



EXECUTIVE SUMMARY

PLANNING CODE TEXT AMENDMENT APPROVAL

HEARING DATE: September 17, 2020

Record No.: 2011.1356PCA-02
Project Name: Central SoMa Planning Code Clean-Up
Initiated by: Planning Commission
Reviewed by: Joshua Switzky, Land Use & Community Planning Program Manager
Citywide Division

Staff Contact: Mat Snyder – (628) 652-7460
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Recommendation: Recommend Approval to the Board of Supervisors

Planning Code Amendment

The proposed Ordinance would amend the Planning Code by correcting, clarifying and updating Administrative and Planning Code amendments approved in Ordinance No. 296-18, which gave effect to the Central South of Market (“SoMa”) Area Plan, and is necessary to implement the adopted policies of the Central SoMa Plan.

The Way It is Now

The Planning Code contains grammatical and syntactical errors, unintentional cross-references and accidental additions and deletions associated with the Central SoMa Planning Code amendments approved in 2018. Additionally, there are currently Planning Code provisions approved under original Central SoMa Ordinance regarding off-site open space, publicly accessible privately owned open spaces (POPOS), the Central SoMa PDR requirement, the Central SoMa lot coverage requirement, aspects of the Central SoMa Infrastructure Fee and the Central SoMa Community Facilities Fee, and the and height and bulk setback and sky plane requirements that are inconsistent with the intentions of the adopted policies regarding those topics.

The Way It Would Be

The proposed Ordinance seeks to correct these errors and improve the overall quality and readability of the Code and to more accurately implement the intent of the adopted policies in the Central SoMa Plan.

Amendments that could be considered substantive but that are being made to clarify, correct omissions, or reflect the actual intent of the adopted Central SoMa legislation do the following: ; (1) require an operations and maintenance strategy for all required Privately Owned Public Open Spaces (POPOS); (2) clarify that the Central SoMa PDR requirement applies to projects that increase a building's square footage by 20% and result in 50,000 gsf of office space along with new construction projects that result in 50,000 gsf of office space; (3) clarify lot coverage requirement for residential uses in the Central SoMa SUD; (4) clarify which sides of narrow streets in Central SoMa are subject to solar plane setback and bulk reduction sky plane requirements; (5) clarify that funds collected through the BMR in-lieu fee from Central SoMa projects are required to be spent in the greater SoMa area; (6) clarify that exceptions and modifications for usable open space can only be for non-square footage related exceptions; (7) clarify that funds collected through the Central SoMa Community Facilities fee can be spent in the greater SoMa area, and not limited to the Central SoMa SUD; (8) clarify that the Central SoMa Infrastructure Fee applies to both Tiers B and C for non-residential projects not subject to an office allocation of 50,000 gsf or greater; and (9) clarify that funds from the SoMa Infrastructure fee can be spent on recreation and open space project as well as transit projects.

The two substantive changes include the following: (1) enabling a project sponsor to meet part of its usable open space requirement off-site at a greater distance from the principal project, particularly by enabling projects to build open space under and around the I-80 freeway within the Central SoMa SUD and (2) provide an additional exception for one Key Site (northeast corner of 5th/Brannan) by allowing the Commission to consider provision of certain retail in-lieu of a portion of the PDR requirement.

Background

On May 10, 2018, the Planning Commission adopted Resolution No. 20185, recommending to the Board of Supervisors (Board) to approve a series of Planning Code and other Code Amendments related to the Central SoMa Plan. On December 4, 2018, the Board finally approved the amendments; the Amendments went into effect on January 11, 2019. Subsequent to the approval, Planning staff has noticed several inadvertent errors and instances where the wording of or placement of the new code provisions do not accurately reflect the intent of the related policy. This ordinance is intended to address these issues.

On July 30, 2020, the Planning Commission adopted Resolution No. 20771, initiating these amendments. The original initiating amendments did not include the following changes that are now incorporated into the revised draft ordinance; these new amendments would do the following: (1) clarify when the renewable electricity commitment needs to be made; (2) clarifying that the Community Facilities Fee fund can be spent in the greater SoMa area; (3) clarify that the Infrastructure Fee applies to non-residential non-large office cap projects (i.e. less than 50,000 gsf of office) in Tier B as well as Tier C; (4) clarify that funds from the Infrastructure Fee can be spent on recreation and open space projects; and (4) adds the provision regarding potential exceptions for a project at Block 3777, Lots 045, 050, 051 and 052.

Issues and Considerations

Substantive Changes

Many of the proposed changes in this ordinance are not substantive. However, this ordinance does contain changes that could be considered substantive, but for the reasons identified below are included in this ordinance as amendments that would correct conflicting or missing information. The following is a list of

amendments (1-9) the Department believes to substantive but clarifies the intent as expressed in other Central SoMa approval documents, along with two amendments (10, 11) that are new substantive amendments:

1. **Requiring an Operations Strategy for Privately Operated Publicly Accessible Open Space (POPOS).** The adopted Central SoMa Implementation Document (see Implementation Matrix 5.5.1.3) calls for the review and approval of an operations strategy for each POPOS to memorialize the means by which such open space will be maintained and operated on an ongoing basis but was inadvertently not included in the Original Legislation. Therefore, staff is recommending that the text amendment include the requirement that an Operation Strategy be approved by the Director of Planning prior to the approval of a site or building permit of a project with such POPOS requirement. (Planning Code Section 138(f))
2. **Clarifying that projects that add 20% gross floor area to an existing building are subject to the PDR requirement.** The Original Legislation included a PDR requirement for certain projects within the Central SoMa SUD. The Original Legislation subjected only new construction projects that created 50,000 gross floor area or more to this requirement. However, Planning's intent was to include all projects that add at least 50,000 gross square feet of office space to a site, inclusive of major additions to existing buildings. Staff is recommending that this requirement be expanded to also include projects that add at least 20% to an existing building to assure large-scale projects that are technically not considered "new construction" be subject to the requirement. (Planning Code Section 249.78(c)(5)(B))
3. **Clarifying the Lot Coverage Limitation in Central SoMa is 80 percent for all Residential Levels.** The subject Code amendment would clarify that all floor levels with residential space (including accessory residential spaces such as common rooms) are limited to 80% lot coverage, except for floors whose only "residential" space is common lobbies and circulation. (Planning Code Section 249.78(d)(6))
4. **Clarifying Height Setback and Bulk Reduction Sky Plane Requirements for Projects on Narrow Streets in Central SoMa.** The Original Central SoMa Legislation included new provisions that expanded on solar plane setback requirements on the southern side of narrow streets, originally established as part of the Market Octavia Plan in 2008. The Central SoMa Legislation also introduced a new type of bulk reduction, "sky plane", where upper story bulk reduction is determined by the perceived visibility of a building's upper story bulk by pedestrians on the street. This Clean-Up legislation clarifies and corrects which sides of the street these new requirements apply to and reorganizes the provisions so that all sky plane requirements are in the same section of the Code. Further, the proposed revisions clarify that buildings that are taller than would otherwise be allowed in a given height district are to follow the sky plane bulk reduction requirements of the height district that is most aligned with the height of the building. (Planning Code Sections 261.1(b)(1) and (d)(1), (2) and (3) and 270(h))
5. **Clarifying that funds collected through the BMR in-lieu fee in Central SoMa are to be spent in the greater SoMa area.** The Central SoMa Implementing Document assumed that fees collected through the BMR in-lieu fee would be spent in the greater SoMa Area. This corrects the omission from the Original Legislation. (Planning Code Section 406(b)(1))
6. **Clarifying that Only Non-Quantitative Exceptions to Open Space Requirements Can be Granted through Design Exceptions.** The Original Legislation included provisions that allowed exceptions to the usable open space requirement to be approved through a modification or variance. This Clean-up Legislation

clarifies that the payment of open space in-lieu fee is only required when an exception or variance is granted to reduce the amount of open space provided, but not in cases where an exception or variance is only related to the design standards for the open space. (Planning Code Sections 426 and 427)

7. **Broadening the Area in Which Funds Collected from the Central SoMa Community Facilities Fee can be Spent.** Currently, Planning Code Section 432(b)(1) limits the area in which Central SoMa Community Infrastructure fee can be spent to the Central SoMa SUD. Staff believes that this geography is too limited to practically implement the purpose of the adopted Fee, given that opportunities to fund such facilities that serve the residents of Central SoMa may fall nearby but outside the boundaries of the Plan area. The amendment proposed would broaden this geography to include all of what is commonly known as SoMa (Market Street, Embarcadero, Townsend Street 13th Street, South Van Ness Avenue). (Planning Code Section 432(b)(1))
8. **Expanding the Applicability of the Central SoMa Infrastructure Fee to an Additional Central SoMa Fee Tiers.** The Central SoMa Plan introduced several new funding sources to fund community benefits. These included the Central SoMa Infrastructure Fee, the Central SoMa Community Facilities fee, and a new Community Facilities District (CFD). The Central SoMa area was divided into fee tiers (A, B, and C) based on the amount of additional development capacity the Plan created, and therefore the capacity for a development project to contribute higher fees. The Central SoMa Community Benefits Program, adopted by the Board of Supervisors, indicated that non-residential projects that are not subject to a “large cap” office allocation (i.e. adding 50,000 gsf of office space or more) should pay the SoMa Infrastructure Fee if they were in either Tiers B or C. The Original Central SoMa legislation inadvertently only included Tier C; this clean-up legislation would add Tier B to be consistent with the adopted Plan documents and Board of Supervisors record of intent. (Planning Code Section 433.2(b)(4))
9. **Expanding the Types of Infrastructure Projects that can be Funded through the Central SoMa Infrastructure Fee.** The adopted Central SoMa Community Benefits Document indicated that both transit and parks/open space projects could be funded through revenue from the Central SoMa Infrastructure Fee. The Original Central SoMa Legislation mistakenly only referenced transit as being an eligible infrastructure type. The Clean-Up legislation would correct this by adding back recreation and open space projects that could be funded through this revenue source. (Planning Code Section 433.4(b)(1))
10. **Allowing the portion of required usable open space that can be provided off-site to be provided at a greater distance.** Planning Code Section 135(h)(6)(i)(1) establishes that required usable open space that can be provided off-site must be within 800 feet of the principal project. One of the open space policy goals of the Central SoMa Plan is to improve underutilized parcels under and immediately adjacent to Interstate 80 as open space resources. Therefore, Planning staff is recommending that this distance standard be amended to allow such open space to be within ½-mile of the principal project or be under or adjacent to I-80 if it is within the boundaries of the Central SoMa SUD; this provides more flexibility in providing off-site usable open space generally, and encourages the creation of desirable open space at these targeted parcels. (Planning Code Section 135(h)(6)(i)(1))

11. Enabling an additional exception through the Large Project Authorization for the Key Site at the Northeast corner of 5th and Brannan, consisting of Block 3777, Lots 045, 050, 051 and 052 to provide more certain types of retail. The Original Legislation included new PDR requirements for certain projects within the Central SoMa SUD. At the same time, the Central SoMa Area Plan and the Central SoMa Implementing Document also include policies that strongly encourage neighborhood serving retail to meet the needs of the expanding residential population. The Planning Commission approved a project for the Subject site in August 2019. The approved project includes approximately 47,200 gsf of required PDR consistent with the requirements, along with 11,000 gsf of retail. Subsequent to the adoption of the Original Legislation and initial approval of a project at the subject site both the Planning Department and the Project Sponsor heard a strong desire from community members to allow for larger neighborhood serving uses as part of the Project, specifically retail sales and service establishments, such as grocery or hardware stores, that would provide for everyday needs at affordable prices to a diverse range of residents. This amendment would enable up to 15,000 gsf of the PDR requirement to be forgone in place of certain types of retail to meet this goal, subject to Commission review and approval pursuant to the Section 329 Key Site exception process. (Planning Code Section 329(e)(3)(B)(iv)).

Environmental Review

The Planning Commission certified the Final Environmental Impact Report for the Central Soma Plan (“Final EIR”) and adopted CEQA Findings for the Central Soma Plan on May 10, 2018 by Motions 20182 and 20183 respectively.

On September 10, 2020, the Environmental Planning Division of the Planning Department issued a Note-to-File which stated the following: The changes made to the project since the PEIR was finalized would not require revisions to the PEIR due to the involvement of new significant environmental effects or increase in the severity of previously identified significant impacts. There are also no substantial changes in project circumstances that would require revisions to the PEIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the PEIR. Thus, for the reasons outlined above, this note to file provides sufficient documentation that the revised project does not warrant additional environmental review.

Basis for Recommendation

This Ordinance is intended to correct identified errors, omissions, and imprecision in the Code amendments adopted to implement the Central SoMa Plan. Although these are considered minor errors, they cannot be corrected without a legislative change. Adopting this Ordinance will make the code more consistent with adopted policy, accurate and easier to use. Other amendments are to clarify Code provisions to accurately reflect the original intent of the Central SoMa Plan.

Attachments:

Draft Resolution
Draft Ordinance



PLANNING COMMISSION DRAFT RESOLUTION

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RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO CORRECT TYPOGRAPHICAL ERRORS, UPDATE INCORRECT CROSS-REFERENCES, AND MAKE NON-SUBSTANTIVE LANGUAGE REVISIONS LARGELY RELATED TO ORDINANCE NO. 296-18, “ADMINISTRATIVE, PLANNING CODES – CENTRAL SOUTH OF MARKET AREA PLAN”. THE PROPOSED ORDINANCE WILL ALSO AMEND PLANNING CODE SECTION 135(H)(6) REGARDING USABLE OPEN SPACE REQUIREMENTS; PLANNING CODE SECTION 138(F) ADDING A POPOS OPERATION STRATEGY; PLANNING CODE SECTION 249.78(C)(5)(B) CLARIFYING WHICH PROJECTS ARE SUBJECT TO THE CENTRAL SOMA PDR REQUIREMENT; PLANNING CODE SECTION 249.78(D)(6) CLARIFYING THE LOT COVERAGE REQUIREMENT FOR RESIDENTIAL USES IN CENTRAL SOMA; PLANNING CODE SECTION 261.1(B)(1),(2) AND (3) CLARIFYING TO WHICH SIDES OF NARROW STREETS THE UPPER FLOOR SETBACK REQUIREMENTS APPLY IN CENTRAL SOMA; PLANNING CODE SECTION 270(H) CLARIFY WHICH HEIGHT DISTRICTS AND HEIGHTS OF BILDINGS ARE SUBJECT TO THE SOLAR PLANE BULK REDUCTION REQUIREMENTS; PLANNING CODE SECTION 329(E)(3) ADDING AN ADDITIONAL ALLOWED EXCEPTION FOR ONE KEY SITE; PLANNING CODE SECTION 415.5(F)(1) CLARIFYING WHERE BMR IN-LIEU FEES COLLECTED IN THE CENTRAL SOMA SUD CAN SPENT; PLANNING CODE SECTION 426 CLARIFYING WHAT ASPECTS OF AN EXCEPTION TO AN OPEN SPACE REQUIREMENT CAN BE GRANTED THROUGH A MODIFICATION OR VARIANCE; PLANNING CODE SECTION 432.4(B)(1) BROADENING THE GEOGRAPHY FOR WHICH THE CENTRAL SOMA COMMUNITY FACILITIES FEE FUND CAN BE SPENT; PLANNING CODE SECTION 433.2(B)(1) CLARIFYING THAT THE SOMA INFRASTRUCTURE FEE APPLIES TO CERTAIN NON-RESIDENTIAL PROJECTS IN TIER B AS WELL AS TIER C; PLANNING CODE SECTION 433.4(B)(2) CLARIFYING ALLOWABLE CENTRAL SOMA INFRASTRUCTURE FEE EXPENDITURES; 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 PUBLIC NECESSITY, CONVENIENCE AND AND WELFARE FINDINGS PURSUANT TO PLANNING CODE SECTION 302.

PREAMBLE

WHEREAS, on May 10, 2018, the Planning Commission (hereinafter “Commission”) adopted Resolution No. 20185, recommending to the Board of Supervisors (hereinafter “Board”) a set of Planning Code Text and Map amendments (hereinafter “2018 Ordinance”) to give effect to the Central SoMa Plan (hereinafter “Project”);

WHEREAS, ON May 10, 2018, after a duly noticed public hearing, the Commission reviewed and considered the Final Environmental Impact Report for the Central Soma Plan (“Final EIR”) and found the Final EIR to be adequate, accurate, and objective, thus reflecting the independent analysis and judgment of the Department and the Commission, and that the summary of comments and responses contained no significant revisions to the Draft EIR, and by Motion No. 20182 certified the Final EIR for Central Soma Plan as accurate, complete, and in compliance with CEQA, the CEQA Guidelines, an Chapter 31 of the San Francisco Administrative Code;

WHEREAS, on May 10, 2018, by Resolution No. 20183, the Commission approved CEQA Findings, including a statement of overriding considerations, and adoption of a Mitigation Monitoring and Reporting Program (“MMRP”), under Case No. 2011.1356E, for approval of the Central SoMa Plan;

WHEREAS, at the same hearing, the Commission adopted Resolution No. 20184, adopting amendments to the San Francisco General Plan to also give effect the Central SoMa Plan. Incorporated in Resolution No. 20184 were Findings of Consistency with the General Plan and Planning Code Section 101.1, establishing that that the Central SoMa Plan, and actions thereto were, on balance, consistent with the General Plan and with Planning Code Section 101.1;

WHEREAS, on December 4, 2018, the Board approved the 2018 Ordinance; the Mayor approved the 2018 Ordinance on December 12, 2018; the Ordinance became effective on January 11, 2019;

WHEREAS, Subsequent to the effective date of the 2018 Ordinance, Planning staff and the City Attorney’s office have identified several instances in the 2018 Ordinance where there were errors, lack of clarity, or inconsistencies with other provisions of the Planning Code and with the related adopted Central SoMa policies and documents, including the Central SoMa Plan of the General Plan and Central SoMa Implementation Document;

WHEREAS, ON July 30, 2020, the Planning Commission adopted Resolution No. 20771 to initiate Administrative and Planning Code Amendments (“Clarifying Amendments”) to address the errors, lack of clarity, and inconsistencies with other provisions of the Planning Code, and to strengthen the Planning Code in better implementing the Central SoMa Plan; the Clarifying Amendments also include two substantive amendments;

WHEREAS, the Clarifying Amendments would amend several sections of the Code as outlined in the draft Ordinance and incorporated herein to address inadvertent errors, lack of clarity, and other needed language improvements necessary to implement the adopted policies and intents of the adopted Central SoMa Plan;

WHEREAS, the Clarifying Amendments include changes to Administrative Code Sections 35.2 and 35.7; and changes to Planning Code Sections 128.1(b),(c),(d) and (e), 135(h)(6), 135(h)(6)(i)(1), 138(f), 155(r)(2), 249.78(c)(5)(B), 249.78(d)(5)(C), 249.78(d)(6), 249.78(d)(10), 249.78(d)(10), 249.78(e)(1), 249.78(e)(1), 249(e)(3), 261.1(d)(2) and (3) and (3) 270(h), 329(d), 329(e)(3)(B)(iv), 406(b)(1), 415.5(f)(1)(D), 426, 427, 432.4(b)(1)(A) and (B), 433.2(b)(1), 433.2(b)(4), 433.4(b)(2), 803.8, 840.19, 840.20, 840.22, 840.23, , 841.19, 841.20, 841.22, 841.23 842.20, 842.22, 843.23, and 848; and adds back Planning Code Section 803.8;

WHEREAS, Francisco Administrative Code Section 31.19(c)(1) states that a revised project must be reevaluated and that, "If, on the basis of such reevaluation, the Environmental Review Officer determines, based on the requirements of CEQA, that no additional environmental review is necessary, this determination and the reasons therefore shall be noted in writing in the case record, and no further evaluation shall be required by this Chapter." On September 10, 2020, the Environmental Planning Division of the Planning Department issued a Note-to-File on the subject Clarifying Amendments indicating the following: the changes made to the project since the PEIR was finalized would not require revisions to the PEIR due to the involvement of new significant environmental effects or increase in the severity of previously identified significant impacts. There are also no substantial changes in project circumstances that would require revisions to the PEIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the PEIR. Thus, for the reasons outlined above, this note to file provides sufficient documentation that the revised project does not warrant additional environmental review.

WHEREAS, on September 17, 2020, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on the Clarifying Amendments;

WHEREAS, Planning Department staff recommends adoption of this Resolution adopting and recommending that the Board of Supervisors approve the Clarifying Amendments;

WHEREAS, the Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties;

WHEREAS, the all pertinent documents may be found in the files of the Department, as the Custodian of Records, at 49 South Van Ness Avenue, Suite 1400, San Francisco; and

WHEREAS, the Commission has reviewed the proposed Ordinance, the Executive Summary and all other documents submitted in association with the proposed Ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed Zoning Text Amendment for the following reasons:

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The Clarifying Amendments provide corrections and clarifying language that will better implement the Central SoMa Plan, which will accommodate development capacity for up to 33,000 jobs and 8,300 housing units.
2. The Clarifying Amendments provide corrections and clarifying language that will better implement the Central SoMa Plan, which will maintain the diversity of residents by requiring that more than 33% of new housing units are affordable to low- and moderate-income households, and by further clarifying that

affordable housing BMR in-lieu fees be spent to create affordable housing in SoMa. .

3. The Clarifying Amendments provide corrections and clarifying language that will better implement the Central SoMa Plan, which will facilitate an economically diversified and lively jobs center by requiring most large sites to be jobs-oriented, by requiring production, distribution, and repair uses in many projects, and by allowing retail, hotels, and entertainment uses in much of the Plan Area.
4. The Clarifying Amendments provide corrections and clarifying language that will better implement the Central SoMa Plan, which will offer parks and recreational opportunities by funding the construction and improvement of parks and recreation centers in the area and requiring large, non-residential projects to provide publicly-accessible open space.

AND BE IT FURTHER RESOLVED, that the Commission adopts and incorporates by reference as though fully set forth herein the CEQA Findings set forth in Commission Resolution No. 20183.

AND BE IT FURTHER RESOLVED, that the Commission adopts and incorporates by reference as though fully set forth herein the Mitigation Monitoring and Reporting Program.

AND BE IT FURTHER RESOLVED, that the Commission finds the Planning Code and Administrative Code Amendments are in general conformity with the General Plan as set forth in Planning Commission Resolution No. 20184. The proposed Administrative and Planning Code Amendments do not contain any proposed changes that would alter the Central SoMa Plan in such a way that the General Plan and Planning Code Section 101.1 Consistency Findings made under Resolution No. 20184 would not continue to apply.

AND BE IT FURTHER RESOLVED, that the Commission adopts the Planning Code and Administrative Code Amendments as reflected in an ordinance approved as to form by the City Attorney attached hereto as Exhibit A:

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on September 17, 2020.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED:

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

3 **Ordinance amending the Planning Code to correct and clarify Administrative and**
4 **Planning Code amendments approved in Ordinance No. 296-18, which gave effect to**
5 **the Central South of Market Area Plan, and to amend open space, apparent mass**
6 **reduction, lot coverage, fee and key site exception provisions in Central SoMa;**
7 **affirming the Planning Department’s determination under the California Environmental**
8 **Quality Act; and making findings of consistency with the General Plan and the eight**
9 **priority policies of Planning Code Section 101.1 and public necessity, convenience,**
10 **and welfare findings under Planning Code, Section 302.**

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

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

19 Section 1.

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

25 (b) The Board of Supervisors finds that the actions contemplated in this ordinance are
consistent, on balance, with the City’s General Plan and eight priority policies of Planning

1 Code Section 101.1 for the reasons set forth in Ordinance No. 296-18, which are incorporated
2 herein by reference.

3 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that the
4 actions contemplated in this ordinance will serve the public necessity, convenience, and
5 welfare for the reasons set forth in Ordinance No. 296-18, which are incorporated herein by
6 reference.

7

8 Section 2. General Findings.

9 (a) Subsequent to the passage of Ordinance No. 296-18, “The Administrative,
10 Planning Codes – Central South of Market Area Plan Amendments” (“2018 Ordinance”), the
11 Planning Department has determined that technical and clarifying Administrative and Planning
12 Code amendments are needed to effect the original intent of the 2018 Ordinance and other
13 Central SoMa policy documents. In most cases, these amendments correct or clarify the
14 Code for consistency with the intent of the Central SoMa Area Plan, Central SoMa
15 Implementation Document, and other policy documents that were approved at the same time
16 as the Original Ordinance.

17

18 Section 3. The Administrative Code is hereby amended by revising Sections 35.2 and
19 35.7, to read as follows:

20 **SEC. 35.2. DECLARATION OF POLICY.**

21 It shall be the policy of the City and County of San Francisco (City) to protect its
22 existing and future Production, Distribution, and Repair (PDR) Uses from potentially
23 incompatible adjacent and nearby development provided that such Uses ~~businesses~~ are
24 conducted and maintained in accordance with all applicable federal, state, and local laws and
25 regulations.

1 **SEC. 35.7. PLANNING DEPARTMENT AND COMMISSION REVIEW OF RESIDENTIAL**
2 **PROJECTS.**

3 The Planning Department and Commission shall consider, among other factors, the
4 compatibility of uses when approving Residential Uses and Hotel Uses in PDR Use Zoning
5 Districts and shall take all reasonably available means through the City’s design review and
6 approval processes to ensure that the design of such new residential and hotel development
7 projects is sensitive to both the existing and future PDR Uses in these Districts and the future
8 residents and overnight visitors of the new development. Such factors may include, among
9 others:

10 (a) The proposed project’s consistency with the Industrial Area Design Guidelines;

11 (b) The proposed project’s overall design, acoustical treatment, and ventilation to
12 achieve interior noise levels and ventilation compatible with residential standards; and

13 (c) The location of non-habitable spaces or spaces such as closets, bathrooms,
14 kitchens, and/or landscaping so that such spaces may provide a buffer between the proposed
15 habitable residential areas and any common property line with PDR Uses.

16
17 Section 4. The Planning Code is hereby amended by revising Sections 128.1, 135,
18 138, 155, 249.78, 249.78, 261.1, 270, 329, 406, 415.5, 426, 427, 432.4, 433.2, 433.4, 840,
19 841, 842 and 848 and adding Section 803.8, to read as follows:

20 **SEC. 128.1. TRANSFER OF DEVELOPMENT RIGHTS IN THE CENTRAL SOMA SPECIAL**
21 **USE DISTRICT.**

22 * * * *

23 (b) **Definitions.**

24 “**Development Lot.**” A lot within the Central SoMa Special Use District to which
25 Transferable Development Rights may be transferred. The following areas are exempted from

1 the calculation of the Development Lot area: land dedicated to the City for affordable housing
2 pursuant to Section 249.78 or land dedicated to the City for publicly-owned parks or publicly-
3 owned recreation centers pursuant to Section 263.32 or 263.34.

4 “**Preservation Lot.**” A parcel of land within the Central SoMa Special Use District
5 on which exists (1) a Significant or Contributory Building, as designated pursuant to Article
6 11 of this Code; or (2) a structure designated as an individual landmark or as contributory to a
7 historic district designated pursuant to Article 10 of this Code. The boundaries of the
8 Preservation Lot shall be the boundaries of the Assessor’s Lot on which the building is located
9 at the time the ordinance making the designation is adopted, unless boundaries are otherwise
10 specified in that ordinance.

11 “**Transfer Lot.**” ~~A lot within~~ Within the Central SoMa Special Use District, a Transfer Lot
12 is a Preservation Lot or a lot that contains a building in which all of the housing units are Affordable
13 Housing Units as defined in Section 401, from which Transferable Development Rights may be
14 transferred.

15 * * * *

16 (c) **Applicability.** TDR may be transferred from a Transfer Lot to a Development Lot,
17 subject to the requirements set forth in this Section 128.1 ~~and Section 249.78.~~

18 * * * *

19 (d) **Controls.** The transfer and use of TDR within the Central SoMa SUD are subject to the
20 following controls shall be allowed only under the following circumstances:

21 (1) TDR from a Transfer Lot within the Central SoMa SUD may be used by any
22 Development Lot in the city as defined in Sections 128 and 128.1. The Transfer Lot is a Preservation
23 Lot or consists of a building all of the housing units of which are Affordable Housing Units as defined
24 in Section 401.

1 _____ (2) TDR from a Transfer Lot located outside the Central SoMa SUD may only be used
2 by a Development Lot within the Central SoMa SUD if that Development Lot is a Large Development
3 Site pursuant to subsection (e). ~~The purchaser of the TDR is a Development Lot as defined in Section~~
4 ~~128 and 128.1.~~

5 _____ (3) Transfer and use of TDR within the Central SoMa SUD is subject to the
6 requirements of Section 128(e) through (l).

7 (e) Additional Requirements. Projects transferring TDR pursuant to this Section 128.1 are
8 subject to the requirements of Planning Code Section 128(e) through (l) and Section 249.78. **TDR**
9 **Controls for Large Development Sites.**

10 _____ (1) Applicability. This subsection (e) applies to Large Development Sites, which are
11 projects that:

12 _____ (A) Are located in Central SoMa Fee Tier C, as defined in Section 423.2;

13 _____ (B) Contain new construction or addition of 50,000 non-residential gross
14 square feet or greater; and

15 _____ (C) Have a Floor Area Ratio of 3:1 or greater.

16 _____ (2) Controls. To exceed a Floor Area Ratio of 3:1, a Large Development Site shall
17 acquire one Unit of TDR from a Transfer Lot, as defined in Sections 128 and 128.1, per square foot of
18 development up to a Floor Area Ratio of 4.25:1. Above 4.25:1, the acquisition of additional TDR is not
19 required.

20 * * * *

21
22 **SEC. 135. USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING, R,**
23 **NC, MIXED USE, C, AND M DISTRICTS.**

24 * * * *

25 (h) **Publicly-Accessible Usable Open Space Standards.** In DTR Districts and the

1 Eastern Neighborhoods Mixed Use Districts, some or all of the usable open space
2 requirements may be fulfilled by providing privately-owned public open space. Any space
3 credited as publicly-accessible usable open space, where permitted or required by this Code,
4 shall meet the following standards:

5 * * * *

6 (6) **Approval of Open Space Type and Features.** Approval of open space in
7 these areas is subject to requirements of Section 138(~~de~~) of this Code.

8 (i) **Off-Site Provision of Required Usable Open Space.**

9 (1) **Eastern Neighborhoods Mixed Use Districts.** In the Eastern
10 Neighborhoods Mixed Use Districts, the provision of off-site publicly accessible open space
11 may be credited toward the residential usable open space requirement, subject to Section 329
12 for projects to which that Section applies and Section 307(h) for other projects. Any such
13 space shall meet the publicly accessible open space standards set forth in Section 135(h) and
14 ~~be provided within 800 feet of the project~~ shall be within the following distance of the principal project:
15 for principal projects that are not within the Central SoMa SUD such space shall be within 800 feet of
16 said principal project; for principal projects that are within the Central SoMa SUD, the space shall be
17 within 1/2 mile of said principal project or within any parcel that is under or immediately adjacent to
18 Interstate 80 and within the boundaries of Central SoMa Plan Area. The distance between the
19 principal project and the offsite open space shall be measured by the direct distance between the
20 closest boundary of the principal project and the closest boundary of the off-site open space. No more
21 than 50 percent of a project's required usable open space shall be off-site. The publicly
22 accessible off-site usable open space shall be constructed, completed, and ready for use no
23 later than the project itself, and shall receive its Certificate of Final Completion from the
24 Department of Building Inspection prior to the issuance of any Certificate of Final Completion
25 or Temporary Certificate of Occupancy for the project itself.

1 * * * *

2
3 **SEC. 138. PRIVATELY-OWNED PUBLIC OPEN SPACE (POPOS) REQUIREMENTS.**

4 * * * *

5 (f) **Open Space Provider.** The open space required by this Section may be provided:
6 individually by the project sponsor or jointly by the project sponsor and other project sponsors,
7 provided, that each square foot of jointly developed open space may count toward only one
8 sponsor's requirement. With the approval of the Planning Commission, a public or private
9 agency may develop and maintain the open space, provided that (i) the project sponsor or
10 sponsors pay for the cost of development of the number of square feet the project sponsor is
11 required to provide, (ii) provision satisfactory to the Commission is made for the continued
12 maintenance of the open space for the actual lifetime of the building giving rise to the open
13 space requirement, and (iii) the Commission finds that there is reasonable assurance that the
14 open space to be developed by such agency will be developed and open for use by the time
15 the building, the open space requirement of which is being met by the payment, is ready for
16 occupancy. Property owners providing open space under this section will hold harmless the
17 City and County of San Francisco, its officers, agents and employees, from any damage or
18 injury caused by the design, construction, use, or maintenance of open space. Property
19 owners are solely liable for any damage or loss occasioned by any act or negligence in
20 respect to the design, construction, use, or maintenance of the open space. Operation and
21 maintenance of this open space shall be memorialized by a POPOS Operations Strategy developed by
22 the Project Sponsor or Open Space Provider; said strategy shall be approved by the Director prior to
23 Planning Department approval of a site or building permit.

24 * * * *

1 (j) Notwithstanding the requirements established in subsections (b)-(d) above, the
2 following additional standards shall apply in the C-3-O(SD) district:

3 * * * *

4 (4) In-lieu of providing open space per the requirements of this Section 138,
5 developments in the C-3-O(SD) District may pay the fee as described in Section 4276(b).

6 * * * *

7
8 **SEC. 155. GENERAL STANDARDS AS TO LOCATION AND ARRANGEMENT OF OFF-**
9 **STREET PARKING, FREIGHT LOADING, AND SERVICE VEHICLE FACILITIES.**

10 * * * *

11 (r) **Protected Pedestrian-, Cycling-, and Transit-Oriented Street Frontages.** In
12 order to preserve the pedestrian character of certain districts and to minimize delays to transit
13 service, garage entries, driveways, or other vehicular access to off-street parking or loading
14 via curb cuts on development lots shall be regulated as set forth in this subsection (r). These
15 limitations do not apply to the creation of new publicly-accessible Streets and Alleys. Any lot
16 whose sole feasible vehicular access is via a protected street frontage described in this
17 subsection (r) shall be exempted from any off-street parking or loading requirement found
18 elsewhere in this Code.

19 (1) Folsom Street, from Second Street to The Embarcadero, not permitted
20 except as set forth in Section 827.

21 (2) Not permitted:

22 * * * *

23 (~~MMMMSS~~) 6th Street from Folsom Street to Brannan Street.

24 * * * *

1 **SEC. 249.78. CENTRAL SOMA SPECIAL USE DISTRICT.**

2 (a) **Purpose.** In order to implement the goals, objectives, and policies of the Central
3 SoMa Plan (Ordinance No. 280-18, on file with the Clerk of the Board of Supervisors in File
4 No. 180185), the Central SoMa Special Use District (SUD) is hereby established.

5 (b) **Geography.** The SUD is within the South of Market (SoMa) neighborhood, and its
6 boundaries generally run from 2nd Street to the east to 6th Street to the west, and from
7 Townsend Street to the south to an irregular border that generally follows Folsom, Howard,
8 and Stevenson Streets to the north, as more specifically shown on Sectional Maps 1SU and
9 8SU of the Zoning Map.

10 (c) **Land Use Controls.**

11 * * * *

12 (5) **PDR and Community Building Space Requirements.**

13 (A) For purposes of this subsection, “Community Building Space” shall
14 mean space provided for a Social Service, Institutional Community, Community Facility, or
15 Public Facility Use or for a Legacy Business.

16 (B) In addition to the requirements of Section 202.8, any newly
17 constructed project that contains at least 50,000 gross square feet of office *and any addition*
18 *that increases the original building’s gross floor area by at least twenty percent and results in at least*
19 *50,000 gross square feet of net office in the building* shall provide one of the following:

- 20 (i) An amount of space for PDR Uses or Community Building
21 Space, or a combination thereof, that is the greater of the following:
 - 22 a. the square footage of PDR space required by the
23 controls of Section 202.8, or
 - 24 b. on-site dedication of space for PDR Uses or Community
25 Building Space, or a combination thereof, that is equivalent to 40 percent of the lot area, in

1 which case for purposes of this Section 249.78(b)(5), the following areas are exempted from
2 the calculation of the lot area: land dedicated to a building whose housing units consist
3 entirely of Affordable Housing Units as defined in Section 401; publicly accessible open space
4 and mid-block alleys that are fully open to the sky except for obstructions permitted pursuant
5 to Section 136 or under a cantilevered portion of the building for up to 10% of space pursuant
6 to Section 138(d)(2); any portion of the lot or lots containing a building dedicated primarily to
7 residential use; and ground floor space dedicated to a Child Care Facility. For purposes of this
8 subsection, “on-site” means anywhere on the subject project lot or lots.

9 (ii) Establishment off-site, through new construction, addition, or
10 change of use, of a minimum of 150 percent of gross square feet of the on-site PDR
11 requirement for PDR Uses or for Community Building Space. Such off-site space shall be
12 located within the area bounded by Market Street, Second Street, King Street, Division Street,
13 and South Van Ness Avenue; or

14 (iii) Preservation of existing PDR uses off-site, at a minimum of
15 200 percent of the on-site requirement, for the life of the project that is subject to the
16 requirements of this subsection (6). This off-site PDR shall be located on one or more lots in
17 the area bounded by Market Street, Second Street, King Street, Division Street, and South
18 Van Ness Avenue. The PDR space preserved off-site shall not include any space already
19 required to be preserved pursuant to this Section or Section 202.8.

20 * * * *

21 (d) **Urban Design and Density Controls.**

22 * * * *

23 (5) **Renewable Electricity.**

24 (A) **Definitions.** For the purpose of this subsection, “greenhouse-gas
25 free” shall mean energy resources qualifying as renewable pursuant to California Public

1 Resources Code Chapter 8.6, Section 25741(a) and from hydroelectric facilities of 30
2 megawatts or greater.

3 (B) **Applicability.** This subsection shall apply to any newly constructed
4 commercial or residential building or major renovation to an existing building, as defined by
5 San Francisco Green Building Code Section 202.

6 (C) **Requirements.**

7 (i) All projects shall commit, as a condition of approval, to fulfilling
8 all on-site electricity demands through any combination of on-site generation of 100%
9 greenhouse gas-free electricity and purchase of electricity from 100% greenhouse gas-free
10 sources for a period of not less than 25 years from issuance of ~~entitlement~~the first construction
11 document.

12 (ii) The Planning Department, after consulting with the Public
13 Utilities Commission, Department of Building Inspection, and the Department of the
14 Environment, shall adopt rules and regulations to implement this subsection.

15 * * * *

16 (6) **Lot Coverage and Exposure.**

17 (A) **Lot Coverage.** For residential uses, the rear yard requirements of
18 Section 134 of this Code shall not apply. Lot coverage is limited to 80 percent at all levels
19 containing residential uses, excluding levels that include only lobbies and circulation areas~~residential~~
20 ~~levels, except that on levels in which all residential units face onto a public right-of-way, 100 percent~~
21 ~~lot coverage may occur~~. The unbuilt portion of the lot shall be open to the sky except for those
22 obstructions permitted in yards pursuant to subsections (1) through (23) of Section 136(c) of this
23 Code. Where there is a pattern of mid-block open space for adjacent buildings, the unbuilt
24 area of the new project shall be designed to adjoin that mid-block open space.

1 **(B) Exposure.** Notwithstanding the residential unit exposure requirements of
2 Section 140(a)(2), if a residential unit in the Central SoMa SUD does not face either a public street or
3 a public alley pursuant to Section 140(a)(1), the unit shall face an open area that measures no less than
4 20 feet in all horizontal directions on the subject lot. Such open area need not be increased in its
5 horizontal dimensions for the floors above.

6 * * * *

7 **(10) PDR Floor Heights.** PDR space that is subject to the requirements of
8 Section 202.8 or 249.78(c)(5) shall have a minimum internal floor-to-floor height of 17 feet, ~~as~~
9 ~~measured from grade.~~

10 * * * *

11 **(e) Community Development Controls.**

12 **(1) Affordable Housing Funds.** Affordable Housing Fees for projects within
13 the Central SoMa Special Use District ~~shall be deposited in the Central SoMa Affordable Housing~~
14 ~~Fund and shall be expended within a limited geographic area, as specified in Administrative Code~~
15 ~~Section 10.100-46 shall be subject to Section 415.5(f)(1)(D).~~

16 **(2) Land Dedication.**

17 (A) Residential projects in this SUD may opt to fulfill the Inclusionary
18 Housing requirement of Section 415 through the Land Dedication alternative contained in
19 Section 419.6.

20 (B) Non-Residential projects in this Special Use District may opt to fulfill
21 their Jobs-Housing Linkage Fee requirement of Section 413 through the Land Dedication
22 alternative contained in Section 413.6.

23 **(3) TDR Requirements for Large Development Sites.** The transfer and use of
24 TDR by Large Development Sites in the Central SoMa SUD is subject to the controls of Section 128.1.

25 ~~—————(A) **Applicability.** This control applies to projects that:~~

- ~~_____ (i) Are located in Central SoMa Fee Tier C, as defined in Section 423.2;~~
- ~~_____ (ii) Contain new construction, or addition, of 50,000 non-residential gross square feet or greater; and~~
- ~~_____ (iii) Have a Floor Area Ratio of 3:1 or greater.~~

~~_____ (B) Requirement.~~

- ~~_____ (i) A project subject to this subsection (3) will be considered a "Development Lot," pursuant to Section 128.1;~~
- ~~_____ (ii) To exceed a Floor Area Ratio of 3:1, a Development Lot shall acquire one Unit of TDR from a Transfer Lot, as defined in Sections 128 and 128.1, per square foot of development up to a Floor Area Ratio of 4.25:1. Above 4.25:1, the acquisition of additional TDR is not required.~~

* * * *

SEC. 261.1. ADDITIONAL HEIGHT LIMITS FOR NARROW STREETS AND ALLEYS IN, R, RTO, NC, NCT, AND EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.

* * * *

(b) Definitions.

* * * *

(5) Streets in the South of Market area that are perpendicular to Market Street are considered North-South Streets, and streets that are parallel to Market Street are considered East-West Streets.

* * * *

(d) Controls.

(1) General Requirement. Except as described below, all Subject Frontages shall have upper stories set back at least 10 feet at the property line above a height equivalent

1 to 1.25 times the width of the abutting Narrow Street. Buildings of two stories above grade
2 may be built without a second-story setback, regardless of the width of the street.

3 (2) **Southern Side of East-West Narrow Streets** ~~and, Within the Central SoMa~~
4 ~~Special Use District, Western Side of North-South Narrow Streets.~~ All Subject Frontages on the
5 southerly side of an East-West Narrow Street ~~and, within the Central SoMa Special Use District,~~
6 ~~all Subject Frontages on a North-South Narrow Street~~ shall have upper stories which are set back
7 at the property line such that they avoid penetration of a sun access plane defined by an
8 angle of 45 degrees extending from the most directly opposite ~~northerly~~ property line (as
9 illustrated in Figure 261.1A.) No part or feature of a building, including but not limited to any
10 feature listed in Section 260(b), may penetrate the required setback plane.

11 * * * *

12 (3) **Narrow Streets Controls Within the Central SoMa SUD.**

13 (A) Notwithstanding subsection (d)(1) above, buildings of 65 feet or more in
14 height shall not be subject to the 10-foot setback requirement, but instead shall be subject to the
15 Apparent Mass Reduction controls of Section 270(h).

16 (B) Frontages on the westerly side of a North-South Narrow Street shall meet
17 the sun access plane requirements of subsection (d)(2) above. ~~Northern Side of all Narrow Streets with~~
18 ~~the Central SoMa Special Use District. Subject Frontages in a 65- or 85-foot Height district are~~
19 ~~required to meet Apparent Mass Reduction requirements, as defined in Section (h), as follows:~~

20 (A) ~~All Subject Frontages in a 65-foot Height district are required to have an~~
21 ~~Apparent Mass Reduction of fifty percent, as measured utilizing a Base Height of 35 feet.~~

22 (B) ~~All Subject Frontages in a 85-foot Height district are required to have an~~
23 ~~Apparent Mass Reduction of seventy percent, as measured utilizing a Base Height of 35 feet.~~

24 * * * *

<i>Narrow Street</i>	<i>Northeast and northwest</i>	<i>85 feet</i>	<i>35 feet</i>	<i>70%</i>
* * * *	* * * *	* * * *	* * * *	* * * *

* * * *

*** 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.

* * * *

SEC. 329. LARGE PROJECT AUTHORIZATION IN EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.

* * * *

(d) **Exceptions.** As a component of the review process under this Section 329, projects may seek specific exceptions to the provisions of this Code as provided for below:

~~—— (4) Exception from satisfaction of loading requirements per Section 152.1 pursuant to the criteria contained therein.~~

(4) Exception from satisfaction of loading requirements of Section 152.1 as specified therein. In the Central SoMa SUD, the Commission may consider the project’s Driveway and Loading Operations Plan (DLOP) pursuant to Section 155(u) in making its determination.

* * * *

(e) Exceptions for Key Sites in Central SoMa.

* * * *

(3) **Controls.** Pursuant to this Section 329(e) and the Key Site Guidelines adopted as part of the Central SoMa Area Plan, the Planning Commission may grant exceptions to the provisions of this Code as set forth in subsection (d) above and may also

1 grant the exceptions listed below for projects that provide qualified amenities in excess of
2 what is required by the Code.

3 * * * *

4 (B) **Exceptions.** Upon consideration of qualified amenities in excess of
5 what is required by the Code, the Planning Commission may grant one or more exceptions to
6 the following requirements: the streetwall and setback controls in Section 132.4; the building
7 separation controls in Section 132.4, including but not limited to the controls in subsection
8 132.4(d)(3)(B); the setback requirements in Section 261.1; bulk controls in Section 270(h);
9 and the lot merger restrictions in Section 249.78(d)(7).

10 In addition to these exceptions, the Planning Commission may grant one or more
11 of the following exceptions:

12 * * * *

13 (iv) On the Key Site identified in Section 329(e)(2)(E), exceptions
14 to (a) the lot coverage limits in Section 249.78(d)(6); (b) the requirement that POPOS be open
15 to the sky in Section 138; (c) the street frontage requirements in Section 145.1; (d) ~~and~~ the
16 protected pedestrian-, cycling-, and transit-oriented street frontage requirements of Section
17 155(r); and (e) the PDR replacement requirement of Section 249.78(c)(5) such that (1) the exception to
18 the PDR replacement requirement is for no more than 15,000 square feet of Gross Floor Area of
19 otherwise required PDR space, and (2) the amount of reduced PDR is replaced with Neighborhood
20 Retail Sales and Services that are permitted in the underlying Zoning District and within the Central
21 SoMa SUD. For purposes of this subsection (iv), Neighborhood Retail Sales and Services means those
22 uses that fall under the definition of “Sales and Services, Retail” that are necessary to meet the daily
23 needs of neighborhood residents, particularly providing goods and services to a diverse range of
24 residents.

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SEC. 406. WAIVER, REDUCTION, OR ADJUSTMENT OF DEVELOPMENT PROJECT REQUIREMENTS.

* * * *

(b) Waiver or Reduction, Based on Housing Affordability.

(1) An affordable housing unit shall 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, the Central South of Market Infrastructure Fee, and the Central South of Market Community Facilities Fee if the affordable housing unit:

(A) is affordable to a household at or below 80% of the Area Median Income (as published by HUD), including units that qualify as replacement Section 8 units under the HOPE SF program;

(B) is subsidized by MOHCD, the San Francisco Housing Authority, the Department of Homelessness and Supportive Housing, and/or the Office of Community Investment and Infrastructure or any future successor agency to those listed herein; and

(C) is subsidized in a manner which maintains its affordability for a term no less than 55 years, whether it is a rental or ownership opportunity. Project sponsors must demonstrate to the Planning Department staff that a governmental agency will be enforcing the term of affordability and reviewing performance and service plans as necessary.

* * * *

SEC. 415.5. AFFORDABLE HOUSING FEE.

1 * * * *

2 (f) **Use of Fees.** All monies contributed pursuant to the Inclusionary Affordable
3 Housing Program shall be deposited in the Citywide Affordable Housing Fund (“Fund”),
4 established in Administrative Code Section 10.100-49, except as specified below. MOHCD
5 shall use the funds collected under this Section 415.5 in the following manner:

6 (1) Except as provided in subsection (2) below, the funds collected under this
7 Section shall be used to:

8 (A) increase the supply of housing affordable to qualifying households
9 subject to the conditions of this Section; and

10 (B) provide assistance to low- and moderate-income homebuyers; and

11 (C) pay the expenses of MOHCD in connection with monitoring and
12 administering compliance with the requirements of the Program. MOHCD is authorized to use
13 funds in an amount not to exceed \$200,000 every 5 years to conduct follow-up studies under
14 Section 415.9(e) and to update the affordable housing fee amounts as described above in
15 Section 415.5(b). All other monitoring and administrative expenses shall be appropriated
16 through the annual budget process or supplemental appropriation for MOHCD.

17 *(D) Funds from this fee collected from projects within the Central SoMa Special*
18 *Use District shall be accounted for separately and expended only within the area bounded by Market*
19 *Street, the Embarcadero, King Street, Division Street, and South Van Ness Avenue.*

20 * * * *

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

1 (The effective date of these provisions shall be either December 19, 2008, the date that
2 they originally became effective, or the date a subsequent modification, if any, became
3 effective.)

4 (a) Eastern Neighborhoods Mixed Use Districts. In the Eastern Neighborhoods Mixed
5 Use Districts, except for any parcels within the Central SoMa Special Use District, the usable
6 open space requirement of Section 135.3 may be satisfied through payment of a fee of \$76
7 for each square foot of usable open space not provided. In the Central SoMa Special Use
8 District, the usable open space requirement of Section 135.3 may be satisfied through
9 payment of a fee of \$890 for each square foot of required usable open space not provided,
10 and the POPOS requirement of Section 138 may be satisfied through a payment of a fee of
11 \$890 for each square foot of required open space not provided. Any square footage for which
12 the Planning Commission grants an exception to design standards pursuant to Section 329(e)
13 other than standards related to required square footage shall be considered as meeting the
14 requirements of Sections ~~135~~, 135.3 and 138 for purposes of this Section 426. These fees
15 shall be adjusted in accordance with Section 423.3 of this Article. These fees shall be paid
16 into the Recreation and Open Space subset of the Eastern Neighborhoods Community
17 Improvements Fund, as described in Section 423 of this Article.

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

1
2 **SEC. 427. PAYMENT IN CASES OF VARIANCE OR EXCEPTION FOR REQUIRED**
3 **RESIDENTIAL OPEN SPACE IN THE EASTERN NEIGHBORHOODS MIXED USE AND C-3-**
4 **O(SD) DISTRICTS.**

5 (a) **Eastern Neighborhoods Mixed Use Districts.** In the Eastern Neighborhoods
6 Mixed Use Districts, except for the Central SoMa Special Use District, any project that obtains
7 a Variance pursuant to Section 305, or an exception pursuant to Section 329, to provide less
8 usable open space than otherwise required by Section 135 shall pay a fee of \$327 for each
9 square foot of usable open space not provided. In the Central SoMa Special Use District, any
10 project that obtains a Variance pursuant to Section 305, an exception pursuant to Section
11 329, or chooses the in-lieu option pursuant to Section 135(d)(5)(B)(ii) shall pay a fee of \$890
12 for each square foot of required useable open space not provided. These fees shall be
13 adjusted in accordance with Section 423.3 of this Article. These fees shall be paid into the
14 Recreation and Open Space subset of the Eastern Neighborhoods Community Improvements
15 Fund, as described in Section 423 of this Article.

16 (b) **C-3-O(SD) District.** In the C-3-O(SD) District, if a Variance *or Planning*
17 *Commission exception* is granted ~~by the Zoning Administrator~~ to reduce the amount of open space
18 required for any use pursuant to Section 135 ~~or 138 or if a project sponsor chooses to pay the in-~~
19 ~~lieu fee described in Section 138(j)(4)~~, a fee of \$1,410 shall be required for each square foot of
20 usable open space not provided. This fee shall be adjusted in accordance with Section 409.
21 This fee shall be paid into the Transit Center District Open Space Fund, as described in
22 Sections 424.6 *et seq.* of this Article. Said fee shall be used for the purpose of acquiring,
23 designing, and improving public open space, recreational facilities, and other open space
24 resources, which *is/are* expected to be used solely or in substantial part by persons who live,
25 work, shop or otherwise do business in the Transit Center District.

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SEC. 432.4. THE CENTRAL SOMA COMMUNITY SERVICES FACILITIES FUND.

(a) There is hereby established a separate fund set aside for a special purpose entitled the Central SoMa Community Services Facilities Fund (“Fund”). All monies collected by the Development Fee Collection Unit at DBI pursuant to Section 432.3(b) shall be deposited in a special fund maintained by the Controller. The receipts in the Fund are to be used solely to fund public infrastructure subject to the conditions of this Section.

(b) Expenditures from the Fund shall be administered by the Mayor’s Office of Housing and Community Development, or its successor. The Mayor’s Office of Housing and Community Development or its successor shall have the authority to prescribe rules and regulations governing the Fund.

(1) 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 Special Use Distriet~~ within the area bounded by Market Street, the Embarcadero, King Street, Division Street and South Van Ness Avenue as established in the Central SoMa Plan ~~and the Central SoMa Plan~~ Implementation Program Document and supported by the findings of the Central SoMa Community Facilities Nexus Study.

* * * *

SEC. 433.2. APPLICATION OF FEES.

* * * *

(b) **Fee Calculation.** For applicable projects, the Fee is as follows:

(1) For Residential uses in Central SoMa Fee Tier B:

1 (A) For ~~Condominium uses~~ Owned Units, as defined in Section 415.2, \$20.00
2 per gross square foot of net additional gross square feet, net replacement of gross square feet
3 from PDR uses, or net change of use of gross square feet from PDR uses.

4 (B) For Rental ~~uses~~ Units, defined as units that are not Owned Units as defined
5 in Section 415.2, \$10.00 per gross square foot of net additional gross square feet, net
6 replacement of gross square feet from PDR uses, or net change of use of gross square feet
7 from PDR uses.

8 * * * *

9 (b) **Fee Calculation.** For applicable projects, the Fee is as follows:

10 * * * *

11 (4) For Non-residential uses in Central SoMa Fee ~~Tier~~ Tiers B and C that are not
12 seeking an Office Allocation of 50,000 gross square feet or more pursuant to the requirements
13 of Planning Code Section 321, \$20.00 per gross square foot of net additional gross square
14 feet, net replacement of gross square feet from PDR uses, or net change of use of gross
15 square feet from PDR uses.

16 * * * *

17 **SEC. 433.4. THE CENTRAL SOME INFRASTRUCTURE IMPACT FUND.**

18 (a) There is hereby established a separate fund set aside for a special purpose entitled
19 the Central SoMa Infrastructure Impact Fund ("Fund"). All monies collected by the
20 Development Fee Collection Unit at DBI pursuant to Section 433.3(b) shall be deposited in a
21 special fund maintained by the Controller. The receipts in the Fund to be used solely to fund
22 Public Benefits subject to the conditions of this Section.

23 (b) Expenditures from the Fund shall be recommended by the Interagency Plan
24 Implementation Committee for allocation and administration by the Board of Supervisors.

25

1 (1) All monies deposited in the Fund shall be used to design, engineer, and
2 develop community public transit and recreation and open space improvements as established in
3 the Central SoMa Plan and the Central SoMa Plan Implementation Program Document.

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6 **SECTION 803.8. LOW-INCOME AFFORDABLE HOUSING IN THE SERVICE/ARTS/LIGHT**
7 **INDUSTRIAL DISTRICT.**

8 (a) Dwelling units and SRO units may be authorized in the SALI District as a conditional use
9 pursuant to Sections 303, 846.24, of this Code provided that such units shall be rented, leased or sold
10 at rates or prices affordable to a household whose income is no greater than 80 percent of the median
11 income for households in San Francisco (“lower income household”), as described by Title 25 of the
12 California Code of Regulations Section 6932 and implemented by the Mayor’s Office of Housing.
13 These units are subject to all provisions of this Section 803.8.

14 (b) “Affordable to a household” shall mean a purchase price that a lower income household
15 can afford to pay based on annual payment for all housing costs of 33 percent of the combined
16 household annual net income, a 10 percent down payment, and available financing, or a rent that a
17 household can afford to pay, based on an annual payment for all housing costs of 30 percent of the
18 combined annual net income.

19 (c) The size of the dwelling unit shall determine the size of the household in order to calculate
20 purchase price or rent affordable to a household, as follows:

- 21 (1) For a studio unit, a household of one person;
- 22 (2) For a one bedroom unit, a household of two persons;
- 23 (3) For a two bedroom unit, a household of three persons;
- 24 (4) For a three bedroom unit, a household of four persons;
- 25 (5) For a four bedroom unit, a household of five persons.

1 (d) No Conditional use permit will be approved pursuant to this Section 803.8 unless the
 2 applicant and City have agreed upon enforcement mechanisms for the provisions of this subsection
 3 which are acceptable to the City Attorney. Such enforcement mechanisms may include, but not be
 4 limited to, a right of first refusal in favor of the City, or a promissory note and deed of trust.

5 (e) The owner(s) of the units authorized pursuant to this Section 803.8 shall submit an annual
 6 enforcement report to the City, along with a fee whose amount shall be determined periodically by the
 7 Planning Commission to pay for the cost of enforcement of this Section 803.8. The fee shall not exceed
 8 the amount of such costs. The annual report shall provide information regarding rents, mortgage
 9 payments, sales price and other housing costs, annual household income, size of household in each
 10 dwelling unit, and any other information the City may require to fulfill the intent of this Section 803.8.

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17 **SECTION 840. MUG – MIXED USE-GENERAL DISTRICT.**

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19 **Table 840**

20 **MUG – MIXED USE-GENERAL DISTRICT ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Mixed Use-General District Controls
Building and Siting Standards			
* * * *	* * * *	* * * *	* * * *

1	840.19	Design Guidelines	General Plan Commerce and Industry Element; Central SoMa Plan	Subject to the Urban Design Guidelines; subject to the Central SoMa Guide to Urban Design
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3				
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5	840.20	Lot coverage	§ 249.78	In the Central SoMa SUD, limited to 80 percent at all residential levels, <u>excluding levels that include only lobbies and circulation areas</u> except that on levels in which all residential units face onto a public right of way, 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 Section 136(c) of this Code. Where there is a pattern of mid- block open space for adjacent buildings, the unbuilt area of the new project shall be designed to adjoin that mid-block open space.
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20	* * * *	* * * *	* * * *	* * * *
21	840.22	Group Housing	§§ 249.78(c)(8), 890.88(b)	<u>P outside of the Central SoMa SUD.</u> NP in Central SoMa SUD, except <u>that</u> Group Housing uses that are also defined as Student Housing; <u>or</u> Senior Housing; or Residential Care Facility , are
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			designated for persons with disabilities, are designated for Transition Age Youth, or are contained in buildings that consist of 100% affordable units <u>are P.</u>
840.23	SRO Units	§§ 249.78(c)(7), 890.88(c)	<u>P outside of the Central SoMa SUD.</u> NP in Central SoMa <u>SUD</u> , <u>notwithstanding any less restrictive Group Housing controls that otherwise would apply, except that SRO Units</u> in buildings that consist of 100% affordable units, as defined in Section 249.78(c)(7), <u>are P.</u>
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SECTION 841. MUR – MIXED USE-RESIDENTIAL DISTRICT.

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Table 841			
MUR – MIXED USE-RESIDENTIAL DISTRICT ZONING CONTROL TABLE			
No.	Zoning Category	§ References	Mixed Use-Residential District Controls
* * * *	* * * *	* * * *	* * * *
841.19	Design Guidelines	General Plan Commerce and	Subject to the Urban Design Guidelines; and, in the Central SoMa SUD, subject to the Central SoMa Guide to Urban Design

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		Industry Element; Central SoMa Plan	
841.20	Lot coverage	§ 249.78	In the Central SoMa SUD, limited to 80 percent at all residential levels, <u>excluding levels that contain only lobbies and circulation areas</u> except that on levels in which all residential units face onto a public right-of-way, 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 Section 136(c) of this Code. Where there is a pattern of mid-block open space for adjacent buildings, the unbuilt area of the new project shall be designed to adjoin that mid-block open space.
* * * *	* * * *	* * * *	* * * *
841.22	Group Housing	§§ 249.78(c)(8), 890.88(b)	<u>P outside of the Central SoMa SUD.</u> NP in Central SoMa SUD, except <u>that</u> Group Housing uses that are also defined as Student Housing, <u>or</u> Senior Housing, <u>or Residential Care Facility</u> , are designated for persons with disabilities, are designated for Transition Age Youth, or are contained in buildings that consist of 100% affordable units <u>are P.</u>

1			<i>P outside of the Central SoMa SUD.</i>
2			
3	841.23	SRO Units	§§ 249.78(c)(7), 890.88(c)
4			<i>NP in Central SoMa SUD, <u>not withstanding any less</u></i>
5			<i><u>restrictive Group Housing controls that otherwise would</u></i>
6			<i><u>apply, except that SRO Units</u> in buildings that consist</i>
7			<i>of 100% affordable units, as defined in Section</i>
8			<i>249.78(c)(7) <u>are P.</u></i>
9	* * * *	* * * *	* * * *
10	841.46	Formula Retail	§ 303.1 § 102, 249.78, 303, 303.1
11			<i><u>P</u>In the Central SoMa SUD, <u>NP for Restaurants, Limited</u></i>
12			<i><u>Restaurants, and Bars; C for all other Formula Retail</u></i>
13			<i><u>Uses. Elsewhere, C for all Formula Retail Uses. If</u></i>
14			<i><u>approved, subject to size controls in 8401.45.</u></i>
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SEC. 842. MUO – MIXED USE-OFFICE DISTRICT.

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Table 842			
MUO – MIXED USE-OFFICE DISTRICT ZONING CONTROL TABLE			
No.	Zoning Category	§ References	Mixed Use-General District Controls

Building and Siting Standards

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842.20	Lot coverage	§ 249.78	<p>In the Central SoMa SUD, limited to 80 percent at all residential levels, <i>excluding levels that include only lobbies and circulation areas</i>. except that on levels in which all residential units face onto a public right-of-way, 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 Section 136(c) of this Code. Where there is a pattern of mid-block open space for adjacent buildings, the unbuilt area of the new project shall be designed to adjoin that mid-block open space.</p>

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SEC. 848. CMUO - CENTRAL SOMA MIXED-USE OFFICE DISTRICT.

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<p>Table 848</p> <p>CMUO – CENTRAL SOMA MIXED USE-OFFICE DISTRICT ZONING CONTROL TABLE</p>
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1	* * * *	* * * *	* * * *
2	Zoning	§ References	Controls
3	Category		
4	* * * *	* * * *	* * * *
5	Lot coverage	§ 249.78	Limited to 80 percent at all residential levels, <i>excluding levels that include only lobbies and circulation areas. except that on levels in which all residential units face onto a public right-of-way, 100% lot coverage may occur.</i> The unbuilt portion of the lot shall be open to the sky except for those obstructions permitted in yards pursuant to Section 136(c) of this Code. Where there is a pattern of mid-block open space for adjacent buildings, the unbuilt area of the new project shall be designed to adjoin that mid-block open space.
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17 Section 5. Effective Date. This ordinance shall become effective 30 days after

18 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

19 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board

20 of Supervisors overrides the Mayor's veto of the ordinance.

21 Section 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors

22 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,

23 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal

24 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment

25

1 additions, and Board amendment deletions in accordance with the "Note" that appears under
2 the official title of the ordinance.

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

6

7 By: _____
8 VICTORIA WONG
9 Deputy City Attorney

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