

BOARD of SUPERVISORS



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February 18, 2020

Planning Commission  
Attn: Jonas Ionin  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Commissioners:

On February 11, 2020, Supervisor Ronen introduced the following legislation:

**File No. 200143**

**Ordinance amending the Planning Code to provide that in the Urban Mixed Use District all office uses are prohibited, except that a Professional Service, Financial Service, or Medical Service is allowed as a conditional use on the ground floor when primarily open to the general public on a client-oriented basis; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.**

The proposed ordinance is being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk  
Land Use and Transportation Committee

c: Rich Hillis, Director  
Scott Sanchez, Zoning Administrator  
Lisa Gibson, Environmental Review Officer  
Devyani Jain, Deputy Environmental Review Officer  
Adam Varat, Acting Director of Citywide Planning  
Aaron Starr, Manager of Legislative Affairs  
Andrea Ruiz-Esquide, Deputy City Attorney  
Joy Navarrete, Major Environmental Analysis

1 [Planning Code - Zoning Controls - Urban Mixed Use District - Office Uses]

2  
3 **Ordinance amending the Planning Code to provide that in the Urban Mixed Use District**  
4 **all office uses are prohibited, except that a professional service, financial service, or**  
5 **medical service is allowed as a conditional use on the ground floor when primarily**  
6 **open to the general public on a client-oriented basis; affirming the Planning**  
7 **Department's determination under the California Environmental Quality Act; making**  
8 **findings of consistency with the General Plan, and the eight priority policies of**  
9 **Planning Code, Section 101.1; and adopting findings of public necessity, convenience,**  
10 **and welfare under Planning Code, Section 302.**

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

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

19 Section 1. Findings.

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

25 (b) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_,  
adopted findings that the actions contemplated in this ordinance are consistent, on balance,

1 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The  
2 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of  
3 the Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by reference.

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

7  
8 Section 2. Article 8 of the Planning Code is hereby amended by revising Sections  
9 803.9 and 843, to read as follows:

10 **SEC. 803.9. USES IN MIXED USE DISTRICTS.**

11 \* \* \* \*

12 (f) **Vertical Controls for Office Uses.**

13 (1) **Purpose.** In order to preserve ground floor space for production,  
14 distribution, and repair uses and to allow the preservation and enhancement of a diverse mix  
15 of land uses, including limited amounts of office space on upper stories, additional vertical  
16 zoning controls shall govern office uses as set forth in this Section 803.9(f).

17 (2) **Applicability.** This Section 803.9(f) shall apply to all office uses in the  
18 MUG ~~and UMU~~ Districts and all office uses in buildings in the PDR-1-D and PDR-1-G Districts  
19 that are designated as landmarks pursuant to Article 10 of the Planning Code, where  
20 permitted.

21 \* \* \* \*

22 **SEC. 843. UMU – URBAN MIXED USE DISTRICT.**

23 The Urban Mixed Use (UMU) District is intended to promote a vibrant mix of uses  
24 while maintaining the characteristics of this formerly industrially-zoned area. It is also intended  
25 to serve as a buffer between residential districts and PDR districts in the Eastern

1 Neighborhoods. Within the UMU, allowed uses include production, distribution, and repair  
 2 uses such as light manufacturing, home and business services, arts activities, warehouse,  
 3 and wholesaling. Additional permitted uses include retail, educational facilities, and nighttime  
 4 entertainment. Housing is also permitted, but is subject to higher affordability requirements.  
 5 Family-sized dwelling units are encouraged. Within the UMU, *limited* office uses *servicing the*  
 6 *general public* are *allowed on the ground floor with Conditional Use authorization restricted to the*  
 7 *upper floors of multiple-story buildings*. In considering any new land use not contemplated in this  
 8 District, the Zoning Administrator shall take into account the intent of this District as expressed  
 9 in this Section 843 and in the General Plan. Accessory Dwelling Units are permitted within the  
 10 district pursuant to subsections 207(c)(4) and (c)(6) of this Code.

11 \* \* \* \*

12 **Table 843**

13 **UMU – URBAN MIXED USE DISTRICT ZONING CONTROL TABLE**

14 □

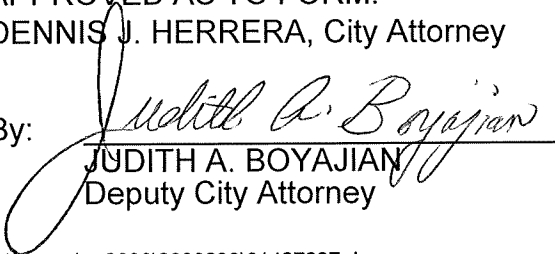
| No.           | Zoning Category  | § References                 | Urban Mixed Use District Controls   |
|---------------|--|------------------------------|---|
| * * * *       |  |                              |   |
| <b>Office</b> |  |                              |   |
| 843.65        | Office Uses in Landmark Buildings  | §§ 890.70, 803.9(c)          | P   |
| 843.65A       | Services <sub>s</sub> , Professional; Services <sub>s</sub> , Financial; Services <sub>s</sub> , Medical | §§ 890.108, 890.110, 890.114 | <i>Subject to vertical control of Sec. 803.9(f). P NP, except C on the ground floor when primarily open to the general public on a client-oriented basis.</i> |
| 843.66        | All other Office Uses  | §§ 803.9(f), 890.70, 890.118 | <i>NP Subject to vertical control of Sec. 803.9(f)</i>  |
| 843.67        | Live/Work Units  | § 233                        | NP  |
| * * * *       |  |                              |   |

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

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

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

15 By:

  
16 JUDITH A. BOYAJIAN  
17 Deputy City Attorney

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## LEGISLATIVE DIGEST

[Planning Code - Zoning Controls - Urban Mixed Use District - Office Uses]

**Ordinance amending the Planning Code to provide that in the Urban Mixed Use District all office uses are prohibited, except that a professional service, financial service, or medical service is allowed as a conditional use on the ground floor when primarily open to the general public on a client-oriented basis; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.**

### Existing Law

Planning Code Section 843 establishes the UMU – Urban Mixed Use District. The Zoning Control Table for the UMU District provides that all office uses are subject to the vertical controls of Section 803.9(f), which among other things prohibits an office use on the ground floor except as specified in Sections 840.65A and 843.65A. Pursuant to Section 843.65A, a professional service, financial service, or medical service use is principally permitted on the ground floor when primarily open to the general public on a client-oriented basis.

### Amendments to Current Law

This ordinance amends the Section 843 Zoning Control to require a conditional use authorization for a ground-floor professional service, financial service, or medical service use. All other office uses are not permitted. The cross-reference to Section 803.9(f) is deleted.

### Background Information

The Urban Mixed Use (UMU) District is intended to promote a vibrant mix of uses while maintaining the characteristics of this formerly industrially-zoned area. It is also intended to serve as a buffer between residential districts and PDR districts in the Eastern Neighborhoods. Limiting new office uses will further this purpose.

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