

1 [Planning Code, Zoning Map - Mission and 9th Street Special Use District]

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3 **Ordinance amending the San Francisco Planning Code to add Section 249.15 to create**  
 4 **the Mission and 9th Street Special Use District in the area generally bounded by**  
 5 **Mission Street on the south, Laskie Street on the east, Assessor's Block No. 3701, Lot**  
 6 **Nos. 22, 23 and 24, on the west, and Assessor's Block No. 3701, Lot No. 66, to the**  
 7 **north; amending the Zoning Map Sheet SU07 to create the Mission and Ninth Street**  
 8 **Special Use District; amending Zoning Map Sheet HT07 to change the height limit on**  
 9 **Assessor's Block No. 3701, Lot Nos. 20 and 21, from 120-X to 200-X; affirming the**  
 10 **Planning Department's determination under the California Environmental Quality Act;**  
 11 **and making findings of consistency with the General Plan, and the eight priority**  
 12 **policies of Planning Code, Section 101.1.**

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

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

20 Section 1.

21 (a) On August 24, 2016, the Planning Department's Environmental Review Officer  
 22 finalized the Mitigated Negative Declaration ("MND") for the 1270 Mission Street Project,  
 23 including a General Plan Amendment, and these Planning Code and Zoning Map  
 24 Amendments, and determined that the MND was adequate, accurate and complete and  
 25 reflected the independent judgment of the Planning Department. A copy of the MND and this

1 Determination is on file with the Clerk of the Board of Supervisors in File No. 161067 and is  
2 incorporated herein by reference. ~~At the same hearing,~~ The Planning Commission adopted  
3 the MND and a Mitigation Monitoring and Reporting Program in its Motion No. 19768 on  
4 October 27, 2016. In accordance with the actions contemplated herein, this Board has  
5 reviewed the MND and the record as a whole, and adopts and incorporates by reference, as  
6 though fully set forth herein, the findings, including the Mitigation Monitoring and Reporting  
7 Program, pursuant to the California Environmental Quality Act (California Public Resources  
8 Code Section 21000 et seq.), adopted by the Planning Commission on October 27, 2016, in  
9 Motion No. 19768. A copy of said Motion No. 19768 is on file with the Clerk of the Board of  
10 Supervisors in File No. 161067 and is incorporated herein by reference. The Planning  
11 Department, Jonas Ionin, is the custodian of records, located in File No.2014.0926ENV, at  
12 1650 Mission Street, Fourth Floor, San Francisco, California.

13 (b) On October 27, 2016, the Planning Commission, in Resolution No. 19767, adopted  
14 findings that the actions contemplated in this ordinance are consistent, on balance, with the  
15 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board  
16 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the  
17 Board of Supervisors in File No. 161067, and is incorporated herein by reference.

18 (c) Pursuant to Planning Code Section 302, this Board finds that these Planning Code  
19 amendments will serve the public necessity, convenience, and welfare for the reasons set  
20 forth in Planning Commission Resolution No. 19767 and the Board incorporates such reasons  
21 herein by reference, as though fully set forth herein. A copy of Planning Commission  
22 Resolution No. 19767 is on file with the Clerk of the Board of Supervisors in File No. 161067.

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24 Section 2. The Planning Code is hereby amended by adding Section 249.15 to read as  
25 follows:

1           Sec. 249.15 Mission and 9th Street Special Use District

2           (a) In order to provide for a mixed use development project on the Mission Street transit  
3 corridor with ground floor retail, and an increased amount and unique combination of very-low, low,  
4 moderate, and market rate rental housing than what would otherwise be allowed in a C-3-G zoning  
5 district with a 120-X height limit, there shall be a Mission and 9th Street Special Use District at 1270  
6 Mission Street located at Lots 20 and 21 of Assessor's Block 3701, as designated on Sectional Map  
7 SU07 of the Zoning Map. The exceptions to the applicable open space and floor area ratio  
8 requirements set forth below, the rezoning of the applicable height district set forth in this ordinance  
9 number \_\_\_\_\_, and the resulting increased number of Dwelling Units allowed by the SUD, shall be  
10 considered forms of assistance specified in Chapter 4.3 of the California Government Code.

11           (b) Controls. All provisions of the Planning Code applicable to a C-3-G District shall apply  
12 except as otherwise provided in this Section.

13           (1) Inclusionary Housing Requirements For Buildings Taller than 120 Feet. In  
14 order to allow for the increased amount of Dwelling Units and other exceptions to the Code provided  
15 by this Special Use District, on-site inclusionary Dwelling Units pursuant to Planning Code Section  
16 415.6 shall be required. Notwithstanding the provisions of Section 415.6(a)(1) and (2), the number of  
17 inclusionary Dwelling Units constructed shall be ~~24.5%~~ 25% of all units constructed, with a minimum  
18 of 13.5% affordable to households whose total household income does not exceed 55% of Area Median  
19 Income for purposes of renting an affordable unit; ~~and~~ 4% of the units affordable to low income  
20 households, defined in this subsection as households whose total household income does not exceed  
21 70% of Area Median Income for purposes of renting an affordable unit; ~~and~~ 4% of the units affordable  
22 to households earning 90% of Area Median Income for purposes of renting an affordable unit; ~~and~~  
23 3.5% of the units affordable to households earning 150% of Area Median Income for purposes  
24 of renting an affordable unit. If provided as rental units, the requirements of Section 415.5(g)(ii) shall  
25 apply. Except as expressly provided in this subsection, all other provisions of Section 415 shall apply.

1                   (2) Inclusionary Housing Requirements For Buildings Less Than or Equal to 120  
2 Feet. Section 415 shall apply in its entirety.

3                   (3) Open Space for Dwelling Units. Up to 40 percent of the usable open space  
4 required by Section 135 may be provided off-site, but shall be located within the SUD or within 900 feet  
5 of the boundaries of the SUD. Open space must be of one or more of the following types:

6                   (A) An unenclosed plaza at street grade, with seating areas and landscaping;

7                   (B) A terrace or roof garden with landscaping;

8                   (C) Streetscape improvements with landscaping and pedestrian amenities  
9 that result in additional space beyond the pre-existing sidewalk width, such as sidewalk widening or  
10 building setbacks; or

11                   (D) Streetscape improvements with landscaping and pedestrian amenities on  
12 alleyways from building face to building face, beyond basic street tree planting or street lighting as  
13 otherwise required by this or other Municipal Codes.

14                   (4) Floor Area Ratio. For projects that meet subsection (b)(1), the floor area ratio limits set  
15 forth in Sections 123 and 124 of this Code for C-3-G Districts shall not apply to Residential Uses as  
16 defined in Section 102. For all other projects, applicable floor area ratio limits shall apply.

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18                   Section 3. The Planning Code is hereby amended by revising Sheet SU07 of the  
19 Zoning Map as follows:

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Description of Property	Use District to be Superseded	Use District Hereby Approved
Assessor's Block 3701, Lots 20 and 21	C-3-G	Mission and 9th Street SUD

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23  
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1 Section 4. The Planning Code is hereby amended by revising Sheet HT07 of the  
2 Zoning Map as follows:

Description of Property	Height/Bulk District to be Superseded	Height/Bulk District Hereby Approved
Assessor's Block 3701, Lots 20 and 21	120-X	200-X

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8 Section 5. Effective and Operative Date.

9 (a) This ordinance shall become effective 30 days after enactment. Enactment  
10 occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or  
11 does not sign the ordinance within ten days of receiving it, or the Board of Supervisors  
12 overrides the Mayor's veto of the ordinance.

13 (b) This ordinance shall become operative upon its effective date or upon the  
14 effective date of the related General Plan Amendment contained in Board of Supervisors File  
15 No. 161184, whichever occurs later. If the effective date of the related General Plan  
16 Amendment does not occur within 90 days of the effective date of this ordinance, this  
17 ordinance shall expire by operation of law.

18 Section 6. Sunset Provision. This ordinance shall expire by operation of law five years  
19 after its initial effective date unless the project described in Section 2 has received a first  
20 construction document on or before that date, or the Board of Supervisors, on or before that

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1 date, extends or re-enacts it. Upon expiration of this ordinance, the City Attorney shall cause  
2 the ordinance to be removed from the Planning Code.

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4 APPROVED AS TO FORM:  
5 DENNIS J. HERRERA, City Attorney

6 By: \_\_\_\_\_  
7 AUDREY PEARSON  
8 Deputy City Attorney

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