AMENDED IN COMMITTEE
7/1/2024

FILE NO. 240173 ORDINANCE NO.

[Planning Code, Zoning Map - ~~Residential Enclave-Mixed~~RED and WMUG Districts, Rezone 135 Kissling Street]

**Ordinance amending the Planning Code to conditionally permit vehicle storage lots in the Residential Enclave-Mixed (RED-MX) and Western SoMa Mixed Use-General (WMUG) Districts and to update citations and cross-references in the text and tables of specified Mixed Use Districts; amending the Zoning Map to rezone 135 Kissling Street, Assessor's Parcel Block No. 3516, Lot No. 068, from Residential Enclave (RED) to RED-MX; and 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.**

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

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

Section 1. Environmental and Land Use Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 240173 and is incorporated herein by reference. The Board affirms this determination.

(b) On May 23, 2024, the Planning Commission, in Resolution No. 21566, recommended the proposed Zoning Map amendments for approval and adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 240173, and is incorporated herein by reference.

(c) Pursuant to Planning Code Section 302, this Board finds that these Planning Code amendments will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. 21566, and the Board incorporates such reasons herein by reference. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File No. 240173.

Section 2. Article 8 of the Planning Code is hereby amended by revising Sections 803.9, 827, 829, ~~and~~ 835, and 839 to read as follows:

**SEC. 803.9. COMMERCIAL USES IN EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.**

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(b) **Preservation of Historic Buildings within Certain Eastern Neighborhoods Mixed Use Districts.** The following controls are intended to support the economic viability of buildings of historic importance within Eastern Neighborhoods.

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(2) **RED and RED-MX Districts.** This subsection (b)(2) applies only to buildings in RED and RED-MX Districts that are a designated landmark building per Article 10 of the Planning Code, buildings designated as Category I-IV pursuant to Article 11 of this

Code and located within the Extended Preservation District, or a building listed in or determined individually eligible for the National Register of Historic Places or the California Register of Historical Resources by the State Office of Historic Preservation.

(A) Arts Activities, Community Facility, Private Community Facility, Public Facility, School, Social Service or Philanthropic Facility, and Trade School uses are principally permitted, and Retail Sales and Services uses and Office Uses as defined in Section ~~*890.70*~~*102*, are permitted only with Conditional Use authorization, pursuant to Planning Code Section 303, provided that:

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(3) **WMUG District.** This subsection (b)(3) applies only to buildings in the WMUG District that are a designated landmark building per Article 10 of the Planning Code, buildings designated as Category I-IV pursuant to Article 11 of this Code and located within the Extended Preservation District, or a building listed in or determined individually eligible for the National Register of Historic Places or the California Register of Historical Resources by the State Office of Historic Preservation.

(A) Office uses, as defined in Planning Code Section ~~*890.70*~~*102*, are principally permitted, provided that:

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

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**Table 827**

**RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT**

**ZONING CONTROL TABLE**

| No. | Zoning Category | § References | Rincon Hill Downtown Residential Mixed Use District Zoning Controls |
|---|---|---|---|
| **Building and Siting Standards** | | | |
| .10 | Height and Bulk | §§ 102.~~12~~, 105, 106, 250 - 252, 260, 270 | Varies 45 - 550 feet. For height limits, see Zoning Map 1H and § 263.19; for bulk controls, see § 270(e). |
| * * * * | | | |
| .17 | Awning | § 136.1~~2~~(a) | P |
| .18 | Canopy | § 136.1~~2~~(b) | P |
| .19 | Marquee | § 136.1~~2~~(c) | P |
| **Non-Residential Standards and Uses** | | | |
| .20 | Required Residential to Non-Residential Use Ratio | § 102.~~10~~ | Non-residential uses limited to occupiable sf per 6 occupiable sf |

| | | | |
|---|---|---|---|
| | | | devoted to residential uses. § 825(c)(2). |
| * * * * | | | |
| .33 | Nighttime Entertainment | §§ 102~~.17~~, 803.5(g) | C |
| * * * * | | | |
| **Residential Standards and Uses** | | | |
| * * * * | | | |
| .54 | Large-Scale Urban Agriculture | § 102~~.35(b)~~ | C |
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**SEC. 829. SOUTH BEACH DOWNTOWN RESIDENTIAL MIXED USE DISTRICT (SB-DTR).**

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**Table 829**

**SOUTH BEACH DOWNTOWN RESIDENTIAL MIXED USE DISTRICT ZONING CONTROL TABLE**

| **No.** | **Zoning Category** | **§ References** | ***South Beach Downtown Residential Mixed Use District Zoning Controls*** |
|---|---|---|---|
| **Building and Siting Standards** | | | |
| .10 | Height and Bulk | §§ 102~~.12~~, 105, 106, 250 - 252, 260, 270 | Varies 40 - 200 feet. For height limits, see Zoning Map 1H and |

| | | | |
|---|---|---|---|
| | | | § 263.19; for bulk controls, see § 270(e). |
| * * * * | | | |
| .17 | Awning | § 136.*1*~~2~~(a) | P |
| .18 | Canopy | § 136.*1*~~2~~(b) | P |
| .19 | Marquee | § 136.*1*~~2~~(c) | P |
| **Non-Residential Standards and Uses** | | | |
| .20 | Required Residential to Non-Residential Use Ratio | § 102~~.*10*~~ | Non-residential uses limited to occupiable sf per 6 occupiable sf devoted to residential uses. § 825(c)(2). |
| * * * * | | | |
| .30b | Residential Care Facility | § 102 | P |
| * * * * | | | |
| .33 | Nighttime Entertainment | §§ 102~~.*17*~~, 803.5(b) | C |
| * * * * | | | |
| **Residential Standards and Uses** | | | |
| * * * * | | | |
| .51 | Residential Conversions | § ~~*790.84*~~*317*, Ch. 41 Admin. Code | C |
| .52 | Residential Demolition | *§ 317* | C |
| .53 | Large-Scale Urban Agriculture | § 102~~.*35(b)*~~ | C |

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**SEC. 835. RED-MX – RESIDENTIAL ENCLAVE-MIXED DISTRICT.**

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**Table 835**

**RED-MX – RESIDENTIAL ENCLAVE DISTRICT ZONING CONTROL TABLE**

| Zoning Category | § References | Residential Enclave-Mixed District Controls |
|---|---|---|
| * * * * | | |
| **NON-RESIDENTIAL STANDARDS AND USES** | | |
| * * * * | | |
| **Automotive Use Category** | | |
| **Automotive Uses*** | § 102 | NP |
| Automotive Repair | § 102 | P(3) |
| Private Parking Garage | § 102 | C |
| *Vehicle Storage Lot* | *§ 102* | *C* |
| Vehicle Storage Garage | § 102 | C |
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**SEC. 839. WMUG – WSOMA MIXED USE-GENERAL DISTRICT.**

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**Table 839**

**WMUG – WSOMA MIXED USE-GENERAL DISTRICT ZONING CONTROL TABLE**

| Zoning Category | § References | Western SoMa Mixed Use-General District Controls |
|---|---|---|
| * * * * | | |
| **NON-RESIDENTIAL STANDARDS AND USES** | | |
| * * * * | | |
| **Automotive Use Category** | | |
| **Automotive Uses*** | § 102 | P(4) |
| * * * * | | |
| Vehicle Storage Lot | § 102 | ~~NP~~C |
| * * * * | | |

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Section 3. The Planning Code is hereby amended in accordance with Planning Code Section 106 by revising Zoning Use District Map ZN07 of the Zoning Map of the City and County of San Francisco, as follows:

| Description of Property | Current Zoning to be Superseded | Proposed Zoning to be Approved |
|---|---|---|
| Assessor's Parcel Block No. 3516, Lot No. 068 | RED | RED-MX |

Section 4. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

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

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/ Heather Goodman
HEATHER L. GOODMAN
Deputy City Attorney

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