

Amendment of the Whole
July 20, 2005.

FILE NO. 050864

ORDINANCE NO.

1 [Rincon Hill Area Plan: Downtown Residential Districts.]

2
3 **Ordinance amending the Planning Code by adding Section 318 to impose community**
4 **improvement impact fees totalling \$11 per square foot on residential development in the**
5 **DTR districts to provide necessary community improvements and enhance property**
6 **values in the district by helping to fund the construction and reconstruction of streets,**
7 **streetscaping, parks, community centers, and other public infrastructure, and to**
8 **impose an additional Rincon Hill development impact fee totalling \$14 per square foot**
9 **on residential development in the Rincon Hill Plan Area to create the Rincon Hill**
10 **Mitigation Fund to fund affordable housing, to address impacts on citywide**
11 **infrastructure such as open space, street improvements, and community facilities, and**
12 **to address economic and community impacts on the SOMA community, and making**
13 **findings; amending the Zoning Map of the City and County of San Francisco to change**
14 **Maps 1, 1H, and 1SU for the area generally bounded by Folsom Street to the north, The**
15 **Embarcadero to the east, Bryant Street and the north side of the Bay Bridge to the**
16 **south, and Essex Street to the west for the blocks and lots described below; and**
17 **amending the San Francisco Planning Code by adding Sections 825, 825.1, 826, and**
18 **827 to create Downtown Residential (DTR) districts, establish DTR districts in Transbay**
19 **and Rincon Hill, and specify the uses permitted in Downtown Residential districts; by**
20 **adding Sections 145.4, 151.1, 152.2, 155.5, 166, 167, 175.7 and 263.19 to impose**
21 **requirements for street frontages, permitted off-street parking and loading, allowed off-**
22 **street freight loading and service vehicle spaces, bicycle parking, car sharing,**
23 **separating parking costs from housing costs, exempting certain pipeline projects from**
24 **the new controls, and limiting podium and tower heights in the R bulk district; by**
25 **adding Section 309.1 establishing procedures for permit review in DTR districts; and by**

1 amending Section 102.5 (District), Section 135 (Usable Open Space for Dwelling Units
2 and Group Housing), Section 141 (Screening of Rooftop Features), Section 151
3 (Required Off-Street Parking Spaces), Section 152 (Schedule of Required Off-Street
4 Freight Loading Spaces in Districts Other Than C-3 or South of Market), Section 153
5 (Rules for Calculation of Required Spaces), Section 154 (Dimensions for Off-Street
6 Parking, Freight Loading and Service Vehicle Spaces), Section 155 (General Standards
7 as to Location and Arrangement of Off-Street Parking, Freight Loading and Service
8 Vehicle Facilities), Section 182 (Nonconforming Uses), Section 201 (Classes of Use
9 Districts), Section 207.5 (Density of Dwelling Units in Mixed Use Districts), Section 209
10 (Uses Permitted in R Districts), Section 249.1 (Rincon Hill Special use District), Section
11 260 (Height Limits; Measurement), Section 270 (Bulk Limits; Measurement), Section
12 608.13 (Rincon Hill Area), Section 802.1 (Mixed Use Districts), Section 803 (Mixed Use
13 District Requirements), Section 803.5 (Additional Provisions Governing Uses in Mixed
14 Use Districts), and Section 809 (Guide to Understanding the Mixed Use District Zoning
15 Controls) to conform these sections with the new DTR district controls; adopting
16 environmental findings and findings of consistency with the General Plan and the eight
17 priority policies of Planning Code Section 101.1.

18 Note: Additions are *single-underline italics Times New Roman*;
19 deletions are ~~*strikethrough italics Times New Roman*~~.
20 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

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

22 Section 1. Findings. (a) Pursuant to Planning Code Section 302, the Board of
23 Supervisors finds that this ordinance will serve the public necessity, convenience and welfare
24 for the reasons set forth in Planning Commission Resolution No. _____, and
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1 incorporates such reasons herein by reference. A copy of said Planning Commission
2 resolution is on file with the Clerk of the Board in File No. _____.

3 (b) The Board of Supervisors finds that this ordinance is in conformity with the
4 General Plan, as amended by the companion legislation, and with the Priority Policies of
5 Planning Code Section 101.1 for the reasons set forth in Planning Commission Resolution No.
6 _____, and hereby incorporates those reasons herein by reference.

7 (c) The Planning Department has determined that adoption of this ordinance is in
8 compliance with the California Environmental Quality Act (California Public Resources Code
9 Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
10 Supervisors in File No. _____ and is incorporated herein by reference.

11 Section 2. The San Francisco Planning Code is hereby amended by adding Section
12 318, to read as follows:

13 SEC. 318. COMMUNITY IMPROVEMENTS FUND AND RINCON HILL MITIGATION
14 FUND IN DTR DISTRICTS.

15 Sections 318.1—318.59 set forth the requirements and procedures for the Downtown
16 Residential Community Improvements Fund and the Rincon Hill Mitigation Fund.

17 SEC. 318.1. FINDINGS.

18 A. The population of California has grown by more than 11 percent since 1990 and is
19 expected to continue increasing. The San Francisco Bay Area is growing at a rate similar to the rest of
20 the State. New residential construction in San Francisco is necessary to accommodate the additional
21 population. At the same time, new residential construction should not diminish the City's open space
22 or increase dependence on the private automobile for commuting.

23 San Francisco already is experiencing a severe shortage of housing available to people at all
24 income levels, resulting in a sharp increase in home prices. The Association of Bay Area
25 Governments' Regional Housing Needs Determination (RHND) forecasts that 20,372 new residential

1 units need to be built in San Francisco by 2006, and at least 5,639 of these units should be available to
2 moderate income households.

3 The City should encourage new housing production in a manner that enhances existing
4 neighborhoods and creates new residential and mixed-use neighborhoods. One solution to the housing
5 crisis is to encourage the construction of higher density housing in areas of the City best able to
6 accommodate such housing because of easy access to public transit and the availability of larger
7 development sites.

8 Many elements constrain housing production in the City, making it a challenge to build housing
9 that is affordable to those at moderate income levels. San Francisco is largely built out, and its
10 geographical location at the northern end of a peninsula inherently prevents substantial new
11 development. There is no available adjacent land to be annexed, as the cities located on San
12 Francisco's southern border are also dense urban areas. Thus, new construction of housing is limited
13 to areas of the City not previously designated as residential areas, infill sites, or areas with increased
14 density. New market-rate housing absorbs a significant amount of the remaining supply of land and
15 other resources available for development and thus limits the supply of affordable housing.

16 Emerging downtown residential areas of the City contain many older commercial, institutional
17 and industrial uses. Due to the underutilization of land in these areas and their proximity to downtown
18 employment and city and regional transport, they present an opportunity to build a quantity of new
19 housing at increased densities within easy walking distance of the downtown and city and regional
20 transit centers in a way that can contribute to a vibrant downtown community over the next several
21 years. The Planning Department is currently rezoning these areas to a "Downtown Residential" (DTR)
22 zoning that will enable significant new high-density residential development. These areas are lacking,
23 however, in even basic infrastructure and amenities necessary to serve a residential population, and
24 the need for these improvements will increase as the downtown's residential population, especially
25 families and children, grow with the transformation of these areas into dense mixed-use residential

1 districts. While the open space requirements imposed on individual developments address minimum
2 needs for private open space and access to light and air, such open space cannot provide the same
3 social and recreational opportunities as safe and attractive public sidewalks, parks and other
4 community services, nor does it contribute to the overall transformation of the district into a safe and
5 attractive residential area.

6 In order to enable the City and County of San Francisco to create a coherent, attractive, and
7 safe residential neighborhood in these emerging downtown residential areas, and to increase property
8 values and investment in the district, it is necessary to upgrade existing streets and streetscaping, and
9 to acquire and develop neighborhood parks, recreation facilities and other community services to serve
10 the new residential population. To fund such community infrastructure and amenities, new residential
11 development in the district shall be assessed development impact fees proportionate to the increased
12 demand for such infrastructure and amenities created by the new housing. The City will use the
13 proceeds of the fee to build new infrastructure and enhance existing infrastructure in the district or
14 within 250 feet of the district that provides direct benefits to the new housing. The net increase in
15 individual property values in these areas due to the enhanced neighborhood amenities financed with
16 the proceeds of the fee are expected to exceed the payments of fees by the sponsors of residential
17 development. A Community Improvements Impact Fee shall be established for DTR districts as set
18 forth herein.

19 B. To respond to this identified need for housing, Rincon Hill and other downtown
20 neighborhoods are proposed to be rezoned as part of comprehensive neighborhood plans to encourage
21 high-density residential uses. These areas are currently occupied primarily by older commercial and
22 industrial uses with minimal public infrastructure and amenities to support a significant residential
23 population. In addition, very few residents currently reside in these areas. New residential
24 development in these areas will impact the local infrastructure and generate a substantial need for
25 community improvements as the district's population grows as a result of new residential development.

1 Substantial new investments in community infrastructure, including parks, pedestrian and streetscape
2 improvements, and other community facilities are necessary to mitigate the impacts of new
3 development in these districts.

4 The amendments to the General Plan, Planning Code and Zoning Map that correspond to this
5 Ordinance will permit an extraordinary amount of new residential development. More than 2,220 new
6 units representing approximately 5,100 new residents would be anticipated in the neighborhood, and
7 along with other approved projects, will result in a 400% increase in the area's residential population.
8 This new development will have an extraordinary impact on the district's dated infrastructure. As
9 described more fully in the Rincon Hill Plan Final Environmental Impact Report, San Francisco
10 Planning Department, Case No. 2000.1081E, 2005 on file with the Clerk of the Board in File No.
11 _____ , new development will also generate substantial new traffic in the area, which will impact
12 the area. 1 The Rincon Hill Plan proposes to mitigate these impacts by providing extensive pedestrian,
13 traffic-calming and other streetscape improvements that will make it attractive to residents to make as
14 many daily trips as possible on foot, by bicycle or on transit. A comprehensive program of new public
15 infrastructure is necessary to mitigate the impacts of the proposed new development and to provide
16 these basic community improvements to the area's growing residential population.

17 As a result of this new development, property tax revenue is expected to increase by as much as
18 \$29 million annually in Rincon Hill. These revenues will fund improvements and expansions to general
19 city services, including police, fire, emergency, and other services needed to partially meet increased
20 demand associated with new development. Local impacts on the need for community infrastructure will
21 be extraordinary in Rincon Hill, compared to those typically funded by city government through
22 property tax revenues. The relative cost of capital improvements, along with the reduced role of state
23 and federal funding sources, increases the necessity for development impact fees to cover these costs.

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1 General property tax revenues will not be adequate to fully fund the costs of the community
2 infrastructure necessary to mitigate the impacts of new development in the Rincon Hill area.

3 Development impact fees are a more cost-effective, realistic way to implement mitigations to a
4 local area associated with a particular development proposal's impact. As important, the proposed
5 Rincon Hill Community Infrastructure Impact Fee would be dedicated to the Rincon Hill area,
6 directing benefits of the fund directly to those who pay into the fund.

7 While this fee will increase the overall burden on new development in the area, the burden is
8 typically reflected in a reduced sale price for developable land, or passed on to the buyers/renters of
9 housing in the area and thus is born primarily by those who have caused the impact and who will
10 ultimately enjoy the benefits of the community improvements it pays for.

11 C. The purpose of the proposed Rincon Hill Community Infrastructure Impact Fee is to
12 provide specific improvements, including community open spaces, pedestrian and streetscape
13 improvements and other facilities and services. These improvements are described in detail in the
14 Rincon Hill Plan and the proposed ordinance, and are necessary to meet established City standards for
15 the provision of such facilities. The Rincon Hill Community Improvements Fund and Community
16 Infrastructure Impact Fee will create the necessary financial mechanism to fund these improvements in
17 proportion to the need generated by new development.

18 The capital improvements, which the fee Rincon Hill Community Improvement Fund would fund,
19 are clearly described in the Ordinance, and in Table 1 below. The fee would be used solely to fund the
20 acquisition, design, construction, and maintenance of public facilities in DTR Districts, and specifically
21 in the Rincon Hill area. The proposed fees only cover impacts caused by new development and are not
22 intended to remedy already existing deficiencies; those costs will be paid for by other sources.

23 The proposed improvements described in Table 1 are necessary to serve the new population at
24 the anticipated densities and meet established standards for local access to parks and community
25 facilities described in the General Plan.

1 The exact amount of the fee has been calculated by the Planning Department based on accepted
 2 professional methods for the calculation of such fees described in more detail in the Planning Depart
 3 case report for this Ordinance, on file with the Clerk of the Board in File No. _____. Cost estimates
 4 are based on a detailed assessment of the potential cost to the city of providing the specific
 5 improvements described in the Rincon Hill Plan.

6 D. The proposed Rincon Hill Community Infrastructure Impact Fee would fund mitigations
 7 of the impacts of new development on:

- 8 ▪ Open Space: Acquisition and development of neighborhood parks;
- 9 ▪ Streets: Extensive streetscape improvements throughout the district, including sidewalk
 10 widenings on Spear, Main, Beale and Essex Streets that would result in useable neighborhood
 11 open space;
- 12 ▪ Community Facilities: ADA, seismic and tenant improvements to the Sailor's Union of the
 13 Pacific building at 450 Harrison Street that would make the building available for public uses,
 14 including community arts, recreation and education facilities; and
- 15 ▪ Library Services: Funding to provide library services to the area's new residential population to
 16 established city standards, whether provided in the area or in existing San Francisco Public
 17 Library facilities.

18 Specific capital improvements to mitigate the impact of new residential development in Rincon
 19 Hill are proposed and detailed cost estimates have been developed. These are described in Table 1.

21 Table 1:
 22 Cost Summary of the Proposed Rincon Hill Community Infrastructure
 23 Improvements

24
 25 Total Unit Potential Under the Proposed Rezoning 2,220

1 Average Unit Size (net SF) 925

2 Total Occupiable Residential SF (net SF) 2,053,500

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<u>Mitigation</u>	<u>Cost</u>
<u>Living Street Open Space Improvements</u>	<u>\$ 5,924,406</u>
<u>Pedestrian Safety and Streetscape Improvements</u>	<u>\$ 3,883,953</u>
<u>Traffic Calming to Residential Alleys</u>	<u>\$ 1,381,000</u>
<u>Rincon Hill Park</u>	<u>\$ 12,866,052</u>
<u>Essex Hillside Park</u>	<u>\$ 472,050</u>
<u>Sailor's Union of the Pacific Community Center</u>	<u>\$ 2,500,000</u>
<u>Library Services</u>	<u>\$ 601,718</u>
<u>-</u>	<u>-</u>
<u>Gross Cost of Community Facility Improvements</u>	<u>\$ 27,629,179</u>
<u>Less Current Requirements for Street Improvements</u>	<u>\$ (1,701,679)</u>
<u>Net Cost of Community Facility Improvements</u>	<u>\$ 25,927,499.81</u>
<u>Average Cost per Occupiable Residential SF</u>	<u>\$ 12.63</u>

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SF Planning Department, April 2005

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The costs in Table 1 are realistic estimates made by the Planning Department of the actual costs for improvements related to mitigating the impacts of new development.. Detailed cost estimates are on file at the Planning Department in Case File No. _____ and on file with the Clerk of the Board in File No. _____. The proposed fee would cover 85% most of the estimated costs of the community improvements necessary to mitigate these impacts, as described in Table 2. By charging developers

1 less than the maximum amount of the justified impact fee, the City avoids any need to refund money to
 2 developers if the fees collected exceed costs.

3 E. The Ordinance imposes a tiered the following fee structure. which establishes different,
 4 slightly reduced fees for projects which have filed applications since the Planning Department publicly
 5 announced the potential fee in Rincon Hill in March 2003. While overall impacts from these projects
 6 would be similar, the more recent projects are of a greater scale and would thereby have a greater
 7 impact on the need for community infrastructure improvements in the immediate area. Furthermore,
 8 these projects propose development consistent per existing planning controls for the district and were
 9 applied for prior to the public announcement of the potential for impact fees.

10
 11 Table 2:
 12 Proposed Rincon Hill Community Infrastructure Impact Fee,
 13 Rates and Projected Fee Revenues

	<u>No. of</u>	<u>Total Occ. Res.</u>	<u>Fee Rate /</u>	<u>Projected Fee</u>
	<u>Units</u>	<u>SF*</u>	<u>Occ. Res. SF</u>	<u>Revenue</u>
Projects with Prior CU Applications*	420	399,000	\$ 8.00	\$ 3,192,000
All Other Projects	1,800	1,710,000		\$ 18,810,000
	<u>2,220</u>	<u>2,053,500</u>	\$ 11.00	<u>\$22,588,500.</u>
Total				\$ 22,002,000

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 22 ~~*Includes projects for which an application for environmental review and a~~
 23 ~~conditional use application have been filed with the Department prior to March 1,~~
 24 ~~2003 and February 1, 2005, respectively (375 and 385-399 Fremont Streets).~~

1 *Assumes an average of 925 net SF per unit

2 SF Planning Department, April 2005

3 F. The proposed Rincon Hill Community Infrastructure Impact Fee is necessary to meet
4 relevant state and national service standards, as well as local standards in the Goals and Objectives of
5 the General Plan as described below:

6 Open Space: The San Francisco General Plan contains the following objectives and policies

7 that call for the provision of streetscape parks and community facilities improvements to serve San

8 Francisco's residential population: Recreation and Open Space Element

9 Objective 2 (Develop and maintain a diversified and balanced citywide system of high quality public

10 open space); Policy 2.1 (Provide an adequate total quantity and equitable distribution of public open

11 spaces throughout the city); Policy 2.7 (Acquire additional open space for public use), Objective 4

12 (Provide opportunities for recreation and the enjoyment of open space in every San Francisco

13 neighborhood), Policy 4.4 (Acquire and develop new public open space in existing residential

14 neighborhoods, giving priority to areas which are most deficient in open space), Policy 4.6 (Assure the

15 provision of adequate public open space to serve new residential development), and Urban Design

16 Element Policy 4.8 (Provide convenient access to a variety of recreation opportunities).

17 The Recreation and Open Space Element of the General Plan cites the National Park and

18 Recreation Association open space standard of 10 acres per 1,000 residents. Although it acknowledges

19 that this standard is unachievable in a built-out city with limited open space opportunities such as San

20 Francisco, it notes that San Francisco does have an average of approximately 5.5 open space acres per

21 resident, and states, "to the extent it reasonably can, the City should increase the per capita supply of

22 public open space within the City." This standard is consistent with the national standards for the

23 provision of open space to serve residential uses.

24 Additionally, the General Plan contains standards for the distribution of public open space.

25 Areas within acceptable walking distance of open space include areas within ½ mile of a "Citywide"

1 open space (1-1,000 acres), 3/8 mile of a "District" open space (> 10 acres), 1/4 mile of a
2 "Neighborhood" open space (1-10 acres), and 1/8 mile of a "Subneighborhood" open space (< 1
3 acre).

4 Map 2 of the Recreation and Open Space Element shows that the entirety of Rincon Hill is not
5 served by open space, and Figure 3 identifies the Rincon Hill area as an "Area Not Served by Public
6 Open Space." Map 4 identifies the Rincon Hill area as an area in which to "Provide New Open Space
7 in the General Vicinity."

8 As a primarily industrial and commercial area, Rincon Hill has historically not had a great
9 need for open space. However, as this area transitions to residential use, new development will create
10 a need for open space to serve the new residential population, pursuant to Recreation and Open Space
11 Element Policy 4.6, which states, "Assure the provision of adequate public open space to serve new
12 residential development."

13 The neighborhood open spaces which would be funded through the Rincon Hill Community
14 Infrastructure Impact Fee would alleviate a portion of the impacts associated with new development
15 and meet the needs of the new population by raising the per capita amount of open space in the district,
16 and by bringing parts of the district within 1/4 mile of an open space, the General Plan standard for
17 "Neighborhood" open spaces (1-10 acres). Together with existing and other proposed parks,
18 approximately 8.5 acres of open space would be available to serve the Rincon Hill area's projected
19 population of 16,400 residents, or 0.52 acres of open space per 1000 residents.

20 Streetscape Improvements: The proposed pedestrian and streetscape improvements would
21 increase the amount of useable open space in Rincon Hill, improve pedestrian safety, reduce
22 automobile trips and therefore mitigate traffic impacts expected in the district. Policy 4.11 of the
23 Urban Design Element states, "Make use of street space and other unused public areas for
24 recreation," and continues: "Walking along neighborhood streets is the common form of recreation.
25 The usefulness of streets for this purpose can in many cases be improved by widening of sidewalks and

1 installation of simple improvements such as benches and landscaping. Such improvements can often be
2 put in place without narrowing of traffic lanes by use of parking bays with widening of sidewalks at the
3 intersections and at other points unsuitable for parking. [¶] Streets that have roadways wider than
4 necessary, and streets that are not developed for traffic because of their steepness, provide exceptional
5 opportunities for recreation. These areas can be developed with playgrounds, sitting areas, viewpoints
6 and landscaping that make them neighborhood assets and increase the opportunities for recreation
7 close to the residents' homes."

8 Map 9 of the Recreation and Open Space Element identifies Rincon Hill as one area to "Improve Street
9 Space for Recreation and Landscaping where Possible."

10 In Rincon Hill, which will be deficient in open space when built out as a residential
11 neighborhood, and where available land for new open space is scarce, excess street space that can be
12 used for open space forms an important component of the open space system. A portion of the funds
13 collected from the Rincon Hill Community Infrastructure Impact Fee would be used to widen sidewalks
14 on streets with excess roadway width, and use this space for recreation and open space amenities,
15 helping to alleviate the open space need brought about by new development.

16 National and international transportation studies (such as the Dutch Pedestrian Safety
17 Research Review. T. Hummel, SWOV Institute for Road Safety Research (Holland), and University of
18 North Carolina Highway Safety Research Center for the U.S. Dept. of Transportation, 1999 on file with
19 the Clerk of the Board in File No. _____) have demonstrated that pedestrian, traffic-calming and
20 streetscape improvements of the type proposed for Rincon Hill result in safer, more attractive
21 pedestrian conditions. These types of improvements are essential to making pedestrian activity safe and
22 attractive in the district, thereby helping to mitigate traffic impacts associated with excess automobile
23 trips that could otherwise be generated by new development.

24 Community Facilities: The Community Facilities Element of the General Plan contains the
25 following relevant provisions: Objective 3 (Assure that Neighborhood Residents Have Access to

1 Needed Services and a Focus for Neighborhood Activities), Policy 3.1 (Provide neighborhood centers
2 in areas lacking adequate community facilities), Policy 3.3 (Develop centers to serve an identifiable
3 neighborhood), Policy 3.4 (Locate neighborhood centers so they are easily accessible and near the
4 natural center of activity), and Policy 3.5 (Develop neighborhood centers that are multipurpose in
5 character, attractive in design, secure and comfortable, and inherently flexible in meeting the current
6 and changing needs of the neighborhood served).

7 Figure 2 of the Recreation and Open Space Element shows Rincon Hill as entirely outside of the
8 service area for public gyms and recreation centers.

9 A portion of the funds from the Rincon Hill Community Infrastructure Impact Fee would pay for
10 tenant improvements to the Sailor's Union of the Pacific building at 450 Harrison Street, for spaces
11 within the building that would be used for public community arts, education and recreation facilities.
12 National and international best practices identify the need to provide community facilities to serve
13 residential areas, especially in areas rezoned for high-density housing without existing community
14 infrastructure. Vancouver B.C. has established service standards for the provision of community
15 facilities in high-density residential areas. The Planning Department has determined that the
16 community facilities proposed in Rincon Hill are consistent with these standards. Rincon Hill is
17 currently deficient in community facilities; this condition will be exacerbated when the residential
18 population of the area increases over time. Funds from the Community Infrastructure Impact Fee
19 would be used to directly fund a new community center that would alleviate the deficiency brought
20 about by the demand generated from new residents, by creating a public recreation, arts, and
21 education facility accessible to all Rincon Hill residents.

22 Library Services: New residents in Rincon Hill will generate a substantial new need for library
23 services. The San Francisco Public Library has indicated that it does not anticipate adequate demand
24 for a branch library in Rincon Hill at this time. However, the increase in population in Rincon Hill will
25 create additional demand at other libraries, primarily the Main Library and the new Mission Bay

1 branch library. The Rincon Hill Community Infrastructure Impact Fee includes a funding for library
2 services equal to \$69 per new resident, which is consistent with the service standards used by the San
3 Francisco Public Library for allocating resources to neighborhood branch libraries.

4 G. An extraordinary scope of new development will be enabled in Rincon Hill if the
5 amendments to the General Plan, Planning Code and Zoning Map that have been adopted by
6 the Planning Commission are approved. More than 2,220 new units would be anticipated in
7 the neighborhood, and along with other approved projects, will result in a 400% increase in
8 the area's residential population. These new residents will create substantial impacts on
9 affordable housing, citywide infrastructure, and the SOMA community. The proposed Rincon
10 Hill Mitigation Fee is necessary to address impacts from the new development in Rincon Hill
11 and to meet local standards in the Goals and Objectives of the General Plan as described
12 below.

13 According to "Impact Fees: Practical Guide for Calculation and Implementation,"
14 Dennis H. Ross, Scott Ian Thorpe, Revenue and Costs Specialists, available at:
15 http://www.revenuecost.com/imp_fees.html. and on file with the Clerk of the Board in File No.
16 _____ , the relative cost of capital improvements, along with the reduced role of state and
17 federal funding sources, increases the necessity for development impact fees to cover these
18 costs.

19 According to a recent article from the Brookings Institution, development impact fees
20 are a more cost-effective, realistic way to implement mitigations to a local area associated
21 with a particular development proposal's impact. This article is available with the Clerk of the
22 Board in File No. _____ . While this fee will increase the overall burden on new
23 development in the area, the burden is typically reflected in a reduced sale price for
24 developable land, or passed on to the buyers/renters of housing in the area and thus is born
25 primarily by those who have caused the impact and who will ultimately enjoy the benefits of

1 the community improvements it pays for. An empirical investigation supporting this
2 proposition was conducted entitled "An Empirical Investigation of the Effects of Impact Fees
3 on Housing and Land Markets," The Lincoln Institute of Land Policy, Cambridge, Mass. Keith
4 R. Ihlanfeldt and Timothy M. Shaughnessy, 2002. This article is available with the Clerk of the
5 Board in File No. _____.

6 State and federal laws provide the authority for local jurisdictions to establish
7 development impact fees. The proposed Rincon Hill Mitigation Fee is consistent with
8 applicable state and federal laws. The proposed Rincon Hill Mitigation Fee would fund
9 mitigations of the impacts of new development on:

- 10 ▪ Affordable Housing
- 11 ▪ Citywide impacts: Including streets, capital improvements to open space and
12 community facilities
- 13 ▪ Impacts on the SOMA Community

14 H. Affordable Housing: The findings in Planning Code Section 315.2 of the
15 Inclusionary Affordable Housing Ordinance are hereby readopted and incorporated herein by
16 reference.

17 Development of new market-rate housing makes it possible for new residents to
18 move to the City. These new residents place demands on services provided by both public
19 and private sectors. Some of the public and private sector employees needed to meet the
20 needs of the new residents earn incomes only adequate to pay for affordable housing.
21 Because affordable housing is in short supply within the City, such employees may be forced
22 to live in less than adequate housing within the City, pay a disproportionate share of their
23 incomes to live in adequate housing within the City, or commute ever-increasing distances to
24 their jobs from housing located outside the City. These circumstances harm the City's ability
25 to attain goals articulated in the City's General Plan and place strains on the City's ability to

1 accept and service new market-rate housing development. New development in the Rincon
2 Hill area will be marketed to higher income groups than other new development in San
3 Francisco. Higher income groups have a higher demand for services than other income
4 groups, so a higher number of workers will need to be housed in the area. Workers in the
5 service industry generally make less than median income. The development in Rincon Hill
6 represents the development of a disproportionate share of the available land for remaining
7 housing development in the City.

8 The Rincon Hill Plan enables new market rate development on major opportunity sites,
9 which, in effect, reduces land available for affordable housing. Furthermore, new market rate
10 development in Rincon Hill will be of greater density than allowed elsewhere in the South of
11 Market, increasing land values. This increase in land values further reduces the feasibility for
12 affordable housing in the Rincon Hill Plan area, and justifies imposition of a somewhat greater
13 affordable housing requirement on housing projects in the Rincon Hill Plan area.

14 In addition, through the amendments to the Rincon Hill Area Plan and related zoning
15 maps, the overall development capacity of the Rincon Hill area will be increased by 1)
16 increasing permitted height and bulk, 2) eliminating residential density limits by lot area, and
17 3) establishing a minimum residential to commercial use ratio. Existing permitted heights
18 range from 80 feet up to a maximum of 250 feet. The new Rincon Hill zoning would increase
19 heights up to 400 - 550 feet in selected locations. The permitted bulk for residential towers will
20 be increased from a maximum floorplate of 7,500sf to a range from 7,500 - 10,000sf. The
21 area's existing RC-4 zoning has a maximum permitted residential density of 1 unit per 200 of
22 lot area; this limit will be eliminated and the height and bulk envelope will control the maximum
23 development permitted. Thus project sponsors in the area are receiving a substantial
24 increase in density over what is currently permitted.

25 I. Citywide Impacts.

1 Open Space: New development in Rincon Hill will create new residential density that is
2 among the highest of any neighborhood in San Francisco. Per proposed Planning Code
3 Section 318, this development would be required to pay a Community Improvements Impact
4 Fee to mitigate the impacts of new development on local open space needs. A portion of this
5 fee would be used to purchase a neighborhood park in Rincon Hill, and to provide other open
6 space improvements within the district.

7 However, due to the high density of new development in Rincon Hill, and the scarcity of
8 available sites that could be acquired and developed as open space in the district, the amount
9 of open space that could be created within Rincon Hill will not be sufficient to offset the
10 demand for open space use generated by new residents of Rincon Hill.

11 The Recreation and Open Space Element of the General Plan cites the National Park
12 and Recreation Association open space standard of 10 acres per 1,000 residents. Although it
13 acknowledges that this standard is unachievable in a built-out city with limited open space
14 opportunities such as San Francisco, it notes that San Francisco does have an average of
15 approximately 5.5 open space acres per 1,000 residents, and states, “to the extent it
16 reasonably can, the City should increase the per capita supply of public open space within the
17 City.” This standard is consistent with the national standards for the provision of open space
18 to serve residential uses.

19 Including existing open spaces and parks proposed by the Rincon Hill Plan, the
20 Transbay Redevelopment Plan, and other proposed open spaces, approximately 8.5 acres of
21 open space would be available to serve the Rincon Hill area’s projected population of 16,400
22 residents, or 0.52 acres of open space per 1000 residents. This is approximately 5 acres per
23 1000 residents short of the citywide average, or approximately 10 per cent of the citywide
24 average.

1 For this reason, it is expected that residents of new development in Rincon Hill will
2 greatly impact open spaces throughout the City. These residents will increase demand for
3 existing open spaces throughout the City, as well as for the acquisition and development of
4 new open spaces. New development must mitigate the incremental demand for these
5 facilities and services that it brings about.

6 Streets/Pedestrian Conditions: New development in Rincon Hill will place a significant
7 burden on streets and pedestrian conditions, both within the district and outside of the district.
8 According to the Rincon Hill Plan, Final EIR (2005) available with the Clerk of the Board in File
9 No. _____, although a significant portion of new resident trips would be expected to take
10 place by transit, walking, or other non-single occupancy auto modes, there would still be a
11 projected 880 additional vehicle trips per hour in the p.m. peak hour.

12 The proposed Community Infrastructure Impact Fee of \$11 per square foot will address
13 the impact on street and pedestrian conditions within the Rincon Hill district. However, the
14 impacts of new development on Rincon Hill to streets and pedestrian conditions will not be
15 limited to Rincon Hill; that is, they would be expected to utilize city streets beyond the
16 boundaries of Rincon Hill, in surrounding neighborhoods and throughout the City. For
17 example, the EIR analyzes levels of service ("LOS") at the intersection of First and Market
18 Streets, outside the project area, concluding the LOS will drop from Level D to Level E as a
19 direct result of new development in Rincon Hill.

20 Increased traffic from new development on Rincon Hill will also impact pedestrian
21 conditions on streets both within the district and throughout the City. The Transportation
22 Element of the San Francisco General Plan contains several objectives acknowledging the
23 impact of increased traffic from new development on residential streets throughout the City,
24 and suggesting appropriate strategies to mitigate this impact, including but not limited to:
25 Objective 14 (Develop and implement a plan for operational changes and land use policies

1 that will maintain mobility and safety despite a rise in travel demand that could otherwise
2 result in system capacity deficiencies); Policy 14.1 (Reduce road congestion on arterials
3 through the implementation of traffic control strategies, such as signal-light synchronization
4 and turn controls, that improve vehicular flow without impeding movement for pedestrians and
5 bicyclists); Policy 14.2 (Ensure that traffic signals are timed and phased to emphasize transit,
6 pedestrian, and bicycle traffic as part of a balanced multi-modal transportation system); Policy
7 14.4 (Reduce congestion by encouraging alternatives to the single occupant auto through the
8 reservation of right-of-way and enhancement of other facilities dedicated to multiple modes of
9 transportation); Objective 18 (Establish a street hierarchy system in which the function and
10 design of each street are consistent with the character and use of adjacent land); Policy 18.1
11 (Wherever feasible, divert through automobile and commercial traffic from residential
12 neighborhoods onto major and secondary arterials, and limit major arterials to nonresidential
13 streets wherever possible); Policy 18.1 (Design streets for a level of traffic that serves, but will
14 not cause a detrimental impact on adjacent land uses); Policy 18.4 (Discourage high-speed
15 through traffic on local streets in residential areas through traffic "calming" measures that are
16 designed not to disrupt transit service or bicycle movement, including sidewalk bulbs and
17 widenings at intersections and street entrances, lane off-sets and traffic bumps, narrowed
18 traffic lanes with trees, landscaping and seating areas, and colored and/or textured sidewalks
19 and crosswalks); Policy 18.5 (mitigate and reduce the impacts of automobile traffic in and
20 around parks and along shoreline recreation areas); Objective 23 (improve the city's
21 pedestrian circulation system to provide for efficient, pleasant, and safe movement); Policy
22 23.2 (widen sidewalks where intensive commercial, recreational, or institutional activity is
23 present, sidewalks are congested and where residential densities are high); Policy 23.3
24 (maintain a strong presumption against reducing sidewalk widths, eliminating crosswalks and
25 forcing indirect crossings to accommodate automobile traffic); Policy 23.6 (ensure convenient

1 and safe pedestrian crossings by minimizing the distance pedestrians must walk to cross a
2 street); Policy 23.9 (implement the provisions of the Americans with Disabilities Act and the
3 City's curb ramp program to improve pedestrian access for all people).

4 Vehicle trips generated by new development on Rincon Hill will create a need for
5 pedestrian and street improvements. New development must mitigate the incremental impact
6 on pedestrian and traffic conditions brought about by these trips.

7 J. Impacts on the SOMA Community: The proposed new development in
8 the Rincon Hill area will have a disproportionate effect on nearby residents and businesses in
9 SOMA. Specifically, the new development will impact affordable housing, economic and
10 community development, and community cohesion in the SOMA community.

11 Affordable Housing: In addition to the impacts on affordable housing mentioned above,
12 the development in Rincon Hill will also lead to increased home prices and increased rental
13 rates in the immediate Rincon Hill area and the surrounding South of Market area. This new
14 development and corresponding increase in prices in the Rincon Hill area will cause
15 displacement of existing residents. The new development creates the need for additional
16 affordable housing in the South of Market neighborhood and the need to provide subsidies for
17 existing residents so that they will not be displaced and can continue living in their current
18 neighborhood. In order to avoid displacement from the new development, residents will also
19 need financial support to avoid eviction.

20 Economic and community development: The new development in Rincon Hill will also
21 change the economic landscape of the Rincon Hill area and the South of Market area. The
22 new development in Rincon Hill will displace small businesses directly by focusing
23 development in the neighborhood on residential development and indirectly due to higher
24 rents and higher prices for real estate. Thus existing small businesses need financial
25 assistance to avoid being displaced.

1 The new development in the Rincon Hill area will also affect the type of jobs available
2 in the Rincon Hill and South of Market area. Current residents of SOMA are employed in the
3 Rincon Hill and SOMA area. New development in the Rincon Hill area will concentrate on
4 residential development, thus pushing out other uses including light industrial uses and small
5 business. Local workers will need to be retrained to avoid job displacement from the
6 development in the Rincon Hill area. Financial assistance will support employment
7 development, job placement, job development, and other forms of economic capacity building
8 for SOMA residents to ameliorate the effects of the economic displacement. The City benefits
9 from having workers live near to their work places in reduced commute times for residents,
10 and reduced traffic congestion and associated pollution.

11 Community cohesion: New development in the Rincon Hill area in such a vast quantity
12 and of such a different character as currently exists will change the social fabric of the
13 neighborhood. Programs to promote leadership development, community cohesion, and civic
14 participation will also ameliorate the negative economic and social consequences of the new
15 development in Rincon Hill on the residents and small businesses in Rincon Hill and the
16 broader South of Market community.

17 SEC. 318.2. DEFINITIONS.

18 The following definitions shall govern this ordinance:

19 (a) “Child-care facility” shall mean a child day-care facility as defined in California
20 Health and Safety Code Section 1596.750.

21 (b) “DBI” shall mean the Department of Building Inspection.

22 (c) “DPW” shall mean the Department of Public Works.

23 (d) “First certificate of occupancy” shall mean either a temporary certificate of occupancy
24 or a Certificate of Final Completion and Occupancy, as defined in San Francisco

25 Building Code Section 109, whichever is issued first

- 1 (e) "Infrastructure" shall mean street paving, crosswalks, signs, medians, bulbouts,
2 sidewalks, trees, parks and open space, day care centers, libraries, and community
3 centers.
- 4 (f) "Infrastructure fee" shall mean a monetary contribution based upon the cost to provide
5 infrastructure under this program.
- 6 (g) "MOH" shall mean the Mayor's Office of Housing.
- 7 (h) "Net addition of occupiable square feet of residential use" shall mean occupied floor
8 area, as defined in Section 102.10 of this Code, including bathrooms provided as part of
9 dwelling units, to be occupied by or primarily serving, residential use, less the occupied
10 floor area in any structure demolished or rehabilitated as part of the proposed
11 residential development project which occupied floor area was used primarily and
12 continuously for residential use and was not accessory to any use other than residential
13 use for at least five years prior to Planning Department approval of the residential
14 development project subject to this Section, or for the life of the structure demolished or
15 rehabilitated, whichever is shorter.
- 16 (i) "Program" shall mean the Downtown Residential Community Improvements
17 Neighborhood Program.
- 18 (j) "Program Area" shall mean those districts identified as Downtown Residential (DTR)
19 Districts in the Planning Code and on the Zoning Maps.
- 20 (k) "Residential development project" shall mean any new construction, addition, extension,
21 conversion or enlargement, or combination thereof, of an existing structure which
22 includes any occupied floor area of residential use; provided, however, that for projects
23 that solely comprise an addition to an existing structure which would add occupied floor
24 area in an amount less than 20 percent of the occupied floor area of the existing
25

1 structure, the provisions of this Section shall only apply to the new occupied square
2 footage.

3 (l) "Residential use" shall mean any structure or portion thereof intended for occupancy by
4 uses as defined in Section 890.88 of this Code and shall not include any use which
5 qualifies as an accessory use, as defined and regulated in Sections 204 through 204.5.

6 (m) "Sponsor" shall mean an applicant seeking approval for construction of a residential
7 development project subject to this Section and such applicant's successors and assigns.

8 (n) "Waiver Agreement" means an agreement acceptable in form and substance to
9 the Planning Department and the City Attorney, under which the City agrees to
10 waive all or a portion of the Community Improvements Impact Fee or Rincon Hill
11 Mitigation Fee, conditioned upon the project sponsor's covenant to make a good
12 faith effort to secure the formation of a Community Facilities (Mello-Roos)
13 District, if such a district has not already been successfully formed, and to take
14 all steps necessary to support the construction of a portion of the improvements
15 described in Sections 318.6 and 318.7 (the "CFD Improvements") using the
16 proceeds of one or more series of special tax bonds or moneys otherwise made
17 available by such a district ("CFD Funds"). Such agreement shall include a
18 specific description of the CFD Improvements and a specific date for the
19 commencement of such improvements. Such agreement shall also provide that
20 the project sponsor shall pay the full amount of the waived Community
21 Improvements Impact Fee or Rincon Hill Mitigation Fee in the event that CFD
22 Funds are not received in amounts necessary to commence construction of the
23 CFD Improvements on the stated commencement date. The City also shall
24 require the project sponsor to provide a letter of credit or other instrument to

1 secure the City's right to receive payment as described in the preceding
2 sentence.

3 SEC. 318.3. APPLICATION.

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

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

9 (b) ~~Prior to the issuance by DBI of the first site or building permit for a residential~~
10 ~~development project within the Program Area, The sponsor shall pay to the Treasurer a~~
11 ~~Community Improvements Impact Fees of the following amounts for each net addition of gross~~
12 ~~square feet of residential use.~~

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

17 (ii) Prior to the issuance by the Director of DBI of a final certificate of occupancy, a
18 \$14.00 Rincon Hill Mitigation Fee in the Rincon Hill downtown residential area, as described in
19 (a)(1) above, for the Rincon Hill Mitigation Fund, or provide to the City an irrevocable letter of
20 credit in a form approved in advance by the City Attorney to secure the payment of the \$14.00
21 Rincon Hill Mitigation Fee within six months from the date of issuance by the Director of DBI
22 of a final certificate of occupancy for the Rincon Hill Mitigation Fund.

23 (c) Upon payment of the Community Improvements Impact Fees in full to the Treasurer
24 and upon request of the sponsor, or upon the execution of a Waiver Agreement, the Treasurer
25 shall issue a certification that the fee has been paid or a Waiver Agreement Executed. The sponsor

1 shall present such certification to the Planning Department, DBI and MOH prior to the issuance by
2 DBI of the first site or building permit for the residential development project. DBI shall not issue the
3 site or building permit without ~~proof of payment of the fee~~ a certificate from the Treasurer. Any
4 failure of the Treasurer, DBI, or the Planning Department to give any notice under this Section shall
5 not relieve a sponsor from compliance with this Section. Where DBI inadvertently issues a site or
6 building permit without ~~payment of the fee~~ the Treasurer's certificate, DBI shall not issue any
7 certificate of occupancy for the project without notification from the Treasurer that the fee required by
8 this Section has been paid. The procedure set forth in this Subsection is not intended to preclude
9 enforcement of the provisions of this Section under any other section of this Code, or other authority
10 under the laws of the State of California.

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

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

25

1 (f) ~~Option for Provision of Community Improvements via a Community Facilities~~
2 ~~(Mello-Roos) District. The Planning Commission shall waive the Community Improvements~~
3 ~~Impact Fee described in (b)(i) above, either in whole or in part, for specific residential~~
4 ~~development proposals in cases where one or more project sponsors have entered into an~~
5 ~~agreement with the City to finance the entirety or a share of the improvements described in~~
6 ~~Section 318.6 below privately by establishing a Community Facilities (Mello-Roos) District,~~
7 ~~provided such a District can be shown to provide equal or greater financial means to fund and~~
8 ~~implement the needed community improvements in a timely manner. Option for Provision of~~
9 Community Improvements via a Community Facilities (Mello-Roos) District. The Planning
10 Commission shall waive the Community Improvements Impact Fee and/or the Rincon Hill
11 Mitigation Fee described in (b)(i) and (ii) above, either in whole or in part, for specific
12 residential development proposals in cases where one or more project sponsors have entered
13 into a Waiver Agreement with the City. Such waiver shall not exceed the value of the
14 improvements to be provided under the Waiver Agreement. For the purposes of calculating
15 the total value of such improvements, the project sponsor shall provide the Planning
16 Department with a cost estimate for the proposed in-kind community improvements from two
17 independent contractors. Based on these estimates, the Director of Planning shall determine
18 their appropriate value.

19 (g) Waiver or Reduction:

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

24 (2) A project applicant subject to the requirements of this Section who has received
25 an approved building permit, conditional use permit or similar discretionary approval and who

1 submits a new or revised building permit, conditional use permit or similar discretionary
2 approval for the same property may appeal for a reduction, adjustment or waiver of the
3 requirements with respect to the square footage of construction previously approved.

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

16 SEC. 318.4. LIEN PROCEEDINGS.

17 (a) A sponsor's failure to comply with the requirements of Sections 318.3, shall constitute
18 cause for the City to record a lien against the housing development project in the sum of the
19 infrastructure fees required under this ordinance, as adjusted under Section 3138.3. The fee required
20 by this ordinance under Section 318.3(b)(i) is due and payable to the Treasurer prior to issuance of
21 the first building or site permit for the development project unless a Waiver Agreement has been
22 executed. If, for any reason, the fee remains unpaid following issuance of the permit, and no Waiver
23 Agreement has been executed any amount due shall accrue interest at the rate of one and one-half
24 percent per month, or fraction thereof, from the date of issuance of the permit until the date of final
25 payment. The fee required by this ordinance under Section 318.3(b)(ii) is due and payable to

1 the Treasurer prior to issuance by the Director of DBI of a final certificate of occupancy or
2 within six months after the issuance by the Director of DBI of a final certificate of occupancy if
3 the project sponsor has provided the City with an irrevocable letter of credit under Seciton
4 318.3(b)(ii). If, for any reason, the fees remain unpaid six months following issuance of the
5 final certificate of occupancy, any amount due shall accrue interest at the rate of one and one-
6 half percent per month, or fraction thereof, from the date of issuance of the permit until the
7 date of final payment.

8 *(b) If, for any reason, the fee imposed pursuant to this ordinance remains unpaid following*
9 *issuance of the permit, the Treasurer shall initiate proceedings in accordance with Article XX of*
10 *Chapter 10 of the San Francisco Administrative Code to make the entire unpaid balance of the fee,*
11 *including interest, a lien against all parcels used for the housing development project and shall send all*
12 *notices required by that Article to the owner of the property as well as the sponsor. The Treasurer*
13 *shall also prepare a preliminary report notifying the sponsor of a hearing to confirm such report by the*
14 *Board of Supervisors at least 10 days before the date of the hearing. The report to the sponsor shall*
15 *contain the sponsor's name, a description of the sponsor's housing development project, a description*
16 *of the parcels of real property to be encumbered as set forth in the Assessor's Map Books for the*
17 *current year, a description of the alleged violation of this ordinance, and shall fix a time, date, and*
18 *place for hearing. The Treasurer shall cause this report to be mailed to the sponsor and each owner of*
19 *record of the parcels of real property subject to lien. Except for the release of lien recording fee*
20 *authorize by Administrative Code Section 10.237, all sums collected by the Tax Collector pursuant to*
21 *this ordinance shall be held in trust by the Treasurer and deposited in the Rincon Hill Community*
22 *Improvements Fund established in Section 3138.6, or the Rincon Hill Mitigation Fund established*
23 *in Section 318.7 as appropriate.*

24 *(c) Any notice required to be given to a sponsor or owner shall be sufficiently given or*
25 *served upon the sponsor or owner for all purposes hereunder if personally served upon the sponsor or*

1 owner or if deposited, postage prepaid, in a post office letterbox addressed in the name of the sponsor
2 or owner at the official address of the sponsor or owner maintained by the Tax Collector for the
3 mailing of tax bills or, if no such address is available, to the sponsor at the address of the housing
4 development project, and to the applicant for the site or building permit at the address on the permit
5 application.

6 SEC. 318.5. COMMUNITY IMPROVEMENTS IMPACT FEE REFUND WHEN BUILDING
7 PERMIT EXPIRES PRIOR TO COMPLETION OF WORK AND COMMENCEMENT OF
8 OCCUPANCY.

9 In the event a building permit expires prior to completion of the work on and commencement of
10 occupancy of a residential development project so that it will be necessary to obtain a new permit to
11 carry out any development, the obligation to comply with this ordinance shall be cancelled, and any
12 Community Improvements Impact Fee and any Rincon Hill Mitigation Impact Fee previously paid to
13 the Treasurer shall be refunded. If and when the sponsor applies for a new permit, the procedures set
14 forth in this ordinance regarding payment of the Community Improvements Impact Fee and Rincon
15 Hill Mitigation Impact Fee shall be followed.

16 SEC. 318.6. RINCON HILL COMMUNITY IMPROVEMENTS FUND.

17 (a) There is hereby established a separate fund set aside for a special purpose entitled the
18 Rincon Hill Community Improvements Fund ("Fund"). All monies collected by the Treasurer pursuant
19 to Section 318.3(b)(i) shall be deposited in a special fund maintained by the Controller. The receipts in
20 the Fund are hereby appropriated in accordance with law to be used solely to fund public
21 infrastructure subject to the conditions of this Section.

22 (b) All monies deposited in the Fund shall be used solely to design, engineer, acquire, and
23 develop neighborhood open spaces, streetscape improvements, a community center, and other
24 improvements that result in new publicly-accessible facilities within the Rincon Hill Downtown
25 Residential (DTR) District or within 250 feet of the District. These improvements shall be consistent

1 with the Rincon Hill Public Open Space System as described in Map 5 of the Rincon Hill Area Plan of
2 the General Plan, and any Rincon Hill Improvements Plan that is approved by the Board of
3 Supervisors in the future, except that monies from the Fund may be used by the Planning Commission
4 to commission economic analyses for the purpose of revising the fee pursuant to Section 318.3(d)
5 above, to complete a nexus study to demonstrate the relationship between residential development and
6 the need for public facilities if this is deemed necessary, or to commission landscape architectural or
7 other planning, design and engineering services in support of the proposed public improvements,
8 provided they do not exceed a total of \$250,000. No portion of the Fund may be used, by way of loan
9 or otherwise, to pay any administrative, general overhead, or similar expense of any public entity.

10 (c) The Controller's Office shall file an annual report with the Board of Supervisors
11 beginning one year after the effective date of this ordinance, which report shall set forth the amount of
12 money collected in the Fund. The Fund shall be administered and expended by the Planning
13 Commission.

14 (d) A public hearing shall be held by both the Planning and Recreation and Parks
15 Commissions to elicit public comment on proposals for the acquisition of property using monies in the
16 Fund. Notice of public hearings shall be published in an official newspaper at least 20 days prior to
17 the date of the hearing, which notice shall set forth the time, place, and purpose of the hearing. The
18 hearing may be continued to a later date by a majority vote of the members of both Commissions
19 present at the hearing. At a joint public hearing, a quorum of the Planning and Recreation and Parks
20 Commissions may vote to allocate the monies in the Fund for acquisition of property for park use
21 and/or for development of property for park use.

22 (e) The Planning Commission shall work with other City agencies and commissions,
23 specifically the Department of Recreation and Parks, Department of Public Works, and the
24 Metropolitan Transportation Agency, to develop agreements related to the administration of the
25 development of new public facilities within public rights-of-way or on any acquired property designed

1 for park use, using such monies as have been allocated for that purpose at a hearing of the Planning
2 Commission.

3 (f) The Director of Planning shall have the authority to prescribe rules and regulations
4 governing the Fund, which are consistent with this ordinance.

5 **SEC. 318.7. RINCON HILL MITIGATION FUND.**

6 (a) Purpose: There is hereby established a separate fund set aside for a special
7 purpose entitled the Rincon Hill Mitigation Fund ("Fund"). All monies collected by the
8 Treasurer pursuant to Section 318.3(b)(ii) shall be deposited in a special fund maintained by
9 the Controller. The receipts in the Fund are hereby appropriated in accordance with law to be
10 used solely to address the impacts of development of the Rincon Hill Plan Area subject to the
11 conditions of this Section.

12 (b) Uses: All monies deposited in the Fund shall be used solely to address the
13 impacts of development of the Rincon Hill Plan Area including

14 (1) Affordable Housing: \$7 per square foot shall be designated under this
15 ordinance to be used to increase the supply of housing affordable to qualifying households, as
16 defined in Planning Code Section 315.1.

17 (2) Citywide Impacts: \$3 per square foot shall be designated under this ordinance
18 to be used to address impacts on citywide infrastructure such as open space, streetscapes,
19 and community facilities as follows:

20 (A) Open space: Acquisition and capital improvements of open spaces; and

21 (B) Streets: Pedestrian and street capital improvements on streets.

22 (C) Community Facilities: Acquisition and capital improvements to community
23 facilities.

24 (3) Impacts to the SOMA Community: \$4 per square foot shall be designated under
25 this ordinance to be used solely to address the impacts of development in Rincon Hill on

1 residents and businesses in SOMA including assistance for: affordable housing and
2 community asset building, small business rental assistance, development of new affordable
3 homes for rental units for low income households, rental subsidies for low income households,
4 down payment assistance for home ownership for low income households, eviction
5 prevention, employment development and capacity building for SOMA residents, job growth
6 and job placement, small business assistance, leadership development, community cohesion,
7 civic participation, and community based programs and economic development.

8 (4) Studies: Monies from the Fund may be appropriated by MOH, MOCD, or the
9 Board to commission economic analyses or to complete a study to demonstrate the
10 relationship between residential development and the impacts, in nature and amount, on
11 affordable housing, citywide impacts, and impacts to the SOMA community if this is deemed
12 necessary, provided these expenses do not exceed a total of \$150,000. No portion of the
13 Fund may be used, by way of loan or otherwise, to pay any administrative, general overhead,
14 or similar expense of any public entity.

15 (c) Administration: The Controller's Office shall file an annual report with the Board
16 of Supervisors beginning one year after the effective date of this ordinance, which report shall
17 set forth the amount of money collected in the Fund. The Fund shall be administered as
18 follows:

19 (1) Affordable Housing: Money designated under this ordinance affordable housing
20 shall be transferred from the Rincon Hill Mitigation Fund and deposited in the special fund
21 maintained by the Controller called the Citywide Affordable Housing Fund. The receipts in the
22 Fund are hereby appropriated in accordance with law to be used to increase the supply of
23 affordable housing. Monitoring and administrative expenses shall be appropriated through the
24 annual budget process or supplemental appropriation for MOH. The fund shall be
25

1 administered and expended by MOH, which shall have the authority to prescribe rules and
2 regulations governing the Fund which are consistent with this Section.

3 (2) Citywide Impacts on Infrastructure such as Open Space, Streetscapes, and
4 community facilities: Money in the Rincon Hill Mitigation Fund designated by the Board for
5 citywide infrastructure impacts shall be appropriated by the Board during the budget process
6 for the purposes described in Section 318.7(b)(2). In appropriating the funds, the Board shall
7 take testimony from the Department of Public Works, the Recreation and Parks Department,
8 other relevant city agencies, and the public to determine the relative impact from the
9 development in the Rincon Hill Plan Area on various citywide impacts such as open space,
10 streetscapes, and community facilities.

11 (3) Impacts on the SOMA Community:

12 (A) There is hereby established a separate fund set aside for a special purpose
13 entitled the SOMA Community Fund ("Fund"). Money designated under this ordinance for the
14 SOMA community shall be transferred from the Rincon Hill Mitigation Fund and deposited in
15 the special fund maintained by the Controller called the SOMA Community Fund. The
16 receipts in the Fund are hereby appropriated in accordance with law to be used solely to
17 address the impacts from the development in the Rincon Hill Plan area on the SOMA
18 community as described in Section 318.7(b)(3) above. The Fund shall be administered and
19 expended by MOCD according to an Expenditure Plan approved by the Board of Supervisors
20 on an annual basis. The Controller's Office shall file an annual report with the Board of
21 Supervisors beginning one year after the effective date of this ordinance, which report shall
22 set forth the amount of money collected in the Fund.

23 (B) Within sixty (60) days of the filing of the annual report by the Controller and
24 before any funds are expended from the Fund, MOCD shall submit an annual proposed
25 Expenditure Plan for the Fund to the Board of Supervisors detailing the types of projects that

1 may be considered for funding. The Board must approve the Expenditure Plan before any
2 funds are expended for the current fiscal year. Once the Board has approved the Expenditure
3 Plan for the fiscal year, the Director of MOCD may approve expenditures from the Fund that
4 are consistent with the Expenditure Plan. The Director shall report quarterly to the Board of
5 Supervisors on all expenditures from the Fund. In developing and approving the Expenditure
6 Plan, MOCD and the Board of Supervisors shall accept any comments from the Community
7 Advisory Committee, the public, and any relevant city departments or offices. Before
8 approving the Expenditure Plan, the Board of Supervisors shall determine the relative impact
9 from the development in the Rincon Hill Plan Area on the areas described in 318.7(b) and
10 shall insure that the Expenditure Plan is consistent with mitigating the impacts from the
11 development.

12 (C) There shall be a SOMA Community Fund Community Advisory Committee to
13 advise MOCD and the Board of Supervisors on the administration of the Fund.

14 (i) The Community Advisory Committee shall be composed of seven
15 members appointed as follows: one member representing low-income families who lives with
16 his or her family in SOMA, appointed by the Board of Supervisors; one member who has
17 expertise in employment development and/ or represents labor, appointed by the Board of
18 Supervisors; one member who is a senior or disabled resident of SOMA, appointed by the
19 Board of Supervisors; one member with affordable housing expertise and familiarity with the
20 SOMA neighborhood, appointed by the Board of Supervisors; one member who represents a
21 community-based organization in SOMA, appointed by the Board of Supervisors; one member
22 who provides direct services to SOMA families, appointed by the Board of Supervisors; and
23 one member who has small business expertise and a familiarity with the SOMA
24 neighborhood, appointed by the Board of Supervisors.

25

1 (ii) The Community Advisory Committee shall comply with all applicable
2 public records and meetings laws and shall be subject to the Conflict of Interest provisions of
3 the City's Charter and Administrative Code. The initial meeting of the Advisory Committee
4 shall be called within 30 days from the day the Board of Supervisors completes its initial
5 appointments. MOCD shall provide administrative support to the Committee. The Committee
6 shall develop annual recommendations to MOCD on the Expenditure Plan.

7 (iii) The members of the Community Advisory Committee shall be appointed
8 for a term of two years; provided, however, that the members first appointed shall, by lot at the
9 first meeting, classify their terms so that three shall serve for a term of one year and four shall
10 serve for a term of two years. At the initial meeting of the Committee and yearly thereafter,
11 the Committee members shall select such officer or officers as deemed necessary by the
12 Committee. The Committee shall promulgate such rules or regulations as are necessary for
13 the conduct of its business under this Section. In the event a vacancy occurs, a successor
14 shall be appointed to fill the vacancy consistent with the process and requirements to appoint
15 the previous appointee. When a vacancy occurs for any reason other than the expiration of a
16 term of office, the appointee to fill such vacancy shall hold office for the unexpired term of his
17 or her predecessor. Any appointee who misses four meetings within a twelve month period,
18 without the approval of the Committee, shall be deemed to have resigned from the
19 Committee.

20 (D) The Director of MOCD shall have the authority to prescribe rules and regulations
21 governing the Fund, which are consistent with this ordinance.

22 SEC. 318.78. DIRECTOR OF PLANNING'S EVALUATION.

23 Within 18 months following the effective date of this ordinance, the Director of Planning and
24 the Directors of MOH and MOCD shall report to the Planning Commission, the Board of
25 Supervisors, and the Mayor on the status of compliance with this ordinance, the efficacy of this

1 ordinance in funding infrastructure and other programs in the Program Area, and the impact of the
2 Program on property values in the vicinity of the Project Area.

3 ~~SEC. 318.89. PARTIAL INVALIDITY AND SEVERABILITY.~~

4 ~~If any provision of this ordinance, or its application to any residential development~~
5 ~~project is held invalid, the remainder of the ordinance, or the application of such provision to~~
6 ~~other residential development projects shall not be affected thereby.~~

7 SEC. 318.9. STUDIES

8 (a) No later than July 1, 2010, and every five years thereafter, the Director of Planning
9 shall complete a study to determine the demand for infrastructure to serve residential development
10 projects in the downtown residential areas and, based on the study, recommend to the Board of
11 Supervisors changes in the requirements for community improvement impact fees imposed on
12 residential development in this ordinance if necessary to help meet that demand.

13 (b) No later than July 1, 2010, and every five years thereafter MOH and MOCD,
14 with input from the Department of Public Works and the Recreation and Parks Department
15 shall complete a study to determine the demand for programs funded by the Rincon Hill
16 Mitigation Fund and, based on the study, recommend to the Board of Supervisors changes in
17 the requirements for Rincon Hill mitigation fees imposed on residential development in this
18 ordinance if necessary to help meet that demand.

19 Section 3. The San Francisco Planning Code is hereby amended by amending Map 1
20 of the Zoning Map of the City and County of San Francisco, as follows:

<u>Description of Property</u>	<u>Use District to be Superseded</u>	<u>Use District Hereby Approved</u>
Assessor's Block 3744; Block 3745, Lots 008, 009; Block 3746, Lot 001 (southern half); Block 3747; Block 3748; Block 3749, Lots 001, 002, 003, 005, 006, 008, 009, 011, 012, 013,	M-1, RC-4, P	<u>Rincon Hill</u> DTR

047, 053, 058, 059, 067, 100, 182,
 129, 155, and 184; Block 3764,
 Lots 055, 063; Block 3765, Lots
 001, 009 and 015; Block 3766,
 Lots 009, 012; Block 3767;
 Block 3768; Block 3769, Lot 002A;
Block 3749 Lot 165; Block 3764,
Lots 064 (northern portion), 065
(northern portion), and 066 (northeastern
portion); Block 3765, Lot 018 (northern
portion); Block 3766, Lot 010
(northwestern portion).

Section 4. The San Francisco Planning Code is hereby amended by amending Map
 1H of the Zoning Map of the City and County of San Francisco, as follows:

	<u>Description of Property</u>	<u>Height District to be Superseded</u>	<u>Height District Hereby Approved</u>
11 12 13	Block 3744, Lot 002 (northwest portion); <u>Block 3747, Lot 015; Block 3748, Lots 001, 003, 028, 029, 032 (northern portion); Block 3766, Lot 012 (northern portion).</u>	200-R	85/200-R
15	Block 3745, Lot 008;	300-W	85/250-R
16	Block 3745, Lot 009	105-R	105-X
17	Block 3746, Lot 001 (southwestern portion), Block 3747, Lot 094	150-R	85/200-R
18	Block 3746, Lot 001 (southeastern portion)	150-R	85/150-R
20	Block 3747, Lots 012, 013, 014, 019	200-R	85/250-R
22	<u>Description of Property</u>	<u>Height District to be Superseded</u>	<u>Height District Hereby Approved</u>
23	Block 3747, Lots 001E, 002, 006; Block 3748, Lots 007, 008, 009, 010, 012	250-R	85/400-R
25	Block 3748, Lot 001 <u>031</u>	200-R	85/400-R

1	Block 3749, Lots 001, 053, 059 (northern portion to a depth of 20 feet from the Lansing Street property line),		
2	067, and 184; <u>Block 3764, Lots 064</u>		
3	<u>(northern portion), 065 (northern</u>		
4	<u>portion), and 066 (northern portion):</u>	84-X	65-X
5	<u>Block 3765, Lot 018 (central portion)</u>		
6	Block 3749, Lot 59 (southern portion)	84-X	65/400-R
7	Block 3749, Lots 002, 003, <u>005,</u>		
8	006, 008, 009, 011, 012, 013,	84-R	65-X
9	047, 100, 129, <u>137, 155, 165,</u> 182		
10	Block 3749, Lot 058 (northern portion to a depth of 20 feet from the Lansing Street property line); <u>Block</u>	200-R	65-X
11	<u>3765, Lot 018 (northern portion).</u>		
12	Block 3749, Lot 058 (southern portion)	200-R	65/400-R
13	Block 3764, Lots 055 (northern portion), and 063 (northern portion)	84-X	65/400-R
14	Block 3764, Lots 055 (southern portion), and 063 (southern portion)	84-X	65-X
15	Block 3765, Lot 001	200-R	45/450-R
16	Block 3765, Lots 009 and 015	84-X/200-R	45/550-R
17	Block 3766, Lot 009	84-X/200-R	65-X
18	Block 3767, Lot 271	105-R	105-X
19	<u>Block 3748, Lots 004, 005, 006,</u>		
20	<u>032 (southern portion)</u>	<u>250-R</u>	<u>85/250-R</u>

21 Section 5. The San Francisco Planning Code is hereby amended by amending Map
22 1SU of the Zoning Map of the City and County of San Francisco, as follows:

23	<u>Description of Property</u>	<u>Special Use District to be Superseded</u>	<u>Use District Hereby Approved</u>
24	Assessor's Block 3744;	Rincon Hill Residential	DTR <u>None</u>

Block 3745, Lots 008, 009; Special Use District
 Block 3746, Lot 001 (southern
 half); Block 3747; Block 3748;
 Block 3749, Lots 001, 002, 003,
 005, 006, 008, 009, 011, 012,
 013, 047, 053, 058, 059, 067,
 100, 182, 129, 155, and 184;
 Block 3764, Lots 055, 063;
 Block 3765, Lots 001, 009 and
 015; Block 3766, Lots 009, 012;
 Block 3767; Block 3768;
 Block 3769, Lot 002A; Block 3749,
Lots 061 and 064; Block 3764,
Lots 064 (northern portion),
065 (northern portion), and 066
(northeastern portion); Block 3765,
Lot 018 (northern portion); Block
3766, Lot 010 (northwestern
portion).

Section 6. The San Francisco Planning Code is hereby amended by amending Map
 1SU of the Zoning Map of the City and County of San Francisco, as follows:

<u>Description of Property</u>	<u>Special Use District to be Superseded</u>	<u>Special Use District Hereby Approved</u>
Assessor's Block 3745; Lot 001; Block 3746, Lot 001 (northern half)	Rincon Hill Residential Special Use District	Folsom and Main Residential/Commercial Special Use District

Section 7: The San Francisco Planning Code is hereby amended by amending or
 adding Sections 825, 825.1, 826, 827, 102.5, 135, 141, 145.4, 151, 151.1, 152.2, 153, 154,
 155, 155.5, 166, 167, 175.7, 182, 201, 207.5, 209, 249.1, 260, 270, 309.1, 608.13, 802.1, 803,
 803.5, and to read as follows:

SEC. 825 DTR—DOWNTOWN RESIDENTIAL DISTRICTS.

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

1 new day and nighttime activities, with an emphasis on encouraging new housing within walking
2 distance or a short transit-ride of downtown, supported by a mix of retail, and neighborhood services
3 to meet the needs of residents and the larger downtown community.

4 High-density residential uses, including residential towers in select locations, are allowed and
5 encouraged within the limits set by height and bulk controls. Given the district's proximity to
6 downtown, a range of commercial uses is permitted on the lower stories, with active pedestrian-
7 oriented retail, service, and entertainment uses on the ground floor. Along special streets, pedestrian-
8 oriented uses are required on the first floor. Ground floor entries to individual dwelling units are
9 encouraged on streets that will become primarily residential.

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

18 Downtown Residential districts include all of the individual DTR districts governed by Sections
19 826 through 827 of this Code.

20 SEC. 825.1. USES PERMITTED IN DOWNTOWN RESIDENTIAL DISTRICTS.

21 (a) Use Categories. A use is the specified purpose for which a property or building is used,
22 occupied, maintained, or leased. Whether or not a use is permitted in a specific Downtown Residential
23 district is generally set forth, summarized or cross-referenced in Sections 826 through 827 of this Code
24 for each district class.

1 (b) Use Limitations. Uses in Downtown Residential districts are either permitted,
2 conditional, accessory, temporary or are not permitted.

3 (1) Permitted Uses. If there are two or more uses in a structure, any use not classified below
4 under Section 825.1(b)(1)(C) of this Code as accessory will be considered separately as an independent
5 permitted, conditional, temporary or not permitted use.

6 (A) Principal Uses. Principal uses are permitted as of right in a Downtown Residential
7 district, when so indicated in Sections 826 through 827 of this Code for the district. Additional
8 requirements and conditions may be placed on particular uses as provided pursuant to Section 803.5
9 and other applicable provisions of this Code.

10 (B) Conditional Uses. Conditional uses are permitted in a Downtown Residential district,
11 when authorized by the Planning Commission; whether a use is conditional in a given district is
12 generally indicated in Sections 826 through 827 of this Code. Conditional uses are subject to the
13 applicable provisions set forth in Sections 178, 179, 263.11, 303, 316.8, and 803.5 of this Code.

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

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

1 effective date of this amendment. Any use, which does not qualify as an accessory use, shall be
2 classified as a principal use.

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

5 (i) The use of more than one-third of the total occupied floor area which is occupied by
6 both the accessory use and principal use to which it is accessory, combined, except in the case of
7 accessory off-street parking or loading which shall be subject to the provisions of Sections 151, 151.1,
8 156 and 157 of this Code;

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

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

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

14 (E) Prohibited Uses.

15 (i) Uses which are not specifically listed in Sections 826 or 827 or Article 6 are not
16 permitted unless they qualify as a nonconforming use pursuant to Sections 180 through 186.1 of this
17 Code or are determined by the Zoning Administrator to be permitted uses in accordance with Section
18 307(a) of this Code.

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

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

1 SEC. 826 TRANSBAY DOWNTOWN RESIDENTIAL DISTRICT (TB-DTR)

2 The Transbay Downtown Residential District (TB DTR), which is wholly within the Transbay
3 Redevelopment Project Area, comprises the mostly publicly owned parcels containing infrastructure or
4 underutilized land related to the Transbay Terminal and former Embarcadero Freeway. This district
5 generally extends along the north side of Folsom Street from Spear to Essex Streets, and between Main
6 and Beale Streets to the north side of Howard Street. Laid out in the Transbay Redevelopment Plan and
7 its companion documents, including the Design for the Development and the Development Controls
8 and Design Guidelines for the Transbay Redevelopment Project, is the comprehensive vision for this
9 underutilized area as a high-density, predominantly residential, district within walking distance of the
10 downtown core, transit facilities, and the waterfront. The plan for the district includes: a mix of widely-
11 spaced high-rises, mixed with a street-defining base of low- and mid-rise buildings with ground floor
12 townhouses; a public open space on part of the block bounded by Folsom, Beale, Howard, and Main

13 (a) Basic Controls. Development controls for this district are established in the Transbay
14 Redevelopment Plan as approved by the Planning Commission on December 9, 2004, specifically the
15 Development Controls and Design Guidelines for the Transbay Redevelopment Project. On matters to
16 which these Redevelopment documents are silent, controls in this Code pertaining to the C-3-O district
17 shall apply.

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

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

21 The RH DTR District is adjacent to the southern edge of the downtown, generally bounded by
22 Folsom Street, the Bay Bridge, the Embarcadero, and Essex Street. High-density residential uses and
23 supporting commercial and institutional uses are allowed and encouraged within the limits set by
24 height, bulk, and tower spacing controls. Folsom Street is intended to develop as the neighborhood
25 commercial heart of the Rincon Hill and Transbay neighborhoods, and pedestrian-oriented uses are

1 required on the ground floor. Individual townhouse dwelling units with ground floor entries directly to
2 the street are required on streets that will become primarily residential, including First, Fremont,
3 Beale, Main, and Spear Streets.

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

12 Given the need for services and open space resulting from new development, projects will
13 provide or contribute funding for the creation of public open space and community facilities as
14 described in the Rincon Hill Area Plan of the General Plan. The Rincon Hill Streetscape Plan, part of
15 the Area Plan, proposes to enhance and redesign most streets in the district to create substantial new
16 open space amenities, improve pedestrian conditions, and improve the flow of local traffic and transit.
17 Detailed standards for the provision of open spaces, mid-block pathways, and residential entries are
18 provided to ensure that new buildings contribute to creating a public realm of the highest quality in
19 Rincon Hill.

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Table 827: RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT ZONING CONTROL TABLE

<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>
<u>BUILDING AND SITING STANDARDS</u>			
<u>.10</u>	<u>Height and Bulk</u>	<u>§§102.12, 105, 106, 250-252, 260, 270</u>	<u>Varies 45 – 550 feet. For height limits, see Zoning Map IH and §263.19; for bulk controls, see §270(e).</u>
<u>.11</u>	<u>Lot Size [Per Development]</u>	<u>§§890.56, 121</u>	<u>No limit</u>
<u>.12</u>	<u>Rear Yard/Site Coverage</u>	<u>§136</u>	<u>100 percent lot coverage permitted; up to 80 percent for parcels that front the north side of Guy Place and for all parcels at residential levels where not all units face onto streets or alleys. §827(d)(2).</u>
<u>.13</u>	<u>Setbacks</u>	-	<u>Building setback of 3 to 10 ft. for all buildings except towers on Spear, Main, Beale, Fremont, and First Streets. §827(d).</u> <u>Upper-story setback of 10 ft. required above a height of 65 feet on both sides of Spear, Main, Beale, Fremont, and First Streets. §827(d).</u> <u>Sun access plane setback of 50 degrees for all buildings 85' and lower on the south side of east-west mid-block pathways. §827(d).</u>
<u>.14</u>	<u>Street-Facing Uses</u>	<u>§§145.4, 145.5</u>	<u>Requirements based on location. See §§145.4 and</u>

			<u>827(c).</u>
<u>.15</u>	<u>Parking and Loading Access: Prohibition</u>	<u>§155(r)</u>	<u>Prohibited on Folsom Street from Essex Street to The Embarcadero. §827(d)(7)</u>
<u>.16</u>	<u>Parking and Loading Access: Siting and Dimensions</u>	<u>§§145.4, 151.1, 155(r)</u>	<u>No parking permitted above ground, except on sloping sites. Parking access limited to two openings, max 11' wide each; loading access limited to one 15' opening. §827(d)(7).</u>
<u>.17</u>	<u>Awning</u>	<u>§890.21</u>	<u>P, §136.2(a)</u>
<u>.18</u>	<u>Canopy</u>	<u>§890.24</u>	<u>P, §136.2(b)</u>
<u>.19</u>	<u>Marquee</u>	<u>§890.58</u>	<u>P, §136.2(c)</u>

<u>NON-RESIDENTIAL STANDARDS AND USES</u>			
<u>.20</u>	<u>Required Residential to Non-Residential Use Ratio</u>	<u>§§102.10</u>	<u>Non-residential uses limited to occupiable sf per 6 occupiable sf devoted to residential uses. §827(b)</u>
<u>.21</u>	<u>Use Size [Non-residential]</u>	<u>§§890.130, 145.4</u>	<u>P for non-residential uses up to 25,000 sq. ft., C above. No individual ground floor tenant may occupy more than 75' of frontage for a depth of 25' from Folsom Street §§827(d)(5), 145.4</u>
<u>.22</u>	<u>Open Space</u>	<u>§135</u>	<u>1 sq. ft. of publicly-accessible open space for every 50 sq. ft. of non-residential use over 10,000 sq. ft. §827(e)</u>
<u>.23</u>	<u>Off-street Parking.</u>	<u>§§150, 151,</u>	<u>None Required. Parking that</u>

1		<u>[Office uses]</u>	<u>151.1,153-157, 204.5</u>	<u>is accessory to office space limited to 7% of GFA.</u>
2	.24	<u>Off-street Parking, [Non-Residential, other than office uses]</u>	<u>§§150, 151, 151.1,153-157, 204.5</u>	<u>None Required. Parking limited as described in Sec. 151.1.</u>
3				
4	.25	<u>Off-street Freight Loading</u>	<u>§§150, 152.2, 153-155, 204.5</u>	<u>None Required. Loading maximums described in Sec. 152.2.</u>
5				
6	.26	<u>All Non-Residential Uses Permitted, except as described below:</u>		
7				
8	.27	<u>Drive-up Facility</u>	<u>§890.30</u>	<u>NP</u>
9	.28	<u>Walk-up Facility</u>	<u>§890.140</u>	<u>P if recessed 3 ft. C otherwise</u>
10				
11	.29	<u>Hospital or Medical Center</u>	<u>§§124.1, 890.44</u>	<u>C</u>
12				
13	.30	<u>Other Institutions</u>	<u>§890.50</u>	<u>C</u>
14	.31	<u>Public Use</u>	<u>§890.80</u>	<u>C</u>
15	.32	<u>Movie Theater</u>	<u>§890.64</u>	<u>C</u>
16	.33	<u>Nighttime Entertainment</u>	<u>§§102.17, 803.5(g)</u>	<u>C</u>
17	.34	<u>Adult Entertainment</u>	<u>§890.36</u>	<u>NP</u>
18	.35	<u>Massage Establishment</u>	<u>§890.60</u>	<u>C</u>
19			<u>Article 29 Health Code</u>	
20	.36	<u>Automobile Parking Lot, Community Commercial</u>	<u>§§890.9, 156, 160</u>	<u>NP</u>
21				
22	.37	<u>Automobile Parking Garage, Community Commercial</u>	<u>§890.10, 160</u>	<u>NP</u>
23				
24	.38	<u>Automotive Gas Station</u>	<u>§890.14</u>	<u>NP</u>
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<u>.39</u>	<u>Automotive Service Station</u>	<u>§§890.18, 890.19</u>	<u>NP</u>
<u>.40</u>	<u>Automotive Repair</u>	<u>§890.15</u>	<u>NP</u>
<u>.41</u>	<u>Automotive Wash</u>	<u>§890.20</u>	<u>NP</u>
<u>.42</u>	<u>Automotive Sale or Rental</u>	<u>§890.13</u>	<u>C</u>
<u>.43</u>	<u>Mortuary</u>	<u>§890.62</u>	<u>C</u>
<u>.44</u>	<u>Hours of Operation</u>	<u>§890.48</u>	<u>C 2 a.m. – 6 a.m.</u>
<u>.45</u>	<u>Business Sign</u>	<u>§§602-604, 608.1, 608.2</u>	<u>P</u> <u>§607.2(f)</u>

<u>RESIDENTIAL STANDARDS AND USES</u>			
<u>.46</u>	<u>Residential Use</u>	<u>§890.88</u>	<u>P</u>
<u>.47</u>	<u>Residential Density, Dwelling Units</u>	<u>§890.88(a)</u>	<u>No Limit §207.5 (b)</u>
<u>.48</u>	<u>Residential Density, Group Housing</u>	<u>§890.88(b)</u>	<u>No Limit §207.5 (b)</u>
<u>.49</u>	<u>Usable Open Space [Per Residential Unit]</u>	<u>§§135, 136</u>	<u>75 sq. ft. per unit; up to 50% may be provided off-site if publicly accessible. §827(e)</u>
<u>.50</u>	<u>Accessory Off-street Parking, Residential</u>	<u>§§151.1, 153-157, 159-160, 204.5</u>	<u>None Required. Up to one car per 2 dwelling units permitted; up to one car per dwelling unit per procedures and criteria of Sections 151.1 and 827(d)</u>
<u>.51</u>	<u>Residential Conversions</u>	<u>§790.84, Ch. 41 Admin. Code</u>	<u>C</u>
<u>.52</u>	<u>Residential Demolition</u>	-	<u>C</u>

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

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11 Figure 827 (A) Development Concept

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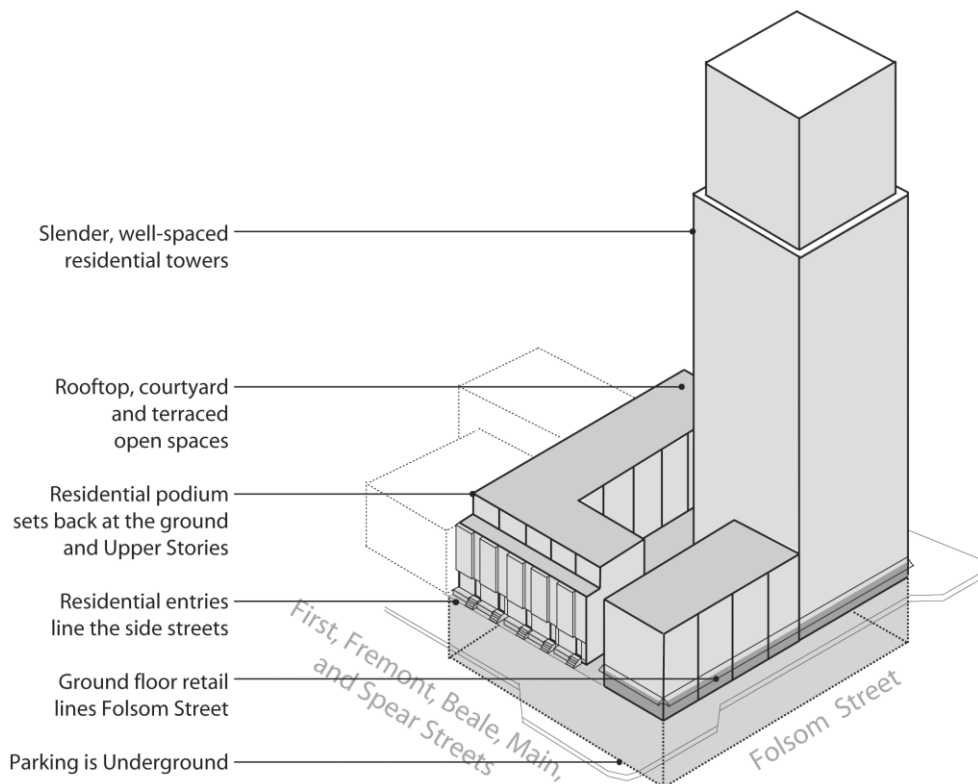
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1 (b) Residential Use Controls.

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

5 (2) Required Residential to Non-Residential Use Ratio. For newly constructed buildings or
6 additions which exceed 20 percent or more of an existing structure's gross floor area, at least six
7 occupiable square feet of residential use shall be provided for each occupiable square foot of non-
8 residential use, excluding accessory parking, on any lot legally existing. Lawfully existing live/work
9 units shall be considered as non-residential uses for the purpose of this section, and do not satisfy the
10 residential requirement. Exemption from the required use ratio for building additions of less than 20
11 percent may not be granted for any single lot if such an exemption would increase the total square
12 footage of the building to an amount 20 percent greater than existed on the lot since the adoption of
13 this section.

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

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

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

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

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

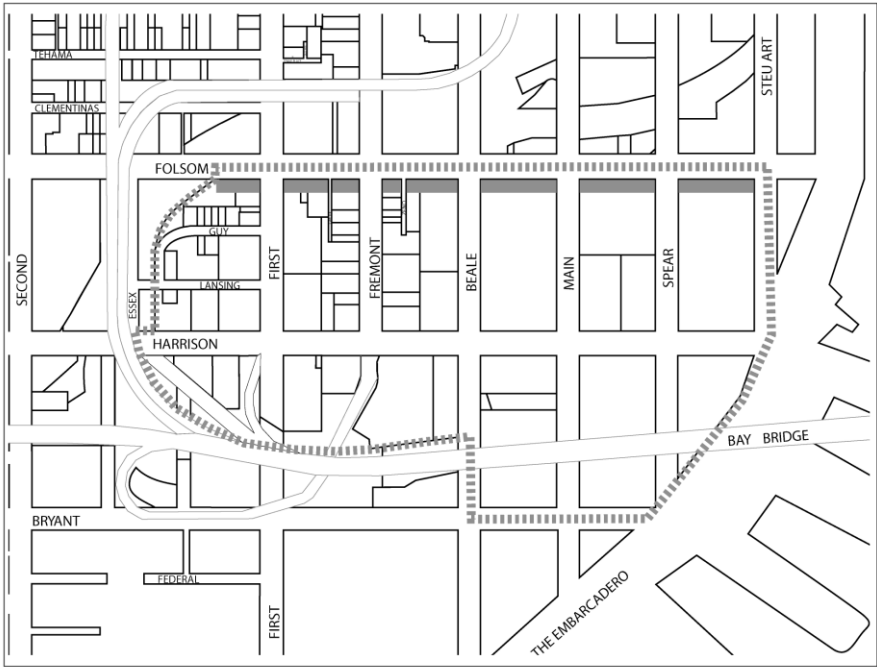
4 (c) Street-Facing Use Requirements. Pedestrian-oriented retail, residential, institutional
5 uses, and community services are required ground floor uses on all street-facing frontages, except for
6 the minimum frontage required for fire doors, parking and loading access, and other utilities.

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

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

1 Figure 827 (B): Frontages Where Ground Floor Retail Uses are Required

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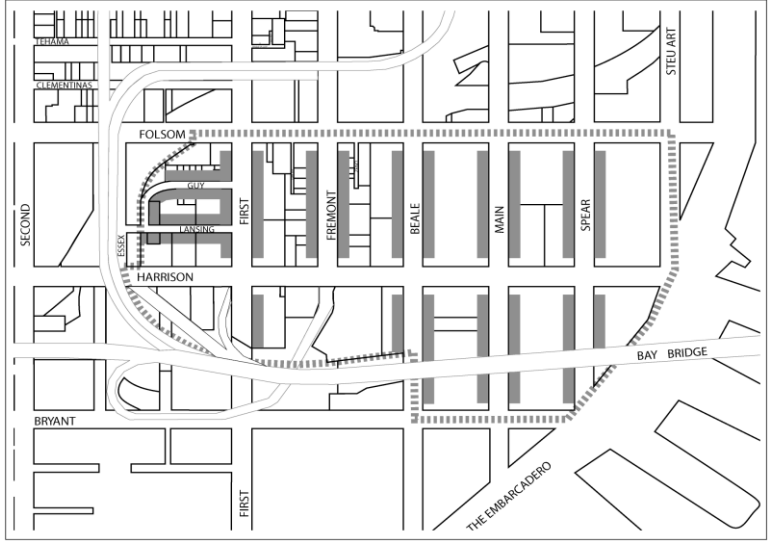


— Locations Where Ground Floor Retail is Required



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

Required



— Locations Where Ground Floor Residential is Required



1 (d) Building Design Standards.

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

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

16 (3) Dwelling Unit Exposure. The requirements of Section 140 shall apply. Reductions in this
17 requirement may be granted though the procedures of Section 309.1.

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

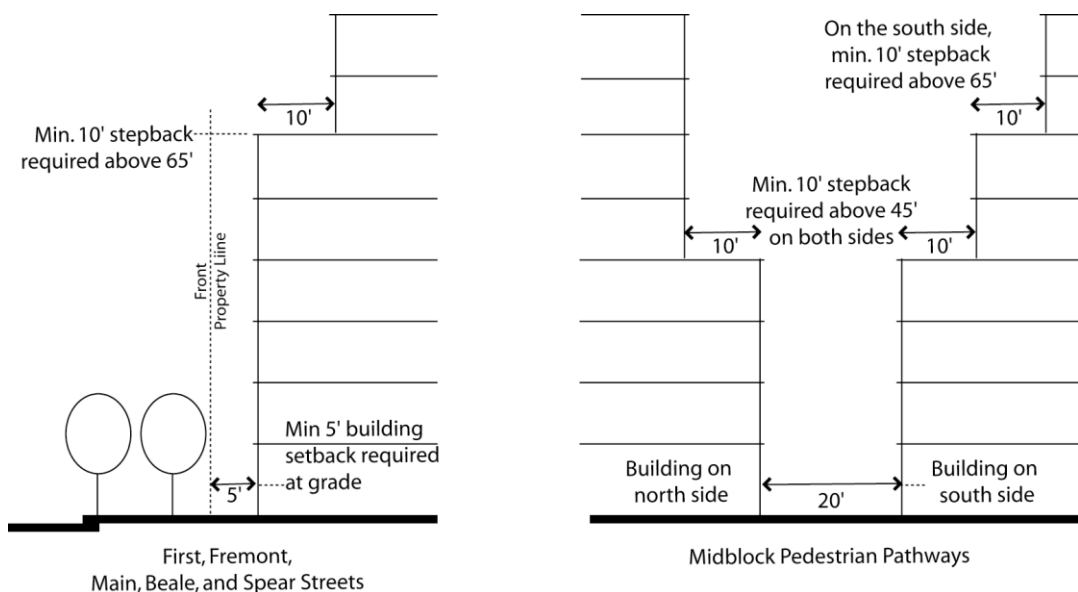
20 (A) All buildings are required to set back at least 10 feet above a height of 65 feet along
21 Spear, Main, Beale, Fremont and First Streets. This requirement shall not apply to street frontage
22 occupied by a building taller than 85 feet. This upper story setback requirement shall also not apply to
23 the first 60 linear feet of frontage from corners at Folsom, Harrison, and Bryant Streets.

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

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

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

15 Figure 827 (D): Required Upper Story Stepbacks



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

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

10 (B) Setback Dimensions. Building setbacks are required to create a transitional space
11 between the public realm of the street and the private realm of the individual dwelling unit. The setback
12 shall be implemented according to the following specifications, and as illustrated in Figures 827(E)
13 and 827(F):

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

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

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

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

1 (C) Residential Entries.

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

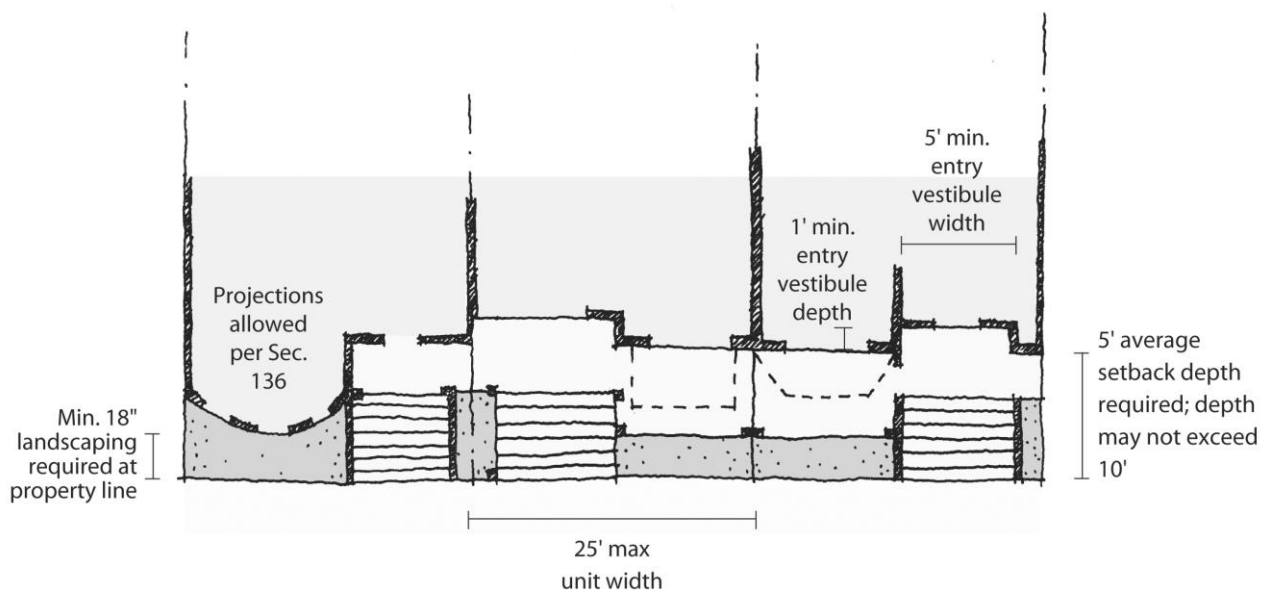
3 (ii) Each entry is required to have a vestibule at least one foot in depth from the building
4 façade. The entry vestibule may be no less than five feet wide and no less than the height of the ground
5 story.

6 (D) Landscaping in Setbacks. All building setback areas not occupied by steps, porches or
7 other occupiable space must be landscaped. Setbacks should be designed to provide access to
8 landscaped areas, encouraging gardening and other uses by residents.

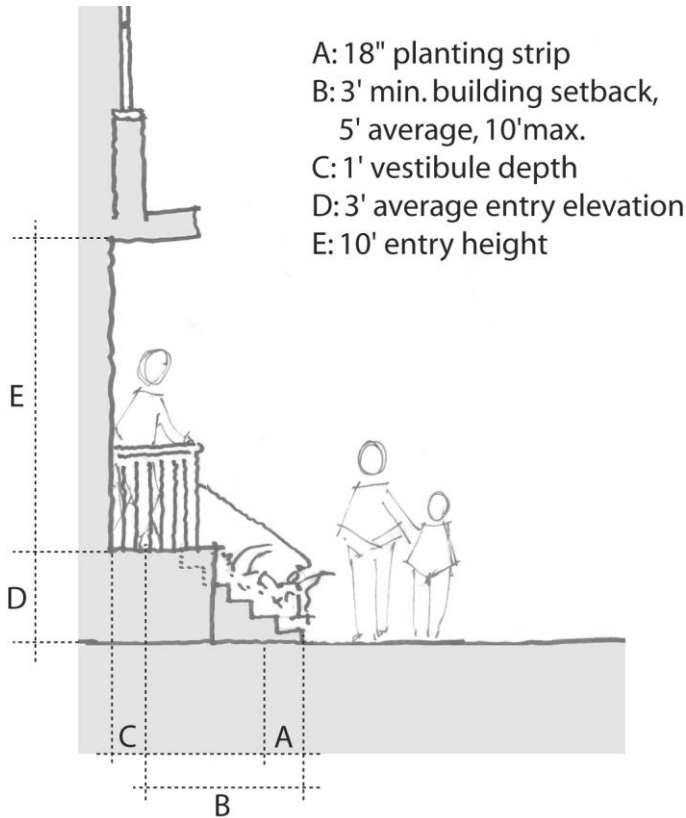
9 (i) A water source must be provided for each residential setback.

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

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14 Figure 827 (E): Required Dimensions for Building Setbacks



1 Figure 827 (F): Required Dimensions for Building Setbacks



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17 (6) Ground Floor Commercial Design

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

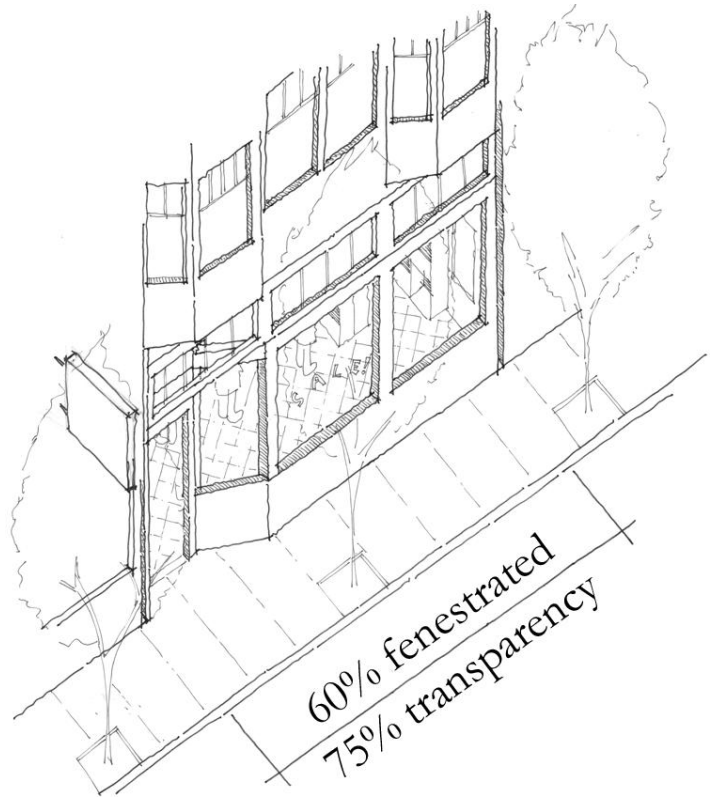
20 (B) Minimum Ceiling Height. Ground floor non-residential spaces along Folsom Street must
21 have a minimum 12 foot 6 inch clear ceiling height for the first 25 feet of depth fronting Folsom Street.

22 (C) Transparency and Fenestration. Non-residential frontages must be fenestrated with
23 windows and doorways for no less than 60 percent of the façade area. No less than 75 percent of the
24 fenestrated area must be transparent. The use of dark or mirrored glass is not permitted for required
25 transparent area .

1 (D) Maximum Frontage. A single ground floor commercial tenant may not occupy more than
2 75 linear feet of frontage for the first 25 feet of depth from the street-facing façade along any major
3 street. Separate individual storefronts shall wrap large footprint ground floor uses for the first 25 feet
4 of depth.

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

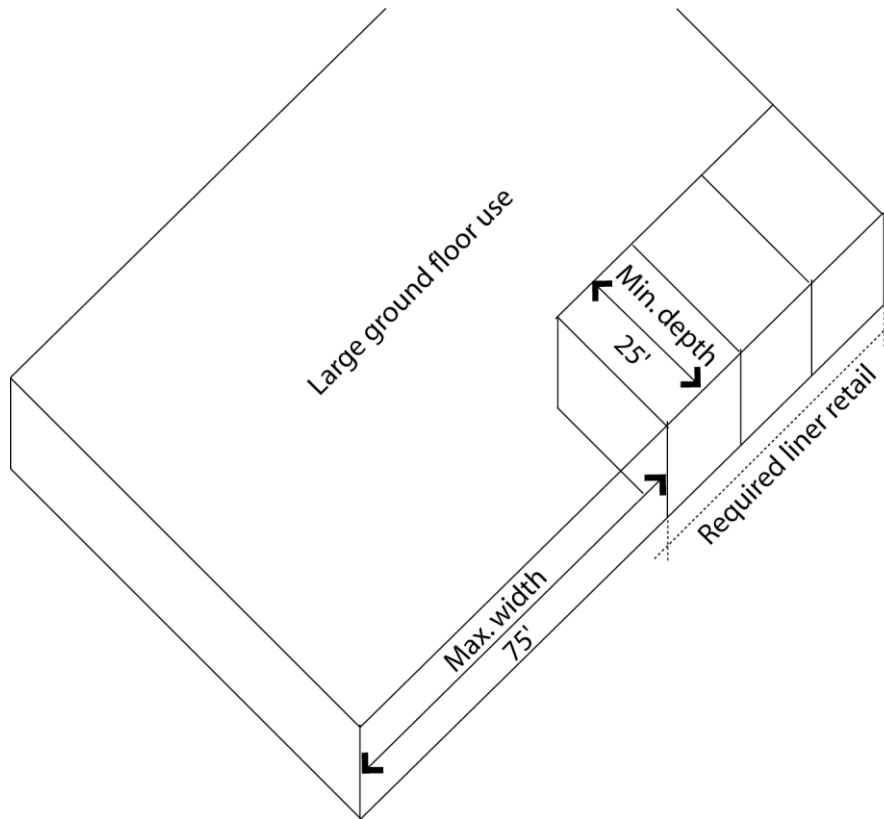
11 Figure 827 (G): Required Ground Floor Commercial Transparency and Fenestration



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1 Figure 827 (H): Ground Floor Commercial Frontages

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

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

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

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

6 (iii) Any above-grade parking shall be set back from the street-facing façades and wrapped
7 with active uses, as defined by Section 145.4, for a depth of no less than 25 feet at the ground floor and
8 15 feet on floors above.

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

13 (B) Parking and Loading Access..

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

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

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

5 (e) Open Space

6 (1) Amount Required.

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

18 (B) Non-residential. One square foot of publicly-accessible open space is required for every
19 50 gross square feet of non-residential uses over 10,000 square feet. All non-residential open space
20 must meet the standards of Section 827 for publicly-accessible open space.

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

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

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

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

22 (A) Open space must be of one or more of the following types:

23 (i) An unenclosed park or garden at street grade or following the natural topography,
24 including improvements to hillsides or other unimproved public areas according to the Rincon Hill
25 Area Plan;

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

3 (iii) An unenclosed pedestrian pathway that meets the minimum standards described in
4 Section 827(g)(3);

5 (iv) A terrace or roof garden with landscaping;

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

11 (vi) Streetscape improvements with landscaping and pedestrian amenities on Guy Place and
12 Lansing Street, beyond basic street tree planting or street lighting as otherwise required by this Code,
13 in accordance with the Streetscape Plan of the Rincon Hill Area Plan.

14 (B) Open space must meet the following standards:

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

17 (ii) Be appropriately landscaped;

18 (iii) Be protected from uncomfortable winds;

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

21 (v) Be well signed and accessible to the public during daylight hours;

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

23 (vii) Be designed to enhance user safety and security;

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

25 (ix) Have access to drinking water and toilets if feasible.

1 (C) Maintenance. Open spaces shall be maintained at no public expense, except as might be
2 provided for by any community facilities district that may be formed in the RH DTR. The owner of the
3 property on which the open space is located shall maintain it by keeping the area clean and free of
4 litter and keeping in a healthy state any plant material that is provided. Conditions intended to assure
5 continued maintenance of the open space for the actual lifetime of the building giving rise to the open
6 space requirement may be imposed in accordance with the provisions of Section 309.1.

7 (D) Informational Plaque. Prior to issuance of a permit of occupancy, a plaque of no less
8 than 24 inches by 36 inches in size shall be placed in a publicly conspicuous location outside the
9 building at street level, or at the site of any publicly-accessible open space, identifying said open space
10 feature and its location, stating the right of the public to use the space and the hours of use, describing
11 its principal required features (e.g., number of seats, availability of food service) and stating the name
12 and address of the owner or owner's agent responsible for maintenance.

13 (E) The Zoning Administrator shall have authority to require a property owner to hold
14 harmless the City and County of San Francisco, its officers, agents and employees, from any damage or
15 injury caused by the design, construction or maintenance of open space, and to require the owner or
16 owners or subsequent owner or owners of the property to be solely liable for any damage or loss
17 occasioned by any act or neglect in respect to the design, construction or maintenance of the open
18 space.

19 (f) Reduction of Ground Level Wind Currents

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

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

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

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

16 (g) Streetscape Standards.

17 (1) Sidewalk Treatments.

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

22 (B) Prior to approval by the Board of Supervisors of a Streetscape Plan for Rincon Hill, the
23 Planning Commission, through the procedures of Section 309.1, shall require an applicant to install
24 sidewalk widening, street trees, lighting, decorative paving, seating, and landscaping in keeping with
25

1 the intent of the Rincon Hill Area Plan of the General Plan and in accordance with subsections (C)-(F)
2 below.

3 (C) Sidewalk treatments shall comply with any applicable ordinances and with any
4 applicable regulation of the Art Commission, the Department of Public Works and the Bureau of Light,
5 Heat and Power of the Public Utility Commission regarding street lighting, sidewalk paving, and
6 sidewalk landscaping.

7 (D) The Streetscape Plan and any Commission requirement pursuant to subsection (B) shall
8 require the abutting property owner or owners to hold harmless the City and County of San Francisco,
9 its officers, agents, and employees, from any damage or injury caused by reason of the design,
10 construction or maintenance of the improvements, and shall require the owner or owners or subsequent
11 owner or owners of the respective property to be solely liable for any damage or loss occasioned by
12 any act.

13 (E) Notwithstanding the provisions of this Section, an applicant shall apply for all required
14 permits for changes to the legislated sidewalk widths and street improvements and pay all required
15 fees.

16 (F) The owner of the property is required to maintain all those improvements other than
17 lighting.

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

23 (A) be planted at least one foot back from the curb line;

24 (B) have a minimum 2 inch caliper, measured at breast height;

25 (C) branch a minimum of 8 feet above sidewalk grade;

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

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

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

7 (G) be irrigated, maintained and replaced if necessary by the property owner, in accordance
8 with Sec 174 of the Public Works Code; and

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

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

15 (A) Design. The design of the pathway shall meet the following minimum requirements:

16 (i) Have a minimum width of 20 feet from building face to building face;

17 (ii) Have a minimum clear walking width of 10 feet free of any obstructions.

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

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

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

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

24 (vii) Be provided with special paving, furniture, landscaping, and other amenities that
25 facilitate pedestrian use;

1 (viii) Be provided with ample pedestrian lighting to ensure pedestrian comfort and safety;
2 (ix) Be free of any changes in grade or steps not required by the natural topography of the
3 underlying hill; and

4 (x) Be fronted by active ground floor uses, such as individual townhouse residential units, to
5 the greatest extent possible.

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

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

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

15 (E) The property owner or owners must hold harmless the City and County of San
16 Francisco, its officers, agents, and employees, from any damage or injury caused by reason of the
17 design, construction or maintenance of the improvements, and shall require the owner or owners or
18 subsequent owner or owners of the respective property to be solely liable for any damage or loss
19 occasioned by any act.

20 SEC. 102.5. DISTRICT

21 A portion of the territory of the City, as shown on the Zoning Map, within which certain
22 regulations and requirements or various combinations thereof apply under the provisions of
23 this Code. The term "district" shall include any use, special use, height and bulk, or special
24 sign district. The term "R District" shall mean any RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-
25 1, RM-2, RM-3, RM-4, RC-1, RC-2, RC-3, RC-4 or RED District. The term "C District" shall

1 mean any C-1, C-2, C-3, or C-M District. The term “M District” shall mean any M-1 or M-2
2 District. The term “RH District” shall mean any RH-1(D), RH-1, RH-1(S), RH-2, or RH-3
3 District. The term “RM District” shall mean any RM-1, RM-2, RM-3, or RM-4 District. The
4 term “RC District” shall mean any RC-1, RC-2, RC-3, or RC-4 District. The term “C-3 District”
5 shall mean any C-3-O, C-3-R, C-3-G, or C-3-S District. For the purposes of Section 128 and
6 Article 11 of this Code, the term “C-3 District” shall also include the Extended Preservation
7 District designated on Section Map 3SU of the Zoning Map. The term “NC District” shall mean
8 any NC-1, NC-2, NC-3, NC-S, and any Neighborhood Commercial District identified by street
9 or area name in Section 702.1. The term “Mixed Use District” shall mean any Chinatown CB,
10 Chinatown VR, Chinatown R/NC, Downtown Residential District, or South of Market RSD, SPD,
11 SLR, SLI or SSO District named in Section 802.1. The term “South of Market Districts” shall
12 refer to all RED, RSD, SPD, SLR, SLI or SSO Districts contained entirely within the area
13 designated as the South of Market Base District shown on Sectional Map 3SU of the Zoning
14 Map. The term “DTR District” or “Downtown Residential District” shall refer to any Downtown
15 Residential District identified by street or area name in Section 825.

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

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

22 (a) Character of Space Provided. Usable open space shall be composed of an
23 outdoor area or areas designed for outdoor living, recreation or landscaping, including such
24 areas on the ground and on decks, balconies, porches and roofs, which are safe and suitably
25 surfaced and screened, and which conform to the other requirements of this Section. Such

1 area or areas shall be on the same lot as the dwelling units (or bedrooms in group housing)
2 they serve, and shall be designed and oriented in a manner that will make the best practical
3 use of available sun and other climatic advantages. "Private usable open space" shall mean
4 an area or areas private to and designed for use by only one dwelling unit (or bedroom in
5 group housing). "Common usable open space" shall mean an area or areas designed for use
6 jointly by two or more dwelling units (or bedrooms in group housing). *In the Rincon Hill Special
7 Use District, Residential Subdistrict, open space shall be provided as specified in Section 249.1(c)(4).*

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

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

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

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

20 (d) Amount Required. Usable open space shall be provided for each building in the
21 amounts specified herein and in Table 135 for the district in which the building is located,
22 *provided, however, that in the Rincon Hill Special Use District, Residential Sub-district, open space
23 shall be provided in the amounts specified in Section 249.1(c)(4).*

24 In Neighborhood Commercial Districts, the amount of usable open space to be
25 provided shall be the amount required in the nearest Residential District, but the minimum

1 amount of open space required shall be in no case greater than the amount set forth in Table
2 135 for the district in which the building is located. The distance to each Residential District
3 shall be measured from the midpoint of the front lot line or from a point directly across the
4 street therefrom, whichever requires less open space.

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

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

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

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TABLE 135

MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING		
District	Square Feet Of Usable Open Space Required For Each Dwelling Unit If All Private	Ratio of Common Usable Open Space That May Be Substituted for Private
RH-1(D), RH-1	300	1.33
RH-1(S)	300 for first unit; 100 for minor second unit	1.33
RH-2	125	1.33
RH-3	100	1.33
RM-1, RC-1	100	1.33
RM-2, RC-2, SPD	80	1.33
RM-3, RC-3, RED	60	1.33
RM-4, RC-4, RSD	36	1.33
C-3, C-M, SLR, SLI, SSO, M-1, M-2	36	1.33
C-1, C-2	Same as for the R District establishing the dwelling unit density ratio for the C-1 or C-2 District property	
NC-1, NC-2, NC-S, Inner Sunset, Sacramento Street, West Portal Avenue	100	1.33
NC-3, Castro Street, Inner Clement Street, Outer Clement Street, Upper Fillmore Street, Haight Street, Union Street, Valencia Street,	80	1.33

1	24th Street-Mission, 24th Street-Noe Valley		
2	Broadway, Hayes-	60	1.33
3	Gough, Upper Market		
4	Street, North Beach, Polk Street		
5	Chinatown Community	48	1.00
6	Business, Chinatown		
7	Residential		
8	Neighborhood		
8	Commercial, Chinatown		
8	Visitor Retail		
9	<u>Rincon Hill DTR</u>	<i>This table not applicable. 75 square feet per dwelling. See Sec.827.</i>	

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

13 (f) Private Usable Open Space: Additional Standards.

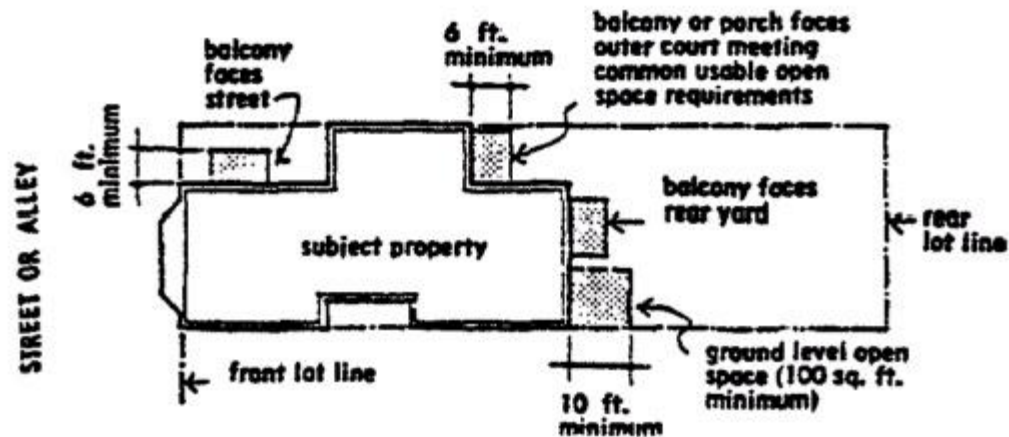
14 (1) Minimum Dimensions and Minimum Area. Any space credited as private usable
15 open space shall have a minimum horizontal dimension of six feet and a minimum area of 36
16 square feet if located on a deck, balcony, porch or roof, and shall have a mini-mum horizontal
17 dimension of 10 feet and a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

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

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

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



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10 (C) Areas within inner and outer courts, as defined by this Code, must either
11 conform to the standards of Subparagraph (f)(2)(B) above or be so arranged that the height of
12 the walls and projections above the court on at least three sides (or 75 percent of the
13 perimeter, whichever is greater) is such that no point on any such wall or projection is higher
14 than one foot for each foot that such point is horizontally distant from the opposite side of the
15 clear space in the court, regardless of the permitted obstruction referred to in Subsection
16 135(c) above.

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

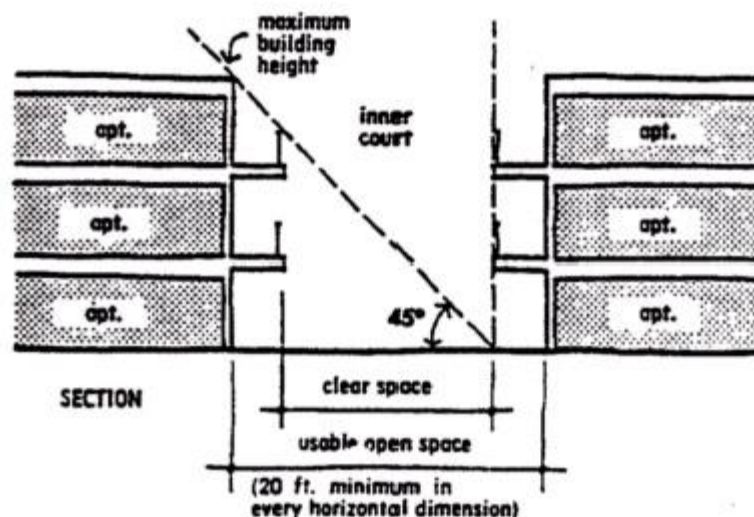
24 (4) Use of Solariums. In C-3 Districts, the area of a totally or partially enclosed
25 solarium shall be credited as private usable open space if (i) such area is open to the

1 outdoors through openings or clear glazing on not less than 50 percent of its perimeter and (ii)
2 not less than 30 percent of its overhead area and 25 percent of its perimeter are open or can
3 be opened to the air.

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

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

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



23 (3) Use of Solariums. The area of a totally or partially enclosed solarium may be
24 credited as common usable open space if the space is not less than 15 feet in every
25

1 horizontal dimension and 300 square feet in area; and if such area is exposed to the sun
2 through openings or clear glazing on not less than 30 percent of its perimeter and 30 percent
3 of its overhead area; ~~provided, however, that the Rincon Hill Special Use District, Residential Subdistrict,~~
4 ~~open space credit for solariums shall be as provided in Section 249.1(c)(4)(E).~~

5 SEC. 141. SCREENING OF ROOFTOP FEATURES R, NC, C, M, SPD, RSD, SLR,
6 SLI AND SSO DISTRICTS.

7 (a) In R, SPD, RSD, NC, C, M, SLR, SLI and SSO Districts, rooftop mechanical
8 equipment and appurtenances to be used in the operation or maintenance of a building shall
9 be arranged so as not to be visible from any point at or below the roof level of the subject
10 building. This requirement shall apply in construction of new buildings, and in any alteration of
11 mechanical systems of existing buildings that results in significant changes in such rooftop
12 equipment and appurtenances. The features so regulated shall in all cases be either enclosed
13 by outer building walls or parapets, or grouped and screened in a suitable manner, or
14 designed in themselves so that they are balanced and integrated with respect to the design of
15 the building. Minor features not exceeding one foot in height shall be exempted from this
16 regulation.

17 (b) In C-3 Districts, whenever the enclosure or screening of the features listed in
18 Section 260(b)(1)(A) and (B), will be visually prominent, modifications may, in accordance with
19 provisions of Section 309, be required in order to insure that: (1) the enclosure or screening is
20 designed as a logical extension of the building form and an integral part of the overall building
21 design; (2) its cladding and detailing is comparable in quality to that of the rest of the building;
22 (3) if enclosed or screened by additional volume, as authorized by Section 260(b), the rooftop
23 form is appropriate to the nature and proportions of the building, and is designed to obscure
24 the rooftop equipment and appurtenances and to provide a more balanced and graceful
25

1 silhouette for the top of the building or structure; and (4) the additional building volume is not
2 distributed in a manner which simply extends vertically the walls of the building.

3 (c) In the Rincon Hill ~~Special Use~~ Downtown Residential District and South of Market
4 Base District, mechanical equipment and appurtenances shall be enclosed in such a manner
5 that: (1) the enclosure is designed as a logical extension of the building form and an integral
6 part of the overall building design; (2) its cladding and detailing is comparable in quality to that
7 of the rest of the building; (3) if screened by additional volume, as authorized by Section
8 260(b), the rooftop form is appropriate to the nature and proportions of the building, and is
9 designed to obscure the rooftop equipment and appurtenances and to provide a more
10 balanced and graceful silhouette for the top of the building or structure; and (4) the additional
11 building volume is not distributed in a manner which simply extends vertically the walls of the
12 building.

13 (d) Off-street parking or freight loading spaces shall only be permitted on
14 unenclosed rooftops when the parking area is screened with fencing, trellises and/or
15 landscaped screening features such that parked vehicles cannot be easily viewed from
16 adjacent buildings, elevated freeways or public vista points.

17 SEC. 145.4. STREET FRONTAGES, DOWNTOWN AND MIXED-USE DISTRICTS.

18 In order to preserve, enhance and promote street frontages that are pedestrian-oriented, lively,
19 fine-grained, and provide opportunity for multiple shops and services to serve both local and citywide
20 populations, the following rules are established in all DTR districts and other specific districts as
21 described below:

22 (a) Above-grade parking setback. Except as more restrictively established in Section 827,
23 any parking built above street grade must be set back at least 25 feet on the ground floor, with the
24 exception of space allowed for parking and loading access, building egress, and access to mechanical
25 systems, and 15 feet at all other levels from any façade facing a street. Space for active uses as defined

1 in this Section and permitted by the specific district in which it is located, shall be provided along the
2 frontages for the above-mentioned setback depths.

3 (b) Ground Floor Commercial Uses. Active, pedestrian-oriented commercial uses, as
4 defined in this Section and permitted by the specific district in which it is located, are a required
5 ground floor use on street-facing building frontages in the locations listed in this subsection. Where
6 these uses are required, they shall occupy no less than 75 percent of the building frontage and shall be
7 open at the pedestrian eye level, allowing visibility to the inside of the building. Such openings shall
8 use clear, untinted, glass except for decorative or architectural accent. Any decorative railings or
9 decorative grille work, other than wire mesh, which is placed in front of or behind such windows, shall
10 be at least 75 percent open to perpendicular view. This requirement applies to the following street
11 frontages:

12 (1) Folsom Street for the entirety of the Rincon Hill DTR, pursuant to Section 827; and

13 (2) Folsom Street for the entirety of the Folsom and Main Residential/Commercial Special
14 Use District.

15 (c) Maximum Street-Facing Use Sizes. An individual ground floor tenancy may not occupy
16 more than 75 linear feet for the first 25 feet of depth from the street-facing facade of a frontage on a
17 major street. Separate individual storefronts shall wrap large ground floor uses for the first 25 feet of
18 depth.

19 (d) Exceptions to the requirements of this section may be granted only pursuant to the
20 procedures of Section 309.1. of this Code.

21 (e) Definition of Active Uses.

22 (1) Ground Floor. Active uses at the ground floor shall include those that are oriented to
23 public access and walk-up pedestrian activity. These uses shall not include any use whose primary
24 function is the storage of goods or vehicles, utility installations, any office use, any use oriented toward
25 motorized vehicles, or any use or portion of a use which by its nature requires non-transparent walls

1 facing a public street. Uses considered active uses on the ground floor shall include lobbies for any
 2 use, and the uses listed in Table 145.4 and as defined by the referenced Code sections. Uses noted with
 3 an asterisk in Table 145.4 are restricted as follows:

4 (A) Non-Auto Vehicle Sales and Rental are only considered as active uses if their use is
 5 limited to the sales and rental of bicycles, or the sales of scooters or motorcycles, and no curb-cuts,
 6 garage doors, or loading access are required on streets where such are restricted in this Code, and
 7 pedestrian movement on abutting sidewalks is not infringed.

8 (B) Public Uses described in 890.80 are considered active uses except utility installations.

9 (C) Residential Uses described in 890.88 are considered active uses only if a majority of
 10 residential uses at the ground level have direct, individual pedestrian access to a public sidewalk or
 11 street. Spaces accessory to residential uses, such as fitness or community rooms, are considered active
 12 uses only if they meet the intent of this section and have access directly to the public sidewalk or street.

13

14 Table 145.4

15 Code Reference

Use

16 890.4

Amusement Game Arcade

17 890.6

Animal Hospital

18 890.22

Bar

19 890.23

Business Goods and Equipment Sales and
Repair Service

21 890.34

Eating and Drinking Use

22 890.37

Entertainment, Other

23 890.39

Gift Store-Tourist Oriented

24 890.50

Institutions, Other

25

1	<u>890.51</u>	<u>Jewelry Store</u>
2	<u>890.68</u>	<u>Neighborhood-Serving Business</u>
3	<u>890.69*</u>	<u>Non-Auto Vehicle Sales or Rental</u>
4	<u>890.80*</u>	<u>Public Use</u>
5	<u>890.88*</u>	<u>Residential Use</u>
6	<u>890.90</u>	<u>Restaurant, Fast-Food (Small)</u>
7	<u>890.91</u>	<u>Restaurant, Fast-Food (Large)</u>
8	<u>890.92</u>	<u>Restaurant, Full-Service</u>
9	<u>890.102</u>	<u>Sales and Service, Other Retail</u>
10	<u>890.104</u>	<u>Sales and Services, Retail</u>
11	<u>890.112</u>	<u>Service, Limited Financial</u>
12	<u>890.116</u>	<u>Service, Personal</u>
13	<u>890.122</u>	<u>Take-out Food</u>
14	<u>890.124</u>	<u>Trade Shop</u>
15	<u>890.140</u>	<u>Walk-Up Facility</u>

16 (2) Floors above the Ground Floor. Active uses on floors above the ground floor shall
17 include any use included in subsection (1) along with all office uses, all residential uses, hotels, and
18 any industrial or light industrial use that is permitted in the district and meets the intent of this Section.

19 SEC. 151 SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES.

20 Off-street parking spaces shall be provided in the minimum quantities specified in the
21 following table, except as otherwise provided in Section 151.1 and Section 161 of this Code.
22 Where the building or lot contains uses in more than one of the categories listed, parking
23 requirements shall be calculated in the manner provided in Section 153 of this Code. Where
24 off-street parking is provided which exceeds certain amounts in relation to the quantities
25

1 specified in this table, as set forth in Section 204.5 of this Code, such parking shall be
 2 classified not as accessory parking but as either a principal or a conditional use, depending
 3 upon the use provisions applicable to the district in which the parking is located. In
 4 considering an application for a conditional use for any such parking, due to the amount being
 5 provided, the City Planning Commission shall consider the criteria set forth in Section 157 of
 6 this Code.

7
 8 **Table 151**
OFF-STREET PARKING SPACES REQUIRED

9 Use or Activity	Number of Off-Street Parking Spaces Required
10 Dwelling, except as specified below, 11 and except in the Bernal Heights 12 Special Use District as provided in 13 Section 242	One for each dwelling unit.
13 Dwelling, RC-4, RSD and C-3 14 Districts, except in the Van Ness 15 Special Use District	One for each four dwelling unit.
15 Dwelling, specifically designed for 16 and occupied by senior citizens or 17 physically handicapped persons, as 18 defined and regulated by Section 19 209.1(m) of this Code	One-fifth the number of spaces specified above for the district in which the dwelling is located.
18 Group housing of any kind	One for each three bedrooms or for each six 20 beds, whichever results in the greater 21 requirement, plus one for the manager's 22 dwelling unit if any, with a minimum of two 23 spaces required.
21 SRO units	In the South of Market base area, one for each 24 20 units, plus one for the manager's dwelling 25 unit, if any, with a minimum of two spaces.
24 Hotel, inn or hostel in NC Districts	0.8 for each guest bedroom.
25 Hotel, inn or hostel in districts other	One for each 16 guest bedrooms where the number of guest bedrooms exceeds 23, plus

1	than NC	one for the manager's dwelling unit, if any.
2	Motel	One for each guest unit, plus one for the manager's dwelling unit, if any.
3	Mobile home park	One for each vehicle or structure in such park, plus one for the manager's dwelling unit if any.
4		
5	Hospital or other inpatient medical institution	One for each 16 guest excluding bassinets or for each 2,400 square feet of gross floor area devoted to sleeping rooms, whichever results in the greater requirement, provided that these requirements shall not apply if the calculated number of spaces is no more than two.
6		
7		
8		
9	Residential care facility	One for each 10 residents, where the number of residents exceeds nine.
10	Child care facility	One for each 25 children to be accommodated at any one time, where the number of such children exceeds 24.
11		
12	Elementary school	One for each six classrooms.
13	Secondary school	One for each two classrooms.
14	Post-secondary educational institution	One for each two classrooms.
15	Church or other religious institutions	One for each 20 seats by which the number of seats in the main auditorium exceeds 200.
16		
17	Theater or auditorium	One for each eight seats up to 1,000 seats where the number of seats exceeds 50 seats, plus one for each 10 seats in excess of 1,000.
18		
19	Stadium or sports arena	One for each 15 seats.
20	Medical or dental office or outpatient clinic	One for each 300 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.
21		
22	Offices or studios of architects, engineers, interior designers and other design professionals and studios of graphic artists	One for each 1,000 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.
23		
24		
25	Other business office	One for each 500 square feet of occupied floor

1		area, where the occupied floor area exceeds 5,000 square feet, except one for each 750 square feet within the SSO District, where the occupied floor area exceeds 5,000 square feet.
2		
3	Restaurant, bar, nightclub, pool hall,	One for each 200 square feet of occupied floor
4	dancehall, bowling alley or other	area, where the occupied floor area exceeds
5	similar enterprise	5,000 square feet.
6	Retail space devoted to the handling	One for each 1,000 square feet of occupied
7	of bulky merchandise such as motor	floor area, where the occupied floor area
8	vehicles, machinery or furniture	exceeds 5,000 square feet.
9	Greenhouse or plant nursery	One for each 4,000 square feet of occupied
10	Other retail space	floor area, where the occupied floor area
11		exceeds 5,000 square feet.
12		One for each 500 square feet of occupied floor
13	Service, repair or wholesale sales	area up to 20,000 where the occupied floor
14	space, including personal, home or	area exceeds 5,000 square feet, plus one for
15	business service space in South of	each 250 square feet of occupied floor area in
16	Market Districts	excess of 20,000.
17	Mortuary	One for each 1,000 square feet of occupied
18	Storage or warehouse space, and	floor area, where the occupied floor area
19	space devoted to any use first	exceeds 5,000 square feet.
20	permitted in an M-2 District	Five.
21	Arts activities and spaces except	One for each 2,000 square feet of occupied
22	theater or auditorium spaces	floor area, where the occupied floor area
23	Other manufacturing and industrial	exceeds 7,500 square feet.
24	uses	One for each 1,500 square feet of occupied
25	Live/work units	floor area, where the occupied floor area
		exceeds 7,500 square feet, except in RH or RM
		Districts, within which the requirement shall be

one space for each live/work unit.

SEC. 151.1 PERMITTED OFF-STREET PARKING IN DOWNTOWN RESIDENTIAL (DTR)

DISTRICTS

(a) For any use in DTR districts, off-street accessory parking shall not be required as specified in Section 151.1 herein. The quantities specified in Table 151.1 shall serve as the maximum amount of off-street parking that may be provided as accessory to the uses specified. For uses in DTR districts not described in Table 151.1, the off-street requirements specified in Table 151 and set forth in Section 204.5 of this Code shall serve as maximums for the total amount of accessory parking that may be provided. Where off-street parking is provided that exceeds the quantities specified in table 151.1 or as set forth in Section 204.5 of this Code, such parking shall be classified not as accessory parking but as either a principally permitted or conditional use, depending upon the use provisions applicable to the district in which the parking is located. In considering an application for a conditional use for any such parking due to the amount being provided, the Planning Commission shall consider the criteria set forth in Section 157 of this Code.

(b) Where a number or ratio of spaces are described in Table 151.1, such number or ratio shall refer to the total number of parked cars accommodated in the project proposal, regardless of the arrangement of parking, and shall include all spaces accessed by mechanical means, valet, or non-independently accessible means. For the purposes of determining the total number of cars parked, the area of an individual parking space, except for those spaces specifically designated for persons with physical disabilities, may not exceed 185 square feet, including spaces in tandem, or in parking lifts, elevators or other means of vertical stacking.

(c) Any off-street parking space dedicated for use as a car-share parking space, as defined in Section 166, shall not be counted toward the total parking allowed as accessory in this Section.

Table 151.1

OFF-STREET PARKING ALLOWED AS ACCESSORY

<u>Use or Activity</u>	<u>Number of Off-Street Car Parking Spaces or Space Devoted to Off-Street Car Parking Permitted</u>
<u>Dwelling units, except as specified below</u>	<u>P up to one car for each two dwelling units; up to one car for each dwelling unit, subject to the criteria and procedures of Section 151.1(b); NP above one space per unit.</u>
<u>Dwelling, specifically designed for and occupied by senior citizens or persons with physical disabilities, as defined and regulated by Section 209.1(m) of this Code</u>	<u>P up to one car for each 13 dwelling units; NP above.</u>
<u>Group housing of any kind</u>	<u>P up to one car for each three bedrooms or for each six beds, whichever results in the greater requirement, plus one for the manager's dwelling unit if any. NP above</u>
<u>SRO units</u>	<u>P up to one car for each 20 units, plus one for the manager's dwelling unit, if any. NP above.</u>
<u>All office uses</u>	<u>P up to seven percent of the gross floor area of such uses; NP above.</u>

(d) In DTR districts, any request for accessory parking in excess of what is permitted by right shall be reviewed on a case-by-case basis by the Planning Commission, subject to the procedures set forth in Section 309.1 of this Code. In granting approval for parking accessory to residential uses above that permitted by right in Table 151.1, the Commission shall make the following affirmative findings:

(1) all parking in excess of that allowed by right is stored and accessed by mechanical means, valet, or non-independently accessible method that maximizes space efficiency and discourages use of vehicles for commuting or daily errands;

(2) vehicle movement on or around the project site associated with the excess accessory parking does not unduly impact pedestrian spaces or movement, transit service, bicycle movement, or the overall traffic movement in the district;

(3) accommodating excess accessory parking does not degrade the overall urban design quality of the project proposal;

(4) all parking in the project is set back from facades facing streets and alleys and lined with active uses, and that the project sponsor is not requesting any exceptions or variances requiring such treatments elsewhere in this Code; and

(5) excess accessory parking does not diminish the quality and viability of existing or planned streetscape enhancements.

SEC. 152. SCHEDULE OF REQUIRED OFF-STREET FREIGHT LOADING SPACES IN DISTRICTS OTHER THAN C-3 OR SOUTH OF MARKET.

In Districts other than C-3 and the South of Market Districts, off-street freight loading spaces shall be provided in the minimum quantities specified in the following table, except as otherwise provided in Section 152.2 and Section 161 of this Code. The measurement of gross floor area shall be as defined in this Code, except that nonaccessory parking spaces and driveways and maneuvering areas incidental thereto shall not be counted.

Table 152
OFF-STREET FREIGHT LOADING SPACES REQUIRED
(OUTSIDE C-3 AND SOUTH OF MARKET DISTRICTS)

Use or Activity	Gross Floor Area of Structure or Use (sq. ft.)	Number of Off-Street Freight Loading Spaces Required
Retail stores, wholesaling, manufacturing, live/work units in newly constructed structures, and all other uses primarily engaged in the handling of goods.	0 – 10,000	0
	10,000 – 60,000	1
	60,001 – 100,000	2
	over 100,000	3 plus 1 for each additional 80,000 sq. ft.
Offices, hotels, apartments, live/work units not included above, and all other uses not included above	0 – 100,000	0
	100,001 – 200,000	1
	200,001 – 500,000	2
	over 500,000	3 plus 1 for each additional 400,000 sq. ft.

SEC. 152.2. ALLOWED OFF-STREET FREIGHT LOADING AND SERVICE VEHICLE SPACES IN DOWNTOWN RESIDENTIAL (DTR) DISTRICTS.

In DTR districts, off-street freight loading spaces shall be provided in the maximum quantities specified in the following Table 152.2, except as otherwise provided in Sections 153(a)(6) and 161 of this Code. The measurement of gross floor area shall be as defined in this Code, except that non-accessory parking spaces and driveways and maneuvering areas incidental thereto shall not be counted.

Table 152.2
OFF-STREET FREIGHT LOADING SPACES PERMITTED

<u>Use or Activity</u>	<u>Size of Use</u>	<u>Number of Off-Street Freight Loading Spaces Permitted</u>
<u>Non-Residential Uses</u>	<u>0 - 50,000 square feet gross floor area</u>	<u>1</u>
	<u>over 50,000 square feet gross floor area</u>	<u>1 space per 50,000 sq. ft. of gross floor area</u>
<u>All Residential Uses, including dwelling units, group housing, and SRO units</u>	<u>0 - 100 units</u>	<u>1</u>
	<u>101 units or more</u>	<u>1, plus 1 additional loading space for every 200 units over 100</u>

Total Number of Loading Spaces Allowed For Any single Project (all uses)

SEC. 153. RULES FOR CALCULATION OF REQUIRED PARKING SPACES.

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

(1) In the case of mixed uses in the same structure, on the same lot or in the same development, or more than one type of activity involved in the same use, the total requirements for off-street parking and loading spaces shall be the sum of the requirements for the various uses or activities computed separately, including fractional values.

(2) Where an initial quantity of floor area, rooms, seats or other form of measurement is exempted from off-street parking or loading requirements, such exemption shall apply only once to the aggregate of that form of measurement. If the initial exempted quantity is exceeded, for either a structure or a lot or a development, the requirement shall apply to the entire such structure, lot or development, unless the contrary is specifically stated in this Code. In combining the requirements for use categories in mixed use buildings, all exemptions for initial quantities of square footage for the uses in question shall be disregarded, excepting the exemption for the initial quantity which is the least among all the uses in question.

(3) Where a structure or use is divided by a zoning district boundary line, the requirements as to quantity of off-street parking and loading spaces shall be calculated in proportion to the amount of such structure or use located in each zoning district.

1 (4) Where seats are used as the form of measurement, each 22 inches of space on
2 benches, pews and similar seating facilities shall be considered one seat.

3 (5) When the calculation of the required number of off-street parking or freight
4 loading spaces results in a fractional number, a fraction of ½ or more shall be adjusted to the
5 next higher whole number of spaces, and a fraction of less than ½ may be disregarded.

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

10 (b) The requirements for off-street parking and loading for any use not specifically
11 mentioned in Sections 151 and 152 shall be the same as for a use specified which is similar,
12 as determined by the Zoning Administrator.

13 (c) In DTR districts, the rules of calculation established by subsection (a) shall apply to the
14 determination of maximum permitted spaces as allowed by Section 151.1.

15 SEC. 154. ~~MINIMUM~~ DIMENSIONS FOR ~~REQUIRED~~ OFF-STREET PARKING,
16 FREIGHT LOADING AND SERVICE VEHICLE SPACES.

17 (a) Parking Spaces.

18 (1) Every required off-street parking space shall have a minimum area of 160
19 square feet, except as specified in Paragraph (a)(2) below. Every required space shall be of
20 usable shape. The area of any such space shall be exclusive of driveways, aisles and
21 maneuvering areas. The parking space requirements for the Bernal Heights Special Use
22 District are set forth in Section 242.

23 (2) In the case of any structure or use for which four or more off-street parking
24 spaces are required, the fourth such space may be a compact car space, and for each two
25 spaces required in excess of four, the second such space may be a compact car space. For

1 this purpose every compact car space shall have a minimum area of 127.5 square feet and
2 shall be specifically marked and identified as a compact car space. For dwelling units or group
3 housing within RED, SPD, RSD, SLR, SLI or SSO Districts, 100 percent compact sizes shall
4 be permitted. Special provisions relating to the Bernal Heights Special Use District are set
5 forth in Section 242.

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

10 (4) In DTR districts, there shall be no minimum area or dimension requirements for off-
11 street parking spaces, except as required elsewhere in this Code for spaces specifically designated for
12 persons with physical disabilities, nor shall they be required to be independently accessible. The use of
13 mechanical parking lifts, valet services and other means to increase the efficiency of space devoted to
14 parking are encouraged.

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

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

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

24
25

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

4 SEC. 155. GENERAL STANDARDS AS TO LOCATION AND ARRANGEMENT OF
5 OFF- STREET PARKING, FREIGHT LOADING AND SERVICE VEHICLE FACILITIES.

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

15 (a) Every required off-street parking or loading space shall be located on the same
16 lot as the use served by it, except as provided in Sections 159, 160 and 161 of this Code.

17 (b) Every required off-street parking or loading space shall be located in its entirety
18 within the lot lines of private property.

19 (c) Every off-street parking or loading space shall have adequate means of ingress
20 from and egress to a street or alley. Every required off-street parking or loading space shall be
21 independently accessible, with the exception of a parking space for a minor second dwelling
22 unit in an RH-1(S) District, or as otherwise provided by the Bernal Heights Special Use District
23 set forth in Section 242. In C-3 Districts, if it is found, in accordance with the provisions of
24 Section 309, that independently accessible spaces are infeasible due to site constraints, or in
25 South of Market Districts if it is found, in accordance with the provisions of Section 307(g) of

1 this Code, that independently accessible spaces for nonresidential activities are infeasible due
2 to site constraints or that valet parking would provide a more convenient and efficient means
3 of serving business clients, the substitution of attendant parking spaces for independently
4 accessible spaces may be approved. Access to off-street loading spaces shall be from alleys
5 in preference to streets.

6 In C-3 Districts, where possible, access to off-street parking and loading spaces shall
7 be from streets and alleys which are identified as base case streets in the Downtown
8 Streetscape Plan and minor streets rather than transit preferential streets or major arterial
9 streets, all as identified in the Downtown Plan, a component of the Master Plan.

10 Adequate reservoir space shall be provided on private property for entrance of vehicles
11 to off-street parking and loading spaces, except with respect to spaces independently
12 accessible directly from the street.

13 (1) For residential uses, independently accessible off-street parking spaces shall
14 include spaces accessed by automated garages, or car elevators, provided that no car needs
15 to be moved under its own power to access another car.

16 (d) All off-street freight loading and service vehicle spaces in the C-3-O, C-3-R, C-3-
17 G, and South of Market Districts shall be completely enclosed and access from a public street
18 or alley shall be provided by means of a private service driveway, which is totally contained
19 within the structure. Such a private service driveway shall include adequate space to
20 maneuver trucks and service vehicles into and out of all provided spaces, and shall be
21 designed so as to facilitate access to the subject property while minimizing interference with
22 street and sidewalk circulation. Any such private service driveway shall be of adequate width
23 to accommodate drive-in movement from the adjacent curb or inside traffic lane but shall in no
24 case exceed 30 feet. Notwithstanding the foregoing, if an adjacent street or alley is
25 determined to be primarily used for building service, pursuant to the provisions of Section 309

1 in a C-3-O, C-3-R or C-3-G District, or the provisions of Section 307(g) in a South of Market
2 District, up to four spaces may be allowed to be individually accessible directly from such a
3 street or alley.

4 (e) In a C-3 or South of Market District, where site constraints would make a
5 consolidated freight loading and service vehicle facility impractical, service vehicle spaces
6 required by Sections 153(a)(6) and 154(b)(3) of this Code may be located in a parking garage
7 for the structure or other location separate from freight loading spaces.

8 (f) In a C-3 or South of Market District, whenever off-street freight loading spaces
9 are provided, freight elevators immediately accessible from the loading dock shall be provided
10 to all floors which contain uses that are included in the calculation of required number of
11 freight loading spaces. If freight loading facilities are subterranean, the location and operation
12 of freight elevators shall be designed, where feasible, to discourage use of freight elevators
13 for deliveries from the ground floor. Directories of building tenants shall be provided at all
14 freight elevators. A raised loading dock or receiving area shall be provided with sufficient
15 dimensions to provide for short-term storage of goods. All required freight loading and service
16 vehicle spaces shall be made available only to those vehicles at all times, and provision shall
17 be made to minimize interference between freight loading and service operations, and
18 garbage dumpster operations and storage.

19 (g) In order to discourage long-term commuter parking, any off-street parking
20 spaces provided for a structure or use other than residential or hotel in a C-3 District, whether
21 classified as an accessory or conditional use, which are otherwise available for use for long-
22 term parking by downtown workers shall maintain a rate or fee structure for their use such that
23 the rate charge for four hours of parking duration is no more than four times the rate charge
24 for the first hour, and the rate charge for eight or more hours of parking duration is no less
25

1 than 10 times the rate charge for the first hour. Additionally, no discounted parking rate shall
2 be permitted for weekly, monthly or similar time-specific periods.

3 (h) The internal layout of off-street parking and loading spaces, driveways, aisles
4 and maneuvering areas shall be according to acceptable standards, and all spaces shall be
5 clearly marked.

6 (i) For each 25 off-street parking spaces provided, one such space shall be
7 designed and designated for handicapped persons.

8 (j) Except as provided by Section 155.1 and Section 155.2 below, for each 20 off-
9 street parking spaces provided, one space shall be provided for parking of a bicycle. The
10 most restrictive provisions of 155(j) or 155.4 shall prevail.

11 (k) Off-street parking and loading facilities shall be arranged so as to prevent
12 encroachments upon sidewalk areas and adjacent properties, in the maneuvering, standing
13 and storage of vehicles, by means of the layout of facilities and by use of bumper or wheel
14 guards or such other devices as are necessary.

15 (l) Driveways crossing sidewalks shall be no wider than necessary for ingress and
16 egress, and shall be arranged, to the extent practical, so as to minimize the width and
17 frequency of curb cuts, to maximize the number and size of on-street parking spaces available
18 to the public, and to minimize conflicts with pedestrian and transit movements.

19 (m) Every off-street parking or loading facility shall be suitably graded, surfaced,
20 drained and maintained.

21 (n) Off-street parking and loading spaces shall not occupy any required open space,
22 except as specified in Section 136 of this Code.

23 (o) No area credited as all or part of a required off-street parking space shall also be
24 credited as all or part of a required off-street loading space, or used as all or part of an
25 unrequired off-street loading space. No area credited as all or part of a required off-street

1 loading space shall also be credited as all or part of a required off-street parking space, or
2 used as all or part of an unrequired off-street parking space.

3 (p) Any off-street freight loading area located within 50 feet of any R District shall be
4 completely enclosed within a building if such freight loading area is used in regular night
5 operation.

6 (q) Rooftop parking shall be screened as provided in Section 141(d) of this Code.

7 (r) Protected Pedestrian- and Transit-Oriented Street Frontages. In order to preserve the
8 pedestrian character of certain downtown and neighborhood commercial districts and to minimize
9 delays to transit service, garage entries, driveways or other vehicular access to off-street parking or
10 loading shall be regulated as follows on the following street frontages:

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

13 SEC. 155.5 BICYCLE PARKING REQUIRED FOR RESIDENTIAL USES

14 (a) For buildings of 4 dwelling units or more, bicycle parking shall be provided in the
15 minimum quantities specified in Table 155.5, regardless of whether off-street car parking is available.
16 The maximum requirement is 400 spaces. Use of bicycle parking required by this section shall be
17 provided at no cost or fee to building occupants and tenants.

18 (b) Definitions. See Section 155.1(a)

19 (c) Layout. If more than 100 spaces is required, up to one-third of the spaces may require
20 the bicycle to be parked in a vertical position. Large developments with multiple buildings are
21 encouraged to site required bicycle parking in smaller facilities located close to residential entries for
22 each building, rather than in one large centralized garage space. Required bicycle parking spaces shall
23 not be provided within dwelling units, balconies, or required open space. Bicycle parking must
24 otherwise meet the standards set out for Class 1 parking as described in Section 155.1(d).

25

1 TABLE 155.5
2 BICYCLE PARKING SPACES REQUIRED FOR RESIDENTIAL USES

3 Minimum Number of Bicycle Parking Spaces
4 Required

5 Dwelling units in DTR Districts

6 For projects up to 50 dwelling units, one Class 1
7 space for every 2 dwelling units.

8 For projects over 50 dwelling units, 25 Class 1
9 spaces plus one Class 1 space for every 4 dwelling
10 units over 50.

11 Group housing in DTR Districts

12 One Class 1 space for every 3 bedrooms.

13 Dwelling units dedicated to senior
14 citizens or physically disabled persons

15 None required

16 SEC. 166. CAR SHARING.

17 (a) Definitions. For purposes of this Code, the following definitions shall apply:

18 (1) A "car-share service" is a mobility enhancement service that provides an integrated
19 citywide network of neighborhood-based motor vehicles available to members by reservation on an
20 hourly basis, or in smaller intervals, and at variable rates. Car-sharing is designed to complement
21 existing transit and bicycle transportation systems by providing a practical alternative to private motor
22 vehicle ownership, with the goal of reducing over-dependency on individually owned motor vehicles.

23 (2) A "car-share organization" is any public or private entity that provides a membership-
24 based car-share service to the public and manages, maintains and insures motor vehicles for shared
25 use by individual and group members. The Planning Department shall maintain a list of recognized
car-share organizations meeting the standards and intent of this Section.

(3) An "off-street car-share parking space" is any parking space generally complying with
the standards set forth for the district in which it is located and dedicated for current or future use by
any car share organization through a deed restriction, condition of approval or license agreement.
Such deed restriction, condition of approval or license agreement must grant priority use to any car-

1 share organization that can make use of the space, although such spaces may be occupied by other
2 vehicles so long as no car-share organization can make use of the dedicated car-share spaces.

3 (4) A “car-share vehicle” is a vehicle provided by a car share organization for the purpose
4 of providing a car share-service.

5 (5) A “property owner” refers to the owner of a property at the time of project approval
6 and its successors and assigns.

7 (b) Requirements for Provision of Car-Share Parking Spaces

8 (1) In newly constructed buildings in DTR districts containing residential uses or existing
9 buildings being converted to residential uses, if parking is provided, car-share parking spaces shall be
10 provided in the amount specified in Table 166.

<u>TABLE 166 REQUIRED CAR SHARE PARKING SPACES</u>	
<u>Number of Residential Units</u>	<u>Number of Required Car Share Parking Spaces</u>
<u>0 – 49</u>	<u>0</u>
<u>50 – 200</u>	<u>1</u>
<u>201 or more</u>	<u>1, plus 1 for every 200 dwelling units over 200</u>

18 (2) The required car-share spaces shall be made available, at no cost, to a car-share
19 organization for purposes of providing car-share services for its car-share service subscribers. At the
20 election of the property owner, the car-share spaces may be provided (i) on the building site, (ii) on
21 another off-street site within 800 feet of the building site.

22 (3) Off-Street Spaces. If the car-share space or spaces are located on the building site or
23 another off-street site:

1 (A) the parking areas of the building shall be designed in a manner that will make the car-
2 share parking spaces accessible to non-resident subscribers from outside the building as well as
3 building residents;

4 (B) prior to Planning Department approval of the first building or site permit for a building
5 subject to the car share requirement, a Notice of Special Restriction on the property shall be recorded
6 indicating the nature of requirements of this Section and identifying the minimum number and location
7 of the required car-share parking spaces. The form of the notice and the location or locations of the
8 car-share parking spaces shall be approved by the Planning Department;

9 (C) all car-share parking spaces shall be constructed and provided concurrently with the
10 construction and sale of units; and

11 (D) if it is demonstrated to the satisfaction of the Planning Department that no car-share
12 organization can make use of the dedicated car-share parking spaces, the spaces may be occupied by
13 non-car-share vehicles; provided, however, that upon ninety (90) days of advance written notice to the
14 property owner from a car-sharing organization, the property owner shall terminate any non car-
15 sharing leases for such spaces and shall make the spaces available to the car-share organization for its
16 use of such spaces.

17 (c) Provision of a required car-share parking space shall not be counted against the
18 number of parking spaces allowed by this Code as a principal use, an accessory use, or a conditional
19 use.

20 SECTION 167. PARKING COSTS SEPARATED FROM HOUSING COSTS IN NEW
21 RESIDENTIAL BUILDINGS

22 (a) In DTR Districts, all off-street parking spaces accessory to residential uses in new
23 structures of 10 dwelling units or more, or in new conversions of non-residential buildings to
24 residential use of 10 dwelling units or more, shall be leased or sold separately from the rental or
25 purchase fees for dwelling units for the life of the dwelling units, such that potential renters or buyers

1 have the option of renting or buying a residential unit at a price lower than would be the case if there
2 were a single price for both the residential unit and the parking space. Renters or buyers of on-site
3 inclusionary affordable units provided pursuant to Section 315 shall have an equal opportunity to rent
4 or buy a parking space on the same terms and conditions as offered to renters or buyers of other
5 dwelling units.

6 (b) Exception. The Planning Commission may grant an exception from this requirement for
7 projects which include financing for affordable housing that requires that costs for parking and
8 housing be bundled together.

9 SEC. 175.7. EXEMPTION FROM APPLICATION OF AMENDMENTS IMPLEMENTING THE
10 RINCON HILL DTR DISTRICT.

11 (a) Exemptions. The amendments to this Code contained in this Ordinance shall not apply
12 to projects only on Block 3747, Lots 001E, 002 and 006 for which an application for environmental
13 review and a conditional use application have been filed with the Planning Department prior to March
14 1, 2003 and February 1, 2005, respectively, provided that such projects shall comply with the progress
15 requirements and approval revocation provisions of Planning Code Section 309.1(e) as set forth in this
16 Ordinance. Provisions of this Code (including, without limitation, the Zoning Maps) that were
17 applicable to such exempt projects prior to the effective date of this Ordinance shall remain in full
18 force and effect with respect to such exempt projects including, without limitation, provisions of this
19 Code permitting conditional uses, variances, and other exceptions from the strict application of this
20 Code.

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

22 The following provisions shall apply to nonconforming uses with respect to changes of
23 use:

24 (a) A nonconforming use shall not be changed or modified so as to increase the
25 degree of nonconformity under the use limitations of this Code, with respect to the type of use

1 or its intensity except as provided in Section 181 for nighttime entertainment activities within
2 the South of Market RSD or SLR Districts and in Subsection (f) below. The degree of
3 nonconformity shall be deemed to be increased if the new or modified use is less widely
4 permitted by the use districts of the City than the nonconforming use existing immediately
5 prior thereto.

6 (b) Except as limited in this Subsection, a nonconforming use may be reduced in
7 size, extent or intensity, or changed to a use that is more widely permitted by the use districts
8 of the City than the existing use, subject to the other applicable provisions of this Code.
9 Except as otherwise provided herein, the new use shall still be classified as a nonconforming
10 use.

11 (1) A nonconforming use in a Residential District (other than a Residential-
12 Commercial Combined District or an RED District), which use is located more than 1/4 mile
13 from the nearest Individual Area Neighborhood Commercial District or Restricted Use
14 Subdistrict described in Article 7 of this Code, may change to another use which is permitted
15 as a principal use at the first story and below in an NC-1 District, or it may change to another
16 use which is permitted as a conditional use at the first story and below in an NC-1 District only
17 upon approval of a conditional use application pursuant to the provisions of Article 3 of this
18 Code. If the nonconforming use is seeking to change in use to a retail sales activity or retail
19 sales establishment which is also a formula retail use, as defined in Section 703.3 of this
20 Code, it shall comply with the provisions of Section 703.3 of this Code. The nonconforming
21 use shall comply with other building standards and use limitations of NC-1 Districts, as set
22 forth in Sections 710.10 through 710.95 of this Code.

23 If the nonconforming use is located within 1/4 mile from any Individual Area
24 Neighborhood Commercial District or Restricted Use Subdistrict described in Article 7 of this
25 Code, the nonconforming use may change to another use which is permitted as a principal

1 use at the first story and below in an NC-1 District and in the Individual Area Neighborhood
2 Commercial District or Restricted Use Subdistrict or Districts within 1/4 mile of the use, or it
3 may change to another use which is permitted as a conditional use at the first story and below
4 in an NC-1 District and in the Individual Area Neighborhood Commercial District or Districts
5 within 1/4 mile of the use only upon approval of a conditional use application pursuant to the
6 provisions of Article 3 of this Code. If the nonconforming use is seeking to change in use to a
7 retail sales activity or retail sales establishment which is also a formula retail use, as defined
8 in Section 703.3 of this Code, it shall comply with the provisions of Section 703.3 of this
9 Code. The nonconforming use shall comply with other building standards and use limitations
10 of NC-1 Districts and any Individual Area NC District or Districts located within 1/4 mile of the
11 use, as set forth in Article 7 of this Code.

12 (2) A nonconforming use in a Residential-Commercial Combined District may be
13 changed to another use listed in Articles 2 or 7 of this Code as a principal use for the district in
14 which the existing use would first be permitted as a principal or conditional use.

15 (3) A nonconforming use in a Neighborhood Commercial District may be changed to
16 another use as provided in Subsections (c) and (d) below or as provided in Section 186.1 of
17 this Code.

18 (4) A nonconforming use in any district other than a Residential, Downtown
19 Residential, or Neighborhood Commercial District may be changed to another use listed in
20 Articles 2 or 7 of this Code as a principal use for the district in which the existing use would
21 first be permitted as a principal use. *This provision shall not apply in the Residential Subdistrict of*
22 *the Rincon Hill Special Use District.*

23 (5) A nonconforming use in any South of Market District may not be changed to an
24 office, retail, bar, restaurant, nighttime entertainment, adult entertainment, hotel, motel, inn,
25

1 hostel, or movie theater use in any district where such use is otherwise not permitted or
2 conditional, except as provided in Subsection (g) below.

3 (c) A nonconforming use may be changed to a use listed in Articles 2 or 7 of this
4 Code as a conditional use for the district in which the property is located, subject to the other
5 applicable provisions of this Code, without the necessity of specific authorization by the City
6 Planning Commission except where major work on a structure is involved, and the new use
7 may thereafter be continued as a permitted conditional use, subject to the limitation of Section
8 178(b) of this Code.

9 (d) A nonconforming use may be changed to a use listed in Articles 2, 7 or 8 of this
10 Code as a principal use for the district in which the property is located, subject to the other
11 applicable provisions of this Code, and the new use may thereafter be continued as a
12 permitted principal use.

13 (e) A nonconforming use in an R District subject to termination under the provisions
14 of Section 185 of this Code may be converted to a dwelling unit without regard to the
15 requirements of this Code with respect to dwelling unit density under Article 2, dimensions,
16 areas and open space under Article 1.2, or off-street parking under Article 1.5, provided the
17 nonconforming use is eliminated by such conversion, provided further that the structure is not
18 enlarged, extended or moved to another location, and provided further that the requirements
19 of the Building Code, the Housing Code and other applicable portions of the Municipal Code
20 are met.

21 (f) Any nonconforming use in an RED District may change to any use falling within
22 zoning categories 816.36, 816.42 through 816.47, 816.55, or 816.64 through 816.67, subject
23 to the applicable provisions of this Code other than those controlling uses, and the new use
24 may thereafter continue as a nonconforming use.

25

1 (g) Once a nonconforming use has been changed to a principal or conditional use
2 permitted in the district in which the property is located, or brought closer in any other manner
3 to conformity with the use limitations of this Code, the use of the property may not thereafter
4 be returned to its former nonconforming status, except that:

5 (1) Any area which is used as a live/work unit shall be allowed to return to its former
6 nonconforming status.

7 (2) Within any South of Market District, any area occupied by a nonconforming
8 office use which is changed to an arts, home and/or business service use falling within zoning
9 categories 102.2 or 816.42 through 816.47 or a wholesale, storage or light manufacturing use
10 falling within zoning categories 816.64 through 816.67 shall be allowed to return to its former
11 nonconforming office use.

12 (3) Upon restoration of a previous nonconforming use as permitted by Subsection
13 (1) or (2) above, any modification, enlargement, extension, or change of use, from
14 circumstances which last lawfully existed prior to the creation of the live/work unit, or prior to
15 the change from office use, shall be subject to the provisions of this Article, and the restored
16 non-conforming use shall be considered to have existed continuously since its original
17 establishment, prior to the live/work unit or change to office use, for purposes of this Article.

18 (h) If a nonconforming use has been wrongfully changed to another use in violation
19 of any of the fore-going provisions, and the violation is not immediately corrected when
20 required by the Zoning Administrator, the wrongful change shall be deemed to be a
21 discontinuance or abandonment of the nonconforming use under Section 183 of this Code.

22 SEC. 201. CLASSES OF USE DISTRICTS.

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

25 P Public Use Districts

- 1 RH-1(D) Residential, House Districts, One-Family (Detached Dwellings)
- 2 RH-1 Residential, House Districts, One-Family
- 3 RH-1(S) Residential, House Districts, One-Family with Minor Second Unit
- 4 RH-2 Residential, House Districts, Two-Family
- 5 RH-3 Residential, House Districts, Three-Family
- 6 RM-1 Residential, Mixed Districts, Low Density
- 7 RM-2 Residential, Mixed Districts, Moderate Density
- 8 RM-3 Residential, Mixed Districts, Medium Density
- 9 RM-4 Residential, Mixed Districts, High Density
- 10 RC-1 Residential-Commercial Combined Districts, Low Density
- 11 RC-2 Residential-Commercial Combined Districts, Moderate Density
- 12 RC-3 Residential-Commercial Combined Districts, Medium Density
- 13 RC-4 Residential-Commercial Combined Districts, High Density
- 14
- 15 Neighborhood Commercial Districts
(Also see Article 7)
- 16 General Area Districts
- 17 NC-1 Neighborhood Commercial Cluster District
- 18 NC-2 Small-Scale Neighborhood Commercial District
- 19 NC-3 Moderate-Scale Neighborhood Commercial District
- 20 NC-S Neighborhood Commercial Shopping Center District
- 21
- 22 Individual Area Districts
- 23 Broadway Neighborhood Commercial District
- 24 Castro Street Neighborhood Commercial District
- 25

- 1 Inner Clement Street Neighborhood Commercial District
- 2 Outer Clement Street Neighborhood Commercial District
- 3 Upper Fillmore Street Neighborhood Commercial District
- 4 Haight Street Neighborhood Commercial District
- 5 Hayes-Gough Neighborhood Commercial District
- 6 Inner Sunset Neighborhood Commercial District
- 7 Upper Market Street Neighborhood Commercial District
- 8 North Beach Neighborhood Commercial District
- 9 Polk Street Neighborhood Commercial District
- 10 Sacramento Street Neighborhood Commercial District
- 11 Union Street Neighborhood Commercial District
- 12 Valencia Street Neighborhood Commercial District
- 13 24th Street-Mission Neighborhood Commercial District
- 14 24th Street-Noe Valley Neighborhood Commercial District
- 15 West Portal Avenue Neighborhood Commercial District
- 16
- 17 Chinatown Mixed Use Districts
(Also see Article 8)
- 18 CCB Chinatown Community Business District
- 19 CR/NC Chinatown Residential/Neighborhood Commercial District
- 20 CVR Chinatown Visitor Retail District
- 21 C-1 Neighborhood Shopping Districts
- 22 C-2 Community Business Districts
- 23 C-M Heavy Commercial Districts
- 24 C-3-O Downtown Office District
- 25

- 1 C-3-R Downtown Retail District
- 2 C-3-G Downtown General Commercial District
- 3 C-3-S Downtown Support District
- 4 M-1 Light Industrial Districts
- 5 M-2 Heavy Industrial Districts
- 6 South of Market Use Districts
7 (Also see Article 8)
- 8 RED Residential Enclave Districts
- 9 SPD South Park District
- 10 RSD Residential Service District
- 11 SLR Service/Light Industrial/Residential District
- 12 SLI Service/Light Industrial District
- 13 SSO Service/Secondary Office District
- 14 *Downtown Residential Districts*
15 *(Also see Article 8)*
- 16 *TB DTR Transbay Downtown Residential*
- 17 *RH DTR Rincon Hill Downtown Residential*
- 18 Mission Bay Districts
19 (Also see Article 9)
- 20 MB-R-1 Mission Bay Lower Density Residential District
- 21 MB-R-2 Mission Bay Moderate Density Residential District
- 22 MB-R-3 Mission Bay High Density Residential District
- 23 MB-NC-2 Mission Bay Small Scale Neighborhood Commercial District
- 24 MB-NC-3 Mission Bay Moderate Scale Neighborhood Commercial District
- 25 MB-NC-S Mission Bay Neighborhood Commercial Shopping Center District

- 1 MB-O Mission Bay Office District
- 2 MB-CI Mission Bay Commercial-Industrial District
- 3 MB-H Mission Bay Hotel District
- 4 MB-CF Mission Bay Community Facilities District
- 5 MB-OS Mission Bay Open Space District

6 SEC. 207.5. DENSITY OF DWELLING UNITS IN MIXED USE DISTRICTS.

7 (a) The dwelling unit density in the Chinatown Mixed Use District shall be at a
 8 density ratio not exceeding the amount set forth in the following Table 207.5(a):

9
 10 Table 207.5(a)
 Density of Dwelling Units in Chinatown Mixed Use Districts

General Area District	Residential Density Limits
Chinatown Community Business	One dwelling unit for each 200 sq. ft. of lot area
Chinatown Residential Neighborhood Commercial	One dwelling unit for each 200 sq. ft. of lot area
Chinatown Visitor Retail	One dwelling unit for each 200 sq. ft. of lot area

17 (b) Except as indicated in Paragraph (c) below, the dwelling unit density in the
 18 South of Market Mixed Use Districts shall not exceed the amount set forth in the following
 19 table:

20
 21 Table 207.5(b)
 Density of Dwelling Units in South of Market Mixed Use Districts

General Area District	Residential Density Limits
Residential Enclave (RED)	One dwelling unit for each 400 sq. ft. of lot area
South Park (SPD)	One dwelling unit for each 600 sq. ft. of lot area

1 Residential Service (RSD) One dwelling unit for each 200 sq. ft. of lot area except
2 Service/Light Industrial/ that which project above 40 feet in height, a higher
3 Residential (SLR), density may be allowed as a conditional use in
4 Service/Secondary Office accordance with the provisions of 303(c) of this Code.
5 (SSO)

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

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

10 SEC. 209. USES PERMITTED IN R DISTRICTS.

11 (a) The uses listed in Sections 209.1 through 209.9 are permitted in R Districts as
12 indicated by the following symbols in the respective columns for each district:

13 P: Permitted as a principal use in this district.

14 C: Subject to approval by the City Planning Commission as a conditional use in this
15 district as provided in Section 303 of this Code.

16 NA: This listing not applicable to this district, as the same use is listed subsequently
17 for the District with fewer restrictions.

18 Blank Space: Not permitted in this district.

19 (b) The Section titles are intended only as an aid to use of this Code and are not
20 binding as to interpretation of these Sections. Uses listed in this table shall not include any
21 use specifically listed elsewhere in the table.

22 (c) Determinations as to the classification of uses not specifically listed shall be
23 made in the manner indicated in Sections 202 and 307(a) of this Code.

24
25

1 (d) References should be made to Sections 204 through 204.5 for regulations
2 pertaining to accessory uses permitted for principal and conditional uses listed in Sections
3 209.1 through 209.9.

4 (e) Reference should also be made to the other Articles of this Code containing
5 provisions relating to definitions, off-street parking and loading dimensions, areas and open
6 spaces, nonconforming uses, height and bulk districts, signs, historic preservation, and other
7 factors affecting the development and alteration of properties in these use Districts.

8 (f) Reference should be made to Section 249.1 for provisions pertaining to uses in
9 the Folsom and Main Residential/Commercial Subdistrict of the Rincon Hill Special Use District.

10 SEC. 249.1. RINCON HILL FOLSOM AND MAIN RESIDENTIAL/COMMERCIAL
11 SPECIAL USE DISTRICT.

12 (a) Purpose. In order to convert an under-utilized and outmoded industrial area to a
13 unique residential neighborhood close to downtown which will contribute significantly to the
14 City's housing supply, create tapered residential buildings, provide an appropriate mixture of
15 retail sales and personal services to support new residential development, provide a buffer of
16 office and parking use between the bridge and freeway ramps and the housing sites, and
17 allow the existing industrial, service and office uses to remain, there shall be the Folsom and
18 Main Rincon Hill Residential/Commercial Special Use District ~~containing a Residential Subdistrict, a~~
19 ~~a Commercial/Industrial Subdistrict, and a Residential/Commercial Subdistrict~~ as designated on
20 Sectional Map 1SU of the Zoning Map.

21 (b) Controls. The following zoning controls are applicable in the Rincon Hill
22 Residential/Commercial Special Use District.

23 (1) ~~Site Coverage.~~

24

25

1 (A) — ~~To promote a residential atmosphere in the Residential Subdistrict and an environment~~
2 ~~compatible with the adjacent residential development in the Commercial/Industrial Subdistrict, site~~
3 ~~coverage for new buildings shall not exceed 80 percent.~~

4 (B) — ~~On a sloping site the site coverage restriction may be modified by conditional use~~
5 ~~authorization to account for changes in elevation, provided that site coverage above 50 feet does not~~
6 ~~exceed 80 percent.~~

7 (C) — ~~The provisions of Section 134 governing rear yard requirements shall not apply.~~

8 (D) — ~~The portion of a site that is not covered pursuant to Section 249.1(b)(1)(A) shall not be~~
9 ~~used for parking, open storage, or service activities, including the loading and unloading of freight and~~
10 ~~refuse receptacles.~~

11 ~~(2)~~ (1) Sidewalk Treatment.

12 (A) ~~When a conditional use permit is granted for any development abutting a public~~
13 ~~sidewalk, the Commission may impose a requirement that the applicant install lighting, decorative~~
14 ~~paving, seating and landscaping in accordance with guidelines developed by the Planning Department,~~
15 ~~and shall further require that the owner of the property maintain those improvements other than~~
16 ~~lighting.~~

17 ~~(B) — The guidelines developed by the Planning Department shall be approved by the Inter-~~
18 ~~departmental Staff Committee on Traffic and Transportation and shall comply with any applicable~~
19 ~~ordinances and with any applicable regulation of the Art Commission, the Department of Public Works~~
20 ~~and the Bureau of Light, Heat and Power of the Public Utility Commission regarding street lighting,~~
21 ~~sidewalk paving, and sidewalk landscaping. Such guidelines shall require the abutting property owner~~
22 ~~or owners to hold harmless the City and County of San Francisco, its officers, agents, and employees,~~
23 ~~from any damage or injury caused by reason of the design, construction or maintenance of the~~
24 ~~improvements, and shall require the owner or owners or subsequent owner or owners of the respective~~
25

1 ~~property to be solely liable for any damage or loss occasioned by any act or neglect in respect to the~~
2 ~~design, construction or maintenance of the improvements.~~

3 ~~(C)~~—Prior to the development of guidelines by the Planning Department, The Commission
4 may require an applicant to install lighting, decorative paving, seating and landscaping on
5 public sidewalks, provided that the conditions imposed by the Commission meet any
6 applicable ordinances and applicable requirements of the Department of Public Works, the
7 Bureau of Light, Heat and Power of the Public Utilities Commission and the Art Commission
8 pertaining to street lighting, sidewalk paving and sidewalk landscaping. The Commission,
9 ~~prior to the issuance of guidelines by the Department of City Planning,~~ shall require the owner or
10 owners of property abutting the public sidewalk to hold harmless the City and County of San
11 Francisco, its officers, agents and employees, from any damage or injury caused by reason of
12 the design, construction or maintenance of the improvements, and shall require the owner or
13 owners or subsequent owner or owners of the respective property to be solely liable for any
14 damage or loss occasioned by any act or neglect in respect to the design, construction or
15 maintenance of the sidewalk improvements.

16 ~~(D)~~(B) Street trees shall be installed by the owner or developer in the case of
17 construction of a new building, relocation of a building, or addition of floor area equal to 20
18 percent or more of an existing building when such construction, relocation or addition occurs
19 on any site in the special use district. The provisions of Section 143(b), (c) and (d) shall apply.

20 ~~(E)~~(C) Notwithstanding the provisions of this Subsection, an applicant shall obtain all
21 required permits for sidewalks and street improvements and pay all required fees.

22 ~~(3)~~(2) Reduction of Ground-Level Wind Currents.

23 (A) Requirement. New buildings and additions to existing buildings shall be shaped,
24 or other wind-baffling measures shall be adopted, so that the developments will not cause
25 ground-level wind currents to exceed, more than 10 percent of the time year-round, between

1 7:00 a.m. and 6:00 p.m., the comfort level of 11 m.p.h. equivalent wind speed in areas of
2 substantial pedestrian use and seven m.p.h. equivalent wind speed in public seating areas.
3 The term “equivalent wind speed” shall mean an hourly mean wind speed adjusted to
4 incorporate the effects of gustiness or turbulence on pedestrians.

5 When preexisting ambient wind speeds exceed the comfort level, or when a proposed
6 building or addition may cause ambient wind speeds to exceed the comfort level, the building
7 shall be designed to reduce the ambient wind speeds to meet the requirements. The
8 provisions of this Section 249.1(b)(3) shall not apply to any buildings or additions to existing
9 buildings for which a draft EIR has been published prior to January 1, 1985.

10 (B) Exception. The Zoning Administrator may allow the building or addition to add to
11 the amount of time the comfort level is exceeded by the least practical amount if (1) it can be
12 shown that a building or addition cannot be shaped and other wind-baffling measures cannot
13 be adopted to meet the foregoing requirements without creating an unattractive and ungainly
14 building form and without unduly restricting the development potential of the building site in
15 question, and (2) it is concluded that, because of the limited amount by which the comfort
16 level is exceeded, the limited location in which the comfort level is exceeded, or the limited
17 time during which the comfort level is exceeded, the addition is insubstantial.

18 The Zoning Administrator shall not grant an exception and no building or addition shall
19 be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26
20 miles per hour for a single hour of the year.

21 (C) Procedures. Procedures and methodologies for implementing this Section shall
22 be specified by the Office of Environmental Review of the Department of City Planning.

23 ~~(4) Nonconforming Uses. The provisions of Section 182(b) of this Code relating to~~
24 ~~governing changes in nonconforming uses shall not apply.~~

25 ~~(5) Existing Signs. The provisions of Section 608.13 of this Code shall apply.~~

1 ~~(6) — Residential Subdistrict. In the Residential Subdistrict, the controls specified in Section~~
2 ~~249.1(c) shall apply.~~

3 ~~(7) — Commercial/Industrial Subdistrict. In the Commercial/Industrial Subdistrict, the~~
4 ~~controls specified in Section 249.1(d) shall apply.~~

5 ~~(8) — Residential/Commercial Subdistrict. In the Residential/Commercial Subdistrict, the~~
6 ~~controls specified in Section 249.1(e) shall apply.~~

7 ~~(c) — Residential Subdistrict. The provisions applicable to an RC 4 Use District shall prevail~~
8 ~~within the Residential Subdistrict except as specifically provided in this Section.~~

9 ~~(1) — Uses.~~

10 ~~(A) — Permitted uses are (i) those listed in Sections 209.1 and 209.2 of this Code and (ii) those~~
11 ~~permitted in an RC 4 District other than those referred to in Subsection (i) if at least six net square feet~~
12 ~~of the uses described in Subsection (1) are provided for each one net square foot of other uses.~~

13 ~~(B) — A nonconforming use may be changed to any use permitted in an RC 4 District if at least~~
14 ~~six net square feet of the uses described in Subsection (A)(i) are provided for each net square foot of~~
15 ~~other uses.~~

16 ~~(C) — Uses along a street frontage at grade level shall be confined to residential lobbies,~~
17 ~~parking entrances and exits, and office and retail uses. At least ½ of the total width of any new building~~
18 ~~parallel to and facing the street shall be devoted at grade level to building entrances or display~~
19 ~~windows.~~

20 ~~(2) — Density. The provisions of Sections 123 and 124 of the Code relating to floor area ratio~~
21 ~~limitations and Sections 207, 207.1, 208, 209.1 and 209.2 of this Code relating to density limitations~~
22 ~~shall not apply.~~

23 ~~(3) — Setback. Above 50 feet in height, a minimum of 50 percent of the building frontage shall~~
24 ~~be set back a minimum of 25 feet from the front property line.~~

25 ~~(4) — Open Space.~~

1 (A) — ~~Open space shall be provided at the ratio of one square foot per 13 square feet of gross~~
2 ~~floor area of dwelling units.~~

3 (B) — ~~The open space requirement may be met by providing one or more of the following~~
4 ~~types of open space: “private usable open space” as defined in Section 135(a) of this Code, “common~~
5 ~~usable open space” as defined in Section 135(a) of this Code, or “publicly accessible open space”~~
6 ~~which is defined as open space situated in such locations and which provides such ingress and egress~~
7 ~~as will make the area accessible to the general public and which is open to the public daily at least~~
8 ~~eight daylight hours; provided, however, that no more than 40 percent of the open space requirement~~
9 ~~shall be met with private usable open space. Security gates may be provided.~~

10 (C) — ~~Open space that will satisfy the definition of publicly accessible open space includes but~~
11 ~~is not limited to: A sidewalk widening, a pedestrian overpass, a recreation facility on the roof of a~~
12 ~~parking garage, a pedestrian street, and a publicly accessible area with a scenic overlook as more~~
13 ~~particularly defined in the Recreation and Open Space Section of the Rincon Hill Plan, a part of the~~
14 ~~Master Plan. If a sidewalk widening or a pedestrian overpass is used to meet the open space~~
15 ~~requirement, the Planning Commission shall require approval of the open space proposal by the~~
16 ~~Department of Public Works prior to Planning Commission approval of the project.~~

17 (D) — ~~The owner of the property on which the open space is located shall maintain it by~~
18 ~~keeping the area clean and free of litter and keeping in a healthy state any plant material that is~~
19 ~~provided. The Planning Commission shall have authority to require a property owner to hold harmless~~
20 ~~the City and County of San Francisco, its officers, agents and employees, from any damage or injury~~
21 ~~caused by the design, construction or maintenance of open space, and to require the owner or owners~~
22 ~~or subsequent owner or owners of the property to be solely liable for any damage or loss occasioned by~~
23 ~~any act or neglect in respect to the design, construction or maintenance of the open space.~~

24 (E) — ~~Open space, including publicly accessible open space, may be provided on those~~
25 ~~portions of the site not developed pursuant to the requirements of Section 249.1(b)(1).~~

1 (F) — *The area of a solarium may be credited as private usable open space if such area is*
2 *exposed to the sun through openings or clear glazing on not less than 50 percent of its perimeter and*
3 *not less than 25 percent of its perimeter can be opened to the air. Rooms whose windows meet the*
4 *requirements of Section 140 but for the fact that they face onto a solarium shall be deemed to comply*
5 *with Section 140 if the windows of the solarium meet the standards of Section 140.*

6 (5) — *Parking Requirements.*

7 (A) — *There shall be at least one parking space for each dwelling unit, and no more than one*
8 *parking space for each dwelling unit; provided, however, for dwellings specifically designed for and*
9 *occupied by senior citizens or physically handicapped persons, as defined and regulated by Section*
10 *209.1(m) of this Code, there shall be at least one parking space for each five dwelling units. Parking in*
11 *excess of one parking space for each dwelling unit shall not be classified as an accessory use,*
12 *notwithstanding the provisions of Section 204.5(e) of this Code.*

13 (B) — *Parking for all other uses shall be provided at a ratio of one space for each 1,500*
14 *occupied square feet of office or retail space.*

15 (C) — *Within 25 feet horizontal distance from a street grade, parking cannot occupy the first*
16 *two stories above grade. However, parking for dwelling units on pedestrian streets may be provided at*
17 *ground level.*

18 (d) — *Commercial/Industrial Subdistrict. The provisions of this Code applicable to an M-1*
19 *Use District shall govern the Commercial/Industrial Subdistrict except as specifically provided in this*
20 *Section.*

21 (1) — *Open Space.*

22 (A) — *Open space shall be provided at the ratio of one square foot per 50 square feet of gross*
23 *floor area of all uses except dwelling units. The open space provided shall conform to the definition of*
24 *publicly accessible open space in Subsections (c)(4)(B) and (C). Publicly accessible open space, but no*
25

1 ~~other type of open space, may be provided on those portions of the site not developed pursuant to the~~
2 ~~requirements of Section 249.1(b)(1).~~

3 ~~(B) — Open space requirements for dwelling units shall be governed by Section 135 of this~~
4 ~~Code.~~

5 ~~(C) — The owner of the property on which the open space is located shall maintain it by~~
6 ~~keeping the area clean and free of litter and keeping in a healthy state any plant material that is~~
7 ~~provided. The Planning Commission shall have authority to require a property owner or owners to~~
8 ~~hold harmless the City and County of San Francisco, its officers, agents and employees, from any~~
9 ~~damage or injury caused by the design, construction or maintenance of open space, and to require the~~
10 ~~owner or owners or subsequent owner or owners of the property to be solely liable for any damage or~~
11 ~~loss occasioned by any act or neglect in respect to the design, construction or maintenance of the open~~
12 ~~space.~~

13 ~~(2) — Parking. All uses other than dwelling units shall be provided with one parking space for~~
14 ~~each 1,000 square feet of occupied floor area of use unless Section 151 imposes a lesser requirement~~
15 ~~for a particular use in which case the lesser requirement shall apply. For dwelling units, there shall be~~
16 ~~at least one parking space for each dwelling unit, and no more than one parking space for each~~
17 ~~dwelling unit; provided, however, for dwellings specifically designed for and occupied by senior~~
18 ~~citizens or physically handicapped persons, as defined and regulated by Section 209.1(m) of this Code,~~
19 ~~there shall be at least one parking space for each five dwelling units.~~

20 ~~(3) — Housing Density. Dwellings may be provided at a ratio not to exceed one dwelling unit~~
21 ~~for each 200 feet of lot area.~~

22 ~~(4) — Floor Area Premiums. The provisions of Section 125 allowing floor area premiums shall~~
23 ~~not apply.~~

24 ~~(e) — Residential/Commercial Subdistrict. The following controls are applicable in the~~
25 ~~Residential/Commercial Subdistrict.~~

1 ~~(H)~~(3) Uses.

2 (A) Permitted uses are (i) those listed in Sections 209.1 and 209.2 of this Code and
3 (ii) those permitted in an RC-4 District, plus the uses listed in subsection (e)(1)(B) below;
4 provided that, for newly constructed buildings or additions of twenty percent (20%) or more of
5 an existing building's gross floor area, at least six net square feet of residential use is provided
6 for each one net square foot of non-residential use on any lot. Additions of less than twenty
7 percent (20%) of a building's gross floor area are exempt from the six to one residential
8 requirements. Once granted, this exemption from the residential development requirement for
9 building additions may not be repeated for any single property. Any addition of more than
10 twenty percent (20%) of gross square feet of building area shall be required to provide the
11 housing on a 6 to 1 basis for all of the additional building area. All areas used for parking for
12 either residential or non-residential uses shall be excluded in the calculation of the
13 residential/non-residential ratio. For the purposes of application of this 6 to 1 ratio, hotels,
14 inns or hostels as defined under Section 209.2(d) and (e) shall be considered a non-
15 residential rather than a residential use.

16 (B) The use provisions applicable to an RC-4 District shall be applicable to the
17 "Residential/Commercial" Subdistrict with the following modifications or additions:

18 (i) all uses listed under Section 209.3 ("Institutions") shall be permitted as of right
19 as principal uses;

20 (ii) all uses listed under Section 209.4 ("Community Facilities") shall be permitted as
21 of right as principal uses;

22 (iii) utility uses listed in Section 209.6 shall be permitted as conditional uses, with
23 such utility uses to include telecommunications and internet communication co-location, web-
24 hosting and other similar facilities, provided such uses are primarily conducted within
25 enclosed buildings;

1 (iv) in lieu of Section 209.7, automotive uses shall be those permitted in Section
2 223(a), Section 223(m) (except that such use shall be permitted as a principal use for only five
3 (5) years after the construction of the building, after which a conditional use authorization shall
4 be required), and Section 223(p) (except that such parking lot shall be a conditional use
5 limited to two years per each conditional use authorization);

6 (v) Section 209.8 shall not be applicable;

7 (vi) all uses listed in Section 218 shall be permitted as of right as principal uses;

8 (vii) all uses listed in Section 219(c) shall be permitted as of right above the ground
9 floor or below the ground floor, and all office uses listed in Section 219(c) shall be permitted
10 on the ground floor as conditional uses;

11 (viii) all uses listed in Section 222 shall be permitted as of right above or below the
12 ground level, and shall be conditional uses at the ground level

13 (ix) all uses listed in Section 221(a)—(f) shall be permitted as of right as principal
14 uses;

15 (x) all uses listed in Section 224(a) shall be permitted as conditional uses;

16 (xi) all uses listed in Section 225(b) shall be permitted as of right as principal uses;

17 (xii) all uses listed in Section 226(a) shall be permitted as of right as principal uses;

18 (xiii) commercial wireless facilities as per Section 227(h) or (i) shall be permitted as
19 conditional uses;

20 (xiv) all uses listed in Section 227(r) shall be permitted as of right as principal uses.

21 (C) A nonconforming use may be changed to any equally or more conforming use
22 without providing the 6 to 1 ratio of required residential space.

23 (D) No use, even though listed as a permitted use or otherwise allowed, shall be
24 permitted in the Residential/Commercial Subdistrict which, by reason of its nature or manner
25 of operation, creates conditions that are hazardous, noxious, or offensive through the

1 emission of odor, fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried
2 waste, or excessive noise.

3 ~~(2)~~(4) Density.

4 (A) Residential Density. There shall be no density limit for residential uses in the
5 Residential/Commercial Subdistrict. The provisions of Sections 207.1 and 208 related to
6 residential density shall not apply.

7 (B) Non-residential Density. There shall be a density limit for non-residential uses,
8 which shall be measured as a Floor Area Ratio (FAR), as defined by Section 102.9, 102.10,
9 102.11 and 124 of this Code. The maximum nonresidential FAR for newly constructed
10 buildings or additions of twenty percent (20%) or more of an existing building shall be 0.75.
11 Otherwise the FAR for the Residential/Commercial Subdistrict shall be 5 to 1. The provisions
12 of Section 123, 124, 125 and 127 relating to Floor Area Ratio shall apply.

13 (C) Area used for parking for commercial uses or residential uses including parking
14 permitted as of right or by conditional use shall not be considered as commercial FAR.

15 ~~(3)~~(5) Open Space.

16 (A) Open space shall be provided at the ratio of thirty-six net square feet of open
17 space for each dwelling unit if all private, with a ratio of 1.33 of common usable open space
18 that may be substituted for private; open space shall be provided at the ratio of one square
19 foot of open space per 50 square feet of gross floor area for all other uses.

20 (B) The open space requirement for residential use may be met by providing one or
21 more of the following types of open space: private usable open space as set forth below;
22 common open space, including an unenclosed park or plaza at grade or above, or an
23 enclosed or partly enclosed pool or a health club, accessible to residents and guests of
24 residents and not to the general public, and "publicly accessible open space" as set forth in
25 (C)(i) below. Where any publicly accessible open space is used to satisfy the open space

1 requirements for both residential and non-residential use, the open space area must be of an
2 area at least equal to the sum of the separate open space requirements to be satisfied by that
3 open space. Up to forty percent (40%) of the open space requirement for residential uses
4 may be met by providing private open spaces, provided that any such private open space
5 counted toward a portion of the open space requirement has a minimum area of 36 square
6 feet, with a minimum dimension of four feet in any direction.

7 (C) The open space requirement for non-residential uses shall be met by providing
8 "publicly accessible open space," which is defined as open space situated in such locations
9 and which provides such ingress and egress as will make the area accessible to the general
10 public and which is open to the public daily for at least twelve daylight hours.

11 (i) Publicly accessible open space. One or more of the following types of open
12 space shall satisfy the definition of publicly accessible open space:

13 (AA) An unenclosed park or garden at grade or above;

14 (BB) An unenclosed plaza with seating areas and landscaping and no more than ten
15 percent (10%) of the floor area devoted to food or beverage service;

16 (CC) An enclosed pedestrian pathway, which extends through the building, which is
17 accessed from a public street at grade, which is landscaped and has access to natural light
18 and ventilation, and in which retail space may face the pedestrian path inside the building
19 provided that no more than twenty percent (20%) of the floor area of the required open space
20 may be devoted to seating areas within the pedestrian path;

21 (DD) A sun terrace or solarium with landscaping;

22 (EE) Sidewalk widening following a regular pattern of setbacks;

23 (FF) A recreation facility on the roof of a parking garage;

24 (GG) An unenclosed pedestrian street that traverses a large block in an east-west
25 direction;

- 1 (HH) A publicly-accessible area with a scenic overlook;
- 2 (II) A publicly-accessible area within 900 feet of the site;
- 3 (JJ) Streetscapes on surrounding streets, as approved by the Planning Department;
- 4 or
- 5 (KK) Other similar open space features as more particularly defined in the Recreation
6 and Open Space Section of the Rincon Hill Plan, a part of the General Plan. If a sidewalk
7 widening is used to meet the open space requirement, the Planning Commission shall require
8 approval of the open space proposal by the Department of Public Works prior to Planning
9 Commission approval of the project.
- 10 (ii) The required publicly accessible open space shall, as determined by the Zoning
11 Administrator:
- 12 (AA) Be in such locations and provide such ingress and egress as will make the area
13 convenient, safe, secure and easily accessible to the general public;
- 14 (BB) Be appropriately landscaped;
- 15 (CC) Be accessible to public water and toilet facilities;
- 16 (DD) Be protected from uncomfortable winds;
- 17 (EE) Incorporate ample seating and, if appropriate, access to limited amounts of food
18 and beverage service, which will enhance public use of the area;
- 19 (FF) Be well signed and accessible to the public during daylight hours;
- 20 (GG) Have adequate access to sunlight if sunlight access is appropriate to the type of
21 area;
- 22 (HH) Be well lighted if the area is of the type requiring artificial illumination;
- 23 (II) Be designed to enhance user safety and security;
- 24 (JJ) Be of sufficient size to be attractive and practical for its intended use; and
- 25 (KK) The owner of the property on which the open space is located shall maintain it

1 by keeping the area clean and free of litter and keeping in a healthy state any plant material
2 that is provided. The Zoning Administrator shall have authority to require a property owner to
3 hold harmless the City and County of San Francisco, its officers, agents and employees, from
4 any damage or injury caused by the design, construction or maintenance of open space, and
5 to require the owner or owners or subsequent owner or owners of the property to be solely
6 liable for any damage or loss occasioned by an act or neglect in respect to the design,
7 construction or maintenance of the open space.

8 (D) The provisions of Section 135 concerning usable open space shall not apply.
9 ~~(4)~~(6) Parking Requirements.

10 (A) There shall be no more than one parking space for each dwelling unit. Parking
11 in excess of one parking space for each dwelling unit shall not be classified as an accessory
12 use, notwithstanding the provisions of Section 204.5(c) of this Code.

13 (B) Parking for retail uses shall be provided at a ratio of one space for each 500
14 occupied square feet of retail space for the first 60,000 occupied square feet of retail space on
15 any project site; any parking for retail square footage in excess of 60,000 square feet per
16 project shall not exceed a ratio of one space per each 1,500 occupied square feet of retail
17 space.

18 (C) Parking for all office uses and any other non-retail commercial use shall be
19 provided at a ratio of one space for each 1,500 occupied square feet of space.

20 (D) At street level, parking shall not front on Folsom Street, and within 25 feet
21 horizontal distance from other street rights of way cannot occupy more than twenty percent
22 (20%) at street level of the cumulative street frontage in the Residential/Commercial
23 Subdistrict.

24 (E) In addition to the amounts of parking set forth above, additional parking shall be
25 allowed as of right for any project that submitted an application for environmental review prior

1 to December 31, 2001, where such parking is necessary to replace parking for any agency or
2 department of the United States Federal Government that is located on, or immediately
3 adjacent to, a development site.

4 ~~(5)~~(7) Streetscape.

5 (A) Ground floor retail space (including personal service and restaurants) and space
6 devoted to building and pedestrian circulation is required along the street frontage for a
7 minimum of fifty percent (50%) of the street frontage; exceptions to this standard may be
8 granted administratively by the Zoning Administrator if (s)he deems the exception to provide a
9 more attractive, usable and visually interesting pedestrian streetscape.

10 (B) Uses along a street frontage at grade level shall be visually interesting and
11 attractive to pedestrians. Curb cuts shall be minimized. No parking ingress or egress shall be
12 permitted that would disrupt or delay transit service.

13 ~~(6)~~(8) Site Coverage. There shall be no limit on site coverage. One hundred percent
14 (100%) site coverage shall be permitted.

15 ~~(7)~~(9) Dwelling Unit Exposure. In light of the high-density nature of the
16 Residential/Commercial Subdistrict, the dwelling unit exposure requirements of Section 140
17 shall not apply.

18 ~~(8)~~(10) Height and Tower Separation Standards.

19 (A) There shall be an 85-foot maximum height for the podium/base of a building.

20 (B) There shall be an overall height limit of 400 feet in the Residential/Commercial
21 Subdistrict.

22 (C) There shall be a 50 foot minimum tower height differential between towers on
23 the same development site.

24 (D) In the Residential/Commercial Subdistrict, there shall be a minimum 82-1/2 foot
25 separation between towers.

- 1 (E) All space above the 200-foot height level shall be devoted to residential use.
2 ~~(9)~~(11) Bulk Standards. The Residential/Commercial Subdistrict shall be subject to "W"
3 Bulk District controls, as follows:
- 4 (A) Base (0—85 feet): Unlimited. The site coverage limitations of Section
5 249.1(b)(1) shall not apply.
- 6 (B) (1) Buildings over 85 in height, but less than 300 feet in height, shall be
7 limited to a maximum plan length of 100 feet and a maximum diagonal length of 125 feet.
- 8 (2) Buildings over 300 feet in height shall not exceed a maximum plan length of 115
9 feet and a maximum diagonal length of 145 feet.
- 10 (3) Minor increases in Plan length for the purposes of improved design may be
11 approved pursuant to Section 271.
- 12 (C) A 10% volume reduction is required for the upper tower of any building that is
13 300 feet in height or taller. The upper tower is defined as the top one-third portion of a free
14 standing tower; for a tower that sits atop a podium or base, the upper tower is defined as the
15 top one-third of the height of the tower as measured from the top of the podium or base.
- 16 (D) Folsom Street Setback: Above the 85 foot base, at least 50% of the entire
17 Folsom Street frontage shall be set back a minimum of 12-1/2 feet. No setback will be
18 required for any portion of the frontage occupied by a tower with a height in excess of 85 feet,
19 unless that tower or towers occupies more than 50% of the total Folsom Street frontage.
- 20 (E) The floor plates on either tower shall not exceed an average of 11,000 gross
21 square feet over the entire tower.

22 SEC. 260. HEIGHT LIMITS: MEASUREMENT.

- 23 (a) Method of Measurement. The limits upon the height of buildings and structures
24 shall be as specified on the Zoning Map. In the measurement of height for purposes of such
25 limits, the following rules shall be applicable:

1 (1) The point above which such measurements shall be taken shall be as specified
2 in the definition of "height" in this Code.

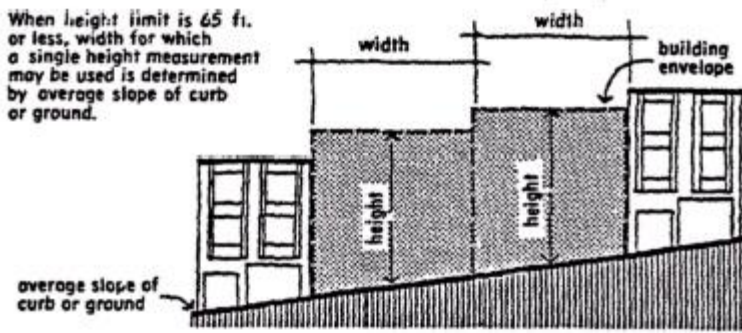
3 (2) The upper point to which such measurement shall be taken shall be the highest
4 point on the finished roof in the case of a flat roof, and the average height of the rise in the
5 case of a pitched or stepped roof, or similarly sculptured roof form, or any higher point of a
6 feature not exempted under Subsection (b) below.

7 (3) In cases where the height limit is 65 feet or less and a street from which height
8 measurements are made slopes laterally along the lot, or the ground slopes laterally on a lot
9 that also slopes upward from the street, there shall be a maximum width for the portion of the
10 building or structure that may be measured from a single point at curb or ground level,
11 according to the definition of "height," as specified in the following table. These requirements
12 shall not apply to any property to which the bulk limitations in Section 270 of this Code are
13 applicable.

14 TABLE 260
15 HEIGHT MEASUREMENT ON LATERAL SLOPES WHERE HEIGHT LIMIT IS 65
FEET OR LESS

Average Slope of Curb or Ground From Which Height is Measured	Maximum Width for Portion of Building that May Be Measured from a Single Point
5 percent or less	No requirement
More than 5 percent but no more than 15 percent	65 feet
More than 15 percent but no more than 20 percent	55 feet
More than 20 percent but no more than 25 percent	45 feet
More than 25 percent	35 feet

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

(1) The following features shall be exempt; provided the limitations indicated for each are observed; provided further that the sum of the horizontal areas of all features listed in this Paragraph (b)(1) shall not exceed 20 percent of the horizontal area of the roof above which they are situated, or, in C-3 Districts and in the Rincon Hill *Special Use Downtown Residential* District, where the top of the building has been separated into a number of stepped elements to reduce the bulk of the upper tower, of the total of all roof areas of the upper towers; and provided further that in any R, RC-1, RC-2, RC-3 or RC-4 District the sum of the horizontal areas of all such features located within the first 10 feet of depth of the building, as measured from the front wall of the building, shall not exceed 20 percent of the horizontal area of the roof in such first 10 feet of depth.

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

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

4 (A) Mechanical equipment and appurtenances necessary to the operation or
5 maintenance of the building or structure itself, including chimneys, ventilators, plumbing vent
6 stacks, cooling towers, water tanks, panels or devices for the collection of solar or wind
7 energy and window-washing equipment, together with visual screening for any such features.
8 This exemption shall be limited to the top 10 feet of such features where the height limit is 65
9 feet or less, and the top 16 feet of such features where the height limit is more than 65 feet.

10 (B) Elevator, stair and mechanical penthouses, fire towers, skylights and dormer
11 windows. This exemption shall be limited to the top 10 feet of such features where the height
12 limit is 65 feet or less, and the top 16 feet of such features where the height limit is more than
13 65 feet.

14 I Stage and scenery lofts.

15 (D) Ornamental and symbolic features of public and religious buildings and
16 structures, including towers, spires, cupolas, belfries and domes, where such features are not
17 used for human occupancy.

18 (E) In any C-3 District, enclosed space related to the recreational use of the roof,
19 not to exceed 16 feet in height.

20 (F) In any C-3 or South of Market District, additional building volume used to
21 enclose or screen from view the features listed under Subsections (b)(1)(A) and (B) above.
22 The rooftop form created by the added volume shall not be subject to the percentage
23 coverage limitations otherwise applicable to this subsection but shall meet the requirements of
24 Section 141 and shall not exceed 20 feet in height, measured as provided in Subsection (a)
25 above, and may not exceed a total volume, including the volume of the features being

1 enclosed, equal to $\frac{3}{4}$ of the horizontal area of all upper tower roof areas of the building
2 measured before the addition of any exempt features times 20.

3 (G) In any C-3 District, vertical extensions to buildings, such as spires, which
4 enhance the visual appearance of the structure and are not used for human occupancy may
5 be allowed, pursuant to the provisions of Section 309, up to 75 feet above the height
6 otherwise allowed. The extension shall not be subject to the percentage coverage limitations
7 otherwise applicable to this subsection, provided that the extension is less than 100 square
8 feet in cross-section and 18 feet in diagonal dimension.

9 (H) In the Rincon Hill ~~Special Use~~ Downtown Residential District, enclosed space
10 related to the recreational use of the roof, not to exceed 16 feet in height.

11 (I) In the Rincon Hill ~~Special Use~~ Downtown Residential District, additional building
12 volume used to enclose or screen from view the features listed under Subsections (b)(1)(A)
13 and (b)(1)(B) above. The rooftop form created by the added volume shall not be subject to the
14 percentage coverage limitations otherwise applicable to this subsection but shall meet the
15 requirements of Section 141, ~~and~~ shall not exceed 10 percent of the total height of any building
16 taller than 105 feet, shall have a horizontal area not more than 85 percent of the total area of the
17 highest occupied floor, and shall contain no space for human occupancy. The features described in
18 (b)(1)(B) shall not be limited to 16 feet for buildings taller than 160 feet, but shall be limited by the
19 permissible height of any additional rooftop volume allowed by this subsection. 20 feet in height,
20 measured as provided in Subsection (a) above, and may not exceed a total volume, including the
21 volume of the features being enclosed, equal to $\frac{3}{4}$ of the horizontal area of all upper tower roof areas of
22 the building measured times 20.

23 (J) In the Van Ness Special Use District, additional building volume used to enclose
24 or screen from view the features listed under Subsections (b)(1)(A) and (b)(1)(B) above and
25 to provide additional visual interest to the roof of the structure. The rooftop form created by the

1 added volume shall not be subject to the percentage coverage limitations otherwise applicable
2 to this Subsection, but shall meet the requirements of Section 141 and shall not exceed 10
3 feet in height where the height limit is 65 feet or less or 16 feet where the height limit is more
4 than 65 feet, measured as provided in Subsection (a) above, and may not exceed a total
5 volume, including the volume of the features being enclosed, equal to $\frac{3}{4}$ of the horizontal area
6 of all upper tower roof areas of the building measured before the addition of any exempt
7 features times 10 where the height limit is 65 feet or less or times 16 where the height limit is
8 more than 65 feet.

9 (K) In the Northeast China Basin Special Use District, light standards for the
10 purpose of lighting the ballpark.

11 (L) In the Candlestick Point Special Use District, light standards for the purpose of
12 the lighting the stadium, scoreboards associated with the stadium, and flagpoles and other
13 ornamentation associated with the stadium.

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

16 (A) Railings, parapets and catwalks, with a maximum height of four feet.

17 (B) Open railings, catwalks and fire escapes required by law, wherever situated.

18 I Unroofed recreation facilities with open fencing, including tennis and basketball
19 courts at roof level, swimming pools with a maximum height of four feet and play equipment
20 with a maximum height of 10 feet.

21 (D) Unenclosed seating areas limited to tables, chairs and benches, and related
22 windscreens, lattices and sunshades with a maximum height of 10 feet.

23 (E) Landscaping, with a maximum height of four feet for all features other than plant
24 materials.

25

1 (F) Short-term parking of passenger automobiles, without additional structures or
2 equipment other than trellises or similar overhead screening for such automobiles with a
3 maximum height of eight feet.

4 (G) Amusement parks, carnivals and circuses, where otherwise permitted as
5 temporary uses.

6 (H) Flagpoles and flags, clothes poles and clotheslines, and weathervanes.

7 (I) Radio and television antennae where permitted as accessory uses and towers
8 and antennae for transmission, reception, or relay of radio, television or other electronic
9 signals, where permitted as principal or conditional uses, subject to the limitations of
10 Subsections 227(h) and (i) of this Code and limitations imposed by the City Planning
11 Commission.

12 (J) Warning and navigation signals and beacons, light standards and similar
13 devices, not including any sign regulated by this Code.

14 (K) Public monuments owned by government agencies.

15 (L) Cranes, scaffolding and batch plants erected temporarily at active construction
16 sites.

17 (M) Structures and equipment necessary for the operation of industrial plants,
18 transportation facilities, public utilities and government installations, where otherwise
19 permitted by this Code and where such structures and equipment do not contain separate
20 floors, not including towers and antennae for trans-mission, reception, or relay of radio,
21 television, or other electronic signals where permitted as principal or conditional uses by this
22 Code.

23 (N) Buildings, structures and equipment of the San Francisco Port Commission,
24 where not subject to this Code due to provisions of the San Francisco Charter or State law.

25

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

4 (P) Enclosed recreational facilities up to a height of 10 feet above the otherwise
5 applicable height limit when located within both an SSO District and a 65-U height and bulk
6 district and when authorized by the City Planning Commission as a conditional use pursuant
7 to Sections 303 and 316 of this Code, provided that the project is designed in such a way as
8 to reduce the apparent mass of the structure above a base 50 foot building height.

9 (Q) Historic signs within an historic sign district permitted pursuant to Sections 302,
10 303 and 608.14 of this Code.

11 SEC. 263.19. HEIGHT LIMITS: PERMITTED PODIUM AND TOWER HEIGHTS IN THE R
12 BULK DISTRICT.

13 (a) Intent. As described in Section 827(a), the general development concept for Rincon Hill
14 is of podium buildings up to 85 feet in height, with adequately spaced slender towers up to 550 feet in
15 height rising above the podium buildings. This urban form is implemented in the R height and bulk
16 district, mapped in all portions of the Rincon Hill Downtown Residential District where towers are
17 permitted.

18 (b) Maximum Height Controls for Podiums and Towers. In the R bulk district, as
19 designated on Sectional Map No. 1H of the Zoning Map, maximum permitted building heights for both
20 podiums and towers are expressed as two numbers separated by a slash, including 85/150-R, 85/200-R,
21 85/250-R, 65/400-R, 85/400-R, 45/450-R, and 45/550-R. The number preceding the slash represents
22 the height limit for podium buildings. The number following the slash represents the height limit for
23 towers. No building may exceed the podium height limit except for towers meeting the bulk and tower
24 spacing controls established in Section 270(e).

25 SEC. 270. BULK LIMITS: MEASUREMENT.

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

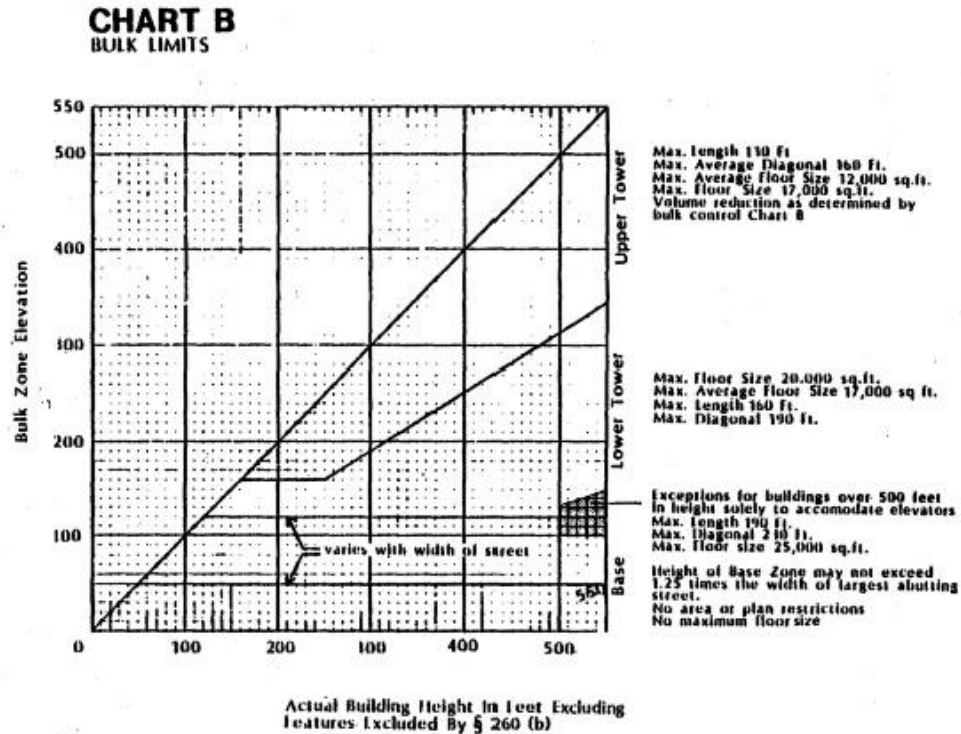
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 7 TABLE 270

8 BULK LIMITS

9	District Symbol	Height Above Which	Maximum Plan Dimensions (in feet)	
10	on Zoning Map	Maximum Dimensions Apply	Length	Diagonal Dimension
		(in feet)		
11	A	40	110	125
12	B	50	110	125
13	C	80	110	125
14	D	40	110	140
15	E	65	110	140
16	F	80	110	140
17	G	80	170	200
18	H	100	170	200
19	I	150	170	200
20	J	40	250	300
21	K	60	250	300
22	L	80	250	300
23	M	100	250	300
24	N	40	50	100
25	R	50	200	200

1	R	105	110	125
2	<u>R</u>	<u>This table not applicable. But see Section 270(e)</u>		
3	V		110	140
4	V	* At setback height established pursuant to Section 253.2.		
5	OS	See Section 290.		
6	S	This table not applicable. But see Section 270(d).		
7	T	At setback height established	110	125
8		pursuant to Section 132.2, but		
		no higher than 80 feet.		
9	X	This table not applicable. But see Section 260(a)(3).		
10		(b) These limits shall not apply to the buildings, structures and equipment listed in		
11		Section 260(b)(2) (K), (L), (M) and (N) of this Code, subject to the limitations expressed		
12		therein.		
13	I	Maximum plan lengths and diagonal dimensions do not apply to cornices or		
14		other decorative projections.		
15		(d) The bulk limits contained in this subsection shall apply in S Bulk Districts as		
16		designated on Sectional Map Nos. 1H, 2H and 7H of the Zoning Map.		
17		(1) Base. The base is the lowest portion of the building extending vertically to a		
18		streetwall height up to 1.25 times the width of the widest abutting street or 50 feet, whichever		
19		is more. There are no length or diagonal dimension limitations applicable to the base. The		
20		building base shall be delineated from the lower and upper tower and related to abutting		
21		buildings by a setback, cornice line or equivalent projection or other appropriate means.		
22		(2) Lower Tower.		
23		(A) Dimensions. Bulk controls for the lower tower apply to that portion of the building		
24		height above the base as shown on Chart B. For buildings of less than 160 feet in height, the		
25				

1 lower tower controls are the only bulk controls above the base of the building. The bulk
 2 controls for the lower tower are a maximum length of 160 feet, a maximum floor size of 20,000
 3 square feet, and a maximum diagonal dimension of 190 feet.



18 (B) Additional Bulk for Elevators. Solely in order to accommodate additional
 19 elevators required by tall buildings the lower portion (up to the height shown on Chart B) of the
 20 lower tower of a building 500 feet tall or taller may be enlarged up to a maximum length of 190
 21 feet, a maximum diagonal dimension of 230 feet and a maximum floor size of up to 25,000
 22 square feet without a corresponding reduction in upper floor size.

23 (3) Upper Tower.

24 (A) Dimensions. Upper tower bulk controls apply to buildings taller than 160 feet.

25 They apply to the upper tower portion of a building up to the height shown on Chart B, which

1 height excludes the vertical attachment and other features exempted by Section 260 and
2 excludes the extended upper tower height exceptions provided for in Section 263.7 of this
3 Code. The bulk controls for the upper tower are: a maximum length of 130 feet; a maximum
4 average floor size of 12,000 square feet; a maximum floor size for any floor of 17,000 square
5 feet; and a maximum average diagonal measure of 160 feet. In determining the average floor
6 size of the upper tower, areas with a cross-sectional area of less than 4,000 square feet may
7 not be counted and sculptured architectural forms that contain large volumes of space but no
8 usable floors shall be included in average floor size calculation by computing the cross section
9 at 12.5-foot intervals.

10 (B) Volume Reduction. When the average floor size of the lower tower exceeds
11 5,000 square feet, the volume of the upper tower shall be reduced to a percentage of the
12 volume that would occur if the average floor size of the lower tower were extended to the
13 proposed building height. The percentage varies with the bulk of the lower tower and with
14 whether or not a height extension is employed pursuant to Section 263.7 and is shown on
15 Chart C. In achieving the required volume reduction, a setback or change in profile at a
16 specific elevation is not required.

17 I Extensions. Extension of the upper tower above the otherwise allowable height
18 limits may be permitted as provided in Section 263.9.

19 (D) Termination of the Tower. The top of the tower shall be massed in a manner that
20 will create a visually distinctive roof or other termination of the building I. Modifications to a
21 proposed project may be required, in the manner provided in Section 309, to achieve this
22 purpose.

23 (e) Rincon Hill. In Bulk District R (Rincon Hill DTR District), bulk limitations are as
24 follows:

25

1 (1) ~~Between 51 and 105 feet in height, the maximum plan dimensions measured diagonally~~
2 ~~may not exceed 200 feet, and the average individual floor area may not exceed 20,000 gross square~~
3 ~~feet.~~

4 (2) ~~Above 105 feet in height, each side of the building shall be limited to 110 feet in length,~~
5 ~~and maximum plan dimensions measured diagonally may not exceed 125 feet except for the lower of~~
6 ~~the structure above 105 feet, which shall be subject to Subsection (3) below; the average floor area of~~
7 ~~all floors above 105 feet may not exceed 7,500 gross square feet.~~

8 (3) ~~The volume of the upper 1/3 of the structure above 105 feet shall be at least 15 percent~~
9 ~~less than the volume of the middle 1/3 above 105 feet, and the volume of the lower 1/3 of the structure~~
10 ~~above 105 feet shall be at least 15 percent more than the volume of the middle 1/3 above 105 feet.~~

11 (4) ~~In order to provide light and air between structures and to avoid excessive screening of~~
12 ~~downtown views from the bridge, distances between structures in height districts above 105 feet should~~
13 ~~not be less than 150 feet~~

14 (1) There are no bulk limits below a height of 85 feet, except for the lot coverage
15 limitations and setback requirements described in Section 827.

16 (2) Tower Bulk and Spacing. Structures above 85 feet in height shall meet the following
17 bulk limitations, as illustrated in Chart C.

18 (A) Buildings between 85 and 240 feet in height may not exceed a plan length of 90 feet and
19 a diagonal dimension of 120 feet, and may not exceed a maximum average floor area of 7,500 gross
20 square feet.

21 (B) Buildings between 241 and 300 feet in height may not exceed a plan length of 100 feet
22 and a diagonal dimension of 125 feet, and may not exceed a maximum average floor area of 8,500
23 gross square feet.

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1 (C) Buildings between 301 and 350 feet in height may not exceed a plan length of 115 feet
2 and a diagonal dimension of 145 feet. They may not exceed a maximum average floor are of 9,000
3 gross square feet.

4 (D) Buildings between 351 and 550 feet in height may not exceed a plan length of 115 feet
5 and a diagonal dimension of 145 feet. They may not exceed a maximum average floor area of 10,000
6 gross square feet.

7 (E) To allow variety in the articulation of towers, the floor plates of individual floors may
8 exceed the maximums described above by as much as 5 percent, provided the maximum average
9 floorplate is met.

10 (F) To encourage tower sculpting, the gross floor area of the top one-third of the tower shall
11 be reduced by 10 percent from the maximum floorplates described in (A) – (D) above, unless the
12 overall tower floorplate is reduced by an equal or greater volume.

13 (G) In order to provide adequate sunlight and air to streets and open spaces, a minimum
14 distance of 115 feet must be preserved between all structures above 110 feet in height at all levels
15 above 110 feet in height. Spacing shall be measured horizontally from the outside surface of the
16 exterior wall of the subject building to the nearest point on the closest structure above 110 feet in
17 height. Any project that is permitted pursuant to the exception described in Section 270(e)(3) shall not
18 be considered for the purposes of measuring tower spacing pursuant to this Section.

19 (H) The procedures for granting special exceptions to bulk limits described in Section 271
20 shall not apply; exceptions may be granted pursuant to Sections 270(e)(3) and 270(e)(4).

21 (I) Additional setback, lot coverage, and design requirements for the Rincon Hill DTR
22 District are described in Section 827.

23 (3) Exceptions to tower spacing and upper tower sculpting requirements. An exception to
24 the 115 feet tower spacing requirement and the upper tower sculpting requirement described in (F) and
25 (G) above may be granted to a project only on Block 3747 on a lot formed by the merger of part or all

1 of Lots 001E, 002 and 006, pursuant to the procedures described in 309.1 of this Code provided that
2 projects meet the following criteria:

3 (i) Applications for environmental review and conditional use related to a building above
4 85 feet in height on the subject lot have been filed with the Department prior to March 1, 2003 and
5 February 1, 2005, respectively;

6 (ii) Given the 115' tower spacing requirement described in (F) above, the existence of an
7 adjacent building greater than 85 feet in height precludes the development of a tower on the subject lot;

8 (iii) The subject lot has a total area of no less than 35,000 square feet;

9 (iv) The proposed project is primarily residential and has an area of no more than 528,000
10 gross square feet;

11 (v) The proposed project conforms to all other controls described or referenced in Section
12 827 and any other controls in this Code related to the Rincon Hill DTR District.

13 (vi) For the purposes of subsection (iv) above, the term "gross square feet" shall be the sum
14 of the gross areas of all floors of a building or buildings above street grade measured from the exterior
15 faces of exterior walls or from the center lines of walls separating two buildings, excluding area below
16 street grade. Where columns are outside and separated from an exterior wall (curtain wall) which
17 encloses the building space or are otherwise so arranged that the curtain wall is clearly separated from
18 the structural members, the exterior face of the curtain wall shall be the line of measurement, and the
19 area of the columns themselves at each floor shall also be counted.

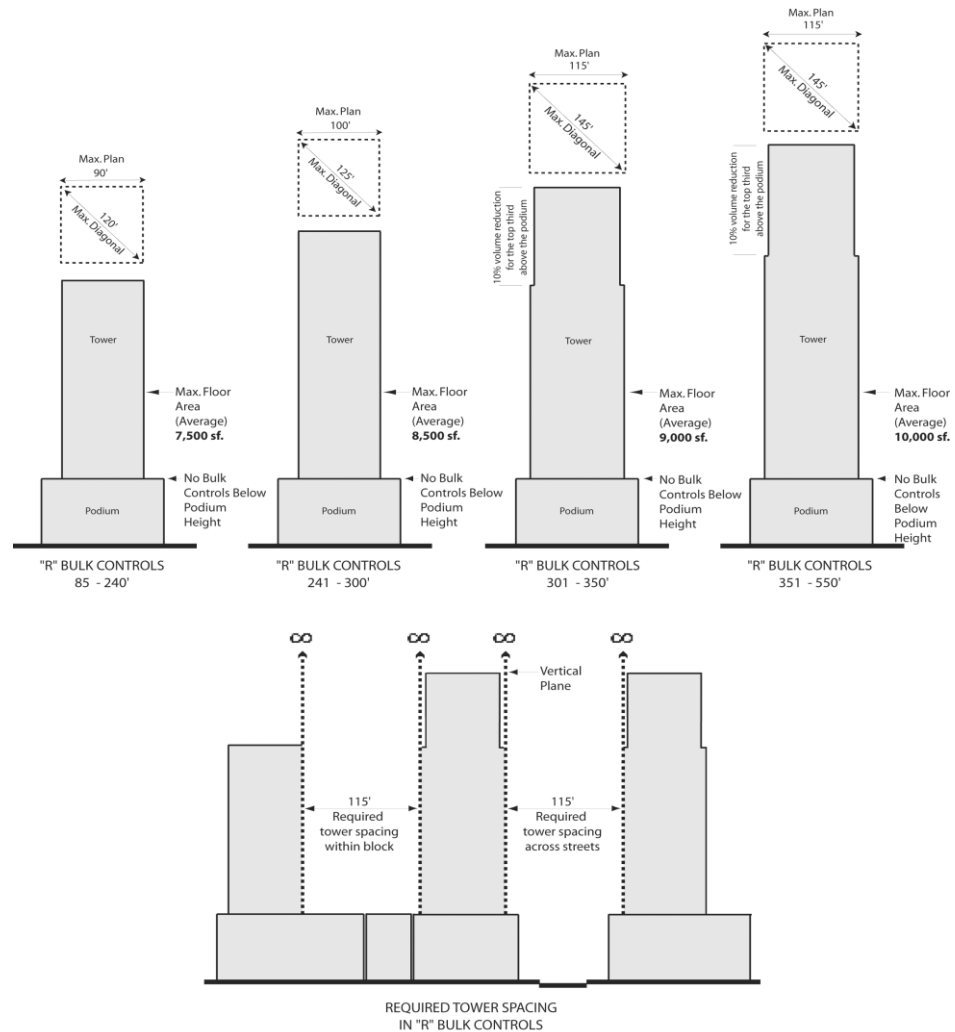
20 (4) Allowance for limited reduction in spacing from existing towers. To allow limited
21 variation in tower placement from towers for which a certificate of occupancy has been issued prior to
22 February 1, 2005, a reduction in tower spacing described in (G) above may be granted pursuant to the
23 procedures described in 309.1 of this Code if all the following criteria are met:

24 (i) For every percent reduction from the maximum average floor area as described in (2)
25 above, an equal percent reduction in tower separation may be granted subject to the following limits:

1 (ii) Up to a height of one and one-half times the maximum permitted podium height, tower
2 spacing described in (G) above may be reduced by not more than 15 percent; (iii) up to a height of
3 180 feet, tower spacing described in (G) above may be reduced by not more than 10 percent; and (iv)
4 all floors above 180 feet achieve the full 115-foot minimum tower spacing requirement described in (G)
5 above. A project may average the tower separation of all floors below 180 feet so long as the
6 requirements of (iii) and (iv) are satisfied.

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1 Chart B:



18 SEC. 309.1 PERMIT REVIEW IN DOWNTOWN RESIDENTIAL DISTRICTS.

19 The provisions and procedures set forth in this Section shall govern the review of project
20 authorization and building and site permit applications for the construction or substantial alteration of
21 structures in Downtown Residential districts, the granting of exceptions to requirements of this Code,
22 and the imposition of modifications necessary to achieve the objectives and policies of the General
23 Plan and the purposes of this Code as provided for in Section 827 and elsewhere. When any action
24 authorized by this Section is taken, any determination with respect to the proposed project required or
25 authorized pursuant to CEQA may also be considered.

1 (a) Design Review.

2 (1) In addition to the standard permit review process, the design of projects greater than
3 50,000 gross square feet or 85 feet in height shall be subject to design review and approval by
4 Department staff. A detailed design review will be initiated by Department staff, working with the
5 project sponsor, at the time an application for 309.1 review or building permit is filed, and may take
6 place in advance of filing a building permit application. This comprehensive review shall resolve issues
7 related to the project's design, including the following:

8 (A) Overall building massing and scale;

9 (B) Architectural treatments, façade design and building materials;

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

12 (D) On sloping sites, parking provided above ground pursuant to Section 827(7)(A);

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

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

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

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

19 (2) If the project sponsor opposes project modifications and conditions recommended by the
20 Director of Planning pursuant to the design review, the Director shall prepare a report of
21 recommended modifications which shall be presented to the Planning Commission for a hearing
22 pursuant to subsection (e) and which shall be available to the public upon mail notification of said
23 hearing.

24 (b) Exceptions.

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

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

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

8 (C) Exceptions to the lot coverage requirements of Section 827(d)(2) for conversions of
9 existing non-residential structures to residential use.

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

11 (E) Allowing parking access from Folsom Street, pursuant to 827 (d)(7) and 155(r).

12 (F) Reduction of required on-site residential open space of 36 square feet per unit described
13 in Section 827(e)(2)(A) to create additional off-site publicly-accessible open space and superior
14 building design.

15 (G) Design, location, and size of publicly-accessible open space as allowed by Section
16 827(e) and equivalence of proposed publicly-accessible open space in size and quality with required
17 on-site open space.

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

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

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

24 (2) Notice of Hearing. Notice of such hearing shall be mailed not less than 10 days prior to
25 the date of the hearing to the project applicant, to property owners within 300 feet of the project that is

1 the subject of the application, using for this purpose the names and addresses as shown on the citywide
2 Assessment Roll in the Assessor's Office, and to any person who has requested such notice. Such notice
3 shall also be published at least once in an official newspaper of general circulation at least 10 days
4 prior to the date of the hearing. The notice shall state that the written recommendation of the Director
5 of Planning regarding design modifications to the project and regarding any requests for exceptions is
6 available for public review at the office of the Planning Department.

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

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

23 (5) Appeal. The decision of the Planning Commission on the granting of any exceptions
24 pursuant to subsection (b) may be appealed to the Board of Appeals by any person aggrieved within 15
25 days after the date of the decision by filing a written notice of appeal with that body, setting forth

1 wherein it is alleged that there was an error in the interpretation of the provisions of this Code or
2 abuse of discretion on the part of the Planning Commission.

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

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

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

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

16 (1) Construction of any development in an "R" bulk district containing a building taller than
17 110 feet (herein referred to as a "tower project") shall commence within 24 months of the date the
18 tower project is first approved by the Planning Commission or Board of Appeals pursuant to the
19 provisions of this Section. For tower projects that contain more than one tower structure, each tower
20 structure shall be considered as a separate phase of development, with a requirement for
21 commencement of construction for each subsequent tower phase of 18 months beginning after the
22 Certificate of Final Completion and Occupancy is issued on the previous tower phase. Failure to begin
23 construction work within that period, or thereafter to carry the development diligently to completion,
24 shall be grounds for the Planning Commission to revoke approval of the tower project or phase.
25 Neither the Department of Public Works nor the Board of Permit Appeals shall grant any extension of

1 time inconsistent with the requirements of this Subsection (e)(1). For the purposes of this Subsection,
2 "carry the development diligently to completion" shall mean continuous construction work without
3 significant stoppage toward the completion of a tower structure beyond any site clearance, grading,
4 excavation, or demolition of existing buildings on the project site.

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

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

15 (4) Appeals of Planning Commission decisions pursuant to this Subsectoin (e) shall be
16 conducted pursuant to the procedures of Subsections (c)(5) and (c)(6).

17 SEC. 608.13. RINCON HILL AREA.

18 Within the boundaries of the Rincon Hill Downtown Residential Special-Use District set
19 forth in Section 249.1 of the City Planning Code as designated on Sectional Map 1Sub of the
20 Zoning Map, and generally bounded by Folsom Street, The Embarcadero, Bryant Street, and
21 Beale-~~Essex~~ Street and the off ramps of the Bay Bridge/Highway 80 Fremont Street exit,
22 notwithstanding any other provisions of this Code, the existing signs and/or sign towers may
23 be changed, modified or replaced provided that all the following criteria are met:

24 (a) Such changed, modified or replacement sign is in the same general location as
25 the existing signage;

1 (b) The total area and height of the changed, modified or replacement sign is not
2 increased from the total area and height of the existing sign or sign tower;

3 (c) Such sign or sign tower may contain letters, numbers, a logo, service mark
4 and/or trademark, and may be nonilluminated, or directly or indirectly illuminated;

5 (d) Such sign or sign tower may only reflect the identity of the owner or a tenant of
6 the building, including a parent corporation, subsidiary and/or affiliate of the owner or of the
7 tenant.

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* and the South of Market Plan, all of which are parts of the Master Plan.

12 Description and Purpose Statements outline the main functions of each Mixed Use District in
13 this Article, supplementing the statements of purpose contained in Section 101 of this Code.

14 Description and purpose statements applicable to each district are set forth in Sections
15 810 through 8207 of this Code. The boundaries of the various Mixed Use Districts are shown
16 on the Zoning Map referred to in Section 105 of this Code, subject to the provisions of that
17 Section. The following Districts are hereby established as Mixed Use Districts.

18	Districts	Section Number
19	Chinatown—Community Business District	§810
20	Chinatown—Visitor Retail District	§811
21	Chinatown—Residential Neighborhood Commercial District	§812
22	RED—Residential Enclave District	§813
23	SPD—South Park District	§814
24	RSD—Residential/Service District	§815
25	SLR—Service/Light Industrial/Residential District	§816

1 SLI—Service/Light Industrial District §817

2 SSO—Service/Secondary Office District §818

3 TB DTR—Transbay Downtown Residential District §826

4 RH DTR—Rincon Hill Downtown Residential District §827

5 SEC. 803. MIXED USE DISTRICT REQUIREMENTS.

6 The Mixed Use District zoning control categories are listed in Sections 803.2, *and* 803.3
7 *and 825.1* of this Code. Related building standards and permitted uses are generally stated,
8 summarized or cross-referenced in those Sections or Sections 810.1 through 819, *and 826*
9 *through 827* of this Code, for each of the district classes listed in Section 802.1, or referenced
10 in Section 899 of this Code.

11 SEC. 803.5. ADDITIONAL PROVISIONS GOVERNING USES IN MIXED USE
12 DISTRICTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (4) Sufficient toilet facilities shall be made accessible to patrons within the premises,
23 and toilet facilities shall be made accessible to prospective patrons who may be lined up
24 waiting to enter the establishment; and
25

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 SEC. 809. GUIDE TO UNDERSTANDING THE MIXED USE DISTRICT ZONING
17 CONTROLS.

18 Mixed Use District controls are set forth in the Zoning Control Tables in Sections 810
19 through 818, *and in Sections 826 through 827* or referenced in Section 899 of this Code.

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

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

24 (c) The third column, titled "\$References," contains numbers of other sections in the
25 Planning Code and other city codes, in which additional relevant provisions are contained.

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

3 The following symbols are used in this table:

4 P — Permitted as a principal use.

5 C — Permitted as a conditional use, subject to the provisions set forth in this Code.

6 — A blank space on the tables in Sections 810 through 812 indicates that the use
7 or feature is not permitted within the Chinatown Mixed Use Districts. Unless a use or feature is
8 permitted or required in the Chinatown Mixed Use Districts as set forth in the Zoning Control
9 Tables or in those sections referenced in Section 899 of this Code, such use or feature is
10 prohibited, unless determined by the Zoning Administrator to be a permitted use.

11 NP — Not Permitted. Section 803.4 lists certain uses not permitted in any South of
12 Market district. NP in the Article 8 control column of Tables 813 through 818 also indicates
13 that the use or feature is not permitted in the applicable South of Market District.

14 # — See specific provisions listed by section and zoning category number at
15 the end of the table.

16 1st — 1st story and below, where applicable.

17 2nd — 2nd story, where applicable.

18 3rd+ — 3rd story and above, where applicable.

19 Section 8: Severability: If any provision of this ordinance, or its application to any
20 residential development project is held invalid, the remainder of the ordinance, or the
21 application of such provision to other residential development projects shall automatically
22 terminate and shall be of no force and effect. In the event that there is a lawsuit filed in any
23 court challenging any part of this legislation then the entirety of this legislation will be
24 suspended unless and until there is a final judgment in the lawsuit in all courts and the validity
25 of this legislation is upheld.

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

By: SUSAN CLEVELAND-KNOWLES
Deputy City Attorney