180~~
15 ~~through 186.1 of this Code or are determined by the Zoning Administrator to be permitted uses in~~
16 ~~accordance with Section 307(a) of this Code. Uses not permitted in any South of Market District~~
17 ~~include, but are not limited to, the following: Adult entertainment, bookstore or theater; amusement~~
18 ~~game arcade or similar enterprise (except as permitted in the Service/Light Industrial District);~~
19 ~~shooting gallery; general advertising signs, except in the South of Market General Advertising Special~~
20 ~~Sign District; animal kennel, riding academy or livery stable; automobile, truck, van, recreational~~
21 ~~vehicle/trailer or camper sales, lease or rental; auto tow of inoperable vehicles; auto wrecking~~
22 ~~operation; drive up facility; hotel (except as permitted as a conditional use as provided in Planning~~
23 ~~Code Section 818, Service/Secondary Office District), motel, hostel, inn, or bed and breakfast~~
24 ~~establishment; heavy industry subject to Section 226(e) through (w) of this Code; junkyard; landing~~
25 ~~field for aircraft; massage establishment subject to Section 218.1 of this Code; except in the~~

1 ~~Residential/Service Mixed Use District when provided in conjunction with full-service spa services;~~
2 ~~mortuary; movie theater and sports stadium or arena.~~

3 (b) No use, even though listed as a permitted use or otherwise allowed, shall be
4 permitted in ~~an~~ ~~South of Market District or~~ Eastern Neighborhood Mixed Use District ~~which~~that,
5 by reason of its nature or manner of operation, creates conditions that are hazardous,
6 noxious, or offensive through the emission of odor, fumes, smoke, cinders, dust, gas,
7 vibration, glare, refuse, water-carried waste, or excessive noise.

8 * * * *

9 **SEC. 803.5. GOOD NEIGHBOR POLICIES GOVERNING USES IN MIXED USE**
10 **DISTRICTS.**

11 (a) **Eating and Drinking Uses in Mixed Use Districts.** Within Mixed Use Districts,
12 the Operating Conditions of Section 202.2(a) shall apply to all Eating and Drinking Uses.

13 (b) **Good Neighbor Policies for Nighttime Entertainment Activities in Eastern**
14 **Neighborhoods Mixed Use Districts,** ~~South of Market Mixed Use Districts~~ **and Downtown**
15 **Residential Districts.** Within Eastern Neighborhoods Mixed Use Districts, ~~South of Market~~
16 ~~Mixed Use Districts,~~ and Downtown Residential Districts where nighttime entertainment
17 activities, as defined by Section 102.17 of this Code, are permitted as a principal or
18 conditional use shall not be allowed except on conditions which, in the judgment of the Zoning
19 Administrator or City Planning Commission, as applicable, are reasonably calculated to insure
20 that the quiet, safety and cleanliness of the premises and vicinity are maintained. Such
21 conditions shall include, but not be limited to, the following:

22 * * * *

23 (c) **Good Neighbor Policies for Programs Serving Indigent Transient and**
24 **Homeless Populations Within the Eastern Neighborhoods Mixed Use Districts** ~~and South~~
25 ~~of Market Mixed Use Districts.~~ Within the Eastern Neighborhoods Mixed Use Districts ~~and South~~

1 of *Market Mixed Use Districts* where social services are allowed as a Conditional Use pursuant
2 to Sections 813.21 through 843.21 (Social Services), some or all of the following conditions
3 shall, when appropriate for specific cases, be placed upon any applicable City permits for the
4 proposed establishment:

5 * * * *

6 ***SEC. 803.8. HOUSING IN MIXED USE DISTRICTS.***

7 ~~*(a) Low-Income Affordable Housing Within the Service/Light Industrial District. Dwelling*~~
8 ~~*units and SRO units may be authorized in the SLI District as a conditional use pursuant to Sections*~~
9 ~~*303, 316, 817.14, and 817.16 of this Code provided that such dwellings units shall be rented, leased or*~~
10 ~~*sold at rates or prices affordable to a household whose income is no greater than 80 percent of the*~~
11 ~~*median income for households in San Francisco ("lower income household"), as determined by Title 25*~~
12 ~~*of the California Code of Regulations Section 6932 and implemented by the Mayor's Office of Housing.*~~

13 ~~*(1) "Affordable to a household" shall mean a purchase price that a lower income*~~
14 ~~*household can afford to pay based on an annual payment for all housing costs of 33 percent of the*~~
15 ~~*combined household annual net income, a 10-percent down payment, and available financing, or a rent*~~
16 ~~*that a household can afford to pay, based on an annual payment for all housing costs of 30 percent of*~~
17 ~~*the combined annual net income.*~~

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

- 20 ~~*(A) For a one-bedroom unit, a household of two persons;*~~
- 21 ~~*(B) For a two-bedroom unit, a household of three persons;*~~
- 22 ~~*(C) For a three-bedroom unit, a household of four persons;*~~
- 23 ~~*(D) For a four-bedroom unit, a household of five persons.*~~

24 ~~*(3) No conditional use permit will be approved pursuant to this Subsection 803.8(b)*~~
25 ~~*unless the applicant and City have agreed upon enforcement mechanisms for the provisions of this*~~

1 ~~Subsection which are acceptable to the City Attorney. Such enforcement mechanisms may include, but~~
2 ~~not be limited to, a right of first refusal in favor of the City, or a promissory note and deed of trust.~~

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

10 ~~(b) **Housing Requirement in the Residential/Service District.**~~

11 ~~(1) **Amount Required.** Nonresidential uses subject to Sections 815.26, 815.28, 815.30,~~
12 ~~815.31 through 815.47, and 815.59 through 815.65, of this Code shall be permitted in new construction~~
13 ~~in the Residential/Service District only if the ratio between the amount of occupied floor area for~~
14 ~~residential use to the amount of occupied floor area of the above-referenced nonresidential use is three~~
15 ~~to one or greater.~~

16 ~~(2) **Means of Satisfying the Housing Requirement.**~~

17 ~~(A) The residential space required pursuant to this Subsection may be satisfied~~
18 ~~by payment of a one-time in-lieu fee equal to \$30 per square foot of residential space required by this~~
19 ~~Subsection and not provided on-site payable to the City's Affordable Housing Fund administered by the~~
20 ~~Mayor's Office of Housing; or~~

21 ~~(B) The residential space requirement may be satisfied by providing the~~
22 ~~required residential space elsewhere within the South of Market Mixed Use District where housing is~~
23 ~~permitted or conditional and is approved as a conditional use.~~

1 ~~(c) **Housing Requirement in the Mixed Use—Residential (MUR) District.** In new~~
2 ~~construction in the MUR District, three square feet of gross floor area for residential use is required~~
3 ~~for every one gross square foot of permitted nonresidential use, subject to Section 841 of this Code.~~

4 **SEC. 803.9. COMMERCIAL USES IN MIXED USE DISTRICTS.**

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

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

1 **Residential (MUR) District.** In new construction in the MUR District, three square feet of Gross Floor
2 Area for Residential Use is required for every one gross square foot of permitted Non-Residential Use,
3 subject to Section 841.

4 (b) **Preservation of Historic Buildings within Certain Eastern Neighborhoods**
5 **Mixed Use Districts.** The following controls are intended to support the economic viability of
6 buildings of historic importance within Eastern Neighborhoods.

7 (1) This subsection applies only to buildings in SPD, MUG, MUO, CMUO, or
8 MUR Districts that are designated landmark buildings or contributory buildings within a
9 designated historic district ~~per~~pursuant to Article 10 of the Planning Code, or buildings listed on
10 or determined eligible for the California Register of Historical Resources by the State Office of
11 Historic Preservation.

12 (A) All uses are principally permitted, provided that:

13 (i) The project does not contain any nighttime entertainment use.

14 (ii) Prior to the issuance of any necessary permits, the Zoning
15 Administrator, with the advice of the Historic Preservation Commission, determines that
16 allowing the use will enhance the feasibility of preserving the building.

17 (iii) Residential uses meet the affordability requirements of the
18 Residential Inclusionary Affordable Housing Program set forth in Section 415 through 415.9.

19 (B) The Historic Preservation Commission shall review the proposed
20 project for compliance with the Secretary of the Interior's Standards, (36 C.F.R. § 67.7 (2001))
21 and any applicable provisions of the Planning Code.

22 * * * *

23 (d) ~~**Automated Bank Teller Machines Within South of Market Districts.** All automated bank~~
24 ~~teller machines (ATMs), whether freestanding structures or walk-up facilities associated with retail~~
25 ~~banking operations, shall have adequate lighting, waste collection facilities and parking resources.~~

1 ~~(e)~~ **Open Air Sales.** Flea markets, farmers markets, crafts fairs and all other open air
2 sales of new or used merchandise except vehicles, within ~~South of Market Mixed Use and~~
3 Eastern Neighborhoods Mixed Use Districts, where permitted, shall be subject to the following
4 requirements: (1) the sale of goods and the presence of booths or other accessory
5 appurtenances shall be limited to weekend and/or holiday daytime hours; (2) sufficient
6 numbers of publicly-accessible toilets and trash receptacles shall be provided on-site and
7 adequately maintained; and (3) the site and vicinity shall be maintained free of trash and
8 debris.

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

17 ~~(g) Work Space of Design Professionals. The work space of design professionals, as defined in~~
18 ~~Section 890.28 of this Code, shall be permitted as a principal use within the SLR, RSD and SLI~~
19 ~~Districts provided that, as a condition of issuance of any necessary permits, the owner(s) of the~~
20 ~~building shall agree to comply with the following provisions:~~

21 ~~(1) The occupied floor area devoted to this use per building is limited to the third story~~
22 ~~or above;~~

23 ~~(2) The gross floor area devoted to this use per building does not exceed 3,000 square~~
24 ~~feet per design professional establishment;~~

1 ~~(3) The space within the building subject to this provision has not been in residential~~
2 ~~use within a legal dwelling unit at any time within a five-year period prior to application for conversion~~
3 ~~under this Subsection; and~~

4 ~~(4) The owner(s) of the building comply with the following enforcement and monitoring~~
5 ~~procedures;~~

6 ~~(i) The owner(s) of any building with work space devoted to design professional~~
7 ~~use as authorized pursuant to this Subsection shall submit an annual enforcement report to the~~
8 ~~Department of City Planning with a fee in an amount to be determined periodically by the City~~
9 ~~Planning Commission to pay for the cost of enforcement of this Subsection. The fee shall not exceed the~~
10 ~~amount of such costs. The report shall provide information regarding occupants of such space, the~~
11 ~~amount of square footage of the space used by each design professional establishment, amount of~~
12 ~~vacant space, compliance with all relevant City codes, and any other information the Zoning~~
13 ~~Administrator may require to fulfill the intent of this Subsection;~~

14 ~~(ii) The owner(s) of any building containing work space of design professionals~~
15 ~~authorized pursuant to this Subsection shall permit inspection of the premises by an authorized City~~
16 ~~official to determine compliance with the limitations of this Subsection. The City shall provide~~
17 ~~reasonable notice to owners prior to inspecting the premises;~~

18 ~~(iii) The owner(s) of any building containing work space of design professionals~~
19 ~~authorized pursuant to this Subsection shall record a Notice of Special Restriction, approved by the~~
20 ~~City Planning Department prior to recordation, on the property setting forth the limitations required by~~
21 ~~this Subsection. The Department of City Planning shall keep a record available for public review of all~~
22 ~~space for design professionals authorized by this Subsection.~~

23 ~~(h)~~ **Vertical Controls for Office Uses.**

24 * * * *

25 **Table 803.9(h)**

1 * * * *

2 (i)g) **Retail Controls in the MUG, MUO, CMUO, and UMU Districts.** In the MUG,
3 MUO, CMUO, and UMU District, up to 25,000 gross square feet of retail use (as defined in
4 Section 890.104 of this Code) is permitted per lot. Above 25,000 gross square feet, three
5 gross square feet of other uses permitted in that District are required for every one gross
6 square foot of retail. In the UMU District, gyms, as defined in Sec. 218(d), are exempt from
7 this requirement. In the CMUO District, Tourist Hotels, as defined in Sec. 890.46, are exempt from
8 this requirement.

9 **SEC. 809. GUIDE TO UNDERSTANDING THE MIXED USE DISTRICT ZONING**
10 **CONTROLS.**

11 Mixed Use District controls are set forth in the Zoning Control Tables in Sections 810
12 through 818, and in Sections 825, 827 through 843 or referenced in Section 899 of this Code.

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

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

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

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

21 The following symbols are used in this table:

22 P - Permitted as a principal use.

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

24 - A blank space on the tables in Sections 810 through 812 indicates that the use
25 or feature is not permitted within the Chinatown Mixed Use Districts. Unless a

1 use or feature is permitted or required in the Chinatown Mixed Use Districts as
 2 set forth in the Zoning Control Tables or in those sections referenced in Section
 3 899 of this Code, such use or feature is prohibited, unless determined by the
 4 Zoning Administrator to be a permitted use.

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

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

14 **SEC. 813. RED – RESIDENTIAL ENCLAVE DISTRICT.**

15 Residential Enclave Districts (RED) encompass many of the clusters of low-scale,
 16 medium density, predominantly residential neighborhoods located along the narrow side
 17 streets of the South of Market area. Within these predominantly residential enclaves lie a
 18 number of vacant parcels, parking lots and other properties in open storage use. These
 19 properties are undeveloped or underdeveloped and are viewed as opportunity sites for new,
 20 moderate-income, in-fill housing.

21 * * * *

Table 813			
RED - RESIDENTIAL ENCLAVE DISTRICT ZONING CONTROL TABLE			
No.	Zoning Category	§ References	Residential Enclave Controls
* * * *			

USES			
* * * *			
Other Uses			
* * * *			
813.66	Open Air Sales	§§ 803.9(<i>ed</i>), 890.38	NP
* * * *			

* * * *

SEC. 814. SPD – SOUTH PARK DISTRICT.

* * * *

Table 814 SPD – SOUTH PARK DISTRICT ZONING CONTROL TABLE			
No.	Zoning Category	§ References	Residential/Service Mixed Use District Controls
Institutions			
* * * *	* * * * *	* * * *	* * * *
814.23	Medical Cannabis Dispensary	§§ <u>102.</u> <u>202.2(e).</u> 890.133	<u>PC</u> #
* * * *	* * * * *	* * * *	* * * *

~~SEC. 815. RSD – RESIDENTIAL/SERVICE MIXED USE DISTRICT.~~

~~The Residential/Service Mixed Use District (RSD) runs along Harrison St. between 4th St. and 5th St. The RSD serves as a housing opportunity area within the South of Market Mixed Use Districts. The district controls are intended to facilitate the development of high density, mid-rise housing, including residential hotels and live/work units, while also encouraging the expansion of retail, business service and commercial and cultural arts activities. Accessory Dwelling Units are permitted within the district pursuant to subsection 207(e)(4) of this Code.~~

~~Residential hotels are subject to flexible standards for parking, rear yard/open space and density. Continuous ground floor commercial frontage with pedestrian-oriented retail activities along major thoroughfares is encouraged.~~

~~General office, hotels, nighttime entertainment, adult entertainment, massage establishment, movie theaters and heavy industrial uses are not permitted, except that massages services are authorized as a conditional use in the Residential/Service Mixed Use District when provided in conjunction with full-service spa services.~~

Table 815			
RSD — RESIDENTIAL/SERVICE MIXED USE DISTRICT ZONING CONTROL TABLE			
No.	Zoning Category	§ References	Residential/Service Mixed Use District Controls
815.01	Height		Map, generally ranges from 40 to 85 feet See Sectional Zoning Map 1
815.02	Bulk	§ 270	See Sectional Zoning Map 1
815.03	Residential Density Limit	§§ 124(b), 207.5, 208	1:200 for dwellings in projects below 40 ft., above 40 ft. density to be determined as part of Conditional Use process; 1

1			<i>bedroom for each 70 sq. ft. of lot area</i>
2			<i>for group housing</i>
3	815.04	<i>Non Residential Density Limit</i>	§§ 102, 123,
4			124, 127
5			<i>Generally, 1.8 to 1 floor area ratio</i>
6			<i>subject to § 803.5(j)</i>
7	815.05	<i>Usable Open Space for Dwelling</i>	§ 135
8		<i>Units and Group Housing</i>	
9			<i>36 sq. ft. per unit if private, 48 sq. ft. if</i>
10			<i>common</i>
11	815.06	<i>Usable Open Space for Live/Work</i>	§ 135.2
12		<i>Units in Newly Constructed</i>	
13		<i>Buildings or Additions</i>	
14			<i>36 sq. ft. per unit</i>
15	815.07	<i>Usable Open Space for Other Uses</i>	§ 135.3
16			<i>Varies by use</i>
17	815.09	<i>Outdoor Activity Area</i>	§ 890.71
18			<i>P</i>
19	815.10	<i>Walk-Up Facility, except</i>	§ 890.140
20		<i>Automated Bank Teller Machine</i>	
21			<i>P</i>
22	815.11	<i>Automated Bank Teller Machine</i>	§ 803.5(d)
23			<i>P</i>
24	815.12	<i>Residential Conversion or Merger</i>	§ 317
25			<i>€ for Removal of one or more</i>
26			<i>Residential Units or Unauthorized</i>
27			<i>Units.</i>
28	815.13	<i>Residential Demolition</i>	§ 317
29			<i>€ for Removal of one or more</i>
30			<i>Residential Units or Unauthorized</i>
31			<i>Units.</i>
32	<i>Residential Use</i>		
33	815.14	<i>Dwelling Units</i>	§ 102.7
34			<i>P</i>
35	815.15	<i>Group Housing</i>	§ 890.88(b)
36			<i>€</i>

1	815.16	<i>SRO Units</i>	§ 890.88(e)	P
2	815.16B	<i>Homeless Shelters</i>	§§ 102, 890.88(d)	C
4	<i>Institutions</i>			
5	815.17	<i>Hospital, Medical Centers</i>	§ 890.44	NP
6	815.18	<i>Residential Care</i>	§ 890.50(e)	C
7	815.19	<i>Educational Services</i>	§ 890.50(e)	P
8	815.20	<i>Religious Facility</i>	§ 890.50(d)	C
9	815.21	<i>Assembly and Social Service, except Open Recreation and Horticulture</i>	§ 890.50(a)	C
10	815.22	<i>Child Care</i>	§ 102	P
11	815.23	<i>Medical Cannabis Dispensary</i>	§ 890.133	P#
12	<i>Vehicle Parking</i>			
13	815.25	<i>Automobile Parking Lot, Community Residential</i>	§ 890.7	P
14	815.26	<i>Automobile Parking Garage, Community Residential</i>	§ 890.8	C, pursuant to § 803.8(e)
15	815.27	<i>Automobile Parking Lot, Community Commercial</i>	§ 890.9	P
16	815.28	<i>Automobile Parking Garage, Community Commercial</i>	§ 890.10	C, pursuant to § 803.8(e)

1	815.29	Automobile Parking Lot, Public	§ 890.11	P
2	815.30	Automobile Parking Garage, Public	§ 890.12	C, pursuant to § 803.8(c)
3	<i>Retail Sales and Services</i>			
4	815.31	All Retail Sales and Services which are not Office Uses or prohibited by § 803.4, including Bars, Limited Restaurants, Restaurants, Cannabis Retail, and Personal Services	§§ 102, 890.104	P, pursuant to § 803.8(c)
5	815.33	Fringe Financial Service	§§ 249.35, 890.113	P #
6	815.34	Tobacco Paraphernalia Establishments	§ 890.123	C
7	815.34A	Massage Establishment	§ 890.60 Art. 29 Health Code	C #
8	<i>Assembly, Recreation, Arts and Entertainment</i>			
9	815.37	Nighttime Entertainment	§§ 102.17, 181(f), 803.5(b)	NP
10	815.38	Meeting Hall, not falling within Category 815.21	§ 221(c)	C, pursuant to § 803.8(c)

1	815.39	<i>Recreation Building, not falling within Category 815.21</i>	§ 221(e)	<i>C, pursuant to § 803.8(c)</i>
2				
3	815.40	<i>Pool Hall, Card Club, not falling within Category 815.21</i>	§§ 221(f); 803.4	<i>P, pursuant to § 803.8(c)</i>
4				
5	815.41	<i>Theater, falling within § 221(d), except Movie Theater</i>	§§ 221(d); 890.64	<i>P, pursuant to § 803.8(c)</i>
6				
7	<i>Home and Business Service</i>			
8				
9	815.42	<i>Trade Shop</i>	§ 890.124	<i>P, pursuant to § 803.8(c)</i>
10	815.43	<i>Catering Services</i>	§ 890.25	<i>P, pursuant to § 803.8(c)</i>
11	815.45	<i>Business Goods and Equipment Repair Service</i>	§ 890.23	<i>P, pursuant to § 803.8(c)</i>
12				
13	815.46	<i>Arts Activities, other than Theaters</i>	§ 102.2	<i>P, pursuant to § 803.8(c)</i>
14	815.47	<i>Business Services</i>	§ 890.111	<i>P, pursuant to § 803.8(c)</i>
15	<i>Office</i>			
16				
17	815.48	<i>Office Uses in Landmark Buildings or Contributory Buildings in Historic Districts</i>	§ 803.9(a)	<i>C</i>
18				
19				
20	815.49	<i>Work Space of Design Professionals</i>	§§ 803.9(g); 890.28	<i>P, subject to § 803.9(g)</i>
21				
22	815.50	<i>All Other Office Uses</i>	§ 890.70	<i>NP</i>
23	<i>Live/Work Units</i>			
24				
25				

1			
2	815.51	<i>Live/Work Units where the work activity is an Arts Activity</i>	§§ 102.2, 102.13, 209.9(f) and (g), 233
3			<i>P</i>
4			
5	815.52	<i>Live/Work Units where all the work activity is otherwise permitted as a Principal Use</i>	§§ 102.13, 233
6			<i>P</i>
7			
8	815.53	<i>Live/Work Units where the work activity is otherwise permitted as a Conditional Use</i>	§ 233
9			<i>C</i>
10			
11	815.54	<i>Live/Work Units in Landmark Buildings or Contributory Buildings in Historic Districts</i>	§ 803.9(a)
12			<i>C</i>
13			
14	815.55	<i>All other Live/Work Units</i>	
15			<i>NP</i>
16	<i>Motor Vehicle Services</i>		
17	815.57	<i>Vehicle Storage – Open Lot</i>	§ 890.131
18			<i>NP</i>
19	815.58	<i>Vehicle Storage – Enclosed Lot or Structure</i>	§ 890.132
20			<i>P</i>
21	815.59	<i>Motor Vehicle Service Station, Automotive Wash</i>	§§ 890.18, 890.20
22			<i>P, pursuant to § 803.8(c)</i>
23	815.60	<i>Motor Vehicle Repair</i>	§ 890.15
24			<i>P, pursuant to § 803.8(c)</i>
25	815.61	<i>Motor Vehicle Tow Service</i>	§ 890.19
			<i>C, § 803.8(c)</i>
	815.62	<i>Non-Auto Vehicle Sales or Rental</i>	§ 890.69
			<i>P, § 803.8(c)</i>

1	815.63	Public Transportation Facilities	§ 890.80	C, pursuant to § 803.8(c)
2	Industrial			
3	815.64	Wholesale Sales	§ 890.54(b)	P, pursuant to § 803.8(c)
4	815.65	Light Manufacturing	§ 890.54(a)	P, pursuant to § 803.8(c)
5	815.66	Storage	§ 890.54(e)	P
6	815.67	All Other Wholesaling, Storage, Distribution and Open Air Handling of Materials and Equipment	§ 225	P
7	Other Uses			
8	815.68	Animal Services	§ 224	NP
9	815.69	Open Air Sales	§§ 803.9(c), 890.38	P
10	815.70	Ambulance Service	§ 890.2	NP
11	815.71	Open Recreation	§§ 209.5(a), 209.5(b)	P
12	815.72	Public Use, except Public Transportation Facility	§ 890.80	C
13	815.74A	Industrial Agriculture	§ 102	NP
14	815.74B	Neighborhood Agriculture	§ 102	P
15	815.74C	Large-Scale Urban Agriculture	§ 102	C
16	815.75	Mortuary Establishment	§ 227(e)	NP
17				
18				
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1 2	815.76	General Advertising Sign	§ 607.2(b) & (e)	NP
3 4	815.99	Wireless Telecommunications Services Facility	§ 102	C; P if the facility is a Micro WTS Facility

SPECIFIC PROVISIONS FOR RSD DISTRICTS

7 8 9	<i>Article Code Section</i>	<i>Other Code Section</i>	<i>Zoning Controls</i>
10 11 12 13 14 15 16 17	§ 815 § 815.03	§ 207(c)(4)	<p><i>ACCESSORY DWELLING UNITS</i></p> <p><i>Boundaries:</i> <i>Within the boundaries of the Residential/Service Mixed Use District.</i></p> <p><i>Controls:</i> <i>An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(c)(4) is permitted to be constructed within an existing building in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot.</i></p>
18 19 20 21 22 23 24	§ 815.23 § 890.133		<p><i>Only those medical cannabis dispensaries that can demonstrate to the Planning Department they were in operation as of April 1, 2005 and have remained in continuous operation or that were not in continuous operation since April 1, 2005, but can demonstrate to the Planning Department that the reason for their lack of continuous operation was not closure due to an actual violation of federal, state or local law, may apply for a medical cannabis dispensary permit in an RSD District.</i></p>

<p>1</p> <p>2</p> <p>3</p> <p>§ 815.33</p>	<p>§ 249.35</p> <p>§ 890.113</p>	<p><i>Fringe Financial Services are P subject to the restrictions set forth in Section 249.35, including, but not limited to, the proximity restrictions set forth in Subsection 249.35(c)(3).</i></p>
<p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>§ 815.34A</p>	<p>§ 890.60</p> <p>Art. 29</p> <p>Health Code</p>	<p>MESSAGE ESTABLISHMENT</p> <p>Controls. <i>Massage shall generally be subject to Conditional Use authorization. Only those businesses that can demonstrate to the satisfaction of the Planning Commission that massage services are provided in conjunction with full-service spa services are authorized to provide massage services.</i></p> <p><i>Certain exceptions to the Conditional Use authorization for massage are described in Section 303(n). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the criteria described in Section 303(n) and 890.60(b).</i></p>

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SEC. 816. SLR SERVICE/LIGHT INDUSTRIAL/RESIDENTIAL MIXED USE DISTRICT.

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The Service/Light Industrial/Residential (SLR) Mixed Use District is designed to maintain and facilitate the growth and expansion of small-scale light industrial, home and business service, wholesale distribution, arts production and performance/exhibition activities, live/work use, general commercial and neighborhood serving retail and personal service activities while protecting existing housing and encouraging the development of housing and live/work space at a scale and density compatible with the existing neighborhood.

Housing and live/work units are encouraged over ground floor commercial/service/light industrial activity. New residential or mixed use developments are encouraged to provide as much mixed income rental housing as possible. Existing group housing and dwelling units would be protected from demolition or conversion to nonresidential use by requiring conditional use review. Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this Code.

General office, hotels, nighttime entertainment, movie theaters, adult entertainment and heavy industrial uses are not permitted.

Table 816			
SLR SERVICE/LIGHT INDUSTRIAL/RESIDENTIAL MIXED USED DISTRICT			
ZONING CONTROL TABLE			
No.	Zoning Category	§ References	Service/Light Industrial/ Residential Mixed Use District Controls
816.01	<i>Height Limit Designation</i>	See Zoning Map	As shown on Sectional Maps 1 and 7 of the Zoning Map; generally ranges from 40 to 65 feet
816.02	<i>Bulk Limit Designation</i>	See Zoning Map, § 270	As shown on Sectional Maps 1 and 7 of the Zoning Map
816.03	<i>Residential Density Limit</i>	§§ 124, 207.5, 208	1:200 for dwelling units #; 1 bedroom for each 70-sq. ft. of lot area for group housing
816.04	<i>Non-Residential Density Limit</i>	§§ 102, 123, 124, 127	Generally, 2.5 to 1 floor area ratio

1		<i>Usable Open Space for</i>	<i>§ 135</i>	<i>60 sq. ft. per unit if private, 80 sq. ft. if</i>
2	816.05	<i>Dwelling Units and Group</i>		<i>common</i>
3		<i>Housing</i>		
4		<i>Usable Open Space for</i>	<i>§ 135.2</i>	<i>36 sq. ft. per unit</i>
5	816.06	<i>Live/Work Units in Newly</i>		
6		<i>Constructed Buildings or</i>		
7		<i>Additions</i>		
8		<i>Usable Open Space for Other</i>	<i>§ 135.3</i>	<i>Varies by use</i>
9	816.07	<i>Uses</i>		
10	816.09	<i>Outdoor Activity Area</i>	<i>§ 90.71</i>	<i>P</i>
11		<i>Walk up Facility, including</i>	<i>§§ 803.9(d),</i>	<i>P</i>
12	816.10	<i>Automated Bank Teller</i>	<i>§ 90.140</i>	
13		<i>Machine</i>		
14		<i>Residential Conversion or</i>	<i>§ 317</i>	<i>C for Removal of one or more Residential</i>
15	816.12	<i>Merger</i>		<i>Units or Unauthorized Units</i>
16		<i>Residential Demolition</i>	<i>§ 317</i>	<i>C for Removal of one or more Residential</i>
17	816.13			<i>Units or Unauthorized Units</i>
18				
19	<i>Residential Use</i>			
20	816.14	<i>Dwelling Units</i>	<i>§ 102.7</i>	<i>P</i>
21	816.15	<i>Group Housing</i>	<i>§ 890.88(b)</i>	<i>C</i>
22	816.16	<i>SRO Units</i>	<i>§ 890.88(c)</i>	<i>P</i>
23	816.16B	<i>Homeless Shelters</i>	<i>§§ 102, 890.88(d)</i>	<i>C</i>
24				
25				

1	<i>Institutions</i>			
2	816.17	<i>Hospital, Medical Centers</i>	§ 890.44	NP
3	816.18	<i>Residential Care</i>	§ 890.50(e)	C
4	816.19	<i>Educational Services</i>	§ 890.50(c)	P
5	816.20	<i>Religious Facility</i>	§ 890.50(d)	P
6	816.21	<i>Assembly and Social Service, except Open Recreation and Horticulture</i>	§ 890.50(a)	C
7	816.22	<i>Child Care</i>	§ 102	P
8	816.23	<i>Medical Cannabis Dispensary</i>	§ 890.133	P #
9	<i>Vehicle Parking</i>			
10	816.25	<i>Automobile Parking Lot, Community Residential</i>	§ 890.7	P
11	816.26	<i>Automobile Parking Garage, Community Residential</i>	§ 890.8	P
12	816.27	<i>Automobile Parking Lot, Community Commercial</i>	§ 890.9	P
13	816.28	<i>Automobile Parking Garage, Community Commercial</i>	§ 890.10	P
14	816.29	<i>Automobile Parking Lot, Public</i>	§ 890.11	P

1	816.30	<i>Automobile Parking Garage, Public</i>	§ 890.12	€
2				
3	<i>Retail Sales and Services</i>			
4	816.31	<i>All Retail Sales and Services which are not Office Uses or prohibited by § 803.4, including Bars, Limited Restaurants, Restaurants, Cannabis Retail, and Personal Services</i>	§§ 102, 890.104	P
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11	816.33	<i>Fringe Financial Service</i>	§§ 249.35, 890.113	P #
12				
13	816.34	<i>Tobacco Paraphernalia Establishments</i>	§ 890.123	€
14				
15	<i>Assembly, Recreation, Arts and Entertainment</i>			
16	816.36	<i>Arts Activity, other than Theater</i>	§ 102.2	P
17				
18	816.37	<i>Nighttime Entertainment</i>	§§ 102.17, 181(f), 803.5(b)	NP
19				
20	816.38	<i>Meeting Hall, not falling within Category 816.21</i>	§ 221(e)	€
21				
22	816.39	<i>Recreation Building, not falling within Category 816.21</i>	§ 221(e)	€
23				
24				
25				

1		<i>Pool Hall, Card Club, not</i>	§§ 221(f), 803.4	
2	816.40	<i>falling within Category</i>		<i>P</i>
3		<i>816.21</i>		
4		<i>Theater, falling within §</i>	§§ 221(d), 890.64	
5	816.41	<i>221(d), except Movie Theater</i>		<i>P</i>
6	<i>Home and Business Service</i>			
7	816.42	<i>Trade Shop</i>	§ 890.124	<i>P</i>
8	816.43	<i>Catering Service</i>	§ 890.25	<i>P</i>
9	816.45	<i>Business Goods and</i>	§ 890.23	
10		<i>Equipment Repair Service</i>		<i>P</i>
11	816.47	<i>Business Service</i>	§ 890.111	<i>P</i>
12	<i>Office</i>			
13	816.48	<i>Office Uses in Landmark</i>	§ 803.9(a)	<i>€</i>
14		<i>Buildings or Contributory</i>		
15		<i>Buildings in Historic Districts</i>		
16	816.49	<i>Work Space of Design</i>	§§ 803.9(g),	<i>P, subject to § 803.9(g)</i>
17		<i>Professionals</i>	890.28	
18	816.50	<i>All Other Office Uses</i>	§ 890.70	<i>NP</i>
19	<i>Live/Work Units</i>			
20	816.51	<i>Live/Work Units where the</i>	§§ 102.2, 102.13,	
21		<i>work activity is an Arts</i>	209.9(f) and (g),	<i>P</i>
22		<i>Activity</i>	233	

1		<i>Live/Work Units where all the</i>	§§ 102.13, 233	
2	816.52	<i>work activity is otherwise</i>		<i>P</i>
3		<i>permitted as a Principal Use</i>		
4		<i>Live/Work Units where the</i>	§ 233	
5	816.53	<i>work activity is otherwise</i>		<i>C</i>
6		<i>permitted as a Conditional</i>		
7		<i>Use</i>		
8		<i>Live/Work Units in Landmark</i>	§ 803.9(a)	
9	816.54	<i>Buildings or Contributory</i>		<i>C</i>
10		<i>Buildings in Historic Districts</i>		
11	816.55	<i>All Other Live/Work Units</i>		<i>NP</i>
12	<i>Motor Vehicle Services</i>			
13				
14	816.57	<i>Vehicle Storage – Open Lot</i>	§ 890.131	<i>NP</i>
15		<i>Vehicle Storage – Enclosed</i>	§ 890.132	
16	816.58	<i>Lot or Structure</i>		<i>P</i>
17		<i>Motor Vehicle Service</i>	§§ 890.18, 890.20	
18	816.59	<i>Station, Automotive Wash</i>		<i>P</i>
19	816.60	<i>Motor Vehicle Repair</i>	§ 890.15	<i>P</i>
20	816.61	<i>Automobile Tow Service</i>	§ 890.19	<i>C</i>
21				
22	816.62	<i>Non-Auto Vehicle Sales or</i>	§ 890.69	
23		<i>Rental</i>		<i>P</i>
24	816.63	<i>Public Transportation</i>	§ 890.80	<i>P</i>
25		<i>Facilities</i>		

1	Industrial			
2	816.64	Wholesale Sales	§ 890.54(b)	P
3	816.65	Light Manufacturing	§ 890.54(a)	P
4	816.66	Storage	§ 890.54(c)	P
5	816.67	All Other Wholesaling, Storage, Distribution and Open Air Handling of Materials and Equipment	§ 225	P
10	Other Uses			
11	816.68	Animal Services	§ 224	NP
12	816.69	Open Air Sales	§§ 803.9(e); 890.38	P
14	816.70	Ambulance Service	§ 890.2	NP
15	816.71	Open Recreation	§§ 209.5(a); 209.5(b)	P
17	816.72	Public Use, except Public Transportation Facility	§ 890.80	C
20	816.74A	Industrial Agriculture	§ 102	NP
21	816.74B	Neighborhood Agriculture	§ 102	P
22	816.74C	Large Scale Urban Agriculture	§ 102	C
24	816.75	Mortuary Establishment	§ 227(e)	NP

1 816.76	General Advertising Sign	§ 607.2(b) & (e)	P in South of Market General Advertising Special Sign District, Otherwise NP
3 816.99	Wireless Telecommunications Services Facility	§ 102	C; P if the facility is a Micro WTS Facility

SPECIFIC PROVISIONS FOR SLR DISTRICTS

Article Code Section	Other Code Section	Zoning Controls
10 § 816 § 816.03	§ 207 (e)(4)	<p>ACCESSORY DWELLING UNITS</p> <p>Boundaries: Within the boundaries of the SLR Mixed Use District.</p> <p>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(e)(4) is permitted to be constructed within an existing building in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot.</p>
16 § 816.23 § 890.133		<p>Only those medical cannabis dispensaries that can demonstrate to the Planning Department they were in operation as of April 1, 2005 and have remained in continuous operation or that were not in continuous operation since April 1, 2005, but can demonstrate to the Planning Department that the reason for their lack of continuous operation was not closure due to an actual violation of federal, state or local law, may apply for a medical cannabis dispensary permit in an SLR District.</p>
23 § 816.33	§ 249.35 § 890.113	<p>Fringe Financial Services are P subject to the restrictions set forth in Section 249.35, including, but not limited to, the proximity restrictions set forth in Subsection 249.35(e)(3).</p>

~~SEC. 817. SLI—SERVICE/LIGHT INDUSTRIAL DISTRICT.~~

~~The Service/Light Industrial (SLI) District is designed to protect and facilitate the expansion of existing general commercial, manufacturing, home and business service, live/work use, arts uses, light industrial activities and small design professional office firms. Existing group housing and dwelling units are protected from demolition or conversion to nonresidential use and development of group housing and low-income affordable dwelling units are permitted as a conditional use. General office, hotels, movie theaters, nighttime entertainment and adult entertainment uses are not permitted. Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this Code.~~

<i>Table 817</i>			
<i>SLI—SERVICE/LIGHT INDUSTRIAL DISTRICT ZONING CONTROL TABLE</i>			
<i>No.</i>	<i>Zoning Category</i>	<i>§ References</i>	<i>Service/Light Industrial District Controls</i>
<i>817.01</i>	<i>Height</i>		<i>As shown on Sectional Maps 1 and 7 of the Zoning Map; generally ranges from 30 to 65 feet; See Zoning Sectional Maps 1 and 7</i>
<i>817.02</i>	<i>Bulk</i>	<i>§ 270</i>	<i>See Zoning Sectional Maps 1 and 7</i>

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817.03	<i>Residential Density Limit</i>	§ 208	<i>1:200 for dwelling units #; 1 bedroom for each 70 sq. ft. of lot area for group housing</i>
817.04	<i>Non-Residential Density Limit</i>	§§ 102, 123, 124, 127	<i>Generally, 2.5 to 1 floor area ratio</i>
817.05	<i>Usable Open Space for Dwelling Units and Group Housing</i>	§ 135	<i>36 sq. ft. per unit</i>
817.06	<i>Usable Open Space for Live/Work Units in Newly Constructed Buildings or Additions</i>	§ 135.2	<i>36 sq. ft. per unit</i>
817.07	<i>Usable Open Space for Other Uses</i>	§ 135.3	<i>Varies by use</i>
817.09	<i>Outdoor Activity Area</i>	§ 890.71	<i>P</i>
817.10	<i>Walk-Up Facility, including Automated Bank Teller Machine</i>	§§ 803.9(d), 890.140	<i>P</i>
817.12	<i>Residential Conversion or Merger</i>	§ 317	<i>C for Removal of one or more Residential Units or Unauthorized Units.</i>
817.13	<i>Residential Demolition</i>	§ 317	<i>C for Removal of one or more Residential Units or Unauthorized Units.</i>
<i>Residential Use</i>			
817.14	<i>Dwelling Units</i>	§§ 102.7, 803.8(b)	<i>C, if low-income pursuant to § 803.8(b); otherwise NP</i>

1	817.15	<i>Group Housing</i>	§ 890.88(b)	€
2	817.16	<i>SRO Units</i>	§§ 803.8(b), 890.88(e)	€, if low-income pursuant to § 803.8(b); otherwise NP
3	817.16B	<i>Homeless Shelters</i>	§§ 102, 890.88(d)	€
4	<i>Institutions</i>			
5	817.17	<i>Hospital, Medical Centers</i>	§ 890.44	NP
6	817.18	<i>Residential Care</i>	§ 890.50(e)	€
7	817.19	<i>Educational Services</i>	§ 890.50(e)	P
8	817.20	<i>Religious Facility</i>	§ 890.50(d)	P
9	817.21	<i>Assembly and Social Service, except Open Recreation and Horticulture</i>	§ 890.50(a)	€
10	817.22	<i>Child Care</i>	§ 102	P
11	817.23	<i>Medical Cannabis Dispensary</i>	§ 890.133	P#
12	<i>Vehicle Parking</i>			
13	817.25	<i>Automobile Parking Lot, Community Residential</i>	§ 890.7	P
14	817.26	<i>Automobile Parking Garage, Community Residential</i>	§ 890.8	P
15	817.27	<i>Automobile Parking Lot, Community Commercial</i>	§ 890.9	P

1	817.28	Automobile Parking Garage, Community Commercial	§ 890.10	P
2				
3	817.29	Automobile Parking Lot, Public	§ 890.11	P
4	817.30	Automobile Parking Garage, Public	§ 890.12	C
5	Retail Sales and Services			
6				
7	817.31	All Retail Sales and Services which are not Office Uses or prohibited by § 803.4, including Bars, Limited Restaurants, Cannabis Retail, Restaurants, and Personal Services	§§ 102, 890.104	P
8				
9				
10				
11	817.32	Financial Services	§ 890.110	P if gross floor area is up to 4,000 sq. ft. C if gross floor area is equal to or exceeds 4,000 sq. ft. and only then if the location is:
12				(a) within a height
13				district of 65 ft. or greater,
14				(b) on the ground story or below, and
15				(c) was not used within
16				the 12 months prior to the
17				filing of any planning or
18				building application as
19				(1) a residential use as
20				defined in § 817.14 through
21				
22				
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1			§ 817.16,
2			(2) a neighborhood
3			servicing retail use as defined
4			in § 817.31, or
5			(3) an industrial use as
6			defined in §§ 817.64,
7			817.65;
8			otherwise NP
9	817.33	<i>Fringe Financial Service</i>	§§ 249.35, 890.113 P #
10	817.34	<i>Tobacco Paraphernalia Establishments</i>	§ 890.123 €
11	<i>Assembly, Recreation, Arts and Entertainment</i>		
12			
13	817.37	<i>Nighttime Entertainment</i>	§§ 102.17, 803.5(b) NP
14	817.38	<i>Meeting Hall</i>	§ 221(e) €
15	817.39	<i>Recreation Building</i>	§ 221(e) €
16	817.40	<i>Pool Hall, Card Club, not falling within Category 817.21</i>	§§ 221(f), 803.4 P
17	817.41	<i>Theater, falling within § 221(d), except Movie Theater</i>	§§ 221(d), 890.64 P
18	817.42	<i>Amusement Game Arcade</i>	§ 890.4 P
19	<i>Home and Business Service</i>		
20	817.42	<i>Trade Shop</i>	§ 890.124 P
21			
22			
23			
24			
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1	817.43	Catering Service	§ 890.25	P
2	817.45	Business Goods and Equipment Repair Service	§ 890.23	P
3	817.46	Arts Activities, other than Theaters	§ 102.2	P
4	817.47	Business Services	§ 890.111	P
5	Office			
6	817.48	Office Uses in Landmark Buildings or Contributory Buildings in Historic Districts	§ 803.9(a)	€
7	817.49	Work Space of Design Professionals	§§ 803.9(g), 890.28	P, subject to § 803.9(g)
8	817.50	Office Uses Related to the Hall of Justice	§§ 803.9(f), 822	P in Special Use District,
9	817.51	All Other Office Uses	§ 890.70	pursuant to § 803.9(f)
10	Live/Work Units			
11	817.51	Live/Work Units where the work activity is an Arts Activity	§§ 102.2, 102.13, 209.9(f) and (g), 233	P
12	817.52	Live/Work Units where all the work activity is otherwise permitted as a Principal Use	§§ 102.13, 233	P
13	817.53	Live/Work Units where the work activity is otherwise permitted as a Conditional Use	§ 233	€
14	817.54	Live/Work Units in Landmark Buildings or Contributory Buildings in Historic Districts	§ 803.9(a)	€
15	817.55	All Other Live/Work Units		NP

1	Automotive Services			
2	817.57	Vehicle Storage – Open Lot	§ 890.131	P
3	817.58	Vehicle Storage – Enclosed Lot or Structure	§ 890.132	P
4	817.59	Motor Vehicle Service Station, Automotive Wash	§§ 890.18, 890.20	P
5	817.60	Motor Vehicle Repair	§ 890.15	P
6	817.61	Motor Vehicle Tow Service	§ 890.19	C
7	817.62	Non Auto Vehicle Sale or Rental	§ 890.69	P
8	817.63	Public Transportation Facilities	§ 890.80	P
9	Industrial			
10	817.64	Wholesale Sales	§ 890.54(b)	P
11	817.65	Light Manufacturing	§ 890.54(a)	P
12	817.66	Storage	§ 890.54(c)	P
13	817.67	All Other Wholesaling, Storage, Distribution and Open Air Handling of Materials and Equipment	§ 225	P
14	Other Uses			
15	817.68	Animal Services	§ 224	P
16	817.69	Open Air Sales	§§ 803.9(e), 890.38	P
17	817.70	Ambulance Service	§ 890.2	P

1	817.71	Open Recreation	§§ 209.5(a), 209.5(b)	P
2				
3	817.72	Public Use, except Public Transportation Facility	§ 890.80	P
4				
5	817.74A	Industrial Agriculture	§ 102	P
6	817.74B	Neighborhood Agriculture	§ 102	P
7	817.74C	Large Scale Urban Agriculture	§ 102	C
8				
9	817.75	Mortuary Establishment	§ 227(c)	NP
10	817.76	General Advertising Sign	§ 607.2	NP
11	817.77	Internet Services Exchange	§ 209.6(e)	C
12				
13	817.99	Wireless Telecommunications Services Facility	§ 102	C; P if the facility is a Micro WTS Facility

SPECIFIC PROVISIONS FOR SLI DISTRICTS

<i>Article Code</i>	<i>Other Code</i>	<i>Zoning Controls</i>
<i>Section</i>	<i>Section</i>	
§ 817	§ 207(c)(4)	<p>ACCESSORY DWELLING UNITS</p> <p>Boundaries: Within the boundaries of the SLI Mixed Use District.</p> <p>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(c)(4) is permitted to be constructed within an existing building in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot.</p>
§ 817.03		

<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>§ 817.23</p> <p>§ 890.133</p>		<p><i>Only those medical cannabis dispensaries that can demonstrate to the Planning Department they were in operation as of April 1, 2005 and have remained in continuous operation or that were not in continuous operation since April 1, 2005, but can demonstrate to the Planning Department that the reason for their lack of continuous operation was not closure due to an actual violation of federal, state or local law, may apply for a medical cannabis dispensary permit in an SLI District.</i></p>
<p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>§ 817.33</p>	<p>§249.35</p> <p>§ 817.32</p> <p>§ 890.113</p>	<p><i>Fringe Financial Services are P subject to the controls set forth in Section 817.32 for Financial Services and the restrictions set forth in Section 249.35, including, but not limited to, the proximity restrictions set forth in Subsection 249.35(c)(3).</i></p>

~~SEC. 818. SSO SERVICE/SECONDARY OFFICE DISTRICT.~~

The Service/Secondary Office District (SSO) is designed to accommodate small-scale light industrial, home and business services, arts activities, live/work units, and small-scale, professional office space and large floor-plate "back office" space for sales and clerical work forces. Nighttime entertainment is permitted as a conditional use. Dwelling units and group housing are permitted as conditional uses. Demolition or conversion of existing group housing or dwelling units requires conditional use authorization. Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this Code.

Office, general commercial, most retail, service and light industrial uses are principal permitted uses. Large hotel, movie theater, adult entertainment and heavy industrial uses are not permitted.

Small hotels of 75 rooms or less are permitted in this District only as a conditional use. Any such conditional use authorization requires a conditional use finding that disallows project proposals that displace existing Production, Distribution and Repair (PDR) uses.

Table 818

~~SSO~~ SERVICE/SECONDARY OFFICE DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Service/Secondary Office District Controls
818.01	<i>Height Limit Designation</i>	<i>See Zoning Map</i>	<i>As shown on Sectional Maps 1 and 7 of the Zoning Map; generally ranging from 40 to 130 feet</i>
818.02	<i>Bulk Limit Designation</i>	<i>See Zoning Map, § 270</i>	<i>As shown on Sectional Maps 1 and 7 of the Zoning Map</i>
818.03	<i>Residential Density</i>	<i>§ 124(b), 207.5, 208</i>	<i>1:200 for dwellings #; 1 bedroom for each 70 sq. ft. of lot area for group housing</i>
818.04	<i>Non-Residential Density Limit</i>	<i>§§ 102, 123, 124, 127</i>	<i>3.0 to 1 floor area ratio in 40 or 50 foot height districts; 4.0 to 1 in 65 or 80 foot height districts, and 4.5 to 1 in 130 foot height districts</i>
818.05	<i>Usable Open Space for Dwelling Units and Group Housing</i>	<i>§§ 135</i>	<i>36 sq. ft. per unit</i>
818.06	<i>Usable Open Space for Live/Work Units in Newly Constructed Buildings or Additions</i>	<i>§ 135.2</i>	<i>36 sq. ft. per unit</i>

1	818.07	Usable Open Space for Other Uses	§ 135.3	Varies by use
2				
3	818.09	Outdoor Activity Area	§ 890.71	P
4				
5	818.10	Walk-up Facility, including Automated Bank Teller Machine	§§ 803.9(d), 890.140	P
6				
7				
8	818.12	Residential Conversion or Merger	§ 317	C for Removal of one or more Residential Units or Unauthorized Units.
9				
10				
11	818.13	Residential Demolition	§ 317	C for Removal of one or more Residential Units or Unauthorized Units.
12				
13				
14	Residential Use			
15	818.14	Dwelling Units	§ 102.7	C
16	818.15	Group Housing	§ 890.88(b)	C
17	818.16	SRO Units	§ 890.88(c)	P
18				
19	818.16B	Homeless Shelters	§§ 102, 890.88(d)	C
20	Institutions			
21	818.17	Hospital, Medical Centers	§ 890.44	P
22	818.18	Residential Care	§ 890.50(e)	C
23	818.19	Educational Services	§ 890.50(e)	P
24				
25	818.20	Religious Facility	§ 890.50(d)	P

1		<i>Assembly and Social Service,</i>	§ 890.50(a)	
2	818.21	<i>except Open Recreation and</i>		€
3		<i>Horticulture</i>		
4	818.22	<i>Child Care</i>	§ 102	P
5	818.23	<i>Medical Cannabis Dispensary</i>	§ 890.133	P #
6	<i>Vehicle Parking</i>			
7				
8	818.25	<i>Automobile Parking Lot,</i>	§ 890.7	P
9		<i>Community Residential</i>		
10	818.26	<i>Automobile Parking Garage,</i>	§ 890.8	P
11		<i>Community Residential</i>		
12	818.27	<i>Automobile Parking Lot,</i>	§ 890.9	P
13		<i>Community Commercial</i>		
14	818.28	<i>Automobile Parking Garage,</i>	§ 890.10	P
15		<i>Community Commercial</i>		
16	818.29	<i>Automobile Parking Lot,</i>	§ 890.11	P
17		<i>Public</i>		
18	818.30	<i>Automobile Parking Garage,</i>	§ 890.12	€
19		<i>Public</i>		
20	<i>Retail Sales and Services</i>			
21				
22	818.31	<i>All Retail Sales and Services</i>	§§ 102, 890.104	P
23		<i>which are not Office Uses or</i>		
24		<i>prohibited by § 803.4,</i>		
25		<i>including Bars, Limited</i>		

1		<i>Restaurants, Restaurants,</i>		
2		<i>Cannabis Retail, and Personal</i>		
3		<i>Services</i>		
4	818.33	<i>Fringe Financial Service</i>	§§ 249.35, 890.113	<i>P #</i>
5	818.34	<i>Tobacco Paraphernalia</i>	§ 890.123	€
6		<i>Establishments</i>		
7	<i>Assembly, Recreation, Arts and Entertainment</i>			
8	818.37	<i>Nighttime Entertainment</i>	§§ 102.17, 803.5(b)	€
9	818.38	<i>Meeting Hall, not falling</i>	§ 221(e)	<i>P</i>
10		<i>within Category 818.21</i>		
11	818.39	<i>Recreation Building, not</i>	§ 221(e)	<i>P</i>
12		<i>falling within Category 818.21</i>		
13	818.40	<i>Pool Hall, Card Club, not</i>	§§ 221(f), 803.4	<i>P</i>
14		<i>falling within Category 818.21</i>		
15	818.41	<i>Theater, falling within §</i>	§§ 221(d), 890.64	<i>P</i>
16		<i>221(d), except Movie Theater</i>		
17	<i>Home and Business Service</i>			
18	818.42	<i>Trade Shop</i>	§ 890.124	<i>P</i>
19	818.43	<i>Catering Service</i>	§ 890.25	<i>P</i>
20	818.45	<i>Business Goods and</i>	§ 890.23	<i>P</i>
21		<i>Equipment Repair Service</i>		
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818.46	<i>Arts Activities, other than Theaters</i>	<i>§ 102.2</i>	<i>P</i>
818.47	<i>Business Services</i>	<i>§ 890.111</i>	<i>P</i>
<i>Office</i>			
818.48	<i>All Office Uses including Work Space of Design Professionals</i>	<i>§ 890.70</i>	<i>P</i>
<i>Live/Work Units</i>			
818.54	<i>Live/Work Units where the work activity is an Arts Activity</i>	<i>§§ 102.2, 102.13, 209.9(f), (g), 233</i>	<i>P</i>
818.55	<i>Live/Work Units where all the work activity is otherwise permitted</i>	<i>§§ 102.13, 233</i>	<i>P</i>
<i>Automobile Services</i>			
818.57	<i>Vehicle Storage – Open Lot</i>	<i>§ 890.131</i>	<i>NP</i>
818.58	<i>Vehicle Storage – Enclosed Lot or Structure</i>	<i>§ 890.132</i>	<i>P</i>
818.59	<i>Motor Vehicle Service Station, Automotive Wash</i>	<i>§§ 890.18, 890.20</i>	<i>P</i>
818.60	<i>Motor Vehicle Repair</i>	<i>§ 890.15</i>	<i>P</i>
818.61	<i>Motor Vehicle Tow Service</i>	<i>§ 890.19</i>	<i>C</i>
818.62	<i>Non Auto Vehicle Sale or Rental</i>	<i>§ 890.69</i>	<i>P</i>

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818.63	<i>Public Transportation Facilities</i>	§ 890.80	P
Industrial			
818.64	<i>Wholesale Sales</i>	§ 890.54(b)	P
818.65	<i>Light Manufacturing</i>	§ 890.54(a)	P
818.66	<i>Storage</i>	§ 890.54(c)	P
818.67	<i>All Other Wholesaling, Storage Distribution and Open Air Handling of Materials and Equipment</i>	§ 225	P
Other Uses			
818.68	<i>Animal Services</i>	§ 224	P
818.69	<i>Open Air Sales</i>	§§ 803.9(e), 890.38	P
818.70	<i>Ambulance Service</i>	§ 890.2	P
818.71	<i>Open Recreation</i>	§§ 209.5(a), 209.5(b)	P
818.72	<i>Public Use, except Public Transportation Facility</i>	§ 890.80	P
818.74A	<i>Industrial Agriculture</i>	§ 102	P
818.74B	<i>Neighborhood Agriculture</i>	§ 102	P
818.74C	<i>Large Scale Urban Agriculture</i>	§ 102	€

1	818.75	<i>Mortuary Establishment</i>	§ 227(e)	NP
2	818.76	<i>General Advertising Sign</i>	§ 607.2(b) & (e)	NP
3	818.77	<i>Internet Services Exchange</i>	§ 209.6(e)	€
4	818.78	<i>Hotel, Tourist if 75 rooms or less</i>	§ 890.46	€
5	818.99	<i>Wireless Telecommunications Services Facility</i>	§ 102	C; P if the facility is a Micro WTS Facility

SPECIFIC PROVISIONS FOR SSO DISTRICTS

<i>Article Code</i>	<i>Other Code</i>	<i>Zoning Controls</i>
<i>Section</i>	<i>Section</i>	
§ 818	§ 207(e)(4)	ACCESSORY DWELLING UNITS <i>Boundaries: Within the boundaries of the SLI Mixed Use District.</i> <i>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(e)(4) is permitted to be constructed within an existing building in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot.</i>
§ 818.03		
§ 818.23		<i>Only those medical cannabis dispensaries that can demonstrate to the Planning Department they were in operation as of April 1, 2005 and have remained in continuous operation or that were not in continuous operation since April 1, 2005, but can demonstrate to the Planning Department that the reason for their lack of continuous operation was not</i>
§ 890.133		

		<i>closure due to an actual violation of federal, state or local law, may apply for a medical cannabis dispensary permit in an SSO District.</i>
§ 818.33	§ 249.35 § 890.113	<i>Fringe Financial Services are P subject to the restrictions set forth in Section 249.35, including, but not limited to, the proximity restrictions set forth in Subsection 249.35 (c)(3).</i>

* * * *

SEC. 825. DTR – DOWNTOWN RESIDENTIAL DISTRICTS.

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

High-density residential uses, including residential towers in select locations, are allowed and encouraged within the limits set by height and bulk controls. Given the district's proximity to downtown, a range of commercial uses is permitted on the lower stories, with active pedestrian-oriented retail, service, and entertainment uses on the ground floor. Along special streets, pedestrian-oriented uses are required on the first floor. Ground floor entries to individual dwelling units are encouraged on streets that will become primarily residential.

There is generally no pattern of mid-block open space or of rear yards. While lot coverage is limited for all levels with residential uses, traditional rear yard open spaces are not required except in the limited instances where there is an existing pattern of them. Specific height and bulk controls establish appropriate heights for both towers and mid-rise

1 development, and ensure adequate spacing between towers and preserve light and air to
2 streets and open spaces. Setbacks are required where necessary to buffer ground floor
3 residential uses or to ensure sunlight access to streets and open spaces. To support the
4 intensification of land uses in these districts, detailed traffic, streetscape and open space
5 improvements will take place over time.

6 Downtown Residential Districts include all of the individual DTR districts governed this
7 Code except the Transbay Downtown Residential District (TB-DTR), as set forth in Section
8 828, is governed by the Transbay Redevelopment Plan and its Development Controls and
9 Design Guidelines.

10 * * * *

11 (c) **Use.** A use is the specified purpose for which a property or building is used,
12 occupied, maintained, or leased. Uses in Downtown Residential Districts are either permitted,
13 conditional, accessory, temporary or are not permitted. If there are two or more uses in a
14 structure, any use not classified in Section 825(c)(1)(C) below as accessory will be considered
15 separately as an independent permitted, conditional, temporary or not permitted use.

16 (1) **Permitted Uses.**

17 (A) **Principal Uses.** All uses are permitted as principal uses as of right
18 in a Downtown Residential district unless otherwise indicated as a Conditional Use or Not
19 Permitted in this Section 825 of this Code or any other Section governing an individual DTR
20 District. Additional requirements and conditions may be placed on particular uses as provided
21 pursuant to Section 803.5 and other applicable provisions of this Code.

22 (B) **Conditional Uses.** Conditional uses are permitted in a Downtown
23 Residential District, when authorized by the Planning Commission; whether a use is
24 conditional in a given district is indicated in the Section of this Code governing the individual
25

1 DTR District. Conditional uses are subject to the applicable provisions set forth in Sections
 2 178, 179, ~~263.11~~, 303, 316, and 803.5 of this Code.

3 * * * *

4 **SEC. 840. MUG – MIXED USE-GENERAL DISTRICT.**

5 The Mixed Use-General (MUG) District is largely comprised of the low-scale,
 6 production, distribution, and repair uses mixed with housing and small-scale retail. The MUG
 7 is designed to maintain and facilitate the growth and expansion of small-scale light industrial,
 8 wholesale distribution, arts production and performance/exhibition activities, general
 9 commercial and neighborhood-serving retail and personal service activities while protecting
 10 existing housing and encouraging the development of housing at a scale and density
 11 compatible with the existing neighborhood.

12 Housing is encouraged over ground floor commercial and production, distribution, and
 13 repair uses. New residential or mixed use developments are encouraged to provide as much
 14 mixed-income family housing as possible. Existing group housing and dwelling units would be
 15 protected from demolition or conversion to nonresidential use by requiring conditional use
 16 review. Accessory Dwelling Units are permitted within the district pursuant to subsection
 17 207(c)(4) of this Code.

18 Hotels, nighttime entertainment, movie theaters, adult entertainment and heavy
 19 industrial uses are not permitted. Office is restricted to the upper floors of multiple story
 20 buildings.

Table 840			
MUG – MIXED USE – GENERAL DISTRICT ZONING CONTROL TABLE			
No.	Zoning Category	§ References	Mixed Use – General District Controls
Building and Siting Standards			

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840.01	Height Limit	See Zoning Map, §§ <u>249.78</u> , 260-261.1, 263.20	As shown on Sectional Maps 1 and <u>78</u> of the Zoning Map <u>In the Central SoMa SUD, Prevailing Height and Density limits are determined by Section 249.78.</u> Height sculpting required on narrow streets, § 261.1 Non-habitable vertical projections permitted, § 263.20
840.02	Bulk Limit	See Zoning Map §§ 270, 270.1, 270.2	As shown on Sectional Maps 1 and <u>78</u> of the Zoning Map Horizontal mass reduction required, § 270.1 Mid-block alleys required, §270.2
840.03	Non-residential density limit	§§ 102.9, 123, 124, 127, <u>128.1</u> , <u>249.78</u>	<u>In the Central SoMa SUD, Prevailing Height and Density limits are is determined by Sections 128.1 and 249.78.</u> <u>Elsewhere, g</u> Generally contingent upon permitted height, per Section 124
* * * *			

1	840.04	Setbacks	§§ <u>132.4</u> , 134, 136, 136.2, 144, 145.1	Generally required
2	* * * *			
3	840.09	Residential to non- residential ratio	§ 803. 8(e) <u>9(a)</u>	None
4	* * * *			
5	840.11	Usable Open Space for Dwelling Units and Group Housing	§ <u>135</u> , <u>136</u> , <u>427</u>	80 sq. ft. per unit; 54 sq. ft. per unit if publicly accessible. <u>In the Central SoMa SUD, buildings taller than 160 feet may also pay the in-lieu fee.</u>
6	840.12	Usable Open Space for Non-Residential	§ 135.3, <u>426</u>	Required; amount varies based on use; may also pay in-lieu fee
7	<u>840.12A</u>	<u>Privately-Owned Public Open Space (POPOS)</u>	<u>§§ 138, 426</u>	<u>Required in the Central SoMa SUD with the construction of a new building or an addition of 50,000 gross square feet or more of Non-Residential Use. Retail, Institutional, and PDR uses are exempt. Ratio of square feet of open space to gross floor area is 1:50 feet except that one square foot of the following amenities shall count as 1.33 square feet: playgrounds, community gardens, sport courts or dog runs are provided; may also pay in-lieu fee</u>
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1	<u>* * * *</u>			
2	<u>840.14A</u>	<u>Street Frontage</u>	<u>§§ 145.1, 249.78</u>	<u>Required. 17' ground floor height</u>
3		<u>Requirements</u>		<u>required for PDR uses in the Central</u>
4				<u>SoMa SUD; 14' ground floor height</u>
5				<u>required for all other uses in the</u>
6				<u>Central SoMa SUD</u>
7	<u>840.15</u>	<u>Street Frontage,</u>	<u>§ 145.4</u>	<u>Brannan Street, between 3rd Street</u>
8		<u>Ground Floor</u>		<u>and 4th Street.</u>
9		<u>Commercial</u>		
10	<u>840.16</u>	<u>Vehicular Access</u>	<u>§ 155(r)</u>	<u>Brannan Street, between 2nd Street</u>
11		<u>Restrictions</u>		<u>and 6th Street</u>
12	<u>840.17</u>	<u>Driveway Loading</u>	<u>§ 155(u)</u>	<u>Required in the Central SoMa SUD for</u>
13		<u>and Operations Plan</u>		<u>projects of 100,000 sq. ft. or more.</u>
14	<u>840.18</u>	<u>Large Project</u>	<u>§ 329</u>	<u>Required pursuant to Section 329.</u>
15		<u>Authorization</u>		
16	<u>840.19</u>	<u>Design Guidelines</u>	<u>General Plan</u>	<u>Subject to the Urban Design</u>
17			<u>Commerce and</u>	<u>Guidelines; and, in the Central SoMa</u>
18			<u>Industry Element;</u>	<u>SUD, subject to the Central SoMa</u>
19			<u>Central SoMa</u>	<u>Guide to Urban Design</u>
20			<u>Plan</u>	
21	<u>840.20</u>	<u>Lot coverage</u>	<u>§ 249.78</u>	<u>In the Central SoMa SUD, limited to</u>
22				<u>80 percent at all residential levels,</u>
23				<u>except that on levels in which all</u>
24				<u>residential units face onto a public</u>
25				<u>right-of-way, 100% lot coverage may</u>

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			<u>occur. The unbuilt portion of the lot shall be open to the sky except for those obstructions permitted in yards pursuant to Section 136(c) of this Code. Where there is a pattern of mid-block open space for adjacent buildings, the unbuilt area of the new project shall be designed to adjoin that mid-block open space.</u>
Residential Uses			
840.21 <u>0</u>	Dwelling Units	§ 102.7	P
840.22 <u>4</u>	Group Housing	§ 890.88(b)	P
840.23 <u>2</u>	SRO Units	§ 890.88(c)	P
840.24 <u>3</u>	Homeless Shelters	§§ 102, 890.88(d)	P
840.25 <u>4</u>	Dwelling Unit Density Limit	§§ 124, 207.5, 208	No density limit #
840.26 <u>5</u>	Dwelling Unit Mix	§ 207.6	At least 40% of all dwelling units must contain two or more bedrooms or 30% of all dwelling units must contain three or more bedrooms.
840.27 <u>6</u>	Affordability Requirements	§ 415	15% onsite/20% off-site

1	840.287	Residential Demolition or Conversion	§ 317	Restrictions apply; see criteria of Section 317
2	* * * *			
3	Institutions			
4	* * * *			
5	840.36	Medical Cannabis Dispensary	§§ 102, 202.2(e), 890.133	<u>C in the Central SoMa SUD; P</u> <u>elsewhere</u>
6	* * * *			
7	Retail Sales and Services			
8	840.45	All Retail Sales and Services which <u>that</u> are not listed below	§§ 121.6, 803.9(ig), 890.104, 890.116	P up to 25,000 gross sq.ft. per lot; above 25,000 gross sq. ft. permitted only if the ratio of other permitted uses to retail is at least 3:1.
9	840.46	Formula Retail	§§ 102, 249.78, 303, 303.1	<u>In the Central SoMa SUD, NP for</u> <u>Restaurants, Limited Restaurants,</u> <u>and Bars; C for all other Formula</u> <u>Retail Uses. Elsewhere, C for all</u> <u>Formula Retail Uses.</u> If approved, subject to size controls in Section 840.45.
10	* * * *			
11	Assembly, Recreation, Arts and Entertainment			

* * * *			
840.56	Nighttime Entertainment	§§ 102.17, 181(f) _± <u>249.78</u> , 803.5(b)	<u>P in Central SoMa SUD:</u> <u>NP elsewhere</u>
* * * *			
Office			
* * * *			
840.65A	Services, Professional; Services Financial; Services Medical	§§ 890.108, 890.110, 890.114	Subject to vertical control of Sec. 803.9(hf). P on the ground floor when primarily open to the general public on a client-oriented basis.
840.66	All Other Office Uses	§§ 803.9(hf), 890.70, 890.118	Subject to vertical control of Sec. 803.9(hf)
* * * *			
Other Uses			
* * * *			
840.96	Open Air Sales	§§ 803.9(ed), 890.38	P
* * * *			
804.98	Walk-up Facility, including Automated Bank Teller Machine	§§ 803.9(b), 890.140	P
* * * *			

SPECIFIC PROVISIONS FOR MUG – MIXED USE-GENERAL DISTRICT

Section		Zoning Controls
§ 840.254	§ 207(c)(4)	<p>ACCESSORY DWELLING UNITS</p> <p>Boundaries: Within the boundaries of the MUG – Mixed Use-General District.</p> <p>Controls: An “Accessory Dwelling Unit,” as defined in Section 102 and meeting the requirements of Section 207(c)(4) is permitted to be constructed within an existing building in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot.</p>

* * * *

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

The Mixed Use-Residential District (MUR) ~~serves as a buffer between the higher density, predominantly commercial area of Yerba Buena Center to the east and the lower scale, mixed use service/industrial and housing area west of Sixth Street.~~

~~The MUR serves as a major housing opportunity area within the eastern portion of the South of Market. The district controls are~~ is intended to facilitate the development of high-density, mid-rise housing, including family-sized housing and residential hotels. The district is also designed to encourage the expansion of retail, business service and commercial and cultural arts activities. Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this Code.

Continuous ground floor commercial frontage with pedestrian-oriented retail activities along major thoroughfares is encouraged. Hotels, nighttime entertainment, adult entertainment and heavy industrial uses are not permitted. Office is limited by residential-to-non residential ratio in new construction.

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Table 841			
MUR - MIXED USE-RESIDENTIAL DISTRICT ZONING CONTROL TABLE			
No.	Zoning Category	§ References	Mixed Use-Residential District Controls
Building and Siting Standards			
841.01	Height Limit	See Zoning Map, §§ <u>249.78, 260- 261.1, 263.20</u>	As shown on Sectional Maps <u>1 and 8</u> 7 and 7 of the Zoning Map <u>In the Central SoMa SUD, Prevailing Height and Density limits are determined by Section 249.78.</u> Height sculpting required on narrow streets, § 261.1 Non-habitable vertical projections permitted, § 263.20
841.02	Bulk Limit	See Zoning Map. §§ 270, 270.1, 270.2	As shown on Sectional Maps <u>1 and 8</u> 7 and 7 of the Zoning Map Horizontal mass reduction required, § 270.1 Mid-block alleys required, § 270.2
841.03	Non-residential density limit	§§ 102.9, 123, 124, <u>127, 128.1, 249.78</u>	<u>In the Central SoMa SUD, Prevailing Height and Density limits are is determined by Sections 128.1 and 249.78. Elsewhere, qGenerally contingent upon permitted height, per Section 124</u>
* * * *			

1	841.04	Setbacks	§§ <u>132.4,</u> 134, 136, 136.2, 144, 145.1	Generally required
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5	* * * *			
6	841.09	Residential to non- residential ratio	§ 803.8(d) <u>9(a)</u>	3 sq.ft. of residential for every 1 sq.ft. of other permitted use.
7				
8	* * * *			
9	841.11	Usable Open Space for Dwelling Units and Group Housing	§ 135, 136, <u>427</u>	80 sq. ft. per unit; 54 sq.ft. per unit if publicly accessible. <u>In the Central SoMa SUD, buildings taller than 160 feet may also pay the in-lieu fee.</u>
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13	841.12	Usable Open Space for Non- Residential	§ 135.3, <u>426</u>	Required; amount varies based on use; may also pay in-lieu fee
14				
15				
16	<u>841.12A</u>	<u>Privately-Owned Public Open Space (POPOS)</u>	<u>§§ 138, 426</u>	<u>Required in the Central SoMa SUD with the construction of a new building or an addition of 50,000 gross square feet or more of Non-Residential Use. Retail, Institutional, and PDR Uses are exempt. Ratio of square feet of open space to gross floor area is 1:50 feet except that one square foot of the following amenities shall count as 1.33 square feet: playgrounds, community gardens, sport</u>
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			<u>courts or dog runs are provided; may also pay in-lieu fee</u>
* * * *			
<u>841.15</u>	<u>Street Frontage, Ground Floor Commercial</u>	<u>§ 145.4</u>	<u>3rd Street, between Folsom Street and Townsend Street; 4th Street, between Folsom and Townsend Streets; Folsom Street, between 4th Street and 6th Street.</u>
<u>841.16</u>	<u>Vehicular Access Restrictions</u>	<u>§ 155(r)</u>	<u>3rd Street, between Folsom Street and Townsend Street; 4th Street, between Folsom Street and Townsend Street; Folsom Street, between 4th Street and 5th Street.</u>
<u>841.17</u>	<u>Driveway Loading and Operations Plan</u>	<u>§ 155(u)</u>	<u>Required in the Central SoMa SUD for projects of 100,000 sq. ft. or more.</u>
<u>841.18</u>	<u>Large Project Authorization</u>	<u>§ 329</u>	<u>Required pursuant to Section 329.</u>
<u>841.19</u>	<u>Design Guidelines</u>	<u>General Plan Commerce and Industry Element; Central SoMa Plan</u>	<u>Subject to the Urban Design Guidelines; and, in the Central SoMa SUD, subject to the Central SoMa Guide to Urban Design</u>

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<u>841.20</u>	<u>Lot coverage</u>	<u>§ 249.78</u>	<u>In the Central SoMa SUD, limited to 80 percent at all residential levels, except that on levels in which all residential units face onto a public right-of-way, 100% lot coverage may occur. The unbuilt portion of the lot shall be open to the sky except for those obstructions permitted in yards pursuant to Section 136(c) of this Code. Where there is a pattern of mid-block open space for adjacent buildings, the unbuilt area of the new project shall be designed to adjoin that mid-block open space.</u>
Residential Uses			
<u>841.210</u>	Dwelling Units	§ 102.7	P
<u>841.224</u>	Group Housing	§ 890.88(b)	P
<u>841.232</u>	SRO Units	§ 890.88(c)	P
<u>841.243</u>	Homeless Shelters	§§ 102, 890.88(d)	P
<u>841.254</u>	Dwelling Unit Density Limit	§§ 124, 207.5, 208	No density limit #
<u>841.265</u>	Dwelling Unit Mix	§ 207.6	At least 40% of all dwelling units must contain two or more bedrooms or 30% of all dwelling units must contain three or more bedrooms.

1	841.276	Affordability Requirements	§ 415	Restrictions apply, see Section 415
2				
3	841.287	Residential Demolition or Conversion	§ 317	Restrictions apply; see criteria of Section 317
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7	Institutions			
8	* * * *			
9	841.36	Medical Cannabis Dispensary	<u>§§ 102, 202.2(e), 890.133</u>	<u>C in the Central SoMa SUD; P elsewhere</u>
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13	Retail Sales and Services			
14	* * * *			
15	841.46	Formula Retail	§ 102, 249.78, 303, 303.1	In the Central SoMa SUD, NP for Restaurants, Limited Restaurants, and Bars; C for all other Formula Retail Uses. Elsewhere, C for all Formula Retail Uses. If approved, subject to size controls in Section 8401.45.
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21	* * * *			
22	<u>841.52</u>	<u>Cannabis Retail</u>	<u>§§ 102, 202.2(a), 890.125</u>	<u>C in the Central SoMa SUD; P elsewhere</u>
23				
24				
25	Assembly, Recreation, Arts and Entertainment			

* * * *			
841.56	Nighttime Entertainment	§§ 102.17, 181(f) _± <u>249.78</u> , 803.5(b)	<u>P in Central SoMa SUD:</u> <u>NP elsewhere</u>
* * * *			
Other Uses			
* * * *			
841.96	Open Air Sales	§ 803.9(<u>ed</u>), 890.38	P
* * * *			
841.98	Walk-up Facility, including Automated Bank Teller Machine	§§ 890.140, 803.9(b) ,	P
* * * *			

SPECIFIC PROVISIONS FOR MUR – RESIDENTIAL DISTRICT

Section		Zoning Controls
§ 841. <u>254</u>	§ 207(c)(4)	<p>ACCESSORY DWELLING UNITS</p> <p>Boundaries: Within the boundaries of the MUR – Mixed Use-Residential District.</p> <p>Controls: An “Accessory Dwelling Unit,” as defined in Section 102 and meeting the requirements of Section 207(c)(4) is permitted to be constructed within an existing building in areas that allow</p>

		residential use or within an existing and authorized auxiliary structure on the same lot.
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SEC. 842. MUO – MIXED USE-OFFICE DISTRICT.

The Mixed Use-Office (MUO) ~~runs predominantly along the 2nd Street corridor in the South of Market area.~~ The MUO is designed to encourage office uses and housing, as well as small-scale light industrial and arts activities. Nighttime entertainment and small tourist hotels are permitted as a conditional use. Large tourist hotels are permitted as a conditional use in certain height districts. Dwelling units and group housing are permitted, while demolition or conversion of existing dwelling units or group housing requires conditional use authorization. Family-sized housing is encouraged. Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this Code.

Office, general commercial, most retail, production, distribution, and repair uses are also principal permitted uses. Adult entertainment and heavy industrial uses are not permitted.

Table 842			
MUO- MIXED USE-OFFICE DISTRICT ZONING CONTROL TABLE			
No.	Zoning Category	§ References	Mixed Use Office District Controls
Building and Siting Standards			
* * * *			
842.06	Parking and Loading Access: Prohibition	§ 155(r)	<i>None. 4th Street between Bryant and Townsend Streets</i>
* * * *			

1	842.09	Residential to non-residential ratio	§ 803.8 (e) 9(a)	None
2				
3	* * * *			
4	Retail Sales and Services			
5	842.45	All Retail Sales and Services which <i>that</i> are not listed below	§§ 890.104, 890.116, 803.9(i g), 121.6	P
6				
7				
8	* * * *			
9	Other Uses			
10	* * * *			
11	842.96	Open Air Sales	§§ 803.9(e d), 890.38	P
12				
13	* * * *			
14	842.98	Walk-up Facility, including Automated Bank Teller Machine	§§ 890.140, 803.9(b)	P
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SEC. 843. UMU – URBAN MIXED USE DISTRICT.

The Urban Mixed Use (UMU) District is intended to promote a vibrant mix of uses while maintaining the characteristics of this formerly industrially-zoned area. It is also intended to serve as a buffer between residential districts and PDR districts in the Eastern Neighborhoods. Within the UMU, allowed uses include production, distribution, and repair uses such as light manufacturing, home and business services, arts activities, warehouse, and wholesaling. Additional permitted uses include retail, educational facilities, and nighttime

entertainment. Housing is also permitted, but is subject to higher affordability requirements. Family-sized dwelling units are encouraged. Within the UMU, office uses are restricted to the upper floors of multiple story buildings. In considering any new land use not contemplated in this District, the Zoning Administrator shall take into account the intent of this District as expressed in this Section and in the General Plan. Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this Code.

Table 843			
UMU – URBAN MIXED USE DISTRICT ZONING CONTROL TABLE			
No.	Zoning Category	§ References	Urban Mixed Use District Controls
Building and Siting Standards			
* * * *			
843.09	Residential to non-residential ratio	§ 803.8(e)9(a)	None
* * * *			
Retail Sales and Services			
843.45	All Retail Sales and Services which <u>that</u> are not listed below	§§ 890.104, 890.116, 803.9(i)g), 121.6	P up to 25,000 gross sq.ft. per lot; above 25,000 gross sq.ft. per lot permitted only if the ratio of other permitted uses to retail is at least 3:1. P up to 3,999 gross sq.ft. per use; C over 4,000 gross sq.ft. per use.
* * * *			

1	843.51	Gyms	§§ 218(d), 803.9(<i>ig</i>)	P up to 3,999 gross sq. ft. per use; C over 4,000 gross sq. ft. per use. Not subject to 3:1 ratio, per Sec. 803.9(<i>ig</i>)
2				
3				
4	* * * *			
5	Office			
6	* * * *			
7	843.65A	Services, Professional; Services Financial; Services Medical	§§ 890.108, 890.110, 890.114	Subject to vertical control of Sec. 803.9(<i>hf</i>). P on the ground floor when primarily open to the general public on a client-oriented basis.
8				
9				
10				
11	843.66	All O ther Office Uses	§§ 803.9(<i>hf</i>), 890.70, 890.118	Subject to vertical control of Sec. 803.9(<i>hf</i>)
12				
13				
14				
15	* * * *			
16	Other Uses			
17	* * * *			
18	843.96	Open Air Sales	§§ 803.9(<i>ed</i>), 890.38	P
19				
20				
21	* * * *			
22	843.98	Walk-up Facility, including Automated Bank Teller Machine	§§ 890.140, 803.9(b) ,	P
23				
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SEC. 844. WMUG – WSOMA MIXED USE-GENERAL DISTRICT.

The WSoMa Mixed Use-General (WMUG) District is largely comprised of the low-scale, production, distribution, and repair uses mixed with housing and small-scale retail. The WMUG is designed to maintain and facilitate the growth and expansion of small-scale light industrial, wholesale distribution, arts production and performance/exhibition activities, general commercial and neighborhood-serving retail and personal service activities while protecting existing housing and encouraging the development of housing at a scale and density compatible with the existing neighborhood.

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Table 844			
WMUG – WSOMA MIXED USE-GENERAL DISTRICT ZONING CONTROL TABLE			
No.	Zoning Category	§ References	WSoMa Mixed Use-General District Controls
* * * *			
Other Uses			
844.96	Open Air Sales	§§ 803.9(<i>ed</i>), 890.38	P up to 10,000 gsf per lot. NP above.
* * * *			
844.98	Walk-up Facility, including Automated Bank Teller Machine	§§ 803.9(<i>b</i>), 890.140	P
* * * *			

* * * *

SEC. 845. WMUO – WSOMA MIXED USE-OFFICE DISTRICT.

1 The WSoMa Mixed Use-Office (WMUO) runs predominantly along the Townsend
 2 Street corridor between 4th Street and 7th Street and on 11th Street, from Harrison Street to
 3 the north side of Folsom Street. The WMUO is designed to encourage office uses along with
 4 small-scale light industrial and arts activities. Nighttime entertainment is permitted, although
 5 limited by buffers around RED and RED-MX districts.

6 * * * *

7 Table 845			
8 WMUO – WSOMA MIXED USE-OFFICE DISTRICT ZONING CONTROL TABLE			
9 No.	Zoning Category	§ References	WSOMA Mixed Use-Office District Controls
11 BUILDING AND SITING STANDARDS			
12 * * * *			
13 845.09	Residential to non- residential ratio	§ 803. 8(e) 9(a)	None
15 * * * *			
16 Retail Sales and Services			
17 845.45	All Retail Sales and Services which <u>that</u> are not listed below	§§ 121.6, 803.9(ig), 890.104	P up to 10,000 gsf per lot; C up to 25,000 gsf; NP above
20 * * * *			
21 Other Uses			
22 * * * *			
23 845.96	Open Air Sales	§§ 803.9(ed), 890.38	P
25 * * * *			

1	845.98	Walk-up Facility, including	§§ 803.9(b),	P
2		Automated Bank Teller	890.140	
3		Machine		
4	* * * *			

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SEC. 846. SALI – SERVICE/ARTS/LIGHT INDUSTRIAL DISTRICT.

The Service/Arts/Light Industrial (SALI) District is largely comprised of low-scale buildings with production, distribution, and repair uses. The district is designed to protect and facilitate the expansion of existing general commercial, manufacturing, home and business service, and light industrial activities, with an emphasis on preserving and expanding arts activities. Nighttime Entertainment is permitted although limited by buffers around RED and RED-MX districts. Residential Uses, Offices, Hotels, and Adult Entertainment uses are not permitted. Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this Code.

Table 846			
SALI – SERVICE/ARTS/LIGHT INDUSTRIAL DISTRICT ZONING CONTROL TABLE			
No.	Zoning Category	§ References	SALI District Controls
BUILDING AND SITING STANDARDS			
* * * *			
846.09	Residential to non-residential ratio	§ 803. 8(e) <u>9(a)</u>	None
* * * *			
Institutions			
* * * *			

1	846.36	Medical Cannabis Dispensary	<u>§§ 102,</u> <u>202.2(e),</u> 890.133	<u>C in the Central SoMa SUD; P #</u> <u>elsewhere</u>
2				
3				
4	* * * *			
5	Retail Sales and Services			
6	* * * *			
7	<u>846.52</u>	<u>Cannabis Retail</u>	<u>§§ 102,</u> <u>202.2(a),</u> <u>890.125</u>	<u>C in the Central SoMa SUD; P #</u> <u>elsewhere</u>
8				
9				
10	* * * *			
11	Office			
12	* * * *			
13	846.65b	Office Uses Related to the Hall of Justice	§§ 803.9(fe), 822	P in Special Use District, pursuant to § 803.9(fe)
14				
15	* * * *			
16	Other Uses			
17	* * * *			
18	846.96	Open Air Sales	§§ 803.9(<u>ed</u>), 890.38	P up to 10,000 gsf per lot; C up to 25,000 gsf; NP above
19				
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21	* * * *			
22	846.98	Walk-up Facility, including Automated Bank Teller Machine	§§ 803.9(b), 890.140	P
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SEC. 847. RED-MX – RESIDENTIAL ENCLAVE-MIXED DISTRICT.

Residential Enclave-Mixed Districts (RED-MX) encompass some of the clusters of low-scale, medium density, predominantly residential neighborhoods located along the narrow side streets of the Western SoMa area. Many parcels in these residential enclaves are underdeveloped and represent opportunities for new residential and low-intensity commercial uses.

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Table 847			
RED-MX – RESIDENTIAL ENCLAVE-MIXED DISTRICT ZONING CONTROL TABLE			
No.	Zoning Category	§ References	Residential Enclave-Mixed Controls
* * * *			
Other Uses			
847.66	Open Air Sales	§§ 803.9(<i>ed</i>), 890.38	P up to 1,250 gsf per lot; C above; NP above 1 FAR
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SEC. 848. CMUO – CENTRAL SOMA MIXED USE-OFFICE DISTRICT.

The Central SoMa Mixed Use-Office (CMUO) extends predominantly between 2nd Street and 6th Street in the South of Market area. The CMUO is designed to encourage a mix of residential and non-residential uses, including office, retail, light industrial, arts activities, nighttime entertainment, and tourist hotels.

Table 848. CMUO – CENTRAL SOMA MIXED USE-OFFICE DISTRICT ZONING CONTROL

TABLE

<u>Central SoMa Mixed Use-Office District Controls</u>		
<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>
<u>BUILDING STANDARDS</u>		
<u>Massing and Setbacks</u>		
<u>Height and Bulk Limits.</u>	<u>§§ 102, 105, 106, 249.78, 250–252, 260, 261.1, 263.20, 263.30, 270, 270.1, 270.2, 271. See also Height and Bulk District Maps</u>	<u>Varies. See Height and Bulk Map Sheets HT01 and HT07. In the Central SoMa SUD, Prevailing Height and Density limits are determined by Section 249.78. Height sculpting required and additional bulk limits pursuant to §270; Non-habitable vertical projections permitted pursuant to §263.20; additional height permissible pursuant to §263.30; horizontal mass reduction required pursuant to §270.1; and Mid-block alleys required pursuant to §270.2.</u>
<u>5 Foot Height Bonus for Ground Floor Commercial</u>	<u>§ 263.20</u>	<u>NP</u>
<u>Setbacks</u>	<u>§§ 132.4, 134, 136, 144, 145.1</u>	<u>Generally required. Along 4th Street south of Bryant Street, required by a minimum depth of five feet, from</u>

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		<u>sidewalk grade up to a minimum height of 25 feet.</u>
<u>Street Frontage and Public Realm</u>		
<u>Streetscape and Pedestrian Improvements</u>	<u>§ 138.1</u>	<u>Required</u>
<u>Street Frontage Requirements</u>	<u>§ 145.1</u>	<u>Required</u>
<u>Street Frontage, Ground Floor Commercial</u>	<u>§ 145.4</u>	<u>2nd Street, on the west side, between Dow Place and Townsend Street; 3rd Street, between Folsom Street and Townsend Street; 4th Street, between Folsom and Townsend Streets; Folsom Street, between 4th and 6th Streets; Brannan Street, between 3rd Street and 4th Street; Townsend Street, on the north side, between 2nd Street and 4th Street.</u>
<u>Vehicular Access Restrictions</u>	<u>§ 155(r)</u>	<u>3rd Street between Folsom and Townsend Streets; 4th Street between Folsom and Townsend Streets; Folsom Street from 4th Street to 5th Street; Brannan Street from 2nd Street to 6th Street; and Townsend Street from 2nd Street to 6th Street.</u>
<u>Driveway Loading and Operations Plan</u>	<u>§ 155(u)</u>	<u>Required for projects of 100,000 sq. ft. or more.</u>

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<u>Miscellaneous</u>		
<u>Lot Size (Per Development)</u>	<u>§ 102, 303</u>	<u>N/A</u>
<u>Planned Unit Development</u>	<u>§ 304</u>	<u>NP</u>
<u>Large Project Authorization</u>	<u>§ 329</u>	<u>Required for new construction greater than 85 feet in height; additions to an existing building with a height of 85 feet or less resulting in a total building height greater than 85 feet; or the net addition or new construction of more than 50,000 gross square feet.</u>
<u>Awning and Canopy</u>	<u>§ 136.1</u>	<u>P</u>
<u>Marquee</u>	<u>§ 136.1</u>	<u>NP</u>
<u>Signs</u>	<u>§§ 262, 602-604, 607, 607.2, 608, 609</u>	<u>As permitted by § 607.2.</u>
<u>General Advertising Signs</u>	<u>§§ 262, 602.7 604, 608, 609, 610, 611</u>	<u>NP</u>
<u>Design Guidelines</u>	<u>General Plan Commerce and Industry Element;</u>	<u>Subject to the Urban Design Guidelines and Central SoMa Guide to Urban Design.</u>

	<u>Central</u>	
	<u>SoMa Plan.</u>	

<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>
<u>RESIDENTIAL STANDARDS & USES</u>		
<u>Development Standards</u>		
<u>Usable Open Space [Per Dwelling Unit and Group Housing]</u>	<u>§§ 135, 136, 427</u>	<u>80 sq. ft. per unit; 54 sq. ft. per unit if publicly accessible; buildings taller than 160 feet may also pay in-lieu fee.</u>
<u>Off-Street Parking</u>	<u>§§ 150, 151.1, 153, 156, 161, 166, 167</u>	<u>Car parking not required. Limits set forth in §151.1. Bicycle Parking required pursuant to §155.2. If car parking is provided, car share spaces are required when a project has 50 units or more pursuant to §166.</u>
<u>Dwelling Unit Mix</u>	<u>§ 207.6</u>	<u>At least 40% of all dwelling units shall contain two or more bedrooms, 30% of all dwelling units shall contain three or more bedrooms, or 35% of all dwelling units shall contain two or more bedrooms with at least 10% containing three or more bedrooms.</u>

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<u>Lot coverage</u>	<u>§ 249.78</u>	<u>Limited to 80 percent at all residential levels, except that on levels in which all residential units face onto a public right-of-way, 100% lot coverage may occur. The unbuilt portion of the lot shall be open to the sky except for those obstructions permitted in yards pursuant to Section 136(c) of this Code. Where there is a pattern of mid-block open space for adjacent buildings, the unbuilt area of the new project shall be designed to adjoin that mid-block open space.</u>
<u>Use Characteristics</u>		
<u>Single Room Occupancy</u>	<u>§ 102</u>	<u>P</u>
<u>Student Housing</u>	<u>§ 102</u>	<u>P</u>
<u>Residential Uses</u>		
<u>Residential Uses</u>	<u>§ 102</u>	<u>P</u>
<u>Dwelling Units, Senior Housing, and Group Housing</u>	<u>§ 207</u>	<u>No residential density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of</u>

		<u>the General Plan, and design review by the Planning Department.</u>
<u>Accessory Dwelling Units</u>	<u>§§ 102, 207(c)(4)</u>	<u>P within the existing building envelope. 1 ADU allowed in buildings with 4 or fewer Dwelling units. No limit in buildings with 5 or more Dwelling Units. ADUs may not eliminate or reduce ground-story retail or commercial spaces.</u>
<u>Homeless Shelters</u>	<u>§§ 102, 208</u>	<u>Density limits regulated by the Administrative Code, Chapter 20, Article XIII.</u>
<u>Loss of Dwelling Units</u>		
<u>Residential Conversion, Demolition, or Merger</u>	<u>§ 317</u>	<u>C</u>

<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>
<u>NON-RESIDENTIAL STANDARDS & USES</u>		
<u>Development Standards</u>		
<u>Floor Area Ratio</u>	<u>§§ 102, 123, 124, 128.1, 249.78</u>	<u>No FAR Limit In the Central SoMa SUD, Prevailing Height and Density limits are determined by Section</u>

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		<u>249.78, subject to the requirements of Section 128, in the Central SoMa SUD.</u>
<u>Use Size</u>	<u>§ 102</u>	<u>Restrictions on some Retail Sales and Service Uses.(1)</u>
<u>Off-Street Parking.</u>	<u>§§ 145.1, 150, 151.1, 153-156, 166, 204.5</u>	<u>Car parking not required. Limits set forth in § 151.1. Bicycle parking required pursuant to § 155.2. Car share spaces required when a project has 25 or more parking spaces pursuant to § 166.</u>
<u>Off-Street Freight Loading</u>	<u>§§ 150, 152.1, 153 - 155, 161, 204.5</u>	<u>Pursuant to § 152.1.</u>
<u>Useable Open Space</u>	<u>§§ 135.3, 426</u>	<u>Required; amount varies based on use; may pay in-lieu fee.</u>
<u>Privately-Owned Public Open Space (POPOS)</u>	<u>§§ 138, 426</u>	<u>Required with the construction of a new building or an addition of 50,000 gross square feet or more of Non-Residential use. Retail, institutional, and PDR uses are exempt. Ratio of square feet of open space to gross floor area is 1:50 feet except that one square foot of the following amenities</u>

		<u>shall count as 1.33 square feet:</u> <u>playgrounds, community gardens,</u> <u>sport courts or dog runs are</u> <u>provided; may also pay in-lieu fee</u>
<u>Commercial Use Characteristics</u>		
<u>Drive-up Facility</u>	<u>§ 102</u>	<u>NP</u>
<u>Formula Retail</u>	<u>§§ 102, 303,</u> <u>303.1</u>	<u>NP for Restaurants, Limited Restaurants,</u> <u>and Bars. C for all other Formula Retail</u> <u>Uses.</u>
<u>Hours of Operation</u>	<u>§ 102</u>	<u>No Restrictions</u>
<u>Maritime Use</u>	<u>§ 102</u>	<u>NP</u>
<u>Open Air Sales</u>	<u>§ 102</u>	<u>P</u>
<u>Outdoor Activity Area</u>	<u>§ 102</u>	<u>P</u>
<u>Walk-up Facility</u>	<u>§ 102</u>	<u>P</u>
<u>Agricultural Use Category</u>		
<u>Agricultural Uses*</u>	<u>§§ 102,</u> <u>202.2(c)</u>	<u>P</u>
<u>Agriculture, Large Scale Urban</u>	<u>§§ 102,</u> <u>202.2(c)</u>	<u>C</u>
<u>Automotive Use Category</u>		
<u>Automotive Uses*</u>	<u>§ 102</u>	<u>P</u>
<u>Parking Garage, Private</u>	<u>§ 102</u>	<u>C</u>
<u>Parking Garage, Public</u>	<u>§ 102</u>	<u>C</u>

1	<u>Parking Lot, Private</u>	<u>§§ 102, 142,</u>	<u>NP</u>
2		<u>156</u>	
3	<u>Parking Lot, Public</u>	<u>§§ 102, 142,</u>	<u>NP</u>
4		<u>156</u>	
5	<u>Service, Motor Vehicle Tow</u>	<u>§ 102</u>	<u>C</u>
6	<u>Services, Ambulance</u>	<u>§ 102</u>	<u>C</u>
7	<u>Vehicle Storage Garage</u>	<u>§ 102</u>	<u>C</u>
8	<u>Vehicle Storage Lot</u>	<u>§ 102</u>	<u>NP</u>
9	<u>Entertainment and Recreation Use Category</u>		
10	<u>Entertainment and Recreation Uses*</u>	<u>§ 102</u>	<u>P</u>
11	<u>Entertainment, Nighttime</u>	<u>§ 102</u>	<u>P(4)</u>
12	<u>Entertainment, Outdoor</u>	<u>§ 102</u>	<u>NP</u>
13	<u>Open Recreation Area</u>	<u>§ 102</u>	<u>NP</u>
14	<u>Sports Stadium</u>	<u>§ 102</u>	<u>NP</u>
15	<u>Industrial Use Category</u>		
16	<u>Industrial Uses*</u>	<u>§§ 102,</u>	<u>NP</u>
17		<u>202.2(d)</u>	
18	<u>Food ,Fiber and Beverage Processing 1</u>	<u>§§ 102,</u>	<u>P</u>
19		<u>202.2(d)</u>	
20	<u>Manufacturing, Light</u>	<u>§§ 102,</u>	<u>P</u>
21		<u>202.2(d)</u>	
22	<u>Institutional Use Category</u>		
23	<u>Institutional Uses*</u>	<u>§ 102</u>	<u>P</u>
24	<u>Hospital</u>	<u>§ 102</u>	<u>C</u>
25			

1	<u>Medical Cannabis Dispensary</u>	<u>§§ 102,</u>	<u>PC</u>
2		<u>202.2(e)</u>	
3	<u>Sales and Service Use Category</u>		
4	<u>Retail Sales and Service Uses*</u>	<u>§ 102</u>	<u>P(1)</u>
5	<u>Adult Business</u>	<u>§ 102</u>	<u>NP</u>
6	<u>Animal Hospital</u>	<u>§ 102</u>	<u>P</u>
7	<u>Bar</u>	<u>§§ 102,</u>	<u>P(1)(3)</u>
8		<u>202.2(a)</u>	
9	<u>Cannabis Retail</u>	<u>§§ 102,</u>	<u>C</u>
10		<u>202.2(a),</u>	
11		<u>890.125</u>	
12	<u>Hotel</u>	<u>§ 102</u>	<u>C(2)</u>
13	<u>Kennel</u>	<u>§ 102</u>	<u>P</u>
14	<u>Massage Establishment</u>	<u>§ 102</u>	<u>NP</u>
15	<u>Mortuary</u>	<u>§ 102</u>	<u>NP</u>
16	<u>Motel</u>	<u>§§ 102,</u>	<u>NP</u>
17		<u>202.2(a)</u>	
18	<u>Restaurant</u>	<u>§§ 102,</u>	<u>P(1)(3)</u>
19		<u>202.2(a)</u>	
20	<u>Restaurant, Limited</u>	<u>§§ 102,</u>	<u>P(1)(3)</u>
21		<u>202.2(a)</u>	
22	<u>Storage, Self</u>	<u>§ 102</u>	<u>NP</u>
23	<u>Trade Shop</u>	<u>§ 102</u>	<u>P</u>
24	<u>Non-Retail Sales and Service</u>	<u>§ 102</u>	<u>P</u>
25			

<u>Utility and Infrastructure Use Category</u>		
<u>Utility and Infrastructure*</u>	<u>§ 102</u>	<u>P</u>
<u>Internet Service Exchange</u>	<u>§ 102</u>	<u>C</u>
<u>Power Plant</u>	<u>§ 102</u>	<u>NP</u>
<u>Public Utilities Yard</u>	<u>§ 102</u>	<u>NP</u>
<u>Wireless Telecommunications Services Facility</u>	<u>§ 102</u>	<u>C(5)</u>

** Not Listed Below*

(1) P up to 25,000 gross sq. ft. per lot; above 25,000 gross sq. ft. per lot permitted only if the ratio of other permitted uses to retail is at least 3:1.

(2) Not subject to ratio requirements of (1) above, pursuant to § 803.9(g).

(3) Formula Retail NP.

(4) P in the area bounded by 4th Street, 6th Street, Bryant Street, and Townsend Street; C elsewhere.

(5) C if a Macro WTS Facility; P if a Micro WTS Facility.

* * * *

SEC. 890.37. ENTERTAINMENT, OTHER.

In the Chinatown Mixed Use Districts, a retail use, other than adult entertainment, as defined in Section 890.36 of this Code, which provides live entertainment, including dramatic and musical performances, and/or provides amplified taped music for dancing on the premises, including but not limited to Places of Entertainment and Limited Live Performance Locales, as defined in Section 1060 of the Police Code. Other entertainment also includes a bowling alley, billiard parlor, shooting gallery, skating rink and other commercial recreational activity, but it excludes amusement game arcades, as defined in Section 890.4 of this Code

1 and regulated in Section 1036 of the Police Code. ~~For South of Market Districts, see Section~~
2 ~~102.17.~~

3 * * * *

4 **SEC. 890.116. SERVICE, PERSONAL.**

5 A retail use which provides grooming services to the individual, including salons,
6 cosmetic services, tattoo parlors, and health spas, excluding ~~massage establishments subject to~~
7 ~~Section 218.1 of this Code located within South of Market Districts, or~~ instructional services not
8 certified by the State Educational Agency, such as art, dance, exercise, martial arts, and
9 music classes, ~~except that in the South of Market Districts, arts activities falling within Section 102.2~~
10 ~~shall not be considered personal services.~~

11 * * * *

12 **SEC. 890.124. TRADE SHOP.**

13 A retail service use which provides custom-crafted goods and/or services for sale
14 directly to the consumer, reserving some storefront space for display and retail service; if
15 conducted within an enclosed building having no openings other than fixed windows or exits
16 required by law located within 50 feet of any R District. A trade shop includes, but is not
17 limited to:

18 * * * *

19 (g) ~~Within the South of Market Districts, arts activities falling within Section 102.2 shall not be~~
20 ~~considered trade shops.~~

21 ~~(h) Within South of Market and~~ Eastern Neighborhoods Mixed Use Districts, this use
22 shall include the offices of building, plumbing, electrical, painting, masonry, roofing, furnace or
23 pest control contractors and storage of incidental equipment and supplies used by them, if
24 located entirely within an enclosed building having no openings other than fixed windows or
25 exits required by law within 50 feet of an R District. No processing of building materials, such

1 as mixing of concrete or heating of asphalt shall be conducted on the premises. Parking,
2 loading and unloading of all vehicles used by the contractor shall be located entirely within the
3 building containing the use.

4 (*ih*) Within the Chinatown Mixed Use Districts, it does not include any shop which
5 uses a single machine of more than five horsepower capacity, or a shop in which the
6 mechanical equipment, together with related floor space used primarily by the operators of
7 such equipment, occupies in the aggregate more than 1/3 of the total Gross Floor Area of
8 the use. A trade shop is distinct from light manufacturing, as defined in Section 890.54(a) of
9 this Code.

10
11 Section 5. This section is uncodified. Applicable provisions of the Planning Code shall
12 apply to a residential Tower on Block 3786, Lot 035, except as otherwise provided in this
13 Section. In the event of a conflict between other provisions of the Planning Code and this
14 Section, this Section shall control. For a residential Tower on Block 3786, Lot 035, the
15 following controls shall apply, provided the project meets its Inclusionary Housing
16 requirements pursuant to Planning Code Section 415 by providing BMR units entirely on-site:

17 (a) A 5-foot setback is required for the Tower Portion for the entire frontage along
18 Fourth Street, and a 25-foot setback is required for the Tower Portion for the entire southwest
19 property line frontage directly opposite the property at Block 3786, Lot 322.

20 (b) The residential Tower may have a horizontal separation of not less than 40 feet
21 from the Tower Portion of an approved or proposed Tower on Block 3786, Lot 322.

22 (c) The maximum Gross Floor Area of any residential Tower floor shall be 12,500
23 gross square feet.

24 (d) The maximum plan length of a Residential tower shall be 165 feet.

1 (e) Pursuant to the Large Project Authorization process in Section 329, the Planning
2 Commission shall evaluate the design of the project and make recommendations to alleviate
3 the appearance of the expanded tower bulk and floorplate, and to address the limited tower
4 separation between the project and the adjacent development at Block 3786, lot 322.

5
6 Section 56. Non-Severability Effect of Litigation. #In the event that any person or entity
7 files a lawsuit in any court challenging any new development requirement imposed by this
8 ordinance as part of the Central SoMa Plan that generates revenue to fund the Central SoMa
9 Public Benefits Program, contained in the Central SoMa Implementation Program; any
10 subsection, sentence, clause, phrase, or word thereof; or any application thereof to any
11 person or circumstance is held to be invalid or unconstitutional by a decision of a court of
12 competent jurisdiction, such decision shall render the remaining portions or applications of the
13 ordinance invalid. The Board of Supervisors hereby declares that it would not have passed
14 this ordinance, and each and every section, subsection, sentence, clause, phrase, and word
15 not declared invalid or unconstitutional, without the sections of this ordinance imposing such
16 new development requirements. then upon the service of such lawsuit upon the City and
17 County of San Francisco, all applications for projects that could not be approved but for the
18 adoption of this ordinance and that have not yet received a first construction document will be
19 suspended until there is a final judgment in the lawsuit in all courts and the validity of the
20 challenged provision(s) specified in this Section is upheld.

21
22 Section 7. Effective Date. This ordinance shall become effective 30 days after
23 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
24 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
25 of Supervisors overrides the Mayor's veto of the ordinance.

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Section ~~678~~. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the “Note” that appears under the official title of the ordinance.

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

By: _____
PETER R. MILJANICH
Deputy City Attorney

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