

BOARD of SUPERVISORS



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MEMORANDUM

Date: April 10, 2023
To: Planning Department / Commission
From: Erica Major, Clerk of the Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 230371
Planning and Building Codes - Commercial to Residential Adaptive Reuse and
Downtown Economic Revitalization

- California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
 - Ordinance / Resolution
 - Ballot Measure

- Amendment to the Planning Code, including the following Findings:
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
 - General Plan
 - Planning Code, Section 101.1
 - Planning Code, Section 302

- Amendment to the Administrative Code, involving Land Use/Planning
(*Board Rule 3.23: 30 days for possible Planning Department review*)

- General Plan Referral for Non-Planning Code Amendments
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)

- Historic Preservation Commission
 - Landmark (*Planning Code, Section 1004.3*)
 - Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
 - Mills Act Contract (*Government Code, Section 50280*)
 - Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to Erica Major at Erica.Major@sfgov.org.

1 [Planning and Building Codes - Commercial to Residential Adaptive Reuse and Downtown
2 Economic Revitalization]

3 **Ordinance amending the Planning Code to 1) facilitate residential uses Downtown**
4 **by authorizing the conversion of non-residential uses to residential use in C**
5 **(Commercial) zoning districts, and exempting such projects from requirements**
6 **for rear yard, open space, streetscape improvements, dwelling unit exposure,**
7 **bike parking, dwelling unit mix, and Intermediate Length Occupancy controls, and**
8 **streamlining administrative approvals for projects in the C-3 zoning district, and**
9 **modifying the dimensional limits on exemptions to height restrictions for**
10 **mechanical equipment, elevator, stair, and mechanical penthouses; 2)**
11 **economically revitalize Downtown by adding Flexible Workspace as a defined**
12 **use, authorizing large scale retail uses in the C-3 zoning district, allowing window**
13 **displays in the C-3 zoning district, allowing Flexible Workspace as an active**
14 **ground floor commercial use along certain street frontages in C-3 zoning**
15 **districts, allowing accessory storage in any C zoning district, allowing the**
16 **temporary installation for 60 days of certain signs in the C-3-R district, allowing**
17 **temporary non-residential uses in vacant spaces for up to one year, reducing**
18 **density limits for Residential Dwelling Units and Senior Housing in the C-2 zoning**
19 **districts east of or fronting Van Ness/South Van Ness Avenue and north of**
20 **Harrison Street, principally permitting Laboratory, Life Science, Agricultural and**
21 **Beverage Processing, and Animal Hospitals in C-2 zoning districts, principally**
22 **permitting Senior Housing, Residential Care Facilities, Outdoor Entertainment,**
23 **Open Recreation Areas, Animal Hospitals, and Trade Schools in the C-3 zoning**
24 **district, allowing formula retail as a ground floor use on Market Street, principally**
25 **permitting office and design professional uses on the second floor and higher in**

1 the C-3-R zoning district, and requiring consideration of office vacancy in
2 consideration of granting exceptions in the Transit Center Commercial Special
3 Use District; 3) streamline sign permitting citywide and in the C-3 districts by
4 allowing for the repair and rehabilitation of certain neon signs, and exempting
5 existing business signs in the C-3 zoning district from certain zoning controls; 4)
6 streamline Historic Preservation review of administrative certificates of
7 appropriateness, and minor permits to alter for awnings, and Qualifying Scopes
8 of Work, as may be delegated by the Historic Preservation Commission; 5)
9 provide alternatives to on-site open space in certain C-3 districts by allowing for
10 payment of an in lieu fee as an alternative to providing open space; 6) facilitate
11 residential adaptive reuse by amending the Building Code to add standards for
12 adaptive reuse of non-residential buildings; and 7) affirming the Planning
13 Department's determination under the California Environmental Quality Act;
14 making findings of consistency with the General Plan, and the eight priority
15 policies of Planning Code, Section 101.1; and making findings of public
16 necessity, convenience, and welfare pursuant to Planning Code, Section 302.

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

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

25 Section 1. Environmental, Land Use, and Building Findings.

(a) The Planning Department has determined that the actions contemplated in
this ordinance comply with the California Environmental Quality Act (California Public

1 Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of
2 the Board of Supervisors in File No. ____ and is incorporated herein by reference. The
3 Board affirms this determination.

4 (b) On _____, the Planning Commission, in Resolution No. _____,
5 adopted findings that the actions contemplated in this ordinance are consistent, on
6 balance, with the City's General Plan and eight priority policies of Planning Code
7 Section 101.1. The Board adopts these findings as its own. A copy of said Resolution
8 is on file with the Clerk of the Board of Supervisors in File No. _____, and is
9 incorporated herein by reference.

10 (c) Pursuant to Planning Code Section 302, the Board finds that this Planning
11 Code amendment will serve the public necessity, convenience, and welfare for the
12 reasons set forth in Planning Commission Resolution No. _____, and the Board
13 incorporates such reasons herein by reference. A copy of said resolution is on file with
14 the Clerk of the Board of Supervisors in File No. _____.

15 (d) On _____, at a duly noticed public hearing, the Building
16 Inspection Commission considered this ordinance in accordance with Charter Section
17 D3.750-5 and Building Code Section 104A.2.11.1.1. A copy of a letter from the
18 Secretary of the Building Inspection Commission regarding the Commission's
19 recommendation is on file with the Clerk of the Board of Supervisors in File No.
20 _____.

21 (e) No local findings are required under California Health and Safety Code
22 Section 17958.7 because the amendments to the Building Code contained in this
23 ordinance do not regulate materials or manner of construction or repair, and instead
24 relate in their entirety to administrative procedures for implementing the code and
25 remedies available for enforcing code violations, which are expressly excluded from the

1 definition of a “building standard” by California Health and Safety Code Section
2 18909(c).

3

4 Section 2. General Background and Findings.

5 (a) California faces a severe crisis of housing affordability and availability,
6 prompting the Legislature to declare, in Section 65589.5 of the Government Code, that
7 the state has “a housing supply and affordability crisis of historic proportions. The
8 consequences of failing to effectively and aggressively confront this crisis are hurting
9 millions of Californians, robbing future generations of a chance to call California home,
10 stifling economic opportunities for workers and businesses, worsening poverty and
11 homelessness, and undermining the state’s environmental and climate objectives.”

12 (b) This crisis of housing affordability and availability is particularly severe in San
13 Francisco. It is characterized by dramatic increases in rent and home sale prices over
14 recent years and historic rates of underproduction of new housing units across income
15 levels.

16 (c) According to the Planning Department’s 2020 Housing Inventory, the cost of
17 housing in San Francisco has increased dramatically since the Great Recession of
18 2008-2009, with the median sale price for a two-bedroom house more than tripling from
19 2011 to 2021, from \$493,000 to \$1,580,000. This includes a 9% increase from 2019 to
20 2020 alone, even in the face of the COVID-19 pandemic. The median rental price for a
21 two-bedroom apartment saw similar although slightly smaller increases, nearly doubling
22 from \$2,570 to \$4,500 per month, from 2011 to 2019, before declining in 2020 due to
23 the pandemic.

24 (d) These housing cost trends come after decades of underproduction of
25 housing in San Francisco, with only 600 net new units on average added per year from

1 1960 to 1990, compared with 37,000 per year in the Bay Area as a whole, and fewer
2 than 1,000 net new units on average per year in San Francisco in the 1990s, before
3 increasing to an average of roughly 2,500 per year from 2000 to 2019, according to the
4 Planning Department’s 2019 Housing Affordability Strategies Report. The City’s Chief
5 Economist has estimated that approximately 5,000 new market-rate housing units per
6 year would be required to keep housing prices in San Francisco constant with the
7 general rate of inflation.

8 (e) Moreover, San Francisco will be challenged to meet increased Regional
9 Housing Needs Allocation (“RHNA”) goals in the upcoming 2023-2031 Housing Element
10 cycle, which total 82,069 units over eight years, more than 2.5 times the goal of the
11 previous eight-year cycle. The importance of meeting these goals to address housing
12 needs is self-evident. In addition, under relatively new State laws like Senate Bill 35
13 (2017), failure to meet the 2023-2031 RHNA housing production goals would result in
14 limitations on San Francisco’s control and discretion over zoning.

15 (f) At the same time as San Francisco is faced with the crisis of housing
16 affordability and availability, the City faces reduced demand for office space and large
17 increases in commercial vacancy rates, as the impacts to the workforce wrought by the
18 COVID-19 pandemic – most notably the shift toward remote work – persist even as
19 public health threats have waned. These changes have been particularly prominent in
20 the Greater Downtown Area, defined as the North Financial District, South Financial
21 District, Mid-Market, Union Square, Jackson Square, Mission Bay/China Basin, North
22 Waterfront, Showplace Square, South of Market, and the Van Ness Corridor (referred to
23 in this ordinance as “Downtown”). In the Greater Downtown Area, the office sector has
24 experienced a fourfold increase in total vacancy rate between the third quarter of 2019
25

1 and the third quarter of 2022, driven largely by reduced space needs due to the rise of
2 remote work.

3 (g) To address the twin problems of under-utilized office space and lack of
4 affordable and available housing in San Francisco, a recent report from the Board of
5 Supervisors' Budget and Legislative Analyst, dated January 6, 2023, urges City
6 policymakers to consider programs to incentivize the conversion of office space into
7 residential units ("BLA Report"). The BLA Report identifies various policy options to
8 incentivize the conversion of office buildings, including reducing regulatory hurdles,
9 such as protracted approval timeframes; exempting or relaxing projects from various
10 standards in the Planning Code; and offering financial incentives to offset the costly
11 architectural and engineering challenges of these conversions.

12 (h) Prior to the COVID-19 pandemic, two-thirds of the City's total jobs were
13 located Downtown, representing more than three-quarters of the City's total gross
14 domestic product ("GDP"). San Francisco is also the economic hub for the Bay Area.
15 With a \$250 billion annual GDP in 2022, San Francisco accounted for more than one-
16 quarter of the nine-county Bay Area economy — and 79% of the City's share of the Bay
17 Area economy stems from office-based industries concentrated Downtown. Downtown-
18 based businesses have historically generated nearly half of the City's sales tax revenue
19 and almost all (95%) of the City's business tax revenue. This revenue funds many key
20 services such as public safety, cleaning, open space, and transportation.

21 (i) The shift to hybrid work, with its consequent reduction in office workers and
22 foot traffic, has adversely impacted the City's Downtown and other sectors of the City's
23 economy, including retail and small business, and more broadly has impacted use and
24 activation of public space, transportation, and public safety.

1 (k) On February 9, 2023, Mayor Breed issued a Roadmap to Downtown San
2 Francisco's Future. Several of the plan's key policies include: (1) the economic
3 diversification of Downtown and the revisioning of office space there, (2) expanding
4 Downtown housing, (3) activating Downtown and enacting zoning controls that draw
5 people Downtown, and (4) maximizing flexibility for uses and economic activity in the
6 Union Square area, which has historically played a unique role citywide, regionally, and
7 internationally as a center for shopping, entertainment, and services.

8 (l) This ordinance would incentivize the conversion of non-residential buildings
9 into residential units by exempting eligible projects from certain Planning Code
10 standards. It also would enact local code changes to support existing and attract new
11 businesses Downtown, and streamline approvals to draw consumers back Downtown.

12 (m) To achieve these ends, this ordinance contains six sections, each of which
13 comprises a policy objective: Section 3 includes Planning Code amendments to
14 facilitate residential uses Downtown, including the creation of a Commercial to
15 Residential Adaptive Reuse program; Section 4 includes Planning Code amendments to
16 economically revitalize downtown, by creating a new Retail Sales and Service Use type
17 and relaxing restrictions on existing uses Downtown; Section 5 includes Planning Code
18 Amendments to streamline sign permitting in C-3 zoning districts as well as Citywide;
19 Section 6 will streamline Historic Preservation review of administrative certificates of
20 appropriateness, and minor permits to alter for awnings, and Qualifying Scopes of
21 Work; Section 7 provides an in lieu fee alternative to on-site privately-owned public
22 space requirements in certain C-3 Districts; and Section 8 amends the San Francisco
23 Building Code to facilitate residential adaptive reuse of existing buildings.

1 Section 3. Facilitate Residential Uses Downtown. The Planning Code is hereby
2 amended by revising Sections 102, 134, 135, 140, 155.1, 155.2, 207.7, 210.1, 210.2,
3 260, 309, and 309.1, and adding Section 210.5, to read as follows:

4
5 **SEC. 102. DEFINITIONS.**

6 * * * *

7 **City.** The City and County of San Francisco.

8 *Commercial to Residential Adaptive Reuse.* *Commercial to Residential Adaptive Reuse*
9 *shall mean to change the use of an existing Gross Floor Area from a non-residential use to a*
10 *residential use pursuant to Section 210.5.*

11 * * * *

12 **SEC. 134. REAR YARDS IN R, RC, NC, ~~C~~, SPD, M, MUG, WMUG, MUO, MUR,**
13 **UMU, RED, AND RED-MX DISTRICTS; AND LOT COVERAGE REQUIREMENTS IN C**
14 **DISTRICTS.**

15 (c) **Basic Requirements.** The basic rear yard requirements shall be as follows
16 for the districts indicated:

17 * * * *

18 (2) **RM-3, RM-4, RC-3, RC-4, NC Districts other than the Pacific**
19 **Avenue NC District, ~~C~~-M, MUG, WMUG, MUO, CMUO, MUR, UMU, RED, RED-MX,**
20 **and SPD Districts.** Except as specified in this subsection (c), the minimum rear yard
21 depth shall be equal to 25% of the total depth of the lot on which the building is situated,
22 but in no case less than 15 feet.

23 * * * *

24 (E) **RC-3, RC-4, NC-3, NCT-3, Bayview, Broadway, Fillmore**
25 **Street, Geary Boulevard, Hayes-Gough, Japantown, SoMa NCT, Mission Bernal,**

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

11 * * * *

12 (H) Lot Coverage in C Districts. Lot coverage is limited to 80% at all
13 levels containing Residential Uses, except that on levels that include only lobbies and circulation
14 areas and on levels in which all residential uses, including circulation areas, are within 40
15 horizontal feet from a property line fronting a street or alley, up to 100% lot coverage may
16 occur. The unbuilt portion of the lot shall be open to the sky except for those obstructions
17 permitted in yards pursuant to subsections (1) through (23) of Section 136(c). Where the
18 adjacent properties have an existing rear yard, the unbuilt area of the new project shall be
19 designed to adjoin that rear yard. In accordance with Section 210.5, lot coverage requirements
20 shall not be applicable for Commercial to Residential Adaptive Reuse projects.

21 * * * *

22
23 **SEC. 135. USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP**
24 **HOUSING, R, NC, MIXED USE, C, AND M DISTRICTS.**

25 * * * *

(d) **Amount Required.** Usable open space shall be provided for each building in the amounts specified herein and in Tables 135A and B for the district in which the building is located; provided, however, that (i) in the Downtown Residential (DTR) Districts, open space shall be provided in the amounts specified in Section 825 of this Code, and (ii) in accordance with Section 210.5, usable open space shall not be required for Commercial to Residential Adaptive Reuse projects.

* * * *

TABLE 135A
MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING
OUTSIDE THE EASTERN NEIGHBORHOODS MIXED USE DISTRICT

| 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 |
|----------------------|---|---|
| * * * * | | |
| C-3, M-1, M-2 | 36 ⁽¹⁾ | 1.33 ⁽¹⁾ |
| 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. <u>Group Housing requirement is per bedroom and 1/3 the amount required for a Dwelling Unit. (1)</u> | |

(1) In accordance with Section 210.5, usable open space shall not be required for Commercial to Residential Adaptive Reuse projects.

* * * *

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

3 (a) **Requirements for Dwelling Units.** In each Dwelling Unit in any use district,
4 the required windows (as defined by Section 504 of the San Francisco Housing Code-)
5 of at least one room that meets the 120-square-foot minimum superficial floor area
6 requirement of Section 503 of the Housing Code shall face directly onto an open area of
7 one of the following types:

8 * * * *

9 (3) In accordance with Section 210.5, this Section 140 shall not apply to
10 Commercial to Residential Adaptive Reuse projects.

11 * * * *

12
13 **SEC. 155.1. BICYCLE PARKING: DEFINITIONS AND STANDARDS.**

14 * * * *

15 (g) Commercial to Residential Adaptive Reuse projects. In accordance with Section
16 210.5, the requirements of this Section 155.1 shall not apply to any Commercial to Residential
17 Adaptive Reuse projects.

18
19 **SEC. 155.2. BICYCLE PARKING: APPLICABILITY AND REQUIREMENTS**
20 **FOR SPECIFIC USES.**

21 Bicycle parking spaces are required in at least the minimum quantities specified
22 in Table 155.2. Bicycle parking shall meet the standards in Section 155.1.

23 * * * *

1 (f) Commercial to Residential Adaptive Reuse projects. In accordance with Section
 2 210.5, the requirements of this Section 155.2 shall not apply to any Commercial to Residential
 3 Adaptive Reuse projects.

4
 5 **SEC. 207.7. REQUIRED MINIMUM DWELLING UNIT MIX.**

6 (a) **Purpose.** To ensure an adequate supply of family-sized units in new
 7 housing stock, new residential construction must include a minimum percentage of units
 8 of at least two and three bedrooms.

9 (b) **Applicability.**

10 * * * *

11 (4) In accordance with Section 210.5, this Section 207.7 shall not apply to
 12 Commercial to Residential Adaptive Reuse projects.

13 * * * *

14
 15 **SEC. 210.1. C-2 DISTRICTS: COMMUNITY BUSINESS.**

16 * * * *

17 **Table 210.1**
ZONING CONTROL TABLE FOR C-2 DISTRICTS

| Zoning Category | § References | C-2 |
|--|--------------|---|
| RESIDENTIAL STANDARDS AND USES | | |
| Development Standards | | |
| * * * * | | |
| * * * * | | |
| Usable Open Space for Dwelling Units and Group Housing | §§ 135, 136 | Same as for the R District establishing the dwelling unit density ratio for the property. <u>Group Housing requirement is per bedroom and 1/3 the amount required for a Dwelling Unit. See exceptions for</u> |

| | | |
|-------------------|-------------|---|
| | | <i>Commercial to Residential Adaptive Reuse projects in Section 210.5</i> |
| | * * * * | |
| Rear Yard Setback | §§ 130, 134 | <i>Lot coverage is limited to 80% at all levels containing Residential Uses, except that on levels that include only lobbies and circulation areas and on levels in which all residential uses, including circulation areas, are within 40 horizontal feet from a property line fronting a street or alley, up to 100% lot coverage may occur. The unbuilt portion of the lot shall be open to the sky except for those obstructions permitted in yards pursuant to subsections (1) through (23) of Section 136(c). Where the adjacent properties have an existing rear yard, the unbuilt area of the new project shall be designed to adjoin that rear yard. See exceptions for Commercial to Residential Adaptive Reuse projects in Section 210.5. 25% of the total depth lot depth, but in no case less than 15 feet for lowest story containing a dwelling unit and each succeeding story.</i> |

* * * *

SEC. 210.2. C-3 DISTRICTS: DOWNTOWN COMMERCIAL.

* * * *

**Table 210.2
ZONING CONTROL TABLE FOR C-3 DISTRICTS**

| Zoning Category | § References | C-3-O | C-3-O(SD) | C-3-R | C-3-G | C-3-S |
|---------------------------------------|--------------|-------|-----------|-------|-------|-------|
| RESIDENTIAL STANDARDS AND USES | | | | | | |
| Development Standards | | | | | | |

| | | |
|--|-------------|---|
| * * * * | | |
| <p>Usable Open Space [Per Dwelling Unit]</p> <p>Usable Open Space for Dwelling Units and Group Housing</p> | §§ 135, 136 | At least 36 square feet if private, and 48 square feet per Dwelling Unit if common; <u>Group Housing requirement is per bedroom and 1/3 the amount required for a Dwelling Unit. See exceptions for Commercial to Residential Adaptive Reuse projects in Section 210.5</u> |
| * * * * | | |
| Rear Yard Setback | §§ 130, 134 | <u>Lot coverage is limited to 80% at all levels containing Residential Uses, except that on levels that include only lobbies and circulation areas and on levels in which all residential uses, including circulation areas, are within 40 horizontal feet from a property line fronting a street or alley, up to 100% lot coverage may occur. The unbuilt portion of the lot shall be open to the sky except for those obstructions permitted in yards pursuant to subsections (1) through (23) of Section 136(c). Where the adjacent properties have an existing rear yard, the unbuilt area of the new project shall be designed to adjoin that rear yard. See exceptions for Commercial to Residential Adaptive Reuse projects in Section 210.5. 25% of the total depth lot depth, but in no case less than 15 feet for lowest story containing a dwelling unit and each succeeding story.</u> Exceptions are permitted by § 309. |

* * * *

SEC. 210.5. COMMERCIAL TO RESIDENTIAL ADAPTIVE REUSE PROGRAM.

1 (a) Purpose and Findings. This Section 210.5 describes the Commercial to Residential
2 Adaptive Reuse Program. The purpose of the Program is to facilitate the adaptive reuse of non-
3 residential buildings to support the City’s housing needs by allowing for conversion of those
4 buildings to residential use.

5 (b) Commercial to Residential Adaptive Reuse Projects. A Commercial to Residential
6 Adaptive Reuse project is a project that includes a change of use of any existing Gross Floor
7 Area from a non-residential use to a residential use as those uses are defined in Section 102.

8 (c) Eligibility. To be eligible for the Commercial to Residential Adaptive Reuse
9 Program, a project must:

10 (1) be located in a C zoning district that is east of or fronting Van Ness/South
11 Van Ness Avenue and north of Harrison Street;

12 (2) not seek approval under Section 206.5 or 206.6;

13 (3) not expand an existing building’s envelope in a manner where the addition to
14 the building envelope represents more than 20% of the existing building’s Gross Floor Area;
15 and

16 (4) not add more than one vertical story.

17 (d) Controls. Applicable provisions of the Planning Code shall control except as
18 otherwise provided in this Section 210.5. If there is a conflict between other provisions of the
19 Planning Code and this Section 210.5, this Section shall prevail; provided that this Section does
20 not alter, amend, or modify Section 249.93 (Group Housing Special Use District). For
21 Commercial to Residential Adaptive Reuse projects, the following zoning controls shall be
22 waived or modified, as described:

23 (1) Lot Coverage. Lot coverage requirements per Section 134 shall not apply.

24 (2) Open Space. Usable open space requirements per Section 135 shall not
25 apply.

1 (3) Streetscape and Pedestrian Improvements. Required streetscape and
2 pedestrian improvements per Section 138.1 shall not apply.

3 (4) Dwelling Unit Exposure. The dwelling unit exposure requirements of Section
4 140 may be satisfied by providing an unobstructed open area that is at least as wide as the
5 exposed exterior width of the Dwelling Unit and is no less than five feet in every horizontal
6 dimension at each story containing the Dwelling Unit and all stories above.

7 (5) Bicycle Parking. The Bicycle Parking requirements in Sections 155.1 and
8 155.2 shall not apply.

9 (6) Dwelling Unit Mix. The required minimum dwelling unit mix per Section
10 207.7 shall not apply.

11 (7) Intermediate Length Occupancy. The establishment of Intermediate Length
12 Occupancy units shall be consistent with Section 202.10, provided that the controls in Section
13 202.10(b)(1) and (b)(2) shall not apply. Intermediate Length Occupancy units shall be
14 principally permitted in Commercial to Residential Adaptive Reuse projects.

15 (e) Review of Projects in the C-3 District. If a project seeks exceptions that are waived
16 or modified in subsection (d) above, the hearing requirements in Section 309 shall not apply as
17 to the consideration of those exceptions. But if a project seeks exceptions not otherwise waived
18 or modified in subsection (d) above, the hearing requirements of Section 309 shall apply.

19 (f) Applications. Any application to establish a Residential Use pursuant to this Section
20 210.5 must be filed on or before December 31, 2028.

21
22 **SEC. 260. HEIGHT LIMITS: MEASUREMENT.**

23 * * * *

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

4 (1) The following features shall be exempt provided the limitations
5 indicated for each are observed; and provided further that the sum of the horizontal
6 areas of all features listed in this subsection (b)(1) shall not exceed ~~23~~30% of the
7 horizontal area of the roof above which they are situated, or, in C-3 Districts and in the
8 Rincon Hill Downtown Residential District, where the top of the building has been
9 separated into a number of stepped elements to reduce the bulk of the upper tower, of
10 the total of all roof areas of the upper towers; and provided further that in any R, RC-3,
11 or RC-4 District the sum of the horizontal areas of all such features located within the
12 first 10 feet of depth of the building, as measured from the front wall of the building,
13 shall not exceed 20% of the horizontal area of the roof in such first 10 feet of depth.

14 As an alternative, the sum of the horizontal areas of all features listed in
15 this subsection (b)(1) may be equal to but not exceed ~~23~~30% of the horizontal area
16 permitted for buildings and structures under any bulk limitations in Section 270 of this
17 Code applicable to the subject property.

18 Any such sum of ~~23~~30% heretofore described may be increased to ~~34~~40% by
19 unroofed screening designed either to obscure the features listed under (A) and (B)
20 below or to provide a more balanced and graceful silhouette for the top of the building or
21 structure.

22 (A) Mechanical equipment and appurtenances necessary to the
23 operation or maintenance of the building or structure itself, including chimneys,
24 ventilators, plumbing vent stacks, cooling towers, water tanks, panels or devices for the
25 collection of solar or wind energy, and window-washing equipment, together with visual

1 screening for any such features. This exemption shall be limited to the top ~~16~~ 16 feet of
2 such features where the height limit is 65 feet or less, and the top ~~20~~ 20 feet of such
3 features where the height limit is more than 65 feet. In C-3 districts, for existing buildings
4 whose height exceeds the permitted height limit, these exempted features shall be measured from
5 the existing roofline instead of the height limit.

6 (B) Elevator, stair and mechanical penthouses, fire towers,
7 skylights, and dormer windows. This exemption shall be limited to the top ~~16~~ 16 feet of
8 such features where the height limit is 65 feet or less, and the top ~~20~~ 20 feet of such
9 features where the height limit is more than 65 feet. However, for elevator penthouses,
10 the exemption shall be limited to the top 16 feet and limited to the footprint of the
11 elevator shaft, regardless of the height limit of the building. The design of all elevator
12 penthouses in Residential Districts shall be consistent with the "Residential Design
13 Guidelines" as adopted and periodically amended for specific areas or conditions by the
14 Planning Commission. In C-3 districts, for existing buildings whose height exceeds the
15 permitted height limit, these exempted features shall be measured from the existing roofline
16 instead of the height limit.

17 * * * *

18 (E) In any C-3 District, the CMUO District, and any MUR or MUG
19 District within the Central SoMa Special Use District, enclosed space related to the
20 recreational, Restaurant, or Bar ~~Use~~ of the roof, not to exceed 16 feet in height. In C-3
21 districts, for existing buildings whose height exceeds the permitted height limit, these exempted
22 features shall be measured from the existing roofline instead of the height limit.

23 * * * *

24
25 **SEC. 309. PERMIT REVIEW IN C-3 DISTRICTS.**

1 The provisions and procedures set forth in this Section 309 shall govern the
2 review of project authorization and building and site permit applications for (1) the
3 construction or substantial alteration of structures in C-3 Districts, (2) the granting of
4 exceptions to certain requirements of this Code where the provisions of this Section are
5 invoked, and (3) the approval of open space and streetscape requirements of the
6 Planning Code. When any action authorized by this Section is taken, any determination
7 with respect to the proposed project required or authorized pursuant to CEQA may also
8 be considered. This Section shall not require additional review in connection with a site
9 or building permit application if review hereunder was completed with respect to the
10 same proposed structure or alteration in connection with a project authorization
11 application pursuant to Section 322.

12 * * * *

13 ~~(d) **Notice of Proposed Approval for Projects that do not require Public Hearing.** If an~~
14 ~~application does not require a Planning Commission hearing pursuant to Subsection 309(e)(1)~~
15 ~~below, the application or building or site permit may be reviewed and approved~~
16 ~~administratively. At the determination of the Planning Director, applications for especially~~
17 ~~significant scopes of work may be subject to the notification requirements of Section 333 of this~~
18 ~~Code. If a request for Planning Commission review is made pursuant to subsection 309(f), the~~
19 ~~application will be subject to the notification and hearing procedures of this Section. If no~~
20 ~~request for Commission review is made, the Zoning Administrator may approve the project~~
21 ~~administratively.~~

22 ~~(e)~~ **Hearing and Determination of Applications for Exceptions.**

23 (1) Hearing. The Planning Commission shall hold a public hearing on a
24 Section 309 application if:
25

1 (A) ~~The project would result in a net addition of more than 50,000~~
2 ~~square feet of gross floor area of space, or~~

3 (B) The project includes the construction of a new building greater
4 than 120 ~~75~~ feet in height (excluding any exceptions permitted per Section 260(b)), or
5 includes a vertical addition to an existing building with a height of 120 ~~75~~ feet or less
6 resulting in a total building height greater than 120 ~~75~~ feet; or

7 (C) The project would require an exception as provided in
8 Subsection 309(a); provided that the hearing requirements of this Section 309 shall not apply
9 to Commercial to Residential Adaptive Reuse projects seeking exceptions or modifications
10 pursuant to Section 210.5(d).

11 * * * *

12 (f) ~~**Planning Commission Review Upon Request.**~~

13 ~~—(1) **Requests.** Within 10 days after notice of the proposed Zoning Administrator~~
14 ~~approval has been given, as provided in subsection (d), any person may request in writing that~~
15 ~~the Planning Commission impose additional modifications on the project as provided in~~
16 ~~subsection (b) or consider the application for compliance with the open space and streetscape~~
17 ~~requirements of the Planning Code. The written request shall state why additional modifications~~
18 ~~should be imposed notwithstanding its compliance with the requirements of this Code and shall~~
19 ~~identify the policies or objectives that would be promoted by the imposition of conditions, or~~
20 ~~shall state why the open space and streetscape requirements have not been complied with.~~

21 ~~—(2) **Commission Consideration.** The Planning Commission shall consider at a~~
22 ~~public hearing each written request for additional modifications and for consideration of the~~
23 ~~open space and streetscape requirements of the Planning Code compliance and may, by majority~~
24 ~~vote, direct that a hearing be conducted to consider such modifications or compliance, which~~
25 ~~hearing may be conducted at the same meeting that the written request is considered and~~

1 ~~decided. Notice of such hearing shall be provided pursuant to the requirements of Section 333 of~~
2 ~~this Code, provided that mailed notice shall also be provided to any person who has requested~~
3 ~~such notice, and to any person who has submitted a request for additional requirements. In~~
4 ~~determining whether to conduct such a hearing, the Planning Commission shall determine~~
5 ~~whether, based upon a review of the project, reasonable grounds exist justifying a public hearing~~
6 ~~in order to consider the proposed additional modifications and the open space and streetscape~~
7 ~~requirements of the Planning Code compliance.~~

8 ~~—(3) **Commission Action.** If the Planning Commission determines to conduct a~~
9 ~~hearing to consider the imposition of additional modifications or the open space and streetscape~~
10 ~~requirements compliance, it may, after such hearing and after making appropriate findings,~~
11 ~~approve, disapprove, or approve subject to conditions the building or site permit or project~~
12 ~~authorization application. If the Planning Commission determines not to conduct a hearing, the~~
13 ~~Zoning Administrator shall approve the application subject to any conditions imposed by the~~
14 ~~Director of Planning to which the applicant has consented.~~

15 **(e) Imposition of Conditions, General.** If, pursuant to the provisions of this
16 Section 309, the Planning Commission determines that conditions should be imposed
17 on the approval of a building or site permit application, or Section 309 application, and
18 the applicant agrees to comply, the Planning Commission may approve the application
19 subject to those conditions, and if the applicant refuses to so agree, the Planning
20 Commission may disapprove the application.

21 **(f) Change of Conditions.** Authorization of a change in any condition
22 previously imposed pursuant to this Section 309 shall require an application for a
23 change in conditions, which application shall be subject to the procedures set forth in
24 this Section.

1 (~~gk~~) An approval action in accordance with this Section 309 shall constitute the
2 City's decision to approve the project for purposes of Administrative Code Chapter 31.

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

5 The provisions and procedures set forth in this Section 309.1 shall govern the
6 review of project authorization and building and site permit applications for the
7 construction or substantial alteration of structures in Downtown Residential districts, the
8 granting of exceptions to requirements of this Code, and the imposition of modifications
9 necessary to achieve the objectives and policies of the General Plan and the purposes
10 of this Code as provided for in Section 825 and elsewhere. When any action authorized
11 by this Section is taken, any determination with respect to the proposed project required
12 or authorized pursuant to CEQA may also be considered.

13 * * * *

14 **(c) Hearing and Determination on Design Modifications and Applications**
15 **for Exceptions.**

16 (1) **Hearing.** The Planning Commission shall hold a public hearing for all
17 projects ~~greater than 50,000 gross square feet, for all projects~~ proposing construction of a new
18 building greater than 120 ~~85~~ feet in height or ~~greater~~ a vertical addition to an existing building
19 with a height of 120 feet or less resulting in a total building height greater than 120 feet, and for
20 applications that require exceptions as provided in ~~S~~ subsection (b).

21 * * * *

22
23 Section 4. Economically Revitalize Downtown. The Planning Code is hereby
24 amended by revising Sections 102, 121.6, 145.1, 145.4, 204.3, 205.1, 210.1, 210.2, and
25 248, to read as follows:

1 **SEC. 102. DEFINITIONS.**

2 * * * *

3 **Flexible Retail.** A Retail Sales and Service Use in Neighborhood Commercial
4 Districts, subject to the requirements of Sections 179.2 and 202.9, that combines a
5 minimum of two of the following distinct Uses within a space that may be operated by
6 one or more business operators:

- 7 (1) Arts Activities;
- 8 (2) Restaurant, Limited;
- 9 (3) Retail Sales and Services, General;
- 10 (4) Service, Personal;
- 11 (5) Service, Retail Professional; and
- 12 (6) Trade Shop.

13 *Flexible Workspace. A Retail Sales and Service Use that is a combination of any uses*
14 *within the Retail Sales and Service use category or a General Entertainment Use that operates in*
15 *conjunction with a principally or conditionally permitted Non-Retail Sales and Service Use other*
16 *than a Commercial Storage, Wholesale Sales, or Wholesale Storage Use. The Retail Sales and*
17 *Service or General Entertainment portion of the Use shall be at least one-third of the overall*
18 *Gross Floor Area and occupy space within the first 25 feet of the storefront.*

19 * * * *

20
21 **SEC. 121.6. LARGE-SCALE RETAIL USES.**

22 ~~(a)~~ Notwithstanding any other provision of this Code, establishment of a single
23 retail use in excess of 50,000 gross square feet in any zoning district other than the C-3
24 Zoning Districts shall require conditional use authorization pursuant to Section 303
25 unless such use already is prohibited. This ~~Subs~~section 121.6 shall apply to the

1 establishment of a new use and the expansion of an existing use.—(b) *Notwithstanding*
2 *any other provision of this Code, establishment of a single retail use in excess of 90,000 gross*
3 *square feet within a C-3 Zoning District shall require conditional use authorization pursuant to*
4 *Section 303 unless such use already is prohibited. This Subsection shall apply only to the*
5 *establishment of a new use*—(c) *Notwithstanding any other provision of this Code,*
6 *establishment of a single retail use in excess of 120,000 gross square feet is prohibited in any*
7 *zoning district other than a C-3 Zoning District. This Subsection shall apply to the establishment*
8 *of a new use and the expansion of an existing use.*—(d) *Notwithstanding any other provision of*
9 *this Code, establishment of a single retail use in excess of 120,000 gross square feet in a C-3*
10 *Zoning District shall be prohibited if it would sell groceries; contain more than 20,000*
11 *Stockkeeping Units (SKUs); and devote more than five percent (5%) of its total sales floor area*
12 *to the sale of non-taxable merchandise. This Subsection shall apply only to the establishment of a*
13 *new use.*(e) For purposes of this Section, ~~121.6:~~—(1) *“sales floor area” includes only*
14 *interior building space devoted to the sale of merchandise, and does not include restrooms,*
15 *office space, storage space, automobile service areas, or open air garden sales space;*—(2)
16 *“non-taxable merchandise” includes only grocery products not subject to California State sales*
17 *tax; and*—(3) *“single retail use” shall include, except for Hotels and Motels, all Retail*
18 *and Service Uses listed in Section 102 and retail uses identified in Article 8 of this Code.*

19
20 **SEC. 145.1. STREET FRONTAGES IN NEIGHBORHOOD COMMERCIAL,**
21 **RESIDENTIAL-COMMERCIAL, COMMERCIAL, AND MIXED USE DISTRICTS.**

22 * * * *

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

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

3 * * * *

4 (6) **Transparency and Fenestration.** Frontages with active uses that are
 5 not PDR must be fenestrated with transparent windows and doorways for no less than
 6 60% of the street frontage at the ground level and allow visibility to the inside of the
 7 building. The use of dark or mirrored glass shall not count towards the required
 8 transparent area. Buildings located inside of, or within an unobstructed line of less than
 9 300 feet of an Urban Bird Refuge, as defined in Section 139(c)(1), shall follow glazing
 10 requirements within Section 139(c) of this Code.

11 In C-3 zoning districts, for tenant spaces with at least two frontages and active
 12 uses that are not PDR, frontages must be fenestrated with transparent windows and doorways
 13 for no less than 60% of the street frontage at the ground level or contain window displays of at
 14 least four feet in depth to allow visibility to the inside of the building or activate the street.

15 * * * *

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

18 * * * *

19 **Table 145.4**

| Reference for Commercial, Neighborhood Commercial, and Residential- Commercial Districts | Reference for Mixed Use Districts | Use |
|---|--|---------------------------|
| * * * * | | |
| N/A | 890.37 | Entertainment, Other |
| <u>102</u> | <u>N/A</u> | <u>Flexible Workspace</u> |

| | | | |
|---|---------|-----|------------------|
| 1 | 102 | N/A | Grocery, General |
| 2 | * * * * | | |

3 * * * *

4 (d) **Controls.**

5 (1) Active commercial uses which are permitted by the specific district in
6 which they are located are required on the ground floor of all street frontages listed in
7 ~~§~~ subsection (b) above.

8 (2) Active commercial uses shall comply with the standards applicable to
9 active uses as set forth in Section 145.1(c)(3) and shall further be consistent with any
10 applicable design guidelines.

11 (3) On those street frontages listed in ~~§~~ subsection (b), an individual
12 ground floor nonresidential use may not occupy more than 75 contiguous linear feet for
13 the first 25 feet of depth along a street-facing facade. Separate individual storefronts
14 shall wrap large ground floor uses for the first 25 feet of depth, as illustrated in Figure
15 145.4. This requirement shall not apply to such street frontages within the C districts.

16 * * * *

17
18 **SEC. 204.3. ACCESSORY USES FOR USES OTHER THAN DWELLINGS IN**
19 **C, RC, M, AND PDR DISTRICTS.**

20 * * * *

21 (e) Accessory Storage in C Districts. Accessory storage on the second floor and above
22 is permitted for stock and trade relating to retail uses with street level storefronts in the same
23 building. There shall be no limitation on the square footage of accessory storage as long as the
24 storage supports a ground floor use in the same building.
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SEC. 205.1. TEMPORARY USES: SIXTY-DAY LIMIT.

A temporary use may be authorized for a period not to exceed 60 days for any of the following uses:

* * * *

(e) Within the C-3-R District, installation of a temporary Sign, other than a General Advertising Sign, or a temporary decorative or artistic display or installation. Such Sign or installation shall have a maximum height of 16 feet above the roofline of the building to which it is affixed.

SEC. 205.2. TEMPORARY USES: ONE- TO SIX-YEAR LIMIT.

A temporary use may be authorized for the following uses as specified below:

(a) Temporary authorization for a period not to exceed one year.

(1) Temporary Wireless Telecommunications Services (WTS) Facilities, if the following requirements are met:

(A) The Planning Director determines that the Temporary WTS Facility shall be sited and constructed so as to:

(iA) avoid proximity to residential dwellings to the maximum extent feasible;

(iiB) comply with the provisions of Article 29 of the Police Code;

(iiiC) be no taller than needed;

(ivD) be physically screened to the maximum extent feasible; and

(vE) be erected for no longer than reasonably required.

1 (B2) Permits in excess of 90 days for Temporary WTS Facilities
 2 operated for commercial purposes shall be subject to Sections 311 and 312 of this
 3 Code, where applicable.

4 (C3) The Planning Department may require, where appropriate,
 5 notices along street frontages abutting the location of the Temporary WTS Facility
 6 indicating the nature of the facility and the duration of the permit.

7 (2) Pop-Up Activations. Pop-Up Activations are temporary Non-Residential
 8 Uses, including but not limited to Pop-Up Retail, Entertainment, or Arts Activity Uses, permitted
 9 within either a vacant space last occupied by a Non-Residential Use or a space occupied by a
 10 legally established Non-Residential Use, and that is located within a C District that is east of or
 11 fronting Van Ness/South Van Ness Avenue and north of Harrison Street or within an NC, NCT,
 12 or Mixed-Use District that is south of Market Street, north of Townsend/Division/13th Streets,
 13 and east of South Van Ness Avenue.

14 * * * *

15
 16 **SEC. 210.1. C-2 DISTRICTS: COMMUNITY BUSINESS.**

17 * * * *

18 **Table 210.1**
ZONING CONTROL TABLE FOR C-2 DISTRICTS

| Zoning Category | § References | C-2 |
|---------------------------------------|----------------|------|
| RESIDENTIAL STANDARDS AND USES | | |
| * * * * | | |
| Use Characteristics | | |
| Zoning Category | § References | C-2 |
| Intermediate Length Occupancy | §§ 102, 202.10 | P(6) |
| * * * * | | |
| Residential Uses | | |

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| Zoning Category | § References | C-2 |
|---|------------------|--|
| Residential Density, Dwelling Units (5) | § 207 | P at a density ratio not exceeding the number of dwelling units permitted in the nearest R District, with the distance to such R District measured from the midpoint of the front lot line or from a point directly across the street therefrom, whichever permits the greater density; provided, that the maximum density ratio shall in no case be less than one unit for each 800 square feet of lot area. NP above. <u>(8)</u> |
| Senior Housing | §§ 102, 202.2(f) | P up to twice the number of dwelling units otherwise permitted as a principal use in the district and meeting all the requirements of § 202.2(f)(1). C up to twice the number of dwelling units otherwise permitted as a principal use in the district and meeting all requirements of § 202.2(f)(1) except for § 202.2(f)(1)(D)(iv), related to location. <u>(8)</u> |

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| Residential Density, Group Housing | § 208 | P at a density ratio not exceeding the maximum density permitted for group housing in the nearest R District, with the distance to such R District measured from the midpoint of the front lot line or from a point directly across the street therefrom, whichever permits the greater density; provided, that the maximum density ratio shall in no case be less than one bedroom for each 275 square feet of lot area. NP above. <u>(8)</u> |
|------------------------------------|-------|--|

NON-RESIDENTIAL STANDARDS AND USES

* * * *

Industrial Use Category

| | | |
|---|--------------|----------|
| Industrial Uses* | § 102 | NP |
| <u>Agricultural and Beverage Processing 1</u> | <u>§ 102</u> | <u>P</u> |
| <u>Agricultural and Beverage Processing 2</u> | <u>§ 102</u> | <u>P</u> |
| <u>Manufacturing, Light</u> | <u>§ 102</u> | <u>P</u> |
| * * * * | | |

Sales and Service Category

| | | |
|----------------------------------|------------------|---|
| Retail Sales and Service* | §§ 102, 202.2(a) | P |
| <u>Animal Hospital</u> | <u>§ 102</u> | € |
| * * * * | | |

| | | | |
|---|--------------------------------------|------------------|-----------|
| 1 | Non-Retail Sales and Service* | § 102 | P |
| 2 | <i>Laboratory</i> | § 102 | <i>NP</i> |
| 3 | <i>Life Science</i> | § 102 | <i>NP</i> |

4 * * * *

5 (6) NP for buildings with three or fewer Dwelling Units; C for buildings with 10 or
6 more Dwelling Units. P for Commercial to Residential Adaptive Reuse projects pursuant to
7 Section 210.5, regardless of building size.

8 (7) C on the 2nd floor and above, except that a Massage Establishment located
9 on the 2nd floor or above accessory to a Hotel, Personal Service, or Health Service is P.

10 (8) In C-2 zoning districts east of or fronting Van Ness/South Van Ness Avenue and north
11 of Harrison Street, there is no density limit. Density is regulated by the permitted height and
12 bulk, and required setbacks, exposure, open space, and other Code requirements applicable to
13 each development lot.

14
15 **SEC. 210.2. C-3 DISTRICTS: DOWNTOWN COMMERCIAL.**

16 * * * *

17 **Table 210.2**

18 **ZONING CONTROL TABLE FOR C-3 DISTRICTS**

| Zoning Category | § References | C-3-O | C-3-O(SD) | C-3-R | C-3-G | C-3-S |
|---------------------------------------|---------------|-------|-----------|-------|-------|-------|
| RESIDENTIAL STANDARDS AND USES | | | | | | |
| * * * * | | | | | | |
| Use Characteristics | | | | | | |
| Intermediate Length Occupancy | §§102, 202.10 | P(8) | P(8) | P(8) | P(8) | P(8) |
| * * * * | | | | | | |
| Residential Uses | | | | | | |

| | | | | | | | |
|----|--|------------------|---|---------------|---------------|---------------|---------------|
| 1 | Residential Density, Dwelling Units (7) | § 207 | No density limit. Density is regulated by the permitted height and bulk, and required setbacks, exposure, and open space of each development lot. | | | | |
| 2 | | | | | | | |
| 3 | | | | | | | |
| 4 | Senior Housing | §§ 102, 202.2(f) | No density limit. Density is regulated by the permitted height and bulk, and required setbacks, exposure, and open space of each development lot. Required if development meets all requirements of Section § 202.2(f)(1), except for § 202.2(f)(1)(D)(iv), related to location. | | | | |
| 5 | | | | | | | |
| 6 | * * * * | | | | | | |
| 7 | NON-RESIDENTIAL STANDARDS AND USES | | | | | | |
| 8 | * * * * | | | | | | |
| 9 | Commercial Use Characteristics | | | | | | |
| 10 | * * * * | | | | | | |
| 11 | Formula Retail | §§ 102, 303.1 | P | P | P | P | P |
| 12 | * * * * | | | | | | |
| 13 | Entertainment, Arts and Recreation Use Category | | | | | | |
| 14 | Entertainment, Arts and Recreation Uses* | § 102 | P | P | P | P | P |
| 15 | Entertainment, Outdoor | § 102 | NP | NP | NP | NP | NP |
| 16 | Livery Stable | § 102 | NP | NP | NP | NP | NP |
| 17 | Open Recreation Area | § 102 | NP | NP | NP | P | P |
| 18 | * * * * | | | | | | |
| 19 | Institutional Use Category | | | | | | |
| 20 | Institutional Uses* | §§ 102, 202.2(e) | P | P | P | P | P |
| 21 | * * * * | | | | | | |
| 22 | Residential Care Facility | § 102 | P | P | P | P | NP |
| 23 | Trade School | § 102 | NP | NP | NP | P | P |
| 24 | Sales and Service Category | | | | | | |
| 25 | Retail Sales and Service* | §§ 102, 202.2(a) | P | P | P | P | P |

| | | | | | | | |
|---|--------------------------------------|-------|-------|-------|--------------------------------|-------|-------|
| 1 | <i>Animal Hospital</i> | § 102 | NP | NP | NP | € | € |
| 2 | * * * * | | | | | | |
| 3 | Non-Retail Sales and Service* | § 102 | P (1) | P (1) | P ⁽²⁾ <u>(1)</u> | P (1) | P (1) |
| 4 | * * * * | | | | | | |
| 5 | Design Professional | § 102 | P | P | P ⁽²⁾ <u>(1)</u> | P | P |
| 6 | * * * * | | | | | | |

* Not listed below.

(1) C required if at or below the ground floor.

(2) [Reserved] NP if located on floors one and two and does not offer on-site services to the general public. C required if located on the third floor, or floors four through six and the use is larger than 5,000 gross square feet in size.

~~—For uses located on the third floor, in addition to the criteria set forth in Section 303, a Conditional Use Authorization pursuant to this note shall be given only if the Commission determines that: the proposed use would not require modification of the location that would negatively impact existing architectural, historic and aesthetic features, or otherwise inhibit the conversion back to a principally permitted use in the future; the proposed use would not have an actual or potential adverse impact on adjacent zoning districts in which non-retail sales and services uses are not permitted; and the proposed use will not result in the development of non-retail sales and services uses such that the District's primary function is no longer an area for comparison shopper retailing and direct consumer services. Provided further that for any Conditional Use Authorization given pursuant to the preceding sentence, the Planning Commission also consider the following: whether the proposed use would complement or support principally permitted uses in the District, and whether the site of the proposed use is not conducive to any principally permitted uses in the District by virtue of physical limitations,~~

1 ~~including but not limited to the size and orientation of the floor plate and the nature of~~
2 ~~independent access to the third floor~~

3 * * * *

4 (6) ~~[Reserved.] C required for Formula Retail on properties in the C-3-G District with~~
5 ~~frontage on Market Street, between 6th Street and the intersection of Market Street, 12th Street,~~
6 ~~and Franklin Street.~~

7 (7) Construction of Accessory Dwelling Units may be permitted pursuant to
8 Sections 207(c)(4) and 207(c)(6).

9 (8) NP for buildings with three or fewer Dwelling Units; C for buildings with 10 or
10 more Dwelling Units. P for Commercial to Residential Adaptive Reuse projects pursuant to
11 Section 210.5, regardless of building size.

12
13 **SEC. 248. TRANSIT CENTER C-3-O(SD) COMMERCIAL SPECIAL USE**
14 **DISTRICT.**

15 A Special Use District entitled the "Transit Center C-3-O(SD) Commercial
16 Special Use District" is hereby established for a portion of the C-3-O(SD) district in the
17 downtown area around the Transbay Transit Center within ~~the City and County of San~~
18 Francisco, the boundaries of which are designated on Sectional Map SU01 of the
19 Zoning Map of the City and County of San Francisco. The following provisions shall
20 apply within the Special Use District:

21 * * * *

22 (c) **Controls.** All new development on lots larger than 15,000 square feet in the
23 Special Use District shall include not less than ~~2~~ two gross square feet of principally or
24 conditionally permitted commercial uses for every ~~1~~ one gross square foot of dwellings
25 or other housing uses.

1 (d) **Exceptions.** Exceptions to the controls in ~~S~~subsection (c) may be granted by
2 the Planning Commission according to the procedures in Section 309 only if the
3 Commission makes one of the following affirmative findings:

4 (1) That the development consists of multiple buildings on a single lot or
5 adjacent lots that are entitled as a single development project pursuant to Section 309,
6 and that commercial uses account for greater than 50% percent of the project's
7 aggregate total gross floor area for all buildings and where the project sponsor
8 demonstrates that it is infeasible or impractical to construct commercial uses on the
9 footprint of the portion of the site dedicated to dwellings and/or other housing uses due
10 to the size and configuration of that portion of the lot; or

11 (2) That the footprint of the portion of the site dedicated to dwellings
12 and/or other housing uses is less than 15,000 square feet and the lot contains existing
13 buildings which are to be retained; or

14 (3) That the downtown commercial vacancy rate is persistently high and the
15 project would fulfill its inclusionary requirement pursuant to Planning Code Section 415 through
16 100% on-site or off-site units within the C-3 District.

17
18 Section 5. Streamline Sign Permitting in C-3 Districts and Citywide. The
19 Planning Code is hereby amended by revising Section 604, to read as follows:

20 **SEC. 604. PERMITS AND CONFORMITY REQUIRED.**

21 * * * *

22 (h) **Nonconforming Signs; Replacement, Alteration, Reconstruction,**
23 **Relocation, Intensification, or Expansion.** Unless otherwise provided in this Code or
24 in other Codes or regulations, a lawfully existing sign which fails to conform to the
25 provisions of this Article 6 shall be brought into conformity when the activity for which

1 the sign has been posted ceases operation or moves to another location, when a new
2 building is constructed, or at the end of the sign's normal life. Such sign may not,
3 however, be replaced, altered, reconstructed, relocated, intensified, or expanded in area
4 or in any dimension except in conformity with the provisions of this Code, including
5 ~~§~~ subsection (i) below. Ordinary maintenance and minor repairs shall be permitted, but
6 such maintenance and repairs shall not include replacement, alteration, reconstruction,
7 relocation, intensification, or expansion of the sign; provided, however, that alterations
8 of a structural nature required to reinforce a part or parts of a lawfully existing sign to
9 meet the standards of seismic loads and forces of the Building Code, to replace a
10 damaged or weathered signboard, to ensure safe use and maintenance of that sign, to
11 remediate hazardous materials, or any combination of the above alterations shall be
12 considered ordinary maintenance and shall be allowed. A sign which is damaged or
13 destroyed by fire or other calamity shall be governed by the provisions of Sections
14 181(d) and 188(b) of this Code.

15 A sign which is voluntarily destroyed or removed by its owner or which is required
16 by law to be removed may be restored only in full conformity with the provisions of this
17 Code, except as authorized in ~~§~~ subsection (i) below. A general advertising sign that has
18 been removed shall not be reinstalled, replaced, or reconstructed at the same location,
19 and the erection, construction, and/or installation of a general advertising sign at that
20 location to replace the previously existing sign shall be deemed to be a new sign in
21 violation of Section 611(a) of this Code; provided, however, that such reinstallation,
22 replacement, or reconstruction pursuant to a permit duly issued prior to the effective
23 date of this requirement shall not be deemed a violation of Section 611(a) and shall be
24 considered a lawfully existing nonconforming general advertising sign; and further
25 provided that this prohibition shall not prevent a general advertising sign from being

1 relocated to that location pursuant to a Relocation Agreement and conditional use
2 authorization under Sections 611 and 303(k) of this Code and Section 2.21 of the ~~San~~
3 ~~Francisco~~ Administrative Code.

4 A nonconforming Neon Sign may be physically detached from the building for any
5 required repairs or maintenance, except that such maintenance or repairs shall not include
6 replacement, reconstruction, relocation, intensification, or expansion of the Neon Sign. After the
7 off-site repair or maintenance work is complete, the Neon Sign may be reinstalled at the
8 premises in the same location where the Neon Sign was previously affixed, so long as such
9 replacement is completed within 18 months of removal.

10 * * * *

11 (m) Existing Signs in the C-3 District. Existing signage in the C-3 District shall not be
12 subject to the provisions of this Section 604, provided that a change from general advertising to
13 nongeneral advertising sign copy or from nongeneral advertising to general advertising sign
14 copy or an increase in area including, but not limited to, any extensions in the form of writing,
15 representation, emblem or any figure of similar character shall in itself constitute a new sign
16 subject to the provisions of this Section 604.

17
18 Section 6. Streamline Historic Preservation Review. The Planning Code is
19 hereby amended by revising Sections 1005 and 1111.1, to read as follows:

20 **SEC. 1005. CONFORMITY AND PERMITS.**

21 * * * *

22 (e) After receiving a permit application from the Central Permit Bureau in
23 accordance with the preceding subsection, the Department shall ascertain whether a
24 Certificate of Appropriateness is required or has been approved for the work proposed
25 in such permit application. If a Certificate of Appropriateness is required and has been

1 issued, and if the permit application conforms to the work approved in the Certificate of
2 Appropriateness, the permit application shall be processed without further reference to
3 this Article 10. If a Certificate of Appropriateness is required and has not been issued, or
4 if the permit application does not conform to what was approved, the permit application
5 shall be disapproved or held by the Department until such time as conformity does exist
6 either through modifications to the proposed work or through the issuance of an
7 amended or new Certificate of Appropriateness. Notwithstanding the foregoing, in the
8 following cases the Department shall process the permit application without further
9 reference to this Article 10:

10 * * * *

11 (9) When the application is for a permit to install a City-sponsored
12 Landmark plaque to a landmark or district, provided that the improvements conform to
13 the requirements outlined in Section 1006.6 of this Code; or

14 (10) When the application is for a Qualifying Scope of Work, as delegated by
15 HPC to Department and periodically updated, and the site is located in C-3 zoning districts.

16 * * * *

17
18 **SEC. 1111.1. DETERMINATION OF MINOR AND MAJOR ALTERATIONS.**

19 * * * *

20 (c) All applications for a Permit to Alter that are not Minor Alterations delegated
21 to Department staff shall be scheduled for a hearing by the HPC pursuant to the
22 procedures in Section 1111.4 and 1111.5 below. Notwithstanding the foregoing, in the
23 following cases the Department shall process the permit application without further
24 reference to the Permit to Alter procedures outlined herein:

1 (1) When the application is for a permit to make improvements to provide
2 an accessible entrance to a Significant or Contributory building or any building within a
3 Conservation District provided that the improvements conform to the requirements
4 outlined in Section 1111.6 of this Code;

5 (2) When the application is for a permit to install business signs to a
6 Significant or Contributory building or any building within a Conservation District
7 provided that signage and transparency conform to the requirements outlined in Section
8 1111.6 of this Code; ~~or~~

9 (3) When the application is for a permit to install non-visible rooftop
10 appurtenances to a Significant or Contributory building or any building within a
11 Conservation District provided that the improvements conform to the requirements
12 outlined in Section 1111.6 of this Code;

13 (4) When the application is for a permit to install an awning to a Significant or
14 Contributory building or any building within a Conservation District provided that the awning
15 conforms to the requirements outlined in Section 1111.6 of this Code; or

16 (5) When the application is for a Qualifying Scope of Work, as delegated by HPC
17 to the Department, as periodically updated.

18
19 Section 7. Provide Alternatives to On-Site Open Space in Certain C-3 Districts.
20 The Planning Code is hereby amended by revising Section 426, to read as follows:

21 **SEC. 426. PAYMENT FOR REQUIRED NON-RESIDENTIAL OPEN SPACE**
22 **NOT PROVIDED IN THE EASTERN NEIGHBORHOODS MIXED USE AND C-3-O(SD)**
23 **DISTRICTS.**

24 * * * *

1 (b) **C-3-O(SD) District.** In the C-3-O(SD) District, if a project sponsor chooses
2 to pay the in-lieu fee described in Section 138(j)(4), a fee of \$1,410 shall be required for
3 each square foot of usable open space not provided. This fee shall be adjusted in
4 accordance with Section 409. This fee shall be paid into the Transit Center District
5 Open Space Fund, as described in Sections 424.6 et seq. of this Article 4. Said fee shall
6 be used for the purpose of acquiring, designing, and improving public open space,
7 recreational facilities, and other open space resources, which are expected to be used
8 solely or in substantial part by persons who live, work, shop, or otherwise do business in
9 the Transit Center District.

10 (c) **C-3-O District, C-3-S District, and C-3-G District.** In the C-3-O, C-3-S, and C-3-G
11 Districts, if a project sponsor chooses to pay the in-lieu fee described in Section 138(j)(4), a fee
12 of \$1,410 shall be required for each square foot of usable open space not provided. The amount
13 of this fee shall equal the fee payable under this subsection (b) and shall be adjusted in
14 accordance with Section 409. This fee shall be paid into the Downtown Park Fund, as described
15 in Section 412 of this Article 4. Said fee shall be used for the purpose of acquiring, designing,
16 and improving public open space, recreational facilities, and other open space resources, which
17 are expected to be used solely or in substantial part by persons who live, work, shop, or
18 otherwise do business Downtown.

19 (d) **C-3-R District.** In the C-3-R Districts, if a project sponsor chooses to pay the in-lieu
20 fee described in Section 138(j)(4), a fee shall be required for each square foot of usable open
21 space not provided. The amount of this fee shall equal the fee payable under this subsection (b)
22 and shall be adjusted in accordance with Section 409. This fee shall be paid into the Union
23 Square Park, Recreation, and Open Space Fee, as described in Sections 434 of this Article 4.
24 Said fee shall be used for the purpose of acquiring, designing, and improving public open space,
25

1 recreational facilities, and other open space resources, which are expected to be used solely or
2 in substantial part by persons who live, work, shop, or otherwise do business Downtown.

3
4 Section 8. Facilitate Residential Adaptive Reuse in the Building Code. Chapter
5 1A of the 2022 San Francisco Building Code is hereby amended by adding Section
6 111A, to read as follows:

7 **SECTION 111A – ADAPTIVE REUSE**

8 **111A.1 Purpose and intent.** The purpose of this Section 111A (consisting of Sections
9 111A.1, 111A.2, and 111A.3) is to amend, expand, establish, and clarify alternative building
10 standards for the conversion of existing non-residential buildings to accommodate new
11 residential uses and still provide reasonable safety to the building occupants, as a means to
12 promote the safe, flexible use of the existing structures, as part of the City’s strategy for
13 economic recovery.

14 Key to the furtherance of this purpose is the ability of the Building Official and Fire Code
15 Official to effectively use their authority to grant code modifications or authorizations for
16 alternative materials, design and methods of construction, and equipment to address practical
17 difficulties involved in complying with the strict provisions of the code or consider alternative
18 design or methods not specifically prescribed in the code.

19 For example, the Building Official and Fire Code Official are authorized to consider
20 alternative building standards consistent with Sections 17951 and 19957 of the California
21 Health and Safety Code.

22 **111A.2 Scope.** This Section 111A may apply to projects that meet the definition and
23 applicable requirements for Commercial to Residential Adaptive Reuse projects pursuant to
24 Planning Code Section 210.5.

1 Nothing in this Section 111A shall preclude the use of the California Historical Building
2 Code for the conversion of a building that the Planning Department has determined to be a
3 qualified historic building or that may otherwise be eligible to use the California Historical
4 Building Code. If a project elects to use the standards established in the California Historical
5 Building Code, that project shall not be permitted to use the alternative building standards of
6 this Section 111A.

7 **111A.3 Compliance requirements.** Generally, the San Francisco Building Code, which
8 adopts and amends the most recent edition of the California Building Standards Code, applies to
9 new construction or a change of use or occupancy. For the conversion of existing non-
10 residential buildings to accommodate new residential uses, however, alternative building
11 standards described in an alternative building standards manual (described below) may apply.

12 The Building Official and Fire Code Official shall prepare, maintain, and update, as
13 necessary and appropriate, an alternative building standards manual, which shall provide the
14 building standards applicable to Commercial to Residential Adaptive Reuse projects as defined
15 in Planning Code Section 210.5. This alternative building standards manual shall include
16 technical information and implementation parameters, standards for determining technical
17 infeasibility, and alternative standards if technical infeasibility is present, as well as other rules,
18 requirements and procedures as the City deems necessary, for implementing the intent of this
19 Section 111A.

20 The Building Official and Fire Code Official shall develop, as deemed necessary and
21 appropriate, in cooperation with other City departments and stakeholders, information sheets,
22 administrative bulletins, training manuals, and educational materials to assist in the
23 implementation of this alternative building standards manual and this Section 111A.

1 Section 9. Effective Date. This ordinance shall become effective 30 days after
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns
3 the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or
4 the Board of Supervisors overrides the Mayor's veto of the ordinance.

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

12
13 APPROVED AS TO FORM:
14 DAVID CHIU, City Attorney

15 By: /s/ Giulia Gualco-Nelson, for
16 AUSTIN M. YANG
17 Deputy City Attorney

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LEGISLATIVE DIGEST

[Planning and Building Codes - Commercial to Residential Adaptive Reuse and Downtown Economic Revitalization]

Ordinance amending the Planning Code to 1) facilitate residential uses Downtown by authorizing the conversion of non-residential uses to residential use in C (Commercial) zoning districts, and exempting such projects from requirements for rear yard, open space, streetscape improvements, dwelling unit exposure, bike parking, dwelling unit mix, and Intermediate Length Occupancy controls, and streamlining administrative approvals for projects in the C-3 zoning district, and modifying the dimensional limits on exemptions to height restrictions for mechanical equipment, elevator, stair, and mechanical penthouses; 2) economically revitalize Downtown by adding Flexible Workspace as a defined use, authorizing large scale retail uses in the C-3 zoning district, allowing window displays in the C-3 zoning district, allowing Flexible Workspace as an active ground floor commercial use along certain street frontages in C-3 zoning districts, allowing accessory storage in any C zoning district, allowing the temporary installation for 60 days of certain signs in the C-3-R district, allowing temporary non-residential uses in vacant spaces for up to one year, reducing density limits for Residential Dwelling Units and Senior Housing in the C-2 zoning districts east of or fronting Van Ness/South Van Ness Avenue and north of Harrison Street, principally permitting Laboratory, Life Science, Agricultural and Beverage Processing, and Animal Hospitals in C-2 zoning districts, principally permitting Senior Housing, Residential Care Facilities, Outdoor Entertainment, Open Recreation Areas, Animal Hospitals, and Trade Schools in the C-3 zoning district, allowing formula retail as a ground floor use on Market Street, principally permitting office and design professional uses on the second floor and higher in the C-3-R zoning district, and requiring consideration of office vacancy in consideration of granting exceptions in the Transit Center Commercial Special Use District; 3) streamline sign permitting citywide and in the C-3 districts by allowing for the repair and rehabilitation of certain neon signs, and exempting existing business signs in the C-3 zoning district from certain zoning controls; 4) streamline Historic Preservation review of administrative certificates of appropriateness, and minor permits to alter for awnings, and Qualifying Scopes of Work, as may be delegated by the Historic Preservation Commission; 5) provide alternatives to on-site open space in certain C-3 districts by allowing for payment of an in lieu fee as an alternative to providing open space; 6) facilitate residential adaptive reuse by amending the Building Code to add standards for adaptive reuse of non-residential buildings; and 7) 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 making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

Existing Law

(1) Residential Uses in C Districts

The Planning Code contains development standards for various zoning districts. C-2 (Community Business) and C-3 (Downtown Commercial) districts are collectively referred to as “C districts” or “Commercial Districts”. C districts are subject to rear yard setbacks (Section 134), open space (Section 135), streetscape and pedestrian improvements (Section 138.1), bicycle parking (Sections 155.1 and 155.2), dwelling unit mix (Section 207.7), and dwelling unit exposure requirements (Section 140). The Planning Code also prescribes allowable methods for measuring building heights (Section 260).

Residential dwelling units are principally permitted in the C districts. In the C-2 district, density is regulated based on prescribed ratios (Section 210.1). Senior Housing and Residential Care Facilities are conditionally permitted in C-3 districts (Section 210.2).

Planning Code Section 309 governs approval of permits in the C-3 district. Project sponsors may seek exceptions from certain Planning Code standards through the Section 309 review process. A public hearing is required for projects that result in a net addition of more than 50,000 square feet of gross floor area, include the construction of a new building greater than 75 feet in height or a vertical addition to an existing building that results in a total building height greater than 75 feet, or that require an exception.

Currently “adaptive reuse” is not a defined term in the Planning Code, and the Planning Code generally does not distinguish between the development standards and approval processes that apply to adaptive reuse projects versus ground-up new development.

(2) Non-Residential Uses in C Districts

In addition to prescribed standards for residential uses, the Planning Code also contains development and use standards for non-Residential uses, including Commercial, Sales and Services, and Entertainment uses. Certain large scale retail uses are conditionally permitted or not permitted at all in the C-3 district (Section 121.6). Formula retail is not a permitted ground-floor use on Market Street in the C-3 district (Section 210.2). Accessory storage uses are not permitted in the C districts (Section 204.3). Laboratory, Life Science, and Agricultural and Beverage Processing are not permitted in C-2 districts (Section 210.1). Animal Hospitals are conditionally permitted in C-2 districts and some C-3 districts (Sections 210.1). Outdoor Entertainment, Open Recreation Areas, Animal Hospitals, and Trade Schools are not permitted in certain C-3 districts (Section 210.2). The Planning Code also regulates permissible uses on various floors of a building, for example office and design professional uses on the second floor or higher in the C-3-R zoning district.

The Planning Code also regulates window transparency and display requirements in the C-3 zoning district (Section 145.1). It also provides standards for temporary installations (Section 205.1), and temporary, “pop-up” uses (Section 205.2).

Planning Code Section 248 provides that in the Transit Center C-3-O(SD) Commercial Special Use District all new development on lots larger than 15,000 square feet shall include not less than 2 gross square feet of principally or conditionally permitted commercial uses for every 1 gross square foot of dwellings or other housing uses. The Planning Commission may grant exceptions to this requirement pursuant to the procedures in Section 309.

(3) Sign Permitting in C-3 Districts and Citywide

Planning Code Section 604 requires a permit for new signs and certain changes in sign copy, and restricts removal of certain neon signs for routine maintenance and repair.

(4) Historic Preservation Review

Planning Code Section 1005 prescribes the review of permits relating to a designated landmark site or a designated historic district. Section 1005 contains several minor scopes of work that are exempt from Article 10 review. Section 1111 prescribes the review of permits relating to a Significant of Contributory Building or a building within a Conservation District. Section 1111.1 includes several scopes of work that do not require consistency with the Permit to Alter procedures.

(5) Open Space In-Lieu Fee in C-3-O(SD)

In lieu of providing privately-owned public open space on-site, a project sponsor in the C-3-O(SD) District may pay a fee of \$1,410 for each square foot of usable open space not provided (Planning Code Section 426). The fee shall be paid into the Transit Center District Open Space Fund.

(6) Alternative Building Code Standards (Building Code)

Currently, the City's Building Official and Fire Code Official are authorized to consider alternative building standards consistent with Sections 17951 and 19957 of the California Health and Safety Code.

Amendments to Current Law

This ordinance would amend the Planning and Building Codes to achieve six policy outcomes:

- Facilitate Residential Uses Downtown (Planning Code Amendments)
- Economically Revitalize Downtown
- Streamline Signage Permitting in C-3 Districts and Citywide
- Streamline Historic Preservation Review for certain types of work
- Provide Alternatives to On-Site Open Space Requirements in Certain C-3 Districts
- Facilitate Residential Adaptive Reuse in the Building Code (Building Code Amendments)

(1) Facilitate Residential Uses Downtown (Planning Code Amendments) [Section 3 of Ordinance]

To facilitate residential uses Downtown, Section 3 of this ordinance would create a Commercial to Residential Adaptive Reuse program and effect accompanying revisions to underlying zoning controls.

This ordinance would create Planning Code Section 210.5 to facilitate Commercial to Residential Adaptive Reuse projects, defined as projects that include a change of use of any existing Gross Floor Area from a non-residential use to a residential use. Eligible projects would be exempt from lot coverage (Planning Code Section 134), open space (Section 135), streetscape and pedestrian improvements (Section 138.1), bicycle parking (Sections 155.1 and 155.2), and dwelling unit mix (Section 207.7) requirements. Eligible projects would be subject to a reduced dwelling unit exposure requirement (Section 140). Intermediate Length Occupancies would be principally permitted and exempt from the controls in Section 202.10(b)(1) and (b)(2), regardless of the number of units in the adaptive reuse project.

Eligible projects would not be subject to the hearing requirements of Planning Code Section 309, unless the project seeks exceptions not otherwise waived or modified in Section 210.5.

To be eligible for the benefits of Planning Code Section 210.5, a Commercial to Residential Adaptive Reuse project would need to:

- be located in a C zoning district that is east of or fronting Van Ness/South Van Ness Avenue and north of Harrison Street;
- not seek waivers or concessions under Planning Code Section 206.5 or 206.6;
- not propose an addition to the building envelope that exceeds more than 20% of the existing building's Gross Floor Area;
- not propose more than one vertical story; and
- submit an application on or before December 31, 2028.

To facilitate these adaptive reuse projects and residential uses more generally, this ordinance would also effect accompanying changes to zoning controls, including:

- principally permit Senior Housing and Residential Care Facilities in C-3 districts (Section 210.2), described in further detail in Section 4 of the Ordinance; and
- adopt form-based density limits for residential uses in certain areas of the C-2 district (Section 210.1), described in further detail in Section 4 of the Ordinance.

The ordinance would also effect the following zoning changes:

- replace existing rear yard requirements with lot coverage requirements in the C districts (Planning Code Section 134);
- modify the thresholds and procedures for public hearings of permits in Downtown Residential Districts and C-3 districts to require a hearing for new buildings or vertical additions greater than 120 feet in height (Planning Code Section 309); and
- modify the dimensional limits on exemptions to height restrictions for mechanical equipment, elevator, stair, and mechanical penthouses, including restrictions applicable to existing buildings in the C-3 district (Section 260).

(2) Economically Revitalize Downtown [Section 4 of Ordinance]

The legislation seeks to economically revitalize Downtown by amending zoning controls to:

- define Flexible Workspace as a “Retail Sales and Service Use that is a combination of any uses within the Retail Sales and Service use category or a General Entertainment Use that operates in conjunction with a principally or conditionally permitted Non-Retail Sales and Service Use other than a Commercial Storage, Wholesale Sales, or Wholesale Storage Use” (Planning Code Section 102) and allow Flexible Workspace as an active ground floor commercial use along certain street frontages in the C-3 district (Section 145.4);
- authorize large scale retail uses (uses in excess of 50,000 gross square feet) in the C-3 zoning district (Section 121.6);
- allow window displays of at least four feet in depth in the C-3 zoning district (Section 145.1);
- allow accessory storage in C districts (Section 204.3);
- allow the temporary installation for 60 days of certain signs in the C-3-R district (Section 205.1);
- allow temporary “pop-up” non-residential uses in vacant spaces for up to one year in certain C, NC, NCT, or Mixed-Use Districts (Section 205.2);
- principally permit Laboratory, Life Science, Agricultural and Beverage Processing, and Animal Hospitals in C-2 districts (Section 210.1);
- principally permit Senior Housing, Residential Care Facilities, Outdoor Entertainment, Open Recreation Areas, Animal Hospitals, and Trade Schools in C-3 districts (Section 210.2);
- allow formula retail as a ground floor use on Market Street in C-3 districts (Section 210.2);
- principally permit office and design professional uses on the second floor and higher in the C-3-R zoning district (Section 210.2); and
- require consideration of office vacancy rates in consideration of granting exceptions in the Transit Center Commercial Special Use District (Section 248).

(3) Streamline Sign Permitting in C-3 Districts and Citywide [Section 5 of Ordinance]

This ordinance would exempt existing business signs in the C-3 zoning district from certain sign permit requirements in Planning Code Section 604; however, a change from general advertising to nongeneral advertising sign copy or from nongeneral advertising to general advertising sign copy or an increase in area would constitute a new sign subject to the permitting provisions of Section 604.

The ordinance would also allow certain nonconforming Neon Signs to be physically detached from a building for repairs or maintenance, subject to conditions (Section 604). This provision would be applicable citywide.

(4) Streamline Historic Preservation Review [Section 6 of Ordinance]

This ordinance would also streamline review of administrative certificates of appropriateness, and minor permits to alter for awnings, and Qualifying Scopes of Work, as may be delegated by the Historic Preservation Commission (Sections 1005 and 1111.1).

(5) Provide Alternatives to the On-Site Open Space Requirement in Certain C-3 Districts [Section 7 of Ordinance]

As an alternative to providing on-site privately-owned public open space (“POPOS”) in the C-3-O, C-3-S, C-3-G, and C-3-R districts, this ordinance would allow for payment of an in lieu fee (Section 426). The amount of the in lieu fee would be equal to the fee currently assessed for the in lieu open space fees in the C-3-O(SD) District (Section 426(b)) and also adjusted annually in accordance with Section 409. In the C-3-O, C-3-S, and C-3-G districts, POPOS fees would be paid into the Downtown Park Fund. POPOS fees in the C-3-R district would be paid into the Union Square Park, Recreation, and Open Space Fund. The fees collected in all four districts would be used for the purpose of acquiring, designing, and improving public open space, recreational facilities, and other open space resources.

(6) Facilitate Residential Adaptive Reuse (Building Code Amendments) [Section 8 of Ordinance]

To accommodate new residential uses while providing reasonable safety to the building occupants, this ordinance would create Section 111A of the Building Code entitled “Adaptive Reuse”. The ordinance would direct the Building Official and Fire Code Official to develop an alternative building standards manual, which would provide the building standards applicable to Commercial to Residential Adaptive Reuse projects. This alternative building standards manual would include technical information and implementation parameters, standards for determining technical infeasibility, and alternative standards if technical infeasibility is present, as well as other rules, requirements and procedures as the City deems necessary, for implementing the intent of Section 111A.

Background Information

The ordinance contains numerous findings about the importance of Downtown to San Francisco’s economic vitality, and the negative impacts the COVID-19 pandemic have had on Downtown. It describes how San Francisco is faced with a crisis of housing affordability at the same time commercial vacancy rates have increased. It describes how the shift to hybrid work, with its consequent reduction in office workers and foot traffic, has adversely impacted Downtown and other sectors of the City’s economy, including retail and, small business, and more broadly has impacted use and activation of public space, transportation, and public safety. To remedy these problems, this ordinance would incentivize the conversion of Downtown non-residential buildings into residential units by exempting eligible projects from certain Planning Code standards. It also would enact local code changes to support existing and attract new businesses Downtown, and streamline approvals to draw consumers back to Downtown.

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