

**LEGISLATIVE DIGEST**

[Administrative, Planning Codes - Technical Corrections; Amendments to Various Central SoMa Zoning Provisions]

**Ordinance amending the Planning Code to correct and clarify Administrative and Planning Code amendments approved in Ordinance No. 296-18, which gave effect to the Central South of Market Area (SoMa) Plan, including provisions regarding transfer of development rights, privately owned public open space, renewable electricity, PDR (Production Distribution Repair) floor height, development impact fee deposits and uses, among others; to restore with modifications inadvertently deleted provisions regarding low-income affordable housing in the SALI (Service/Arts/Light Industrial) Zoning District; and to amend open space, height limit, apparent mass reduction, lot coverage, exposure, PDR replacement, and development impact fee waiver and reduction provisions; affirming the Planning Department's determination under the California Environmental Quality Act; and 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 under Planning Code, Section 302.**

Existing Law

Currently, the Planning Code sets forth the following controls:

Controls for transfer of development rights are set forth in both Sections 128.1 and 249.78.

Planning Code Section 135 requires that in the Eastern Neighborhoods districts, required off-site open space must be within 800 feet of the project.

Planning Code Section 138 does not specify that operations and maintenance of privately owned public open space must be memorialized.

Planning Code Section 249.78 requires that any newly constructed project that contains at least 50,000 gross square feet of office is subject to certain PDR and community building space requirements.

Planning Code Section 249.78 requires that within the Central SoMa Special Use District, any newly constructed commercial or residential building or major renovation to an existing building, as defined by San Francisco Green Building Code Section 202, shall commit, as a condition of approval, to fulfilling all on-site electricity demands through any combination of on-site generation of 100% greenhouse gas-free electricity and purchase of electricity from 100% greenhouse gas-free sources for a period of not less than 25 years from issuance of entitlement.

For residential uses, Planning Code Section 249.78 allows levels in which all residential units face onto a public right-of-way to have 100 percent lot coverage.

Planning Code Section 249.78 provides that affordable housing fees for projects within the Central SoMa SUD shall be deposited in the Central SoMa Affordable Housing Fund and shall be expended within the geographic area specified in Administrative Code Section 10.100-46.

Planning Code Section 261.1(d)(2) requires that frontages on a North-South street in the Central SoMa SUD shall have upper stories set back to avoid penetration of a sun access plane defined by an angle of 45 degrees extending from the most directly opposite northerly property line. It also requires that on the northern side of all narrow streets in the Central SoMa SUD, all subject frontages in a 65-foot Height district are required to have an Apparent Mass Reduction of fifty percent, and all Subject Frontages in a 85-foot Height district are required to have an Apparent Mass Reduction of seventy percent. Planning Code Section 270(h) requires that projects in the CS Bulk District on the southeast and southwest sides of a Narrow Street that are in a height district of 160 feet or less, with a base height of 35 feet, are subject to the sun access plane requirements of Section 261.1(d)(2), and that projects in the CS Bulk District on the northeast and northwest sides of a Narrow Street that are in a height district of between 135 and 160 feet with a base height of 35 feet are subject to an 85% apparent mass reduction requirement.

Planning Code Section 406 allows an affordable housing unit to receive a waiver from the Rincon Hill Community Infrastructure Impact Fee, the Market and Octavia Community Improvements Impact Fee, the Eastern Neighborhoods Infrastructure Impact Fee, the Balboa Park Impact Fee, the Visitacion Valley Community Facilities and Infrastructure Impact Fee, the Transportation Sustainability Fee, and the Residential Child Care Impact Fee under certain circumstances.

Planning Code Section 415.5 requires that all monies contributed pursuant to the Inclusionary Affordable Housing Program shall be deposited in the Citywide Affordable Housing Fund ("Fund"), established in Administrative Code Section 10.100-49, with certain exceptions.

Planning Code Section 427 requires an in lieu fee for non-residential open space not provided pursuant to Section 138, and sets forth how square footage exceptions relate to meeting the open space requirements of Sections 135, 135.3 and 138.

Planning Code Section 432.4 requires that all monies deposited in the Fund shall be used to design, engineer, and develop community services facilities, including cultural/arts facilities, social welfare facilities, and community health facilities, in the Central SoMa SUD.

Planning Code Section 433.2(b)(1) sets forth the Central SoMa Infrastructure Impact Fee rates for projects in Fee Tier B that are Condominium and Rental uses.

Planning Code Section 433.4 requires that all monies deposited in the Fund shall be used to design, engineer, and develop community public transit.

The Planning Code currently does not address low-income affordable housing controls for dwelling units and SROs in the SALI Zoning district.

Planning Code Tables 840 and 841 refer to the Central SoMa Guide to Urban Design and the lot coverage provisions of Section 249.78. Table 841 also allows Residential Care Facilities in the MUG District, and Table 842 lists Formula Retail uses in the MUR District as P, with a publisher's note citing that the Central SoMa ordinance of 2018 contained an amendment that was not properly formatted. Table 848 also refers to the lot coverage provisions of Section 249.78.

#### Amendments to Current Law

This ordinance would clarify the provisions relating to transfer of development rights and move the controls for the Central SoMa Plan Area from Section 249.78 to Section 128.1.

This ordinance would amend Section 135 to allow the provision of required off-site open space in the Central SoMa Plan area to be within 1/2 mile of the principal project or under or immediately adjacent to Interstate 80 and within the boundaries of Central SoMa Plan Area.

This ordinance would amend Section 138 to require that operation and maintenance of privately owned public open space shall be memorialized by a POPOS Operations Strategy that is subject to approval by the Planning Director.

This ordinance would apply PDR and community building space requirements in Section 249.78 to any addition that increases the original building's gross floor area by at least twenty percent and results in at least 50,000 gross square feet of net office in the building. This ordinance would also allow an exception to PDR and community building space requirements for the Key Site described in Section 329(e)(2)(E) at the northeast corner of the intersection of 5th Street and Brannan Street, consisting of Block 3777, Lots 045, 050, 051, and 052, allowing reduction of the PDR and Community Building Space Requirement by up to 15,000 gross square feet sitewide by the amount of ground floor space designated for any of the following uses: (i) Grocery, General, (ii) Pharmacy, (iii) Personal Services, not to exceed 2,500 gross square feet, and (iv) Retail Sales and Services limited to: Self-service laundromats and dry cleaning; Household goods and service (including paint, fixtures, hardware, and building materials); Pet supply stores and pet grooming services; Florists, plant and gardening stores; Home furnishings, furniture, and appliances; Books and magazines, stationery, greeting cards, toys and gifts, office supplies, copying service, music, and sporting goods; Art, fabric, and craft supplies; Bicycle sales and repair; and Stores primarily selling used or secondhand goods.

This ordinance would amend Planning Code Section 249.78 to require that within the Central SoMa Special Use District, any newly constructed commercial or residential building or major renovation to an existing building, as defined by San Francisco Green Building Code Section 202, shall commit, as a condition of approval, to fulfilling all on-site electricity demands through any combination of on-site generation of 100% greenhouse gas-free electricity and purchase of electricity from 100% greenhouse gas-free sources for a period of not less than 25 years from issuance of the first construction document.

For residential uses, this ordinance would amend Planning Code Section 249.78 to allow 100 percent lot coverage for levels that contain only lobbies and circulation areas, and levels on which all residential uses are within 40 horizontal feet from a property line fronting a street or alley. This ordinance would also add an exposure provision to Section 249.78 to state that, notwithstanding the residential unit exposure requirements of Section 140(a)(2), if a residential unit in the Central SoMa SUD does not face either a public street or a public alley pursuant to Section 140(a)(1), the unit shall face an open area that measures no less than 20 feet in all horizontal directions on the subject lot. Such open area need not be increased in its horizontal dimensions for the floors above.

This ordinance would amend Section 249.78 to require that affordable housing fees for projects within the Central SoMa SUD shall be subject to Section 415.5(f)(1)(D).

This ordinance would amend Section 261.1 to require that on Narrow Streets within the Central SoMa SUD, buildings of 65 feet or more in height are subject to the Apparent Mass Reduction controls of Section 270(h), and that frontages on the westerly side of a North-South Narrow Street shall meet the sun access plane requirements of subsection 261(d)(2). This ordinance would also amend Section 270(h), which applies to the CS Bulk District, to (a) delete the requirement that projects on the southeast and southwest sides of Narrow Streets that are in a height district of 160 feet or less, with a base height of 35 feet comply with Section 261.1(d)(2); (b) change the applicable height district range for projects on the northeast and northwest sides of Narrow Streets to 130 to 160 feet; (c) require that projects on the northeast and northwest sides of Narrow Streets in 65-foot height districts have 50 percent apparent mass reduction; and (d) require that projects on the northeast and northwest sides of Narrow Streets in 85-foot height districts have 70 percent apparent mass reduction. In addition, the ordinance would amend Section 270(h) to state that any building that exceeds the height allowed by the applicable Height District shall comply with the apparent mass reduction requirement in this Table based on its actual height.

This ordinance would amend Section 406 to expand the fee waiver or reduction for affordable housing projects to include the Central South of Market Infrastructure Impact Fee and the Central South of Market Community Facilities Fee.

This ordinance would amend Section 415.5 to require that Affordable Housing Fee funds collected from projects within the Central SoMa SUD shall be accounted for separately and

expended only within the area bounded by Market Street, the Embarcadero, King Street, Division Street, and South Van Ness Avenue.

This ordinance would move the non-residential open space in lieu fee requirement pursuant to Section 138 from Section 427 to Section 426, and would amend Section 427 to modify how exceptions relate to meeting the open space requirements of Sections 135.3 and 138, and deletes the reference to meeting the open space requirements of Section 135. It would also expand the exceptions that would reduce the open space requirement pursuant to Section 135.

This ordinance would amend Planning Code Section 432.4 to require that all monies deposited in the Fund shall be used to design, engineer, and develop community services facilities, including cultural/arts facilities, social welfare facilities, and community health facilities within the area bounded by Market Street, the Embarcadero, King Street, Division Street and South Van Ness Avenue.

This ordinance would amend Planning Code Section 433.2(b)(1) to replace the term "Condominium uses" with the term "Owned Units, as defined in Section 415.2," and to replace the term "Rental uses" with the term "Rental Units, defined as units that are not Owned Units as defined in Section 415.2."

This ordinance would amend Planning Code Section 433.4 to require that all monies deposited in the Fund shall be used to design, engineer, and develop community public transit and recreation and open space improvements.

This ordinance would add Section 803.8 to authorize dwelling units and SROs in the SALI District as conditional uses if they meet certain affordability requirements.

This ordinance would amend Planning Code Tables 840 and 841 to delete the reference to the Central SoMa Guide to Urban Design, and would amend Tables 840, 841 and 848 for consistency with the amendments to the lot coverage provisions of Section 249.78. It would also eliminate the allowance in Table 841 for Residential Care Facilities in the MUG District, and correct Table 842's controls for Formula as described in the publisher's note.